

July 11, 2023

A meeting of the County Commissioners of Kent County was called to order at 10:00 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 requested the audience to stand for a moment of silence in honor of the flooding that is currently happening in some parts of Maryland. Additionally, prayers were offered for the quick recovery of a five-year-old girl who almost drowned at Betterton Beach a few days ago.

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

CONSENT ITEMS

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

1. Regular Session Minutes, June 27, 2023
2. Liquor Minutes, June 27, 2023
3. Chestertown Christian Academy, Raffle Only, August 1, 2023
4. Maryland Community Development Block Grant Round 1 Quarterly Progress Report for April 1 to June 2023, Grant No. CV-1-7
5. Maryland Community Development Block Grant Semi-Annual Report for January to June 2023, Housing Counseling Grant MD-22-CD-1
6. Maryland Environmental Service, Midshore II Regional Landfill Tipping Fees at a cost of \$132,000.00.

APPOINTMENTS

Martin's House and Barn (MH&B): Deborah Hudson Vornbrock, Executive Director, and Rick Lincicome, Chairman of the Board, Martin's House and Barn (MH&B, formerly St. Martin's Ministry) discussed its mission and vision. Mr. Lincicome presented an overview of the history of MH&B and explained the services it offers, including essential shelter, food, and clothing for those in need and assistance in finding resources to meet basic needs. Ms. Vornbrock emphasized that services are available year-round, 24/7, 365 days a year. Statistics on shelter, rental assistance, and food assistance for the years 2018-2022, along with the number of Kent County families who received services were provided.

State's Attorney Office: A letter was received from Gary Richardson, Director, State of Maryland Grants Administration, awarding \$200,828.00 from the Performance Incentive Grant Fund (aka Justice Reinvestment Fund) for the Kent County Comprehensive Recidivism Reduction Project (Grant Award No. PIGF-2024-0015). The Kent County State's Attorney's Office has requested approval for grant funding awarded to the Kent County Comprehensive Recidivism Reduction Project. This project aims to decrease recidivism rates in Kent County by utilizing an evidence-based approach that focuses on individuals with behavioral health challenges, particularly those with co-occurring mental health and addiction issues. The program will provide resources such as personnel, addiction, and mental health screenings, counseling, education and workforce development, workshops, and re-entry services. RRP will also

coordinate existing services and introduce new programming components, with an emphasis on case management and outreach. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to accept the Performance Incentive Grant Fund of \$200,828.00 for the Kent County Comprehensive Recidivism Reduction Project, Grant No. PIGF-2024-0015 as requested.

FINANCE

Pat Merritt, the Chief Finance Officer of the Office of Finance, provided an update on a request for a property tax waiver. The request was made by Timothy and Carolyn Shepke for a desired property in Chesapeake Landing. Ms. Merritt shared that the lots in that area are assessed based on buildable rates, but owners can get a waiver if they provide a perc test showing that water and sewer infrastructure cannot be installed on the lot. The lot in question has never had a perc test conducted and is currently assessed at \$45,000.00. If a perc test is performed and the lot does not pass, it would be assessed at around \$4,500.00. The cost of the test is \$400.00 for the application plus backhoe work. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioner unanimously approved to reduce the amount of County interest accrued on lots 533 & 534 located in Chesapeake Landing S/S Lenapah Road, Chestertown MD 21620 and to include the property in the next Tax Sale in May of 2024.

Ms. Merritt presented the third quarter Financial Statements for Fiscal Year 2023 dated March 31, 2023. Ms. Merritt reported that revenue is up by 6% and the largest reason for that increase is income tax. There is a decrease in revenue due to a decline in property transfer and recordation taxes. Discussion took place. Expenditures have a favorable variance of 6% mostly due to salaries and benefits, and operating costs. Ms. Merritt explained that the one variance occurred because the Correctional Officers Retirement System (CORS) contribution payment will now be paid in December 2023. It was originally scheduled to be paid in FY2023, but the payment is not due until FY2024. Further discussion took place. Ms. Merritt gave an overview of water and wastewater services and capital projects.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented four (4) items for the Commissioners' review:

1. **Building Maintenance:** A Memorandum of Understanding (MOU) Renewal and Change Order (CO) for a janitorial services agreement with Sentral Services, LLC. Mr. Moulds explained the renewal is by mutual consent. There is a cost increase due to services to the Kent Family Center and the financial impact of the minimum wage increase. The total cost of renewal for FY2024 is for an amount of \$206,112.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the Memorandum of Understanding of Contract Renewal and Change Order for the Janitorial Services Agreement with Sentral Services, LLC for Fiscal Year 2024. The contract with Sentral Services for janitorial services was renewed for an amount of \$206,112.00.

2. Water and Wastewater Division: A request for a one and one-fifth (1 and 1/5) sewer allocation for a commercial property on Lambs Meadow Road in Worton at Tax Map 20 Parcel 52. The request is to provide a barn location on the property of 25367 Lambs Meadow Road (Account # 235-12404) for party gatherings of up to 100 persons and the installation of bathrooms and sinks. The property is currently served by sewer with one allocation for the residence. No onsite preparation of food is proposed. The requested allocation is available for this property and the fee is \$14,160.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the one and one-fifth (1 and 1/5) sewer allocation for a commercial property located at Tax Map 20, Parcel 52 in Worton, Maryland.
 - a. Commissioner Fithian asked to consider approving a sewer allocation for Brent Nelson. Mr. Nelson owns property on Rt. 291 which is located on a denied access line. Mr. Moulds supplied further information regarding the allocation request. Discussion took place. It was determined that the Maryland Department of Environment (MDE) is requesting Mr. Nelson arrange to have a wetlands delineation analysis completed before they approve a sewer allocation for Mr. Nelson. Once this has been done, MDE will provide their support or opposition to the request. If they support it, the County can amend the Comprehensive Plan accordingly and approve a sewer allocation for Mr. Nelson. The Commissioners asked Mr. Moulds to provide Mr. Nelson with any further updates or information that he may need to proceed with the next step in the process.
3. Water and Wastewater Division: Requesting renewal of the Town of Galena Water and Wastewater Facilities Operations Agreement for FY2024. The original agreement was approved by the Commissioners on October 15, 2019, and renewed through FY2023. The Town has approved the renewal of the agreement and provided it for approval by the County. All conditions are the same as the prior agreement. The amount of compensation budgeted for FY2024 is \$6,790.00 per month. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal of the Galena Water and Wastewater Treatment Facilities Operation and Maintenance Supervisory Agreement for FY2024.
4. Water and Wastewater Division: Requesting approval of an amendment to the Wastewater Treatment Agreement with the Town of Rock Hall for a one-year extension. The current agreement expires on June 30, 2023. The Town is in favor of the extension to allow time to evaluate the cost impact of ongoing improvements to the plant and determination of the use of remaining capacity. Other than the time extension all other terms and conditions remain the same. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal of the Rock Hall Wastewater Treatment Agreement for FY2024.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney shared a letter dated June 20, 2023, from Lance M. Young, Attorney at MacLeod Law Group, LLC addressed to the Commissioners. Mr. Yeager advised that recent conversations with Mr. Young brought a change to the discussion. Mr. Yeager relayed Mr. Young's desire to table the request as written and to excuse his attendance at today's meeting. The letter was a request for an update on a matter brought up in 2021 by Dan Saunders, also an attorney at MacLeod Law Group, LLC, regarding the Wharf at Handy's Point. The attorneys representing the Wharf at Handy's Point assert that a mapping error occurred, resulting in a 12-acre section of their property being re-zoned as Marine, but the zoning map did not reflect this change. The issue was discussed, and Bill Mackey, Director of Planning, Housing, and Zoning, reviewed the record and concluded that the zoning map accurately reflects that the 12-acre parcel in question was not re-zoned to be in the Marine District. Mr. Yeager agreed with this decision. If the property owner is not satisfied with the Zoning Administrator's decision, they have the option to file an appeal with the Kent County Board of Appeals, as stated in the Kent County Land Use Ordinance. On July 6, 2023, Mr. Young received a response from Mr. Mackey via a decision and determination letter regarding the inquiry and informing him of his right to appeal. The Commissioners did not take any action on the request. Mr. Yeager and Mr. Mackey reviewed a variety of other options for the applicants to consider.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, on behalf of Clifford Coppersmith, Ph.D., President, Chesapeake College, presented a revised budget proposal. Chesapeake College has received a funding increase of \$1,883,004.00 from the Senator John A. Cade Funding Formula & Budget Reconciliation & Financing Act, resulting in the adjustment of the FY2024 budget plan. The original budget plan projected a state funding increase of \$394,815.00, but the revised budget plan accommodates the additional state funding of \$1,488,189.00. The revised budget plan does not require any extra contribution from the college's five support counties. On April 27, 2023, the college's Board of Trustees approved the revised budget plan, which provides a 3% salary increase to full-time employees and includes four new positions: Welding Instructor, Grants Coordinator/Writer, Grants Accounting Manager, and Assistant Director of Public Safety. Moreover, the revised budget plan also includes a one-time fund balance request of \$50,000.00 to replace interior door locks, which will be subject to the college procurement process and may span over multiple fiscal years. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the revised operating budget by function of \$27,823,091.00 and a One-Time Fund balance request of \$50,000.00.

Ms. Heller on behalf of the Environmental Operations Division, presented a Second Amendment for approval to the Maryland Environmental Service Contract. On September 7, 2012, a ten-year agreement was entered into by the four participating landfill counties and Maryland Environmental Service (MES) for Recycling Management Services. Last year, the agreement was extended for one year. This year, the four counties and MES have discussed the attached 10-year extension, with some minor revisions to the terms. Throughout the years, the recycling services for each of the participating counties had evolved individually. This amendment ensures consistency for the core services across all four counties. The services are

paid for using the revenue that is generated from selling the recyclables as well as a surcharge on the tipping fee. Core recycling services will now include recycling drop-off equipment and collection; biannual household waste (HHW) events and HHW disposal; recycling of electronics; and education, outreach, and administration. Any excess funding will be set aside, and each county can individually decide how they want to use the funds. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to move forward with the agreement as described. Commissioner Fithian signed the Amendatory Agreement with Maryland Environmental Service, Contract ID - MES IGA No. 13-08-06 as presented.

PUBLIC COMMENT

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

FOR YOUR INFORMATION

The Commissioners received a letter dated June 15, 2023, from Kevin A. Anderson, Secretary, Maryland Department of Commerce, expressing approval of the Betterton/Worton, Kent County Enterprise Zone.

A copy of a letter from Queen Anne's County Commissioners addressed to Deputy Secretary Bryan Mroz, Maryland Department of Health was received. The letter seeks support for the Service Expansion at Upper Shore Community Mental Health Campus.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

A copy of the ARPA Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2023 Contingency balance as of June 27, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

CLOSED SESSION

At 12:14 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss two personnel matters. The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 (b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Shelley L. Heller, County Administrator; Pat Merritt, Chief Finance Officer; Finance; Jim Miller, Director, Jennifer White, Coordinator, Human Resources; Lori Kern, President, Group

Consultant, and Senior Broker, Chesapeake Benefits; and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

PERSONNEL

Topics to be discussed: Evaluating individual personnel matters with specificity.

Reasons for closing: To ensure that the information required for every discussion point is safeguarded.

Matter No. 1

Jim Miller, Director, Human Resources, and Pat Merritt, Chief Finance Officer, Office of Finance, discussed retiree health insurance eligibility, coverage, and process. County staff and Lori Kern, President, Group Consultant, and Senior Broker, Chesapeake Benefits discussed the proposed actions for retirees' health plans. After the first closed-session discussion, Ms. Merritt, Ms. Kern, and Ms. White departed, but everyone else in attendance remained.

Matter No. 2

Commissioner Price expressed a concern. Ms. Heller and Mr. Miller provided the Commissioners with information. Ms. Heller also discussed certain matters and provided updates. The Commissioners were also informed of a personnel update.

At 1:52 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Price summarized the Commissioners discussed personnel matters in a closed session. Matter No. 1: A motion was made by Commissioner Price and seconded by Commissioner Nickerson, and carried unanimously to proceed with the staff's recommendation, as previously discussed, starting on July 1, 2023. Matter No. 2: The Commissioners evaluated the personnel matter, and no action was taken.

At 1:53 p.m., on a motion 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 18, 2023, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

July 11, 2023

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, 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, June 27, 2023.

SPECIAL CLASS C LICENSES

Rock Hall Lions Club applied for a Beer, Wine, and Liquor Special Class C per diem liquor license. The event is scheduled for August 12, 2023, from 10:00 a.m. to 4:00 p.m. at Ferry Park in Rock Hall Maryland during the Pirates and Wenches Weekend.

Operation Enduring Warrior Kent County applied for a Beer, Wine, and Liquor Special Class C per diem liquor license. The event is scheduled for July 29, 2023, from 12:00 p.m. – 8:00 p.m. at 7281 Wilkins Lane, Chestertown, MD 21620 during a fundraising Archery Shoot and Concert.

The applications were reviewed and met the requirements for an event license approval. There being no objections to any of the applications, the Board took one vote for the applications. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved both Class C liquor license applications.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement gave an update on Report No. 23-017: incident of underage drinking on May 20, 2023. Although the licensees of the Sgt. Preston Ashley American Legion Post #228 are not currently being cited for the underage drinking event, a letter served as a notice of the seriousness of this incident. The Legion's bar service was open, operating, and selling alcoholic beverages to adults attending the event held on the licensed premises. The licensees bear a responsibility to ensure the lawful consumption of alcoholic beverages. A copy of the Legion's policy or practices that addresses proper oversight and compliance going forward was also requested.

At 1:53 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, July 18, 2023, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

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July 11, 2023
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Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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