

May 24, 2022

A meeting of the County Commissioners of Kent County was called to order at 10:02 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 safe and prosperous Tea Party over the weekend, and in a lighthearted moment, for his wife as they celebrate their forty-seventh wedding anniversary today.

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

PUBLIC NOTICE

Commissioner Mason read a notice into the record. On Tuesday, June 7, 2022, the County Commissioners of Kent County will hold a public hearing for the Proposed FY2023 Budget at 6:00 p.m. The following options are available to the public to provide input during the public hearing process: 1.) In-person 2.) Email at kentcounty@kentgov.org 3.) U.S. mail, and 4.) by phone during public comment using the call-in option. Please contact the County Commissioners' Office at (410) 778-4600 and press 4 for further instructions on how to participate in the public hearing process. The hearing is open to the public, and citizens are encouraged to attend.

CONSENT ITEMS

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

1. Regular Session Minutes, May 17, 2022
2. Liquor Minutes, May 17, 2022
3. Closed Session Minutes, May 17, 2022

RECOGNITION

Commissioner Mason read the certificate of recognition for Elizabeth A. Collins, Family Investment Specialist, Department of Social Services. Ms. Collins' devotion to serving families in the community for thirty-two years will forever be remembered and appreciated. The Commissioners each congratulated Ms. Collins on her retirement and a job well done.

PUBLIC HEARING – AGRICULTURAL LAND PRESERVATION DISTRICTS

A public hearing was held on the creation of five (5) Agricultural Land Preservation Districts. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

TOWN OF MILLINGTON

Kevin Hemstock, Mayor, Wayne Starkey, and Zita Seals, Council Members, Elizabeth Jo Manning, Town Administrator, Town of Millington, and Frank Hodgetts, Home Partnership, Inc., were in attendance to discuss the Millington Elementary School property located at 172 Sassafras Street, Millington. The Town of Millington had previously presented a proposal to purchase the building and grounds for the sum of one dollar, with the stipulation that if the project did not break ground within five (5) years after ownership transfer, the property would be conveyed back to the County. Commissioners Mason and Jacob had additional questions after their previous meeting and needed project specifics from Mr. Hodgetts to further the discussion. Philip Cicconi and Mary Etta Reedy, members of the Commission on Aging, spoke in favor of the proposed project and the many benefits it would have for the Town and County. A lengthy discussion ensued. Commissioner Mason made a motion to sell the Millington Elementary School to the Town of Millington for \$500,000.00; the motion failed without a second. Commissioner Fithian made a motion to sell the Millington Elementary School located at 172 Sassafras Street, Millington to the Town of Millington for \$1.00 with the stipulation that if the project fails in three (3) to five (5) years after ownership transfer, the property is to be conveyed back to the County, the motion was seconded by Commissioner Jacob. Discussion took place. The motion passed with a majority vote. Commissioner Mason opposed the motion made; the vote was 2-1. There was also a discussion regarding the continued use of a piece of the property that has been previously designated and utilized as baseball fields. Mayor Hemstock agreed to assume the upkeep of the property and stated that arrangements would be made with the Lions Club of Millington to assure the ball fields remain as is.

SAMARITAN GROUP, INC.

Barbara Kelly, Outreach Director, James Diggs, Shelter Director, and Melanie Keller, Volunteer Coordinator (and board member), Samaritan Group, Inc. were in attendance to update the emergency winter shelter program and services offered to help prevent homelessness in Kent County. The Commissioners thanked the group for serving the Kent County community and for providing information about services and partnerships available to those in need.

KENT FAMILY CENTER

Shelley Heller, County Administrator, on behalf of Lisa Mazingo, Director, Kent Family Center, presented a request to approve the updated Memorandum of Understanding (MOU) with the Kent County Public Schools and the Kent County Judy Center Partnership for the 2022-2023 and 2023-2024 school years. Kent Family Center along with Kent County Public Schools and the Kent County Judy Center Partnership work closely to serve families in the H.H. Garnet Elementary School area who have children from birth to four (4) years of age. Each year an MOU is signed outlining the efforts and contributions that each agency will make. This year the updated MOU is for two years. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Memorandum of Understanding with the Kent County Public Schools and the Kent County Judy Center Partnership for the 2022-2023 and 2023-2024 school years as presented.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) presented a request to reappoint two (2) members of the Historic Preservation Commission whose terms both expire on June 30, 2022. Staff recommends approval and in keeping with PHZ policy, appointments are recommended to expire at the end of a calendar year. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved reappointing the recommended candidates to the Historic Preservation Commission as presented. Jeremy Rothwell and Don Othoson were both reappointed to serve a three (3) year term ending December 31, 2025.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Sondra Blackiston, Clerk, Office of County Commissioners, presented a request to promote an employee to fill the vacant Deputy Clerk II position, at the recommended salary. Staff recommends approval. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the promotion of the current Deputy Clerk I to Deputy Clerk II, as requested.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented a contract for approval for the rehabilitation of two (2) bridges, K-001 and K-002 on Langford Road over Mill Pond and on Langford Road over East Fork Langford Creek. Notice to bid was advertised on April 14, 2022 and posted electronically on April 27, 2022. One (1) bid was received on May 11, 2022, from Mumford & Miller Concrete for an amount of \$397,700.00. The original budget for the construction phase of the work was \$368,367.00. A request to increase the budget to \$450,000.00 for the project was submitted for FY2023, this increase will cover the construction bid, construction management, and remaining utility relocation work. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the construction contract for Mumford & Miller Concrete, Inc. in the amount of \$397,700.00 to rehabilitate two (2) bridges, K-001 and K-002 on Langford Road over Mill Pond and on Langford Road over East Fork Langford Creek.

Mr. Moulds and Marty Holden, Division Chief, Environmental Operations, gave an update regarding the newly implemented process for obtaining a residential disposal permit. The new residential disposal permit aims to ensure that only Kent County residents are disposing of waste at the Kent County drop-off centers. The County incurs a cost for the transport and disposal of solid waste and the grinding of yard waste. The Disposal Permit helps prevent non-residents and commercial users from increasing that cost by illegally using the drop-off centers. Mr. Holden stated that during the past four (4) months there has been a reduction of 20.8% in tonnages/weight collected of soft trash and bulk items. This provided a reduction in landfill tipping fees and diesel fuel usage. Mr. Holden suggested continuing the disposal permit requirement, discontinuing waivers for those who do not have a disposal permit, and bringing an end to the use of disposal coupon books. Mr. Holden also suggested several

adjustments to the permitting process. The Commissioners agreed to continue the new disposal permit process and to allow renewal applications to be placed with the annual tax bill mailing. Disposal Permits will be sold at the Department of Public Works beginning calendar year 2023. The Commissioner declined the request to end the coupon books.

Mr. Moulds presented two sewer allocation requests for approval. The first request was for a single-family dwelling on Piney Neck Road in Rock Hall, MD; Tax Map 55 Parcel 143. Allocation is available at this location and would have an allocation fee of \$11,800.00. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the sewer allocation as requested. The second request was for a single-family lot on Tolchester Road in Spring Cove; Tax Map 0051 Parcel 0400. Allocation is available at this location and would have an allocation fee of \$11,800.00. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the sewer allocation as requested.

Mr. Moulds presented a request to approve the Cooperative Agreement with the Maryland Department of Agriculture for continued support for the Noxious Weed Control Program. The Maryland Department of Agriculture provides technical support for the County Noxious Weed Control Program through an annual Cooperative Agreement. The Department is requesting the Commissioners' approval for the FY2023 Agreement. This is at no cost to the County. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Noxious Weed Control Cooperative Agreement as presented.

Mr. Moulds gave an update regarding a survey of the condition of community roads in Tolchester Estates and the Millington Water and Wastewater Treatment Plant feasibility study. Commissioner Fithian discussed a phone call he received from the Mayor of Betterton concerning staff coverage at Betterton Beach on weekends now and throughout the summer. Discussion took place. Staff will be inquiring about plans for coverage at Betterton Beach to assure the new facilities are maintained.

COUNTY ADMINISTRATOR

Ms. Heller, on behalf of Jamie Williams, Director, Economic and Tourism Development, requested the appointment of a member to the Economic and Tourism Development Commission for a three (3) year term ending May 31, 2025. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the appointment of the recommended candidate. Paula Reeder has been appointed to the Economic and Tourism Development Commission for a three (3) year term ending May 31, 2025.

Ms. Heller stated a correspondence dated April 13, 2022, was received from George S. Michaels, Community Member, stating his concerns with accessible healthcare in Kent County. An in-kind response letter was signed and addressed to Mr. Michaels.

Ms. Heller stated a correspondence dated April 28, 2022, was received from Robert B.

and Barbara F. Robel, residents of Great Oak Landing shared concerns about the deterioration of property on Handy Point Road. Planning, Housing, and Zoning are working to help address the situation.

LETTERS FOR SIGNATURE

At the Commissioners May 17, 2022 meeting it was unanimously decided to deny the request for a waiver of interest and penalty fees for a property located in Kennedyville. The letter was signed informing the requestor of the Board's decision.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were received from citizens.

FOR YOUR INFORMATION

The Commissioners were copied on a correspondence dated May 11, 2022, from Dick Story, Vice-Chair, Economic and Tourism Development Commission (ETDC), addressed to Honorable Kenneth C. Holt, Secretary, Department of Housing and Community Development. Mr. Story relayed ETDC's support for Main Street Historic Chestertown's grant request to fund a comprehensive Downtown Chestertown Master Plan.

A correspondence dated May 13, 2022, was received from Robert Peoples, Water Supply Program, Maryland Department of the Environment, regarding the publication of a permit decision for a water appropriation and use permit, Number KE2021S001(01). The Water and Science Administration issued a water appropriation and use permit to Locust Grove Farm, LLC. Water is to be withdrawn from one intake on Morgan Creek.

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 May 17, 2022, is \$68,235.00 and the FY2022 Use of Fund Balance total is \$173,201.00.

At 12:59 p.m. a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, June 7, 2022, at 6:00 p.m.

FY2023 BUDGET WORK SESSION

Regular Session Minutes

May 24, 2022

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A budget work session was held today at 1:30 p.m. Commissioner P. Thomas Mason, Commissioner Ronald H. Fithian, Commissioner Robert N. Jacob, Shelley L. Heller, County Administrator, and Pat Merritt, Chief Finance Officer, were in attendance. Ms. Merritt reviewed the final budget summaries. The Commissioners made budgetary adjustments. The draft presentation was reviewed and the budget work session ended at 2:05 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 24, 2022

PUBLIC HEARING AGRICULTURAL LAND PRESERVATION DISTRICTS

County Commissioners P. Thomas Mason, Ronald H. Fithian, and Robert N. Jacob, Jr., were in attendance as well as Shelley L. Heller, County Administrator, Thomas N. Yeager, County Attorney, William Mackey, Director and Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, read the public hearing procedures for testifying. The public notice was duly advertised and included as part of the record. The rules for a public hearing were in effect.

The public hearing commenced at 10:19 a.m., for the purpose of discussing the voluntary creation of five (5) Agricultural Land Preservation Districts. Ms. Gerber provided a summary of each proposed district and stated the Kent County Planning Commission and the Agricultural Preservation Advisory Board recommended approval of the following applications:

1. Redman Family Farms LLC: Map 36, Parcel 4 and 44 a 118.31-acre farm located on Bakers Lane in the Sixth Election District. The farm consists of 114.5 acres of cropland. Approximately 98.5% of the soils are considered Class I or II. There is one dwelling on the farm and several outbuildings. Approximately 0.5 acres will be withheld for an existing wireless communications tower. The farm is zoned Agricultural Zoning District (AZD) and is part of a block of over 5.360 acres of districts and easements.
2. Goose Chase Farm LLC: Map 51, Parcel 36 a 380.96-acre farm located on Edesville Road in the Fifth Election District. The farm consists of 200 acres of cropland and 180 acres of woodland. Approximately 55.9% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is not adjacent to other protected lands.
3. B and K Family Farm LLC: Map 29, Parcel 8 a 202-acre farm located on Morgnec in the Second Election District. The farm consists of 187 acres of cropland and 13 acres of woodland. Approximately 96% of the soils are considered Class II or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD) and is adjacent to over 480 acres of other districts. This farm is participating in MARBIDCO's Next Generation Program.
4. Harmony Crest Partnership LLC: Map 13, Parcel 78 a 300-acre farm located on Lambs Meadow Road in the Second Election District. The farm consists of 217 acres of cropland and 70 acres of woodland. Approximately 78% of the soils are considered Class I, II, or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is adjacent to a 254-acre easement.

5. Harmony Crest Partnership LLC: Map 6, Parcel 167 a 126.32-acre farm located on Kentmore Park Road in the Second Election District. The farm consists of 101 acres of cropland and 25 acres of woodland. Approximately 69.5% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is adjacent to over 9,100 acres of districts and easements that stretch from the Sassafras River to the Chester River.

Ms. Gerber provided the Commissioners with a protected lands map 2022, and other documentation relative to the process. Mr. Yeager reminded everyone that the hearing was open and invited the public to comment for or against the proposed districts. Genevieve Macfarlane, Esquire, Stevens Palmer, LLC represented Goose Chase Farm, LLC, and spoke in support of her client's application.

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the five (5) applications, as presented. The public hearing concluded at 10:25 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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

May 24, 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; Thomas N. Yeager, County Attorney; and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) were also present.

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, May 17, 2022.

PUBLIC HEARING PROTOCOLS

Thomas N. Yeager, County Attorney reviewed the public hearing protocols. Both hearings were duly advertised to be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on May 24, 2022, at 10:00 a.m. at which time any exceptions to the applications would be heard.

Mr. Yeager administered the Oath to applicants David R. Rinehart, Hilari M. Rinehart, and David F. Mister, Attorney, Mister, Winter, and Bartlett, LLC; applicants Werten Bellamy, III, and Charles B. Bradbury; staff, and anyone wishing to testify. The rules for a public hearing were in effect.

HILCO, INC., TRADING AS BRAMPTON INN AND BREAKFAST, CLASS B, COUNTRY INN, BEER, WINE, AND LIQUOR LICENSE WITH CATERER'S PRIVILEGE

The first public hearing commenced at 10:08 a.m. Mr. Yeager read the notice into the record. Application has been made by members: David R. Rinehart, and Hilari M. Rinehart, representing Hilco, Inc., trading as Brampton Inn and Breakfast, for a Class B, Country Inn, Beer, Wine, and Liquor License with Caterer's Privilege. The license will be for the premises known as Brampton Inn and Breakfast, 25227 Chestertown Road, Chestertown, MD 21620, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for on-premises consumption.

Mr. Yeager stated a legal review of the application has been completed and all is in order. For background information, the premises had been licensed before as a Country Inn. Mr. Rinehart explained the intentions of the business. Mr. Mister, on behalf of the applicants, explained his clients' understanding of the rules and regulations for selling and serving alcoholic beverages to registered guests of the inn. Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) stated she has visited the establishment, and all is in order. The applicants were reminded that underage service or over-service of patrons are not permissible. Staff

recommends approval of the application with the following contingencies: receipt of a Maryland Sales and Use Tax License, and documentation that the Trade Name is registered with the State.

No other comments were offered in favor of or in opposition to the application. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application, contingent upon meeting certain State requirements.

**FREEDOM HOSPITALITY, INC., TRADING AS GREAT OAK MANOR,
CLASS B, COUNTRY INN, BEER, WINE, AND LIQUOR LICENSE**

The second public hearing commenced at 10:15 a.m. Mr. Yeager read the notice into the record. Application has been made by members: Werten Bellamy, Jr, Kellye Walker, Werten Bellamy, III, and Charles B. Bradbury, III, representing Freedom Hospitality, Inc., trading as Great Oak Manor, for a Class B, Country Inn, Beer, Wine, and Liquor License. The license will be for the premises known as, Great Oak Manor, 10568 Cliff Road, Chestertown, MD 21620, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for on-premises consumption.

Mr. Yeager stated a legal review of the application has been completed and all is in order. For background information, the premises had been licensed before as a Country Inn. Inspector Pearsall stated she has visited the establishment, and all is in order. Staff recommends approval of the application with no contingencies. Mr. Bradbury explained the intentions of the business. Mr. Bellamy, III was also available if the Board had any questions regarding the business at its operation. The applicants were reminded that underage service or over-service of patrons are not permissible.

No other comments were offered in favor of or in opposition to the application. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Inspector Pearsall reported that on May 12, 2022, Kent County was awarded a grant to implement a tobacco education and enforcement program. To date, thirty-one (31) tobacco retailers received three (3) methods of training: in-person, written materials, and access to online training for management and staff. This year's educational campaign is "21 or None" and tools have been made available to every retailer for age verification of restricted tobacco/vape products.

Inspector Pearsall gave an update on the 2022-2023 County-issued alcoholic beverage licensing renewal process. Sixty (60) licenses were issued, and hand delivered. One (1) license remains pending due to the establishment's temporary closure. Four (4) establishments are operating under payment plans. One (1) establishment must complete the fingerprinting

requirement for a new member. In addition, three (3) new licenses are on target to be issued. Lastly, there are several businesses that are exploring whether to expand services by adding a liquor license to their business.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, June 7, 2022, at 6:00 p.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