

February 1, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.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 Groundhog Day in hopes that the groundhog does not see his shadow, we are all looking forward to Spring.

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

CONSENT ITEMS

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

1. Regular Session Minutes, January 25, 2022
2. Liquor Minutes, January 25, 2022
3. Closed Session Minutes, January 25, 2022

APPOINTMENT

Major General Robert L. Edmonson II, Senior Commander, Aberdeen Proving Ground (APG), U.S. Army Communications-Electronics Command (CECOM), joined by Colonel Timothy Matthews, Commander of the U.S. Army Aberdeen Test Center, were present to discuss the current state of APG. The Commissioners thanked Major General Edmonson and Col. Matthews for their attendance and partnership with APG. For information pertaining to APG please visit <https://home.army.mil/apg/index.php>.

PUBLIC HEARING – CODE HOME RULE BILL NO. 1-2022, PRIMARY RESIDENCE LOCATED ON A NEW LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER

A public hearing was held on the following: Code Home Rule Bill No. 1-2022, Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

Wayne Darrell, Director, Emergency Services presented a request to utilize ARPA funds to purchase video conferencing equipment and software from VSGI for use in the County Emergency Operations Center. Mr. Darrell stated Emergency Services received a grant in the amount of \$26,073.00 from the Maryland Department of Emergency Management to purchase and install Microsoft TEAMS based video conferencing and monitoring equipment in the County Emergency Operations Center. Emergency Services received a GSA contract proposal from VSGI in the amount of \$40,159.77. Mr. Darrell requested approval of the proposal and the use

of APRA funds in the amount of \$14,086.77 to complete the project. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the VSGI proposal in the amount of \$40,159.77 for video conferencing systems and approval to use \$14,086.77 of County ARPA funds.

EMERGENCY SERVICES

Mr. Darrell presented a request to contract with Magnum Electronics to upgrade the 911 Recorder. Mr. Darrell explained an upgrade to the Eventide 911 recorder is needed in preparation for Next Generation 911. Mr. Darrell stated, upon approval, the department will apply to the 911 Board for funding of the entire cost of the project, in the amount of \$151,771.70. The project includes the replacement of hardware, upgrade of software, and five (5) years of maintenance. It is preferable to continue with Eventide in order to maintain historical data and software configurations. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Magnum Electronics 911 recorder upgrade proposal in the amount of \$151,771.70, pending 911 Board funding.

Mr. Darrell presented a request to purchase three (3) Stryker LifePak 15 Heart Monitors/Defibrillators in the amount of \$61,575.07 under Maryland State Contract No. 001B1600023. Mr. Darrell stated grant funds in the amount of \$24,496.00 will be used from the 2021 State Homeland Security Grant No. EMW-2021-SS-00047 SHSP and \$20,000.00 of grant funds from the 2022 Maryland Institute for Emergency Medical Services System (MIEMSS) CDG Grant. The remaining \$17,079.07 will come from budgeted funds within the department. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to purchase three (3) Stryker LifePak 15 Heart Monitors/Defibrillators in the amount of \$61,575.07.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator presented for discussion a potential appeal for the Morgnec Road Solar, LLC, Case No. 9499. Ms. Heller recapped the timeline of the case and the Public Utility Law Judge's January 7, 2022 approval of the application for a 45 megawatt solar photovoltaic generating facility. A correspondence addressed to Mr. Yeager dated January 21, 2022, from Chris Drummond, Attorney, representing Kent Conservation and Preservation Alliance (KCPA) was received stating KCPA intends to appeal Case No. 9499. Mr. Drummond requested that the County and Town of Chestertown join the appeal. Janet Christensen-Lewis, Chair, joined by, Frank Lewis, Treasurer, Pat Langenfelder, Vice Chair, and Doug West, member, KCPA, were present to provide details pertaining to the potential appeal. The Commissioners, staff, and Ms. Christensen-Lewis discussed the potential appeal. Mr. Lewis and Mr. West spoke in support of filing the appeal. Paula Reeder, and Jim Bogden, Kent County citizens, spoke in opposition of the appeal.

Ms. Heller presented a letter in support of a lawsuit for Environmental Violations at two (2) Baltimore area Wastewater Treatment Plants. Brian E. Frosh, Maryland Attorney General, filed a lawsuit in Baltimore City circuit court on behalf of the Maryland Department of the

Environment (MDE) to eliminate unpermitted discharges from the two (2) largest wastewater treatment plants in Maryland, which seeks civil penalties and injunction to halt polluting discharges. The Commissioners signed a letter addressed to The Honorable Brian E. Frosh, Attorney General, State of Maryland.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reviewed a correspondence dated January 21, 2022, from Clay B. Stamp, County Manager, Talbot County, regarding the Annual Transportation Plan for FY2023 Transportation Services. A virtual Public Hearing on behalf of Kent County is scheduled for February 24, 2022, from 2:15 p.m. – 3:15 p.m. All interested persons may contact Andrea Waters at 410-221-1910 or email andrea@dcsdct.org for information on joining the virtual meeting.

Ms. Heller reviewed a correspondence dated January 18, 2022, from Harris P. Murphy, Associate Judge, Kent County Circuit Court, thanking the Commissioners for the new carpet in the courtroom.

LETTERS FOR SIGNATURE

Three (3) citizens expressed an interest in serving on the Planning Commission. The Commissioners expressed their appreciation by a letter acknowledging the receipt of each interest form, their willingness to serve, and notifying them they were not selected as a member at this time.

PUBLIC COMMENT

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

FOR YOUR INFORMATION

A correspondence dated January 14, 2022, was received from Carla Gerber, Deputy Director, Planning, Housing, and Zoning, notifying the Commissioners of a Major Site Plan No. 21-69, Rell's Auto/Durrell Jackson, District 3, Map 28, Parcel 48.

CONTINGENCY FUND

The FY2022 Contingency balance as of January 18, 2022, is \$114,359.00 and the FY2022 Use of Fund Balance total is \$73,201.00.

CLOSED SESSION

At 7:57 p.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) (7) To consult with counsel to obtain legal advice, and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

LEGAL AND PENDING OR POTENTIAL LITIGATION

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, Planning, Housing, and Zoning; Sallie Watson, Deputy Clerk II; and Lacey Cox, Deputy Clerk I, were in attendance.

Topics to be discussed: To discuss the legal opinion of the County Attorney concerning potential litigation matter.

Reasons for closing: Legal advice from the County Attorney is private to the public, and to shield specific details of potential/ongoing litigation.

Mr. Yeager, Ms. Heller, Mr. Mackey, and the Commissioners engaged in a discussion regarding the appeal process of the Proposed Order to Case No. 9499 regarding the Morgnec Road solar project, and Mr. Yeager provided legal advice and a response to the matter.

At 8:33 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and carried unanimously to adjourn the closed session and reconvene in open session.

OPEN SESSION

Commissioner Mason summarized the closed session discussion regarding an appeal to the Morgnec Road solar array project.

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to appeal the decision.

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to allow staff to review the brief and make minor changes as needed.

At 8:35 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, February 8, 2022, at 10:00 a.m.

Respectfully submitted,

Sallie Watson
Deputy Clerk II

Approved:

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

February 1, 2022

PUBLIC HEARING

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

The rules for a public hearing were in effect.

CODE HOME RULE BILL NO. 1-2022, PRIMARY RESIDENCE LOCATED ON A NEW LOT CREATED BY A BONA FIDE INTRAFAMILY TRANSFER

The public hearing commenced at 6:41 p.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing Code Home Rule Bill No. 1-2022, Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfer, AN ACT to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers in accordance with these Regulations, in order to allow for two-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district and to amend Article XI. Definitions, Section 2., in order to add a definition for "Intrafamily Transfers, Immediate Family Member".

Thomas N. Yeager, County Attorney read the public hearing notice into the record and Mr. Mackey summarized the intent of the legislation. Citizens were invited to comment on the proposed legislation. Paula Reeder, Kent County resident, spoke in favor of the legislation and provided suggested amendments.

On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously closed the public hearing.

Written comments will be accepted in the County Commissioners' Office until Friday, February 4, 2022, at 12:00 p.m. The ordinance may be considered for a vote on Tuesday, February 15, 2022. The public hearing adjourned at 6:57 p.m.

Respectfully submitted,

Sallie Watson
Deputy Clerk II

Approved:

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

February 1, 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, and Thomas N. Yeager, County Attorney, 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, January 25, 2022.

PUBLIC HEARING – BAYSIDE MARKET, INC. TRADING AS BAYSIDE MARKET - CLASS A, BEER, WINE, AND LIQUOR LICENSE

Thomas N. Yeager, County Attorney abridged the public hearing protocol and administered the Oath to all applicants, staff, and anyone who wished to testify. The rules for a public hearing were in effect.

The public hearing commenced at 6:35 p.m. on behalf of Bayside Market, Inc. trading as Bayside Market Class A, Beer, Wine, and Liquor License. Mr. Yeager read the notice into the record. Application has been made by Andrew M. Carroll, President, and Casey C. Carroll, Vice-President, representing Bayside Market, Inc. trading as Bayside Market for a Class A, Beer, Wine, and Liquor License on the premises known as, Bayside Market, 21309 Rock Hall Avenue, Rock Hall, MD 21661, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for off-premises consumption. A hearing on the said application will be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on February 1, 2022, at 6:00 p.m. at which time any exceptions to the application will be heard.

Mr. Yeager stated a legal review of the application has been completed and everything was in order. A memorandum dated January 24, 2022, was received from Sondra M. Blackiston, Clerk/KATE Manager regarding the longevity of the establishment and the staff recommends approval of the license. A memorandum dated January 18, 2022, from Brandon McFayden, Inspector, Kent Alcohol and Tobacco Enforcement was received regarding the bulk transfer request. Mr. McFayden reported he visited the establishment on January 18, 2022, for the purposes of inspecting the store pending the bulk transfer request. Mr. McFayden noted he inspected the alcohol inventory and compared the inventory that was provided on the bulk transfer, and all was in order. Sallie Watson, Deputy Clerk II, testified stating the bulk transfer has not yet been received, however, it is forthcoming from the State, and all requirements for the application have been met. Mr. Carroll explained the intentions of the business.

No comments were offered in person or through the virtual meeting platform either in favor of or against the application. There being no objections, on motion by Commissioner

Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the license.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sallie Watson, Deputy Clerk II provided an update on eight (8) establishments that are currently on hold with the Comptroller's Office for nonpayment of taxes. The Comptroller's Office has instructed the Board to hold the 2022 renewal applications until each establishment fulfills its requirements. Courtesy letters have been mailed to the establishments providing formal notification of the issue.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, February 8, 2022, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sallie Watson
Deputy Clerk II

Approved:

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