

June 14, 2022

A meeting of the County Commissioners of Kent County was called to order at 10:03 a.m. with the following present: P. Thomas Mason, President, Ronald H. Fithian, and Robert N. Jacob, Jr. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for a moment of silence for the family of Deputy 1ST Class Glenn Hilliard, of the Wicomico County Sheriff's Office who was shot and killed in the line of duty. Commissioner Mason also asked to keep the Kent County Deputies in our thoughts and prayers for their safety.

Shelley L. Heller, County Administrator Pat Merritt, Chief Finance Officer, Office of Finance; was also in attendance.

CORRESPONDENCE REVIEW

Proposed Fiscal Year 2023 Budget: The following written comments were received during the public hearing comment period which closed on Friday, June 10, 2022, at noon: R. Goldsboro, Concerned Citizen, in support of Delmarva Community Transit; and Secethia Boardley-Davis, Master Gardner, in support of the University of Maryland Extension.

ACTION ITEMS

The following Fiscal Year 2023 Budget actions were submitted to the Board for approval:

1. Resolution 2022-07, Establishing the Kent County Tax Levy, July 1, 2022, through June 30, 2023. Real Property is \$1.012 on each one hundred dollars (\$100.00) of real property in Kent County. Public Utilities is \$2.53 on each one hundred dollars (\$100.00) of property subject to taxation for County purposes. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Resolution 2022-07 as submitted.
2. Resolution 2022-08, Adoption of the Income Tax Rate. The rate is 3.20 percent of an individual's Maryland taxable income. The rate is unchanged from Calendar Year 2022. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Resolution 2022-08 as submitted.
3. Resolution 2022-09, Establishing Water and Sewer Service Rates. There is a 4% increase in the water and sewer rates from FY2022. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Resolution 2022-09 as submitted.
4. Resolution 2022-10, Adoption of the FY2023 Budget. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Resolution 2022-10 as presented. The adopted budget is \$58,932,626.00.

Shelley Heller, County Administrator, stated that there were a few outstanding items that have not been finalized, or included in the adopted budget. The first item is the administering of

the employee pay increase of \$1,600.00 as a 50% COLA and 50% longevity. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented. The second item is a request for \$15,000.00 of FY2023 contingency funds for Upper Shore Aging so they can secure a grant-funded program. The third item is a request to use \$17,000.00 of FY2023 contingency funds to re-establish the membership with the Clean Chesapeake Coalition. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Upper Shore Aging request for \$15,000.00 of FY2023 contingency funds to secure a grant-funded program. Commissioner Fithian made a motion to approve the request for \$17,000.00 of FY2023 contingency funds to re-establish the membership with the Clean Chesapeake Coalition. Discussion took place. No second was made, and the motion failed. Commissioner Jacob made a motion to give an additional \$10,000.00 for seeding oysters on Swan Point Bar. No second was made, and the motion failed. After further discussion, it was decided to invite the Kent County Waterman's Association to attend a future meeting to provide information and advice for the best use of the funds.

Commissioner Mason stated that clarification was needed to determine whether the County was mandated by the State to pay the requested salary increase for the University of Maryland Extension (UME) office. Ms. Merritt joined the discussion. A request to fund a salary increase of \$14,105.00 for the Extension Office was not included in the FY2023 budget allocation. The UME receives funding from the Federal Government, the State Government, and the County Government every year for their budgetary needs. It has not been determined if the County must fund the salary increase. Commissioner Mason made a motion to fund the salary increase of \$14,105.00 for the UME. No second was made, and the motion failed. Discussion took place. Ms. Merritt will research the inquiry and report back the findings.

CONSENT ITEMS

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, June 7, 2022
2. Liquor Minutes, June 7, 2022
3. Public Hearing Minutes, June 7, 2022
4. Rock Hall Volunteer Fire Company, Combined Gaming Devices, July 30, 2022
5. Kennedyville Volunteer Fire Company, Raffle Only, July 30, 2022

KENT COUNTY CIRCUIT COURT

Harris P. Murphy, Associate Judge, Circuit Court for Kent County was in attendance to present a funding request for a project. The proposed lobby expansion project would absorb the area into the office of the Clerk of Court, which is adjacent to the lobby, and use part of an existing staff bathroom as well. Judge Murphy submitted one cost proposal of \$20,875.00 for the construction phase. An architect will have to be consulted to ensure that the structure of the courthouse can withstand the renovation, compose the plans for the project, and retain the permits necessary for the project as well. Judge Murphy requested \$25,000.00 for engineering

and architectural services for phase one (1) of the project, which consists of confirming the structural soundness of the building, the design, and the permitting part of the project. Ms. Heller stated that this would require the use of FY2023 contingency funds. It is hopeful that phase two (2) construction of the project will be able to be completed during FY2023 as well. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to have the Circuit Court proceed with phase one (1) of the expansion of the courthouse lobby as presented. Phase one (1) of the project is estimated to cost \$25,000.00 to complete and the project will need to follow the County procurement process.

MID SHORE BEHAVIORAL HEALTH, INC.

Kathryn (Katie) Dilley, Executive Director, Mid Shore Behavioral Health (MSBH), presented the annual report on the Public Behavioral Health System for Kent County. Ms. Dilley also requested approval of the FY2023 Letter of Agreement. The letter of agreement allows Mid Shore Behavioral Health to act as Kent County's agent in the oversight, planning, and development of the public behavioral system in Kent County. Ms. Dilley summarized the mission, vision, program funding performance, and programs and services offered during FY2022. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the FY2023 Letter of Agreement with Mid Shore Behavioral Health Inc.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, presented an annual renewal for a one-year Employment Agreement for the Community Work Program Coordinator. The position is budgeted for FY2023. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved signing the annual contract agreement for the Community Work Program Coordinator.

Mr. Hale presented a request for approval of the Transfer and Participation Agreement needed to allow the transfer of the Detention Center employees from the Employees' Pension System (EPS) to the Correctional Officer's Retirement System (CORS). Upon the successful completion and submission to the Maryland State Retirement, Kent County's Detention Center employees will officially transition into the CORS program effective July 1, 2022. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Transfer and Participation Agreement as presented.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, on behalf of Mike Moulds, Director, Public Works, presented four items for the Board's consideration.

1. A request from the Board of Education (BOE) to substitute a vehicle under the Enterprise Lease Program. The lease payment and maintenance are administered by the BOE. Discussion took place. On a motion by Commissioner Jacob and

seconded by Commissioner Fithian, the Commissioners unanimously approved the request from the BOE. The approval allows the BOE to substitute the requested vehicle under the County's Enterprise Fleet Management program. Open-End (Equity) Lease Rate Quote No. 6045788 was signed by President Mason.

2. A request to award the FY2023 Fuel Bids. Bids for FY2023 Petroleum Fuel and Propane were received for the delivery of petroleum fuels to various County buildings and properties from July 1, 2022, to June 30, 2023. It was recommended to award Contract "A" Diesel Fuel, all locations, Contract "B" No. 2 Heating Oil, and Contract "C" Propane, all locations, to Dixie Land Oil Company, LLC, the low bidder for all locations. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to award Contract "A" Diesel, "B" No. 2 Heating Oil, and "C" Propane, all locations, to Dixie Land Energy, LLC.
3. A request to approve a contract for janitorial services. The Department of Public Works in response to continued staffing shortages in the building maintenance department prepared a Request for Proposal, BM #22-02, to contract janitorial services for seven (7) County buildings that include: the Government Center, Courthouse and Law Library, the Chestertown Library and Hearse House, the Public Works Building, and the Community Center. Sentral Services, LLC was the low bidder at \$184,310.00. The cost of the contract has been included in the FY2023 budget request for Public Works. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the contract for janitorial services. Sentral Services, LLC will start supplying janitorial services for seven (7) County buildings in the amount of \$184,310.00 starting July 1, 2022.
4. A request to renew the annual contract with Johnson Controls, Inc. (JCI). The current contract is scheduled to expire on June 30, 2022. It was a 5-year contract for servicing and maintaining heating, ventilation, and air conditioning equipment throughout the County buildings. The proposed contract fee structure is for the next five (5) years with a cost of \$222,929.00 in FY2023 and a 3.6% increase in FY2024 and a 5% increase in FY2025 – FY2027. The contract covers regular maintenance of HVAC systems at the Detention Center, Courthouse, Courthouse Annex, Library, Government Center, Public Works, and Community Center. The proposed contract now excludes the HVAC systems in the Hearse House and Lynch EMS due to the small size of the systems and recent replacements. The proposed service rate has been included in the FY2023 budget request for Public Works. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the sole-source contract with Johnson Controls. Johnson Controls will continue to perform HVAC system maintenance services, on-call services, and alarm and diagnostic monitoring services, for FY2023-FY2027 in the amount of \$222,929.00.

PUBLIC COMMENT

The procedures for public comment were in effect. Bryan Matthews, Executive Director, Kent Forward, commented on increasing the number of County Commissioners. Sue Brown, a resident of Tolchester sought information on recent discussions concerning the community roads of Tolchester Estates. Commissioner Jacob requested the Board consider adjusting the meeting schedule. The Board agreed to cancel the July 5, 2022, meeting.

FOR YOUR INFORMATION

Correspondence was received from the Maryland Department of the Environment, informing the Commissioners that the Land and Materials Administration has completed the review of an application for renewal of a Controlled Hazardous Substance (CHS) facility permit previously issued to U.S. Army Garrison Aberdeen Proving Ground (APG), Aberdeen Proving Ground, Maryland, 21005-5001. Renewal of the CHS permit would allow APG to continue to treat and/or store hazardous wastes at various facilities and operational units.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2022 Contingency balance as of June 7, 2022, is \$61,460.00 and the FY2022 Use of Fund Balance total is \$173,201.00.

CLOSED SESSION, PERSONNEL

At 11:55 a.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go into 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.

Shelley L. Heller, County Administrator; Marty Hale, Director, Human Resources; Myra Butler, Director, Parks and Recreation; and Sondra M. Blackiston, Clerk/KATE Manager were in attendance.

Topic to be discussed: To consider a request submitted to the Board for their review.

Reason for closing: A personnel request is private, and all details of the request must be safeguarded.

Marty Hale, Director, Human Resources summarized a personnel request submitted to the department. The Commissioners and staff discussed the details of the request. At 12:14 p.m., Mr. Hale, and Ms. Butler were excused from the closed session. The Board continued its discussion.

At 12:24 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in the open session.

OPEN SESSION, PERSONNEL

Commissioner Fithian summarized the Commissioners and staff discussed a personnel request in a closed session. On a motion by Commissioner Fithian, seconded by Commissioner Jacob, the Board unanimously approved to honor an early retirement request made by a department head and to abide by stipulations that were set forth as part of the retirement.

At 12:26 p.m. a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, June 21, 2022, at 10:00 a.m.

WORK SESSION

Rural Maryland Economic Development Fund: A work session was held today at 12:35 p.m., with Commissioner P. Thomas Mason, Commissioner Ronald H. Fithian, and Commissioner Robert N. Jacob. Shelley L. Heller, County Administrator; Jamie Williams, Director, Economic and Tourism Development; Susan O'Neill, Executive Director, Upper Shore Regional Council (USRC), and Nancy LaJoice, Maryland Department of Commerce Business Development Representative – Kent, Queen Anne's, Caroline, and Talbot Counties were present to discuss the Rural Maryland Economic Development Fund granted by Governor Hogan. Each Rural Regional Council will be granted up to \$10 million to address key issues like infrastructure, broadband, and workforce development. Kent County has been awarded \$2.9 million of these funds. The following staff was also in attendance: Penelope Young-Carrasquillo, Grants Manager; Shalyn Boulden, Administrative Assistant, Economic and Tourism Development; and Dawson Hunter, Housing and Transportation Coordinator, Kent County Local Management Board. The work session ended at 1:25 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland

June 14, 2022

The Board of License Commissioners met today with the following present: P. Thomas Mason, presiding, Ronald H. Fithian, and Robert N. Jacob, Jr.

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

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, June 7, 2022.

SPECIAL CLASS C LICENSES

The Bayside H.O.Y.A.S applied for two separate Beer, Wine, and Liquor Special Class C per diem licenses. A Town Festival is scheduled during the weekend of June 17 – 18, 2022, and the Bayside H.O.Y.A.S would like to try to raise funds for their organization during this time. The events are scheduled for June 17, 2022, at Fountain Park and June 18, 2022, at Wilmer Park. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved both applications as presented.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, June 21, 2022, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk, KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland