

March 8, 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 Maryland State Police officer assigned to Dorchester County who was shot and injured, as well as all the Police Officers protecting and serving the community.

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, February 28, 2023
2. Liquor Minutes, February 28, 2023
3. Closed Session Minutes, February 28, 2023
4. Kent and Queen Anne's Rescue Squad, Raffle Only, June 29, 2023

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the protocols for a Code Home Rule legislative bill.

LEGISLATIVE SESSION

Mr. Yeager explained the proposed legislation will delete chapters of the Code of Public Local Laws of Kent County, Maryland. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into the legislative session.

Introduction of Code Home Rule Bill No. 1-2023, Erosion and Sediment Control, Flood Plain Management, Forest Conservation, Subdivision of Land

Bill Mackey, Director, Planning, Housing, and Zoning read Code Home Rule Bill No. 1-2023. For background, in 2002, with the adoption of the Kent County Land Use Ordinance, various freestanding chapters were absorbed into Chapter 222 *Zoning* to provide for a unified development ordinance for the County. Subsequently, the absorbed chapters were not deleted from the Public Local Laws. To avoid confusion and provide a single location for local laws, the attached Code Home Rule Bill proposes deleting the various chapters and marking them as "Reserve" in the Public Local Laws. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to introduce Code Home Rule Bill No. 1-2023 removing chapters 178, 182, 185 and 215. Code Home Rule Bill No. 1-2023 will continue in the legislative process and a public hearing will be scheduled.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adjourn the legislative session and return to the regular meeting.

Commissioner Fithian noticed that Bryan Matthews attended today's meeting. Mr. Matthews had formerly suggested to the previous Board to consider increasing the number of elected Commissioners from three (3) to five (5) members. Commissioner Fithian suggested Mr. Matthews research what is involved in that process, reach out to the League of Women Voters, and report back to the Commissioners with his findings at a future meeting.

SHERIFF'S DEPARTMENT

Harry Kettner, Captain, Kent County Sheriff's Office (KCSO), on behalf of Sheriff Dennis Hickman, requested approval of Enterprise Open-End (Equity) Lease Quote Rate Quotes No. 7007628 and No. 7007608. The Sheriff's Office received budget approval for two patrol vehicles in the FY2023 budget. Discussion took place. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the Enterprise Lease Quotes, No. 7007628 for a 2023 Chevy Tahoe and Quote No. 7007608 for a 2023 Ford Explorer.

Captain Kettner advised a time sensitive law enforcement virtual training grant application was approved and will need signatures before midnight, March 8, 2023. This Police Accountability Community and Transparency (PACT) grant will pay for the training fee in full and there will be no cost to the County. Discussion took place. The Commissioners agreed to move forward with the grant process as requested.

HUMAN RESOURCES

Jim Miller introduced himself to the Commissioners as the new Director of Human Resources and stated that he is happy to be working for the County. Mr. Miller was welcomed by the Board. Mr. Miller, and Pat Merritt, Chief Finance Officer, Office of Finance, on behalf of Jill Coleman, Director, Parks and Recreation, presented a personnel request. Staff recommends the selected candidate to fill the full-time Facility Monitor vacancy at the requested salary. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate to fill the full-time vacant Facility Monitor position in the Parks and Recreation Department, as requested, pending the successful completion of County pre-employment requirements.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

Water and Wastewater Division: Mike Moulds, Director, Public Works introduced Dan Mattson, the new Deputy Director of Public Works. Mr. Moulds advised EA Engineering, Science, and Technology, Inc. has been under contract to develop plans and specifications for the Worton Lagoon Sludge Removal Contract. The contract has been awarded to Denali Water

Solutions LLC who are getting ready to begin work as soon as temperatures are consistently above freezing. The Department recommended to have EA Engineering provide construction management for the project to protect the interests of the County and to oversee the \$1,400,000.00 contract and properly assure that the Contractor will conform to the contract specifications and the safe disposal of the sludge solids. The proposed work assignment No.2 under their Existing IDIQ Master Agreement was presented. The effort would be on a time and material basis as needed to oversee the Contractor in the amount of \$43,735.60. Mr. Moulds requested the use of ARPA funds for this project. Discussion took place. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved Work Assignment No. 2 under an existing Master Service Agreement with EA Engineering, Science, and Technology, Inc. for Worton Cell 1 Sludge Removal Project Construction Management Services on a time and materials basis in the amount of \$43,735.60 and funding for the services is to utilize ARPA funds.

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

Water and Wastewater Division: Mr. Moulds advised the Commissioners that division's FY2023 includes \$45,000.00 in funding for the replacement of the filter media at the Fairlee water treatment plant. Both filter medias will be replaced. Over time the media degrades from the build-up of iron and calcium carbonate resulting in lower performance and the need to backwash more often. Media is also gradually lost in the backwash process. The replacement program is a multi-year effort to gradually replace the filter media at all three water plants as part of the 5-year capital program. Proposals were solicited from a limited number of vendors available in the area that can perform this type of work. Two bids were obtained with the lowest bid received in the amount of \$51,850.00 from Sherwood Logan & Associates, Inc. The second proposal was in the amount of \$58,675.00. A third vendor declined to submit a proposal prior to the deadline. The cost overrun is attributed to material increases. Discussion took place. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved a contract with Sherwood Logan & Associates, Inc. as the lowest responsive bidder in the amount of \$51,850.00 to replace the filter media at the Fairlee Water treatment plant and to use contingency funding in the amount of \$6,850.00 to be provided to cover the cost of the contract.

Public Safety Facility: Mr. Moulds provided the Commissioners with two (2) scenarios/options for the Public Safety Facility Project. Following the Commissioners review of the revised site and building floor plans, the Architect commissioned the Forella Company to prepare a more detailed construction estimate. The building construction costs were approximately \$15,700,000.00 for the Public Safety buildings (Sheriff, 911, EMS) and \$20,100,000.00 for the Detention Center (not including State funding). The cost estimate includes a price escalation factor for the midpoint of construction (12% for Public Safety, 20.5% for the Detention Center). The budget also needs to include both construction and non-construction soft costs (including contingency) to arrive at an overall project cost.

The project cost of Scenario one (1) is \$30,900,000.00 and this includes State reimbursement. Scenario one (1) is based on the construction of the Public Safety building first to relocate the Sheriff and Emergency Management Departments before the renovations to the Detention Center. As a way of continuing to control costs for the project, Scenario two (2) was developed to reduce the project timeline and price inflation costs by proceeding with both building construction phases at the same time. The project cost for Scenario two (2) was developed to evaluate potential savings. The building construction costs for the more aggressive schedule is approximately \$15,700,000.00 for the Public Safety buildings (Sheriff, 911, EMS) and \$19,000,000.00 for the Detention Center (not including State funding). The estimate includes a price escalation factor for costs to the midpoint of construction (12% for Public Safety, 13.5% for the Detention Center). Including both construction and non-construction soft costs (including contingency), the resulting project cost of Scenario two (2) is \$28,800,000.00 including State reimbursement. This would be about a \$2,000,000.00 savings with an estimated completion of construction by November of 2025 versus February of 2027.

Wayne Darrell, Director, Office of Emergency Services, was asked for additional information regarding the scenarios given and what would be best for the 911 Emergency Center. Mr. Darrell suggested relocating the Lynch EMS location to a more central location in the County. Mr. Darrell stated that this would require further discussion so all viable options can be taken into consideration. Discussion took place. Commissioner Fithian recommended a meeting with Mr. Moulds and other constituents to discuss further details. Commissioner Price agreed that more information was needed, and further discussion would be beneficial. The Board's consensus was in favor of the preliminary project detailed in Scenario 2 which will accompany a grant application for funding.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, advised, Joseph L. Holt, Executive Director of Institutional Giving and Stewardship, Washington College, requested a Letter of Support. Washington College is seeking a grant from the Maryland Heritage Areas Authority (MHAA) to support, in part, the effort to renovate the Lelia Hynson Pavilion. This project is also the subject of a Legislative Bond Initiative and Chestertown ARPA grant funds. MHAA funding would help to fund the full budget. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to send a letter of support to the Maryland Heritage Areas Authority Grants Program as requested by Joseph Holt.

COUNTY ADMINISTRATION REPORT

Shelley Heller, County Administrator, advised Kees de Mooy, Zoning Administrator, Town of Chestertown, had requested a letter of support. The Town of Chestertown, Washington College, and Eastern Shore Land Conservancy (ESLC) partnered on the Chestertown Heritage Trail initiative, which will approximately create a half-mile pedestrian/cycling trail on the Town's waterfront. The Town of Chestertown is working on a \$750,000.00 earmark request from Senator Cardin. The application deadline was Friday, March 3. Considering the time

constraints noted, a letter was signed by Shelley Heller, County Administrator, on behalf of the Commissioners on March 2, 2023.

Ms. Heller reported Linda Blake, Secretary, Asbury United Methodist Church of Georgetown Road requested a letter of support. The members of the Church are applying for a grant from MHAA Grants Program to restore the church windows, doors, sills, and trim. Considering certain time constraints, a letter was drafted and signed by Ms. Heller on behalf of the County Commissioners on March 2, 2023.

PUBLIC COMMENT

The procedures for public comment were in effect. Mike Waal, Kent County resident, provided comments regarding the Public Safety Facility Project, the Commissioners recent meetings and testimony in Annapolis. The Commissioners gave an overview of how their meetings went and stated the County's position was made known and the difficulties Kent County is facing right now.

Commissioner Fithian stated he felt the lobbyist group has been a crucial part of making sure Kent County is heard and represented honorably. Commissioner Fithian thanked Dr. Karen Couch, Superintendent, Kent County Public Schools, Joe Goetz, President, and Francoise Sullivan, Vice President, Board of Education, for sending support letters for House Bill 0799/Senate Bill 0912 Education – Low Density Calculation – Mandated Funding.

CONTINGENCY FUND

The FY2023 Contingency balance as of February 28, 2023, is \$244,709.00, and the FY2023 use of Fund Balance is \$35,966.00.

CLOSED SESSION

At 11:08 a.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. After the public body and staff departed the hearing room, the closed session commenced.

Shelley L. Heller, County Administrator; Lacey T. Cox, Deputy Clerk II; Pat Merritt, Chief Finance Officer, Office of Finance, Jim Miller, Director, Human Resources, and Jamie Williams, Director, Economic and Tourism Development were also in attendance.

PERSONNEL

Topic to be discussed: A personnel matter specific to an individual's qualifications.

Reason for closing: The discussion of an employment recommendation and their qualifications should be shielded and kept private.

This matter was tabled at the February 28, 2023, meeting. Shelley L. Heller summarized the hiring process. Jamie Williams, Director, Economic and Tourism Development; Jim Miller, Director, Human Resources; and Pat Merritt, Chief Finance Officer, Office of Finance, explained the details of a personnel request. Discussion took place.

Ms. Williams departed the closed session at 11:31 a.m. All other persons remained in session. Commissioner Price had a question and Ms. Heller suggested the topic be placed on next week's meeting agenda to further the discussion.

At 11:46 a.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Fithian summarized the closed session and stated the Board discussed a personnel issue and a job description. On a motion by Commissioner Price, and seconded by Commissioner Nickerson, the Board unanimously approved to change a County employment position from an intern position to a part-time position and to hire the recommended candidate at the proposed rate.

At 11:48 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, March 14, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 8, 2023

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

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney 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, February 28, 2023.

At 11:48 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, March 14, 2023, at 10:00 p.m.

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