

July 23, 2024

A meeting of the County Commissioners of Kent County was called to order at 10:02 a.m., with the following present: Ronald H. Fithian, President; Albert H. Nickerson; and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent for a moment to pray for peace throughout our Nation.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, were also present.

PUBLIC NOTICES

Code Home Rule 5-2024 Pawnbrokers and Secondhand Dealers AN ACT concerning Chapter 120 Pawnbrokers and Secondhand Dealers of the Code of Public Local Laws of Kent County, Maryland. FOR the purpose of clarifying definitions to not include a firearm purchased or sold in a transaction regulated by a federal firearms license. BY repealing Chapter 120 Pawnbrokers and Secondhand Dealers and reenacting with amendments Chapter 120 Pawnbrokers and Secondhand Dealers, Section 120-2 Definitions.

Code Home Rule 6-2024 Clean Energy Loan Program AN ACT to amend Chapter 152 Taxation, Article VII Clean Energy Loan Program §§ 152- 30, 152-31, and 152-32 of the Code of Public Local Laws of Kent County, Maryland FOR THE PURPOSE of defining certain terms: establishing a Clean Energy Loan Program for commercial property owners; establishing the scope of and eligibility for the Clean Energy Loan Program; providing for qualifying criteria; establishing a calculation of the clean energy loan surcharge, providing for a recorded notice; providing for the collection of loan payments; establishing default procedures; providing for financing or refinancing of Qualifying Projects under the Clean Energy Loan Program; providing for the application of this Act; and generally related to the Clean Energy Loan Program and real property taxes as consistent with provisions and the authority of the Annotated State Code of Maryland, Local Government Article, §1-1102.

Both notices were read into the record. The hearings are scheduled for July 30, 2024, at 6:00 p.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

The agenda for the meeting will be published online 24 hours in advance of the meeting at kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If communication assistance is required, please contact the County Commissioners' Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, July 26, 2024. A complete copy of the proposed legislative bills is available in the Commissioners' Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com/commissioners/draft-legislation.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the following four items:

1. Regular Session Minutes, July 16, 2024
2. Liquor Minutes, July 16, 2024
3. Dan Mattson, Director, Public Works: Water and Wastewater- Sewer Allocation Request Tax Map 51, Parcel 345 \$11,800.00
4. Dennis Hickman, Sheriff, Kent County Sheriff's Office: Grant Award and Acceptance of the 2025 Body Armor Grant No. BARM-2025-0012 \$3,627.00

PUBLIC HEARING – TALKIE COMMUNICATIONS, INC., FRANCHISE AGREEMENT

Thomas N. Yeager, County Attorney, announced the public hearing. Public information about the hearing and minutes is available on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

PROCLAMATIONS

Kent County Stroke Smart - July 23, 2024: The University of Maryland Shore Regional Health (UMD SRH) is working to promote awareness of stroke literacy within the community. The "Spot-a-Stroke, Stop-a-Stroke, Save-a-Life" Proclamation aims to educate the Kent County community about stroke recognition and crucial steps to get lifesaving treatment. In attendance were Dr. Rena Sukhdeo Singh, Medical Director of the Primary Stroke Center; Nicole Leonard, Neuroscience Specialist/Stroke Coordinator; and Tisha D. Thompson, Regional Director of Emergency Services. Commissioner Price read the proclamation into the record.

Parks and Recreation Month: Proclaiming July as Parks and Recreation Month celebrates the importance of parks and recreation in Kent County. This recognition highlights the parks' contribution to the health and well-being of individuals and the community as a whole. Parks and Recreation staff in attendance: Jill Coleman, Director; Marva Kumpf, Deputy Director; Sandy Adams, Administrative Specialist II; Haili Walbert, Administrative Specialist I; Jessica Plum and Michelle Morgan, Program Coordinators; and Tara Short and Heidi Haigis, Facility Monitors. Commissioner Nickerson read the proclamation into the record.

Commissioner Fithian asked Ms. Coleman about possibly constructing a Beach Volleyball area in the park. Commissioner Fithian advised that a foundation is willing to cover the costs of a four-court construction and only asks that the County assist with the equipment to move the dirt and haul sand to the location. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the proposed project after legal review and Public Works review to ensure there will be no liability to the County or violations regarding procurement.

KENT COUNTY DETENTION CENTER

Roland Sheppard, Acting Director of Operations, and Steve Wallace, Captain of the Kent County Detention Center, advised the department was awarded a 2-year Performance Incentive Grant Fund (PIGF) grant in 2022 to fund the Medication Assisted Treatment (M.A.T) Program, which expires on July 31, 2024. State House Bill (HB)-116 mandates that all Correctional agencies must provide medication treatment for offenders with Opioid Use Disorders (OUD). This contracted service provides programmatic buprenorphine and naltrexone treatment for screened and eligible incarcerated individuals. In tandem with this clinical service, Kent County Detention Center (KCDC) has contracted with a separate entity to provide remote tele-counseling support, ensuring a holistic approach to addiction treatment for Kent County incarcerated individuals. In addition to treatment during incarceration, by initiating treatment before release, the clinical treatment program facilitates re-entry services to support individuals leaving incarceration in their transition back to the community. As the Opioid Restitution Fund (ORF) Advisory Council outlines, re-entry services must begin behind the walls to build trust, establish appointments, and/or provide community resources before release. As of March 15, 2024, the University of Maryland (UM) has provided sixty (60) new, unique intakes into the program for an average of five (5) new OUD-diagnosed patient intakes per month. The data points to the strong capacity of this multidisciplinary team of remote addiction treatment medicine physicians and counselors to work collaboratively with KCDC nurses, administration, and correctional line staff to provide life-saving treatment for at-risk populations of rural incarcerated individuals. However, funds are needed to continue this collaborative work. KCDC has applied for FY2025 M.A.T. funding through a Governor's Office of Crime Control and Prevention (GOCCP) grant, but the County has not received notification of award for the funding. To ensure that KCDC maximizes options for funding this initiative, KCDC proposes applying for the Opioid Restitution Funds Grant as an alternative to financing the M.A.T program. Discussion took place. On a motion by Commissioner Price, and seconded by Commissioner Nickerson, the Commissioners unanimously approved submitting an Opioid Restitution Fund grant application to pay for the FY2025 Medication Assisted Treatment initiative at the detention center in case the already submitted GOCCP grant application is denied.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director of Emergency Services, requested approval of two quotes for the same project: a Radio Equipment Upgrade for the Backup 9-1-1 Center. Brad Russum, Chief of Communications accompanied Mr. Landon. The first quote is from Magnum Electronics. This quote contains the radio equipment needed for the upgrade. Magnum Electronics will install and maintain this equipment. The second quote is from DALY. This quote contains the computers that are needed to run the system. Magnum Electronics recommended that the County purchase these separately and through our Information Technology Department to receive better pricing. This project will upgrade outdated and no longer supported radio equipment at the backup 9-1-1 center. Magnum Electronics remains a "sole source" vendor for this project as they are the County's radio systems current installers and maintenance company. The cost of this project was included and approved in the department's FY2025 capital project request. Discussion took

place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to accept quote # SO110024 from Magnum Electronics for \$199,774.00 and quote #SQ0493220 from DALY for \$4,575.00 for a total of \$204,349.00 for the upgrade to the back up 9-1-1 center radio equipment.

Mr. Landon requested approval to accept the Maryland 9-1-1 Board funding to upgrade/update the primary and backup 9-1-1 Center VESTA emergency phone systems, including Command Post phones, and support for the same by signing the project cost quote at no cost to Kent County citizens. The department requested and received funding from the Maryland 9-1-1 Board to upgrade/update the emergency phone systems. This upgrade/update includes 3 Command Post positions and the addition of the Every Child Accountability and Tracking System (ECaTs). The cost of support for the current VESTA system is included, covering the current system until the upgrade is completed as follows: VESTA telephone upgrade/update - \$1,486,720.62, and VESTA Annual Support Renewal 7/1/24- 6/30/25 - \$102,781.55. The amount funded by the Maryland 9-1-1 Board at no cost to Kent County totals \$1,589,502.17. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to accept the Maryland 9-1-1 Board funding to upgrade/update the primary and backup 9-1-1 Center VESTA emergency phone systems, including Command Post phones and support for the same by signing the project cost quote at no cost to Kent County citizens.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, requested approval for a conditional offer to the recommended candidate to fill a vacancy. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment at the proposed salary to the recommended candidate for the position of Grant Program Administrator.

PUBLIC WORKS

Dan Mattson, Director of Public Works, requested approval of a blacktop paving project, and to piggyback under an existing contract. This project will use the County Roads Division FY2025 Paving Funds of \$239,700.00 and Patching Funds of \$2,760.00 for a total of \$242,460.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the contract with David A. Bramble, Inc. for blacktop paving in the amount of \$242,460.00 for paving Camp Road, Daves Hill Road, Mill Lane, Lee Avenue, and Kent Mill Drive piggybacking under the conditions of an existing Maryland Department of Transportation State Highway Administration Contract No. XY9145177.

Mr. Mattson requested the approval of a contract with Beltway International Trucks LLC for the purchase of a 2025 International Dump Truck with equipment under an existing

Maryland Department of Transportation (MDOT) State Highway Administration (SHA) Contract Blanket Purchase Order (BPO). The 1999 International Dump Truck #LG53362 with over 228,000 miles will be replaced. The County Roads Division budget supports the purchase; delivery is expected in FY2025. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the contract with Beltway International Trucks LLC for the purchase of a replacement 2025 International Dump Truck with equipment for \$185,688.08 under the State of Maryland Governmental Procurement conditions of an existing MDOT SHA BPO No. 001B4600261 to replace the 1999 International Dump Truck #LG53362. In addition, it was approved to give the Town of Chestertown the old dump truck and advise the other towns of surplus that will become available if they are interested.

COMMISSIONERS COMMENTS AND QUESTIONS

Commissioner Fithian asked about the status of the following projects: stormwater permit approval for new home construction and two roads in Tolchester Estates. Mr. Mattson advised that the stormwater and building permits were approved, and the two roads in Tolchester Estates would need to be brought to Kent County standards before they can be tar and chipped. Commissioners asked Mr. Mattson to submit cost estimates for the roads in Tolchester Estates. Mr. Mattson advised that the ditch clean-up project in Rock Hall will start on Thursday, July 25th.

Commissioner Fithian asked staff to research meeting minutes from when the Community Volunteer Fire Companies Fire Chiefs asked the County for assistance in enticing more residents to become volunteers by offering tax incentives.

Commissioner Fithian also asked staff to provide a status update/report on the short-term rental lodging tax. Shelley Heller, County Administrator stated that staff are in the process of identifying such places, and training with the new program. The County should start receiving lodging tax in August of this year.

COUNTY ADMINISTRATOR

Ms. Heller advised that Shelly Neal-Edwards, Director of the Department of Social Services, submitted a candidate for the Social Services Advisory Board vacancy. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate, Dawn Wright, to fill the Social Services Advisory Board vacancy for a three-year term ending June 30, 2027.

Ms. Heller stated Chris Walmsley, Director of Office Administration, Kent County Public Library submitted a letter of recommendation for a library trustee appointment to fill the current vacancy on the board. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended

candidate, Melissa Walters, to fill the Library of Trustees vacancy for a five-year term ending December 31, 2029.

COUNTY ADMINISTRATOR REPORT

On July 15, 2024, the Commissioners received a letter from Kevin Hemstock, Mayor of the Town of Millington. In the letter, the Mayor and Council expressed their support for utilizing \$250,000.00 of the supplemental Rural Maryland Economic Development Funds (RMEDF) for the following Water and Wastewater Treatment Plant (WWTP) projects:

1. Water Capacity Preliminary Engineering Study - \$40,500.00
2. Water/Sewer Rate Allocation Fee Study - \$44,720.00
3. Preparation of Water and Sewer Standard Specifications - \$92,090.00

Additionally, letters offering support for the Millington WWTP projects were received as follows:

1. On July 18, 2024, from Kevin Shearon of DMS Associates, LLC
2. On July 19, 2024, from Russell H. Richardson, President, Richardson Properties Corp., and Manager of Millington Crossing Associates 1, 2, and 3, LLCs
3. On July 22, 2024, from I. Freeman Evans

Each letter was shared with the Departments of Economic and Tourism Development and Public Works.

DOCUMENTS FOR SIGNATURE

2023 Agricultural Land Preservation Districts Finalization: On May 16, 2023, the County Commissioners held a public hearing and approved ten (10) applications for creating Agricultural Land Preservation Districts. The Department of Planning, Housing, and Zoning requested signatures on the following agreements for recordation in the land records: John F. Coleman, Trustee APL 22-01; Fry Cooper Farm, LLC, Matt and Megan Fry APL 22-02 and APL 22-03; David A. Hill APL 22-04; Christopher and Susan Jackman, APL 22-05; Lester C. Jones and Sons, Inc., APL 22-06 and 22-07; Owings and Sons Business Trust, APL 22-08; Rich Levels at Mill Creek, LLC, APL 22-09; and Thomas Wiltbank, et al. APL 22-10.

PUBLIC COMMENT

The procedures for public comment were in effect. There were no comments received.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners were provided with a copy of the ARPA Spend Plan outlining the approved expenditures to date for informational purposes.

CONTINGENCY FUND

The FY2025 Contingency balance as of July 16, 2024, is \$373,850.00. The FY2025 use of Fund Balance is \$23,153.00.

At 11:36 a.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, July 30, 2024, at 6:00 p.m.

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland

July 23, 2024

PUBLIC HEARING

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance, as well as Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney.

Thomas N. Yeager reviewed the Franchise Agreement application for Talkie Communications, Inc. Although it is technically an initial franchise, it has many characteristics as a Franchise Renewal application because Talkie proposes adding video service to an already existing fiber network. Therefore, the build-out does not align with what is envisioned in the ordinance for a new franchise. The application seems to meet the content requirements of the County's Ordinance and was found to be sufficient. On July 9, 2024, the Commissioners decided that this franchise was in the public interest and that the application was sufficient to move forward. The public hearing was duly advertised. As for the franchise agreement itself, the final document has been reviewed and is acceptable. Holding a public hearing today is consistent with past practices and ensures that adequate public notice has been given.

The hearing is according to the Code of Public Laws of Kent County Chapter 76, Cable Television Franchising, and the public process under which comments from the public and/or applicant seeking a cable franchise agreement may be received. Mr. Yeager waived the public hearing procedures for testifying and administered the Oath to anyone wishing to testify. The rules for a public hearing were in effect.

IPTV CABLE FRANCHISE AGREEMENT – TALKIE COMMUNICATIONS, INC.

The public hearing commenced at 10:10 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing to discuss a new IPTV cable franchise agreement between Kent County and Talkie Communications, Inc., and a resolution by the County Commissioners of Kent County authorizing the execution of a cable franchise agreement between the County and Talkie Communications, Inc. The agreement, resolution, and all related documents are on file at the Commissioners' Office, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com or available by calling the Office of the County Administrator at 410-778-4600 and press 4. Mr. Yeager summarized the intent of the Franchise Agreement and Resolution.

PUBLIC COMMENTS

Citizens were invited to sign the testimony log and comment on the proposed Franchise Agreement. Andre DeMattia and Andrew DeMattia, Owners of Talkie Communications, Inc., were in attendance to provide further details regarding their Franchise Agreement application. Discussion took place. No other comments were offered.

WRITTEN COMMENTS

At the time of the public hearing, no written comments had been received. The written comment period will remain open until the close of business on Friday, July 26, 2024. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing at 10:19 a.m. The Franchise Agreement is scheduled to be considered for a vote on Tuesday, July 30, 2024.

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland

July 23, 2024

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, Albert H. Nickerson, and John F. Price.

Shelley L. Heller, County Administrator, Thomas N. Yeager, County Attorney, and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 16, 2024.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

FY2024 Quarterly Report: Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, conducted routine inspections for fifty-seven (57) alcohol establishments for Quarter 4 (April, May, and June). Inspector Pearsall conducted eighteen (18) educational compliance checks with Mystery Shoppers with an 88% positivity rate. The KATE team continues to look for responsible 18 to 20 ½-year-olds to help conduct compliance checks for tobacco retailers, as well as responsible 21 to 27-year-olds to be “Mystery Shoppers” who will use the yellow and green cards to check alcohol establishments for compliance, making sure they are asking for Identification from their patrons.

Compliance Check Results: Inspector Pearsall updated the Commissioners on recent tobacco enforcement efforts. The third and final round of tobacco compliance checks for FY2024 were completed in June. Twenty-eight (28) establishments were compliant, and one (1) establishment was non-compliant and sold to an underage person. A citation was issued to the establishment, and a \$300.00 fine was assessed. A letter addressed to the establishment for non-compliance was provided for the Commissioners to review and sign. The non-compliant establishment will need to be re-inspected thirty (30) to sixty (60) days from the date of the infraction. An advertisement will be placed in the Tidewater Trader congratulating the establishments that were compliant in asking for proper identification of their customers.

Kent County Health Department Memorandum of Understanding: Inspector Pearsall presented a Memorandum of Understanding (MOU) for approval. The Kent County Health Department has awarded grant funding for \$30,000.00 to the County for tobacco enforcement. This grant is awarded yearly and helps implement tobacco education and enforcement for all establishments that sell tobacco products throughout the County. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the Memorandum of Understanding with the Kent County Health Department for Tobacco Education and Enforcement.

At 11:36 a.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, July 30, 2024, at 6:00 p.m.

Liquor Minutes
July 23, 2024
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THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Lacey T. Cox
Deputy Clerk II

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland