

June 25, 2024

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 asked everyone to remain silent for a moment to pray that everyone stays safe during the heatwave and that the County will get rain with relief in temperatures.

Shelley L. Heller, County Administrator, was also present.

PUBLIC NOTICE

Code Home Rule Bill 4-2024 to Rescind and Replace the Kent County, Maryland Official Zoning Map - Commissioner Fithian read a notice into the record. AN ACT to rescind and replace the Kent County, Maryland Official Zoning Map, in its entirety, which is adopted both as a part of and in reference to Chapter 222, "Unified Development Ordinance," of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to implement the recommendations of the Kent County Planning Commission on proposed revisions to the Official Zoning Map, which are based on the Kent County Planning Commission's review, as part of the 2020–2024 Comprehensive Rezoning and Update process; and including certain non-codified provisions to address scrivener's errors, symbology, graphic legibility, and readability, et al.; instructions to County staff related to revisions requested by the Critical Area Commission for provisions in the 2024 Land Use Ordinance, which directly relate to the Zoning Map; relationships with Buffer Modified Area Maps and FEMA federal floodplain maps; and the effective date related to the required Critical Area Commission review and approval of the zoning map itself, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

A hearing will be held on July 9, 2024, at 10:00 a.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 www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, 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 5, 2024.

A complete copy of the proposed legislative bill is available in the Commissioner's 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 all of the following eleven items:

1. Regular Session Minutes, June 11, 2024

2. Liquor Minutes, June 11, 2024
3. Public Hearing Minutes, June 11, 2024
4. Closed Session Minutes, June 11, 2024
5. Puppy Pals 4-H Club, Raffle Only, June 28, 2024
6. Kent County Memorial VFW Post 652, Combined Gaming Device, July 1 – December 31, 2024
7. State of Maryland Department of Agriculture, Cooperative Agreement Between the Department of Agriculture and Kent County, Control of Noxious Weeds
8. Maryland Department of Transportation, State Highway Administration, Project Task Agreement (PTA #KE-004) Weed Control with Kent County
9. Environmental Operations Division - Monitoring Contracts with Earth Data, Inc., and Kent County
 - a. Nicholson Landfill not to exceed \$137,800.00
 - b. Dulin Rubble Landfill not to exceed \$28,980.00
10. Kent County Public Library – FY2025 Wire Transfer Schedule
11. Bill Webb, Health Officer, Kent County Health Department – FY2025 Core Public Health Services Funding Agreement

APPOINTMENTS

TOWN OF MILLINGTON

During the June 11, 2024, meeting, Jo Manning, Town Administrator for the Town of Millington, provided an overview of the Millington Ditch Association and a proposed project. Ms. Manning requested \$7,500.00 from contingency funds to assist with paying for Phase 1 of the Millington Ditch project. The Commissioners requested a letter from Millington's Mayor and Council requesting the funds. However, this item was tabled and will be revisited when a representative from the Town of Millington attends a meeting to discuss the request further.

KENT COUNTY PUBLIC SCHOOLS

Dr. Karen Couch, Superintendent, and Thomas Porter, Assistant Coordinator of Accountability and Implementation, Kent County Public Schools (KCPS), requested approval of Education Article, § 6-1009(d) Certification, Teachers Salary Increase. Maryland Annotated Code, Education Article, §6-1009(d) provides that "On or before July 1, 2024, each county shall demonstrate to the Accountability and Implementation Board established under § 5-402 of this article that, during the period between July 1, 2019, and June 30, 2024, teachers in the county received a 10% salary increase above the negotiated schedule of salary increases between the public school employer and exclusive representative for the employee organization." On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Education Article, § 6-1009(d) Certification as requested.

Dr. Couch requested approval and signature for the FY2025 scheduled wire transfer of annual funds. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the FY2025 Wire Transfer Schedule.

Dr. Couch requested approval and signatures for the Maryland State Department of Education (MSDE) FY2025 Annual Budget Certification Statement to reflect the KCPS local appropriation. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Annual Budget Certification form for Kent County Public Schools.

KENT FAMILY CENTER

Lisa Mazingo, Director of Kent Family Center (KFC), requested approval of an agreement for counseling services. One of the services that KFC provides to families is mental health support through a partnership with a licensed mental health practitioner. For FY2025, the staff would like to contract with Discovering Serenity Counseling Services DSCS because they are in the same building as KFC, providing easy access to parents who wish to pursue more intensive services. The Maryland Family Network Grant funds this program. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Memorandum of Agreement between the County Commissioners of Kent County / Kent Family Center and Discovering Serenity Counseling Services.

Ms. Mazingo requested approval of a Memorandum of Understanding (MOU). The MOU represents a collaborative agreement between KCPS, KFC, and The Judy Center Early Learning Hubs located in three elementary schools. The Judy Centers support the efforts and initiatives of Kent Family Center through partnership and funding. The funding purchases supplies and materials for early childhood education and parenting programs. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the agreement between Kent Family Center and the Judy Centers at Henry Highland Garnet, Galena, and Rock Hall Elementary Schools.

PLANNING, HOUSING, AND ZONING

Rob Tracey, Associate Planner of Planning, Housing, and Zoning gave an overview of the FY2025/2026 Maryland Agricultural Land Preservation Foundation (MALPF) acquisition cycle. Regulations require that the Commissioners review and approve the applications submitted to MALPF for appraisal and consideration for easement acquisition. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the ranked list of applications for the FY2025/2026 Maryland Agricultural Land Preservation Foundation Easement Acquisition Program.

PARKS AND RECREATION

Jill Coleman, Director, Marva Kumpf, Deputy Director of Parks and Recreation, and Wayne Gilchrest presented a proposal for a garden at Turner's Creek utilizing an MOU. Mr. Gilchrest previously oversaw a community garden on the grounds of the Sassafras Environmental Center, which regrettably closed. In collaboration with Kent County Parks and Recreation, Mr. Gilchrest aspires to revive this garden at Turner's Creek. Community gardens serve as a gratifying pursuit that promotes environmental consciousness, communal engagement, and individual welfare. Mr. Gilchrest's dedication involves actively engaging in gardening tasks like planting, weeding, watering, and harvesting to sustain the garden's vitality and yield. All produce will be donated to local food banks. Students will have an opportunity to assist with maintaining the garden. The MOU between Wayne Gilchrest and the County Commissioners for a three-year term commencing on June 25, 2024, and ending on June 25, 2027, was submitted for discussion. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the request to allow Mr. Gilchrest to utilize 1-2 acres of land at Turner's Creek for gardening, educational, and donation purposes.

HUMAN RESOURCES

Jim Miller, Director, and Vauné Johnson, Administrative Assistant of Human Resources, requested approval to hire the recommended candidate for a vacancy in the Public Works - Environmental Operations Division. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment to the recommended candidate for the Motor Equipment Operator II vacancy.

Mr. Miller requested the Board reconsider allowing the department to hire candidates without seeking approval for each recommendation. No action was taken.

PUBLIC WORKS

Dan Mattson, Director of Public Works (PW), introduced Carrie Klein, Deputy Director of Public Works.

Roads Division: Mr. Mattson requested approval to increase an existing contract for surface treatment projects. The estimate for surface-treating roads was \$330,766.00, and the approved FY2024 budget was \$330,766.00. The actual cost for the surface treatment of the county roads was \$373,664.25. There is a shortfall of \$42,898.25 due to variances in road measurements and deteriorated road conditions that require additional layers of asphalt and stone on roadways. Several roads in Chesapeake Landing and Lovers Lane were examples of additional layers for repair. Joint repair funds were used for Walnut Tree Road because the road requires asphalt and stone instead of crack sealing. Staff requested to use joint repairs funds of \$10,000.00, road patching funds of \$24,692.00, and the remaining funds of \$8,207.00 from the Clark Road Culvert Project, which totals \$42,899.00 to pay the invoice of \$373,664.25. This is an overall increase of \$12,269.00 over FY2023 Surface Treatment Costs. Discussion took place.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the increase to the piggyback contract with American Paving Fabrics, Inc. for surface treatment services of road surface treatment projects for \$42,898.25 under existing Howard County, Maryland Contract Number 4400004869.

Mr. Mattson requested approval to increase the contract for diesel fuel purchases. Staff proposed to change the existing diesel fuel contract from \$270,000.00 to \$278,376.00 using the Winter Roadway Treatment funds. The approved contract with Dixie Land Energy, LLC for \$270,000.00 was for the purchase and delivery of diesel fuel for FY2024. The estimate and cost per gallon did not match the contract's shortfall of \$8,376.00. Staff requested \$7,293.00 from Winter Road Operations, not used in FY2024, to pay the final invoice of \$20,494.49. This is an overall decrease of \$115,613.00 from FY2023 Diesel Fuel Purchases. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the increase to the contract with Dixie Land Energy, LLC for diesel fuel purchases for \$8,376.00 under the existing Contract dated June 27, 2023.

American Rescue Plan Act (ARPA) Water and Wastewater Division: Mr. Mattson presented a contract proposal for approval for a project funded via ARPA funds. The contractor, Pleasants Construction, Inc., is currently working under Frederick County, Maryland Contract Services Agreement No. 23-336 - Manhole and Wet Well Rehabilitation dated April 13, 2023, and procurement of the work proposed herein will be 'piggybacking' off that contract. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the contract with Pleasants Construction, Inc., dated June 13, 2024, for \$36,700.00 for the Wet Well Lining at Wesley Chapel Pump Station, as a piggyback of Frederick County, Maryland Contract Services Agreement No.23-336 - Manhole and Wet Well Rehabilitation dated April 13, 2023, and fund project via available ARPA funds.

Water and Wastewater Division: Mr. Mattson has requested approval to reallocate funds within the division's budget. According to a letter from the Maryland Department of the Environment (MDE) dated June 12, 2024, there were a total of twelve (12) violations of State Discharge Permit 15-DP-1142 for Kennedyville Wastewater Treatment Plant, occurring on four (4) days between January 1, 2023, and March 31, 2023. These violations relate to 5-day biochemical oxygen demand (BOD5), total phosphorous, and total ammonia nitrogen. MDE has acknowledged that the County has taken corrective actions, created a Standard Operating Procedure (SOP), and conducted additional sampling to monitor for adverse effects in response to the non-compliance. MDE has determined that a penalty is warranted, with the authority to seek administrative penalties up to \$10,000.00 per day and civil penalties up to \$10,000.00 per day for the four (4) total days of noncompliance. MDE has offered to settle without admission of liability or concession, with a penalty payment of \$8,457.00 before filing a formal enforcement action. The division's budget does not include a line for payment of violation penalties as they are rare occurrences. After a review of available funding, it was found that sufficient funds remain in the health insurance deductible line of the division's benefits budget. The request is to reallocate dollars from that account to settle the violation and pay the offered penalty. The letter provided offered more specific and detailed information. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the

reallocation of \$8,457.00 from the Water and Wastewater Benefits Budget to the Water and Wastewater Operating Budget.

Roads Division: Mr. Mattson requested approval to reallocate from the FY2025 Fund Balance to the Roads Division Capital Budget. The request is due to delays in manufacturing and delivery for the purchase of a dump truck that was previously ordered and anticipated to be delivered in FY2024. The division received notification from the vehicle manufacturer that the truck will not be ready until October 2024, which falls in FY2025. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the reallocation of \$180,000.00 from FY2025 Fund Balance to Roads Division Capital Budget to fund the purchase of a dump truck ordered in FY2024.

Roads Division: Mr. Mattson has proposed maintaining and clearing a drainage ditch on private property in Kent County. PW has reviewed the existing conditions at a property near Rock Hall and Spring Cove Marina. The drainage ditch requires clean-up, and the property owner, Madelyn G. Reni, has approved PW to enter and complete the work. The Division anticipates that existing equipment can be used, and the estimated effort is a 4-person crew working for approximately 1.5 days. Before the work is performed, the property owner will be asked to sign documentation allowing County staff and equipment on the property and releasing the county from any liability. Discussed took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of County staff and equipment to clear and maintain a drainage ditch that runs through a private property known as Map 50, Parcel 123, on a one-time basis.

Project Updates: Mr. Mattson and Mike Moulds, Consultant and Project Engineer, gave an update on the following ongoing projects: Village of Kennedyville, Worton Water and Wastewater Treatment Plant, Fairlee Pump 2 & 3, Fiber Network for all pump stations, Tolchester Wastewater Treatment, Electrical Contractor, Water Inspections complete except Edesville, Operator Apprenticeship, Millington Water and Wastewater Treatment Plant, Senior Center Project, proposed wastewater location in Millington, NewGen Strategies & Solution, projection of upfront costs, McCrone Engineering – Industrial Standards for Developers, Water and Sewer Allocations, KCI Technologies, Allocation Study, new EMS station, Bayside Landing, Parks and Recreation Open Space projects, Local Parks and Playgrounds Infrastructure (LPPI) Grant Projects, proposed on-call County electrician, and infrared inspections of all County building roofs.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, stated Kent County has an agreement with Caroline County, Talbot County, Queen Anne's County, and Maryland Environmental Service (MES), which has provided terms for a regional landfill since the early 1990s. Each county was originally to host the regional landfill for twenty (20) years, and MES would operate each of the facilities. The first site was referred to as Midshore I (MS I) and was in Talbot County from 1991 to 2010. The second site is in Caroline County, where the landfill is currently located. This landfill is referred to as MidShore II (MS II). An amended and reinstated MOU is

proposed however, Caroline County met this morning and made a few changes to the agreement. This item was tabled for further review.

COUNTY ADMINISTRATOR REPORT

A letter of commitment in support of Maryland Family Network's FY2025 Application was signed by County Administrator Shelley L. Heller on June 13, 2024. The letter, addressed to Laura Weeldreyer, Executive Director, attests to the County's intention to operate a Family Support Center with the Statewide Network during the period covered by the grant.

Mr. Michael J. Chiarappa, Director, Cultural and Natural Resource Initiatives, Washington College, requested a time-sensitive letter of support. The Center for Environment and Society (CES) is applying for a planning grant from the Natural Science Foundation CRISES program. This will make CES an effective agent in assisting various groups with a stake in Chesapeake Bay's resilience and sustainability. Commissioner Fithian signed the letter on June 18, 2024.

The above-noted letters were made available for review.

LETTER FOR SIGNATURE

A County Boards and Committees Interest form was submitted for the Police Accountability Board. A thank you letter for your interest was prepared for signature.

PUBLIC COMMENT

The procedures for public comment were in effect. A participant and active member of the Master Gardner Club requested the Commissioners help with funding. Ms. Heller confirmed Paul R. Rickett, Area Extension Director, Upper Shore Cluster, University of Maryland Extension, is scheduled to attend the Commissioners' meeting on July 9, 2024, at 10:00 a.m. to discuss Master Gardeners.

FOR YOUR INFORMATION

On June 8, 2024, the 4-H Diamond Clover Project held a raffle to raise money to build a probable announcer stand for the fairgrounds. The 4-H Diamond Clover Project raised \$793.00. Casey Turner thanked the Commissioners for approving the raffle permit application.

The Commissioners received a letter dated May 31, 2024, from Kevin Les Callette, Development Director, YMCA of the Chesapeake, Inc. The Commissioners were thanked for their contribution. The funding was through The Kent County Local Management Board and the YMCA used the \$150.00 to purchase swimsuits for children who do not have access to them.

On May 29, 2024, Emily W. Murphy, Executive Director, of Horizons of Kent and Queen Anne's, wrote a letter thanking the Commissioners for allocating funds. The funds were allocated through The Kent County Local Management Board and Horizons will use the \$500.00 to help pay for medical aid for its summer program.

A letter, signed by Commissioner Fithian and Pat Merritt, Chief Finance Officer, on June 12, 2024, was sent to Chesapeake Bank and Trust to close an account and transfer the funds. The account is obsolete because it was connected with services that the County discontinued, specifically Motor Vehicle Administration (MVA) tag renewals.

The above-noted letters were made available for review.

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 FY2024 Contingency balance as of June 11, 2024, is \$157,972.00. The FY2024 use of Fund Balance is \$128,225.00.

CLOSED SESSION

At 11:34 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session. 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; and (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans. A brief pause occurred, and the closed session commenced at 11:43 a.m.

Shelley L. Heller, County Administrator; Jim Miller, Director, Human Resources; Sondra M. Blackiston, Clerk and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL AND PUBLIC SAFETY

Topics to be discussed: Compensation, evaluation, and performance; concerning an employee and the restructuring of daily operations of a safety facility.

Reasons for closing: Compensation, evaluation, and performance concerning employees are confidential and should be private, and the restructuring of daily operations of a safety facility should be private and confidential.

Jim Miller, Director of Human Resources (HR), discussed staffing options and the daily operations of a County facility. Mr. Miller and Shelley L. Heller, County Administrative, offered details for discussion, and a staff update was provided. The qualifications and work performance of certain individuals were discussed, as well as available options. The Board regarded the options favorably.

At 12:11 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, PERSONNEL

Commissioner Price summarized the closed-session personnel and public safety discussion. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed for staff to proceed as instructed and discussed.

At 12:12 p.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 9, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

June 25, 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, 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, June 11, 2024.

SPECIAL CLASS C LICENSES

Operation Enduring Warrior submitted a Special Class C (Per Diem) liquor license application to sell beer, wine, and liquor during a BBQ cookoff and cornhole tournament on August 3, 2024, from 11:00 a.m. to 5:00 p.m. at Piney Grove Farm.

Rebuilding Together Kent County (RTKC) submitted a Special Class C (Per Diem) liquor license application to sell beer, wine, and liquor. RTKC will celebrate its twenty (20) years of service on October 12, 2024, from 12:00 p.m. to 5:00 p.m. at Piney Grove Farm.

The applications were reviewed. There being no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license applications for Operation Enduring Warrior as well as Rebuilding Together Kent County as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Compliance Check Results: Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, updated the Commissioners on recent tobacco enforcement efforts. Compliance checks were conducted during the month of May at County retail establishments licensed to sell tobacco and electronic cigarettes/products. Inspector Pearsall informed the Commissioners that twenty-five (25) establishments attained compliance, and two (2) establishments were non-compliant. Citations were issued to both non-compliant establishments, requiring fines to be paid. Both establishments have paid the fines issued with their citations. The non-compliant establishments will need to be re-inspected thirty (30) to sixty (60) days from the date of the infraction. Letters and responsible retailer certificates for the establishments were prepared for the Board's signature.

At 12:12 p.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 9, 2024, at 10:00 a.m.

Liquor Minutes
June 25, 2024
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THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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