

April 25, 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 asked the audience to remain standing for a moment of silence for the passing of Frances “Fay” Miller, a longtime Kent County Public School employee. Commissioner Fithian asked that we keep her family in our thoughts and prayers.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, 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, April 18, 2023
2. Liquor Minutes, April 18, 2023
3. Public Hearing Minutes, April 18, 2023
4. Chestertown Tea Party Festival, Inc., Raffle Only, May 28, 2023

PROCLAMATIONS

Sexual Assault Awareness Month, April 2023: Jonathan Qvarnstrom, Outreach, and Marketing Associate, For All Seasons, Inc., gave an overview of Sexual Assault Awareness Month, which aims to raise public awareness about sexual violence and help educate the communities about how to prevent it. The 2023 campaign “Drawing Connections: Prevention Demands Equity” focuses on equity and respect calling on all individuals, communities, organizations, and institutions to change the systems to improve equity and respect within the community and understand disparities. Mr. Qvarnstrom was in attendance to accept the proclamation on behalf of For All Seasons. Commissioner Price read the proclamation into the record.

National Travel and Tourism Week, May 7-13, 2023: Shalyn Boulden, Tourism Manager, and Dawson Hunter, Housing and Transportation Coordinator, Economic and Tourism Development, gave an overview of the National Travel and Tourism Week, 40th Anniversary by further stating: Established in 1983, National Travel and Tourism Week (NTTW) is an annual tradition to celebrate the U.S. travel community and travel’s essential role in stimulating economic growth, cultivating vibrant communities, creating quality job opportunities, inspiring new businesses and elevating the quality of life for Americans every day. The department will promote tourism for two weeks. Commissioner Nickerson read the proclamation into the record.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the protocol for a public hearing. Mr. Yeager stated Resolution 2023-06 can be presented at the conclusion of the hearing to be passed,

rejected, amended, or deferred to at a later date. Wayne Darrell, Director, Office of Emergency Services joined Mr. Yeager to answer any questions the Board had.

PUBLIC HEARING – RESOLUTION 2023-06 – INCREASE THE 9-1-1 FEE TO \$1.50 PER TELEPHONE NUMBER

A public hearing was held to discuss increasing the 9-1-1 fee per telephone number. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at www.kentcounty.com/commissioners/meeting-agenda.

ACTION ITEM

Resolution 2023-06, raising the charge applied to current telephone bills rendered for switched local exchange access service, commercial mobile radio services ("CMRS"), or other 9-1-1 accessible service providers within Kent County from \$.75 to \$1.50 per month. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously made a motion to adopt Resolution 2023-06 to Increase The 9-1-1 Fee Per Telephone Number on July 1, 2023, Pursuant to Maryland Code, Public Safety Article, Section 1-311 To Cover the Increased Cost of Operating.

APPOINTMENTS

Elizabeth Hill, 4-H Educator, and Principal Agent Associate, University of Maryland Extension: Ms. Hill gave an overview of the Kent County 4-H Program Annual Report for 2022. Kent County's 4-H Program suffered during the COVID-19 pandemic. Relationships have been rebuilt with families and the community. There has been an increase in the number of Clover members and a huge response from volunteers and parents. The 4-H Program is currently raising funds and has provided scholarships for State and National events.

Erika Hercher, Acting Director, Environmental Health, Kent County Health Department; Jillyn Coleman, Director, Parks and Recreation and Daniel Mattson, Deputy Director, Department of Public Works: The Kent County Health Department is requesting approval to install monitoring wells at the following County Parks: Toal, Worton, and Edesville Park. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the request from the Kent County Health Department to install monitoring wells at Toal Park, Worton Park, and Edesville Park.

Harry Kettner, Chief Deputy, Kent County Sheriff's Office: An application was submitted for the FY2023 Byrne Justice Assistance Grant (BJAG) to purchase nine (9) new laptop computers for patrol vehicles for the Kent County Sheriff's Office (KCSO). The application was approved, and grant funds in the amount of \$56,810.00 are available to purchase these computers. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously accepted the FY2023 BJAG Grant funds for the KCSO.

EMERGENCY SERVICES

Wayne Darrell, Director, Office of Emergency Services (OES) summarized a project. In FY2022, KRM was chosen to upgrade the Emergency Medical Service (EMS) office located at the Rock Hall Volunteer Fire Company. The contract price was \$29,780.00 when the County entered the agreement in October 2021. The project was delayed due to supply chain issues and the completion cost increased to \$42,552.06. The final inspection was completed, and the staff moved in two weeks ago. Mr. Darrell requests approval to transfer \$12,772.06 from within the department's FY2023 to pay the remaining invoices. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the transfer of \$12,772.06 from the FY2023 OES budget to cover the remaining invoices for PO#151010.

PARKS AND RECREATION

Jill Coleman, Director, Parks and Recreation, and Penny Young-Carrasquillo, Grants Manager, gave an overview of the Recreational Trails Program that funds the construction, maintenance, and restoration of recreational trails. The department wishes to apply for a grant that could be approved for up to \$140,000.00 to transform the Overlook Trail at Turner's Creek into an Americans with Disabilities Act (ADA)-accessible hiking trail with signage, benches, and other features. This grant requires a 20% cash match or in-kind match (labor, equipment, volunteer hours, fringe benefit expenses for project employees, etc.). Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the submission of an application to the Maryland Department of Transportation Recreational Trails Program for the transformation of the Overlook Trail at Turner's Creek to an ADA-accessible trail with signage, benches, and other features.

HUMAN RESOURCES

Jim Miller, Director, Human Resources (HR), stated the HR office suite is inadequate for the needs of the department employees and the privacy and confidentiality necessary for the County employees meeting with HR staff. The furniture is 20+ years old and is in disrepair. Also, the addition of an HR employee necessitated adding another desk. This proposal will convert the office from individual desks with no separation or privacy into a modular system. This request was not budgeted for FY2023. A review of the FY2023 actual expenses shows that the cost of the project can be absorbed within the current budget. The vendor proposal is for \$37,220.09. Given possible increases in materials, as well as concerns regarding the supply chain, staff recommended the Commissioners approve a budget amount not to exceed \$40,000.00 for this project. Staff secured pricing with the vendor that managed two other renovation projects at 400 High Street at a competitive bid contract. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renovation of the Human Resources office suite to be approved at a cost not to exceed \$40,000.00 within the existing budget.

Mr. Miller, on behalf of Mike Moulds, Director, Public Works requested approval to make a conditional offer of employment to the recommended candidate to fill the Utility Technician vacancy in the Water and Wastewater Division. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

COUNTY ADMINISTRATOR

Police Accountability Board: The original service contract and scope of work were given to the Board for review. This is the second request for extending the contract. Since the period of performance of the grant is through the end of the fiscal year, there is no problem with the grantor. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Second Amendment to the contract with GAFF Consultancy as presented.

Regional Detention Center Steering Committee: Discussions about a potential regional detention center occurred at a meeting held at Chesapeake College on April 19, 2023. It was determined that the next step would be to appoint a steering committee comprised of representatives from counties that would consider participating. Each county would appoint one Commissioner and the County Administrator to be a member of the committee. Additionally, in Kent County, the time to release bid documents for construction management for the new public safety building and the renovation of the existing detention center is nearing. If the County is considering joining the regional project, staff recommend pausing the current initiatives until there is a clearer picture of how the County intends to move forward. Mike Moulds, Director, Public Works, joined the discussion. Discussion took place. Commissioner Nickerson made a motion to appoint Commissioner Price to the regional detention center steering committee. The motion was seconded by Commissioner Fithian and passed with a unanimous vote. A lengthy discussion developed. There is no intention that current employees will be impacted if the project moves forward. Commissioner Price made a motion to pause the current proposed renovation of the Kent County Detention Center and to move forward with the proposal of the Public Safety Building which will house the Kent County Sheriff's Office, 911 Center, and EMS personnel. The motion received a second from Commissioner Nickerson and passed unanimously.

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.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented five (5) items for review:

- The Public Works Department is requesting approval to continue to utilize the firm of McKennon, Shelton & Henn LLP as Bond Counsel for the Public Safety Project General

Obligation Bond financing. The firm is also providing these services for the debt obligation for the Nicholson Groundwater Treatment Facility project. The firm already has knowledge of the County financing and administrative structure to efficiently provide the required services for the Public Safety Facility Project. Mr. Moulds is requesting approval of the engagement letter for McKennon, Shelton & Henn LLP to represent the County in connection with the financing of the Public Safety Facility project through the issuance of a public offering of competitively bid general obligation bonds. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the April 4, 2023, engagement letter for Bond Counsel to represent the County in connection with the financing of the Public Safety Facility Improvements Project with the firm of McKennon, Shelton and Henn, LLP for no more than \$45,000.00 in fees and staff to renegotiate the fee cap of \$45,000.00.

- Resolution 2023-07: To the extent the Public Safety Facility Project will be financed with tax-exempt bond proceeds, whether on an interim or permanent basis, the County should have the resolution adopted to preserve the right to reimburse itself for related project expenditures. Mr. Moulds requested approval of a resolution prepared by Bond Counsel. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing Resolution 2023-07 Declaration of Intent, to reimburse expenditures for the Public Safety Facility Project with the proceeds of debt to be issued by the County.
- ARPA Funding, Water and Wastewater Division: The County has publicly advertised bids for the construction and replacement of the influent screen at the Tolchester Wastewater Treatment Facility. Three bids were received ranging from \$600,914.00 to \$951,200.00. M2 Construction has been determined to be the lowest responsive bidder. The design engineer and County operation staff are recommending the award of Option 1 using equipment from Lakeside Equipment Corporation. Mr. Moulds requested to award the contract to M2 Construction for bid option 1 (Lakeside equipment) to replace the existing screen. Funding will be provided from designated ARPA funds. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the contract with M2 Construction in the amount of \$600,914.00 with the selection of Option 1 as the lowest responsive bidder for replacement of the influent screen at the Tolchester wastewater facility with the utilization of available ARPA funds.
- Worton Park Playground Equipment Project: The County was awarded a 100% Department of Natural Resources (DNR) Local Parks and Playground Infrastructure (LPPI) grant in the amount of \$509,310.00 for facility enhancements at Worton Park. The enhancements are as follows: \$359,127.00 for the multipurpose field lighting, \$10,165.77 for electric service extensions, \$20,000.00 for pavilion roof repairs, \$14,727.73 for park trail benches and children's playground equipment. The lighting, power extension, and pavilion roof were previously awarded. Changes in playground safety standards necessitate the replacement of playground equipment. Discussion took

place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed a contract with Playground Specialists, Inc., under a Sourcewell cooperative governmental purchasing agreement for the installation of playground equipment at Worton Park, in the amount of \$105,289.50, with 100% of funding to be provided from a DNR Local Parks and Playground Infrastructure grant.

- Well Redevelopment Project, Water and Wastewater Division: Well redevelopment is necessary as over time the porosity of the well is reduced due to iron and hardness buildup. The intent of the project is to proactively schedule the County's community wells for redevelopment before a critical failure occurs. This is a multi-year program with all wells being redeveloped in a yearly rotation. The work of Fairlee Well #2 was included in the FY2023 budget. Contractors that can perform this type of work on community wells were contacted for proposals. Mr. Moulds requested to award the contract to A.C. Schultes of Delaware, Inc. in the amount of \$35,200.00 to redevelop well #2 at the Fairlee Water Treatment facility. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to award a contract to A.C. Schultes of Delaware, Inc. as the lowest responsive bidder in the amount of \$35,200.00 to redevelop the community water well #2 at the Fairlee Water Treatment facility.

Commissioner Fithian asked Mr. Moulds to look into the Green Lane Project for a resident looking to connect to the water and wastewater and the Nelson Family property in Millington that is also looking to connect to the water and wastewater system. Mr. Moulds stated the County is waiting for the Nelson Family to submit an updated delineation map.

PUBLIC COMMENT

The procedures for public comment were in effect. Testimony was not offered by anyone in the office.

FOR YOUR INFORMATION

Robert “Andy” Glenn, President, Rock Hall Volunteer Fire Company, writes to the Commissioners to request vehicle surplus. A copy of the letter was given to Shelley Heller, Mike Moulds, Wayne Darrell, and Pat Merritt for their information.

CONTINGENCY FUND

The FY2023 Contingency balance as of April 18, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

CLOSED SESSION

At 12:29 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss a personnel matter.

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.

Thomas N. Yeager, County Attorney; Sondra M. Blackiston, Clerk/Kate Manager, and Tonya Thomas, Deputy Clerk II, were also in attendance.

PERSONNEL/JOB PERFORMANCE

Topic to be discussed: The job performance provided by a member of a Board.

Reason for closing: Matters relating to job performances are confidential.

Ms. Heller explained the details of a personnel request. Thomas N. Yeager, County Attorney offered legal advice connected to the Board members' performance. Discussion only, no action taken.

OPEN SESSION

Commissioner Fithian summarized the closed-session matter and stated the Board discussed a personnel issue. The matter was discussed for advisory and informational purposes only, with no action being taken.

At 12:42 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, May 2, 2023, at 6:00 p.m.

FY2024 BUDGET WORK SESSION HELD ON APRIL 25, 2023

A budget work session was held on April 25, 2023, at 1:10 p.m., with Commissioner Ronald H. Fithian, Commissioner Albert H. Nickerson, and Commissioner John F. Price. Also in attendance were Shelley L. Heller, County Administrator, and Pat Merritt, Chief Finance Officer, Office of Finance.

The Commissioners heard from Arnessa Dowell, Director, Kent County Public Library; Bill Webb, Health Officer, Dr. Leland Spencer, Medical Director, and Emily McCoy, Administrator, Kent County Health Department; Robert Baldwin, District Manager, Kent Soil and Water Conservation District; Dr. Karen Couch, Superintendent, and Allesta Stewart, Supervisor of Finance, Board of Education, Kent County Public Schools regarding each entity's FY2024 budget request.

Ms. Merritt reviewed the budget overview and a summary of changes. The work session ended at 4:20 p.m.

Regular Session Minutes
April 25, 2023
Page 8 of 8

Respectfully submitted,

Sondra M. Blackiston
Clerk/Kate Manager

Approved:

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

April 25, 2023

PUBLIC HEARING

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

Thomas N. Yeager, County Attorney read the public hearing notice into the record. Mr. Yeager reviewed the procedures for testifying and administered the Oath to staff, and anyone who wished to testify. The rules for a public hearing were in effect.

Resolution 2023-06 – Increase The 9-1-1 Fee Per Telephone Number on July 1, 2023, Pursuant to Maryland Code, Public Safety Article, Section 1-311 To Cover The Increased Cost Of Operating The Kent County 9-1-1 System

The public hearing commenced at 10:24 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 Resolution 2023-06, raising the charge applied to current telephone bills rendered for switched local exchange service, commercial mobile radio services providers ("CMRS"), or other 9-1-1 service providers within Kent County from \$.75 to \$1.50 per month.

Before the hearing, Wayne Darrell, Director, Office of Emergency Services submitted an overview of the Maryland Public Safety statute 1-311 allowing each county by ordinance or resolution to impose a 9-1-1 fee on all current phone bills. The current Kent County 911 fee is \$.75. The statute also permits Counties to raise the 9-1-1 fee "If revenues attributable to the County 9-1-1 fee for the fiscal year do not provide the revenues necessary to cover a County's operational costs for the 9-1-1 system for that fiscal year, the County may, for the following fiscal year, impose a County 9-1-1 fee sufficient to cover the County's projected operational costs for the 9-1-1 system" The FY2022 Maryland 9-1-1 Board audit shows total 9-1-1 center operating expenses of \$1,247,43.00 and County 9-1-1 fee revenue \$193,802.00. Operational costs exceed 9-1-1 fee revenue by \$1,053,941.00.

Citizens were invited to comment on the proposed fee increase. The Board can call for a vote on the proposed resolution after the public hearing is closed. No comments were received. The public hearing concluded at 10:28 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/Kate Manager

Resolution 2023-06 Increase 9-1-1 Fee Public Hearing Minutes

April 25, 2023

Page 2 of 2

Approved:

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

April 25, 2023

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

Shelley 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 by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, April 18, 2023.

PUBLIC HEARING PROTOCOL

Thomas N. Yeager, County Attorney reviewed the public hearing protocol. The hearing was 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 April 25, 2023, at 10:00 a.m. at which time any exceptions to the applications would be heard.

Mr. Yeager administered the Oath to Christopher J. Golder and William T. Irvin, representing Waterman's Hospitality, LLC, and Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and anyone wishing to testify. The rules for a public hearing were in effect.

WATERMAN'S HOSPITALITY, LLC, TRADING AS WATERMAN'S CRAB HOUSE - CLASS B, BEER, WINE, AND LIQUOR LICENSE WITH EXTENDED PRIVILEGE

The hearing commenced at 10:18 a.m. Mr. Yeager read the notice into the record. An application was made by Members: Christopher J. Golder and William T. Irvin, representing Waterman's Hospitality, LLC for a Class B, Beer, Wine, and Liquor License with extended privilege (EXPR) on the premises known as Waterman's Crab House, 21055 West Sharp Street, Rock Hall Road, Rock Hall, MD 21661 which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for on-premises consumption, or elsewhere.

Mr. Yeager stated a legal review of the application was completed. The history of the property was abridged as it has operated for many years as a restaurant. Mr. Yeager reminded the Board that the exiting licensee did not surrender its alcoholic beverage license when the business was sold and closed for renovations. The current license must be surrendered, in the event the license is granted and the current licensees desires to operate prior to May 1, 2023. Inspector Pearsall reported on two recent onsite inspections of the premises. No alcoholic beverage inventory was left on the premises therefore a bulk transfer permit is not applicable. Mr. Irvin explained their business plan regarding their restaurant services. A joint memorandum dated April 24, 2023, from Inspector Pearsall and Sondra M. Blackiston, Clerk/KATE Manager recommends approval contingent upon the issuance of a food service license. No other

comments were offered in favor of or in opposition to the application. There being no objections, Commissioner Price made a motion to approve the application. Commissioner Nickerson abstained from the vote. The motion was seconded by Commissioner Fithian; and the Commissioners by a majority vote approved the Class B, Beer, Wine, and Liquor License with Extended Privilege (EXPR) for Waterman's Hospitality trading as Waterman's Crab House contingent upon the issuance of a Health Department Food Service Facility License.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

2023 Alcoholic Beverage License Renewal: Inspector Pearsall presented a request to renew one annual alcoholic beverage license. The current license issued to Phat Daddy's Barbeque and Catering, LLC will expire on the last day of April. Inspector Pearsall and Ms. Blackiston jointly submitted a memorandum recommending approval of the application. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal application as presented.

21 or None Tobacco Compliance Campaign: Inspector Pearsall summarized the results of tobacco/electronic smoking device (ESD) compliance checks for five establishments. Four establishments were compliant, and one establishment failed its compliance recheck. A citation was issued to the establishment which is a second offense. Inspector Pearsall has reminded store clerks, business owners, and/or managers of the importance of checking for underage purchases. Letters and responsible retailer certificates for compliant establishments and one non-compliant letter were prepared. A follow-up inspection will be performed within sixty (60) days of the sale to a minor.

Special Class C (Multiple Event): Inspector Pearsall advised Betterton Volunteer Fire Company (BVFC), submitted a Special Class C (Multiple Event) liquor license application. BVFC would like to serve beer, wine, and liquor during up to twelve events through December 31, 2023. Mr. Yeager stated BVFC must submit a list of event dates to the Inspector. Inspector Pearsall has scheduled education with BVFC regarding the rules and regulations of the holder of a Multiple Event License. There being no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Multiple Event) liquor license application for Betterton Volunteer Fire Company.

At 12:42 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, May 2, 2023, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra Blackiston
Clerk, KATE Manager

Approved:

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