

January 24, 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 everyone to have a good year.

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

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, January 10, 2023
2. Liquor Minutes, January 10, 2023
3. Closed Session Minutes, January 10, 2023
4. Rock Hall Volunteer Fire Company, Multiple Gaming Device Raffle Permit, February 1 – December 18, 2023

APPOINTMENT

Ken Kozel, University of Maryland, Shore Regional Health gave an update on the proposed hospital in Easton and what will be accessible at the new facility. Mr. Kozel shared a presentation on Health Care on Maryland's Eastern Shore: From Vision to Reality. Local and regional services were discussed. Commissioner Nickerson asked that collaboration conversations occur with Kent County High School and Chesapeake College to increase labor force readiness and regional employment opportunities.

PLANNING, HOUSING, AND ZONING

Carla Gerber, Deputy Director, Planning, Housing, and Zoning presented the Maryland Agricultural Land Preservation Foundation (MALPF) Matching Funds Program. Every easement cycle, the MALPF requests each county to participate in the Local Matching Funds program for the purchase of agricultural land preservation easements by the Foundation. The program enables the county to commit retained agricultural transfer taxes or other available funds to acquire easements, which will be matched on a 60% State, 40% County basis, subject to available funding from the Foundation. At this time, the Foundation needs to know the County's total commitment of local matching funds to be dedicated to the FY2023 Easement Acquisition Cycle. The funds that are committed may only be used within Kent County for the acquisition of agricultural easements. Funding for the Matching Funds Program are derived from the Agricultural Transfer Tax. As a "Certified County" by MALPF and the Maryland Department of Planning, Kent County retains 75% of this transfer tax and remits 25% to the State. Of the 75% retained, the County may utilize 10% of that amount for administrative expenses. All retained funds must be spent or encumbered for land preservation purposes within six years of collection or the funds revert to the Statewide MALPF Fund. As part of maintaining its MALPF Certification, the County is required to allocate from other sources an amount equal to at least

nine percent (9%) of the total collected Agricultural Transfer Tax in addition to the amount of the retained Agricultural Transfer Tax. At the end of FY2022, Kent County's agricultural preservation fund had a balance of \$22,023.82. These funds include the retained Agricultural Transfer Tax and the required percentage of County funds from other sources. While funds are very limited, participation shows Kent County's continued support for the program. This commitment is for the FY2023 Easement Acquisition Program cycle and expenditure of the funds should occur in FY2024. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved committing \$22,023.82 from the County's Agricultural Preservation Fund to be used as matching funds for the acquisition of agricultural land preservation easements.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development, presented the Rural Maryland Economic Development Fund Update. On February 18, 2022, Governor Hogan announced a \$50,000,000.00 (Million) Rural Maryland Economic Development Fund. Grants of Up To \$10,000,000.00 (Million) were available to each rural regional council to address infrastructure, broadband, and workforce. Commerce finalized the application and provided an overview, application, and FAQs in early May. Additional questions and information were requested from the regional councils. In anticipation of the project submittals, Economic and Tourism Development communicated with stakeholders that inquired about the funding. On May 26, 2022, the County Commissioners agreed the Department of Economic and Tourism Development would collect project submissions and provide them to the County Commissioners for consideration prior to submittal to the Upper Shore Regional Council (USRC) that will ultimately become part of the application from the USRC to the Maryland Department of Commerce. Twelve projects were submitted, after reviewing all project submissions and discussions with the County Commissioners individually, the submissions were pared down to four projects based on economic impact, County priorities, and alignment with planning documents of record. At the August 9, 2022, County Commissioners' meeting, three projects were identified to move forward. At the August 19, 2022, USRC full council meeting all projects were approved for inclusion in the USRC's application. On August 22, 2022, The County Commissioners signed the letter of support for the projects and signed the resolution supporting the USRC's application to the Maryland Department of Commerce. The projects approved for funding can be found at <https://commerce.maryland.gov/media/governor-hogan-announces-114-economic-development-projects-for-rural-communities>. Discussion took place. There is a deficit of \$736,000.00 for Kent County's project and these funds will need to be taken from FY2024 County revenue. The County has been notified of additional funds available through the National Association of Counties (NACo) of \$50,000.00 in both FY2022 and FY2023. Staff continues to research funding opportunities. Staff recommends using any NACo funds for the Millington Project due to the economic potential of the project.

KENT COUNTY DETENTION CENTER

Herbert Dennis, Warden, Kent County Detention Center (KCDC), and Penny Young-Carrasquillo, Grants Manager, presented an amendment to the Agreement with the University of Maryland Psychiatry Associates, P. A., and Kent County. This agreement is for telehealth

services for the Detention Center's OUD (Opioid Use Disorder) Treatment Initiative (Medication-Assisted Treatment) funded July 1, 2022. The agreement was originally signed on January 10, 2023, however, the amendment reflects a correction to compensation and travel. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the amended Agreement for Substance Abuse Disorder Telehealth Services by and between the University of Maryland Psychiatry Associates and Kent County. The amended cost of the services under this two-year agreement is \$69,098.00.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented four Enterprise Lease agreements for review. Due to the allocation limits by Ford for super-duty pick-ups, Enterprise has offered two vehicle substitutions for acceptance by the County. The vehicles have already been manufactured and are ready for shipment. The trucks are priced well below market value, and incentives have been applied to the quote. Both vehicles are outfitted the same. The vehicles will replace a 2011 Ford F-350 with a blown engine and 161,000 miles and a 2012 Chevrolet 2500HD with 120,000 miles in the water-wastewater section of public works. Enterprise has also found two acceptable substitutions through a dealer network to replace a 2013 and 2014 Emergency Medical Services (EMS) expedition, both of which have over 120,000 miles. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the lease quotes for the replacement of two public works department, water-wastewater section heavy-duty pickups, Lease No. 6953562 and No. 63953577 and two EMS vehicles, Lease No. 6964058 and No. 6964072.

HUMAN RESOURCES

Pat Merritt, Human Resources, Acting Director, on behalf Jillyn Coleman, Director, Parks and Recreation, requested to fill the vacant full-time Facility Monitor at the requested base salary. 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.

Pat Merritt, on behalf of Wayne Darrell, Director of Emergency Services, presented three personnel requests. The requests are to fill the two vacant Emergency Medical Technician Basic (EMT-B) positions at the recommended grade salary. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidates to fill the two vacant EMT-B positions in the Office of Emergency Services as requested, pending the successful completion of County pre-employment requirements.

Pat Merritt, requested to promote the recommended candidate to fill the vacant Emergency Preparedness Planner position at the salary recommended. On a motion by

Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the promotion of the recommended employee to fill the vacant Emergency Preparedness position as requested.

Pat Merritt, on behalf of Mike Moulds, Director, Public Works, requested the following:

- Request to fill the vacant Building Maintenance Worker I, Building Maintenance Division, at the recommended grade salary. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for the Building Maintenance Worker I position in the Public Works Department, Building Maintenance Division, as requested, pending the successful completion of County pre-employment requirements.
- Request to fill the Deputy Director vacancy in the Public Works Department at the recommended salary and benefits package. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the hire of the recommended candidate to fill the Deputy Director of Public Works vacancy as requested, pending the successful completion of County pre-employment requirements.
- Request to fill the Crew Leader vacancy, Road Division, at the recommended grade salary. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the promotion of the recommended employee to fill the vacant Roads Division Crew Leader position as requested.
- Request to fill the Motor Equipment Operator (MEO) II, Roads Division, at the recommended grade salary. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended individual to fill the MEO II position in the County Roads Division as requested, pending the successful completion of County pre-employment requirements.
- Request to fill the vacant Utility Technician vacancy, Water and Wastewater department, at the recommended grade salary. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate to fill the vacancy as requested, pending the successful completion of County pre-employment requirements.

COUNTY ADMINISTRATOR

Ms. Heller, on behalf of Shelly Neal-Edwards, Director of the Department of Social Services, presented a request to fill one of the two vacancies on the Social Services Advisory Board. The Board has recommended a candidate to fill one of the vacancies. Commissioner Price stated the candidate recommended must remember the Board serves all the County's needs,

not just a particular municipality. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously appointed the recommended candidate to serve on the Board.

Ms. Heller and Mr. Moulds recalled that the Commissioners approved and signed the Water and Wastewater Division, Worton Lagoon Sludge Removal Contract with Denali Water Solutions, LLC in December of 2022. The vendor has requested the County revise the date to a more current date. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to sign the updated contract that was originally signed at the December 13, 2022, meeting, as presented.

PUBLIC COMMENT

The procedures for public comment were in effect. Michael Waal, Kent County resident, in follow-up to the Kirwan discussion. The Commissioners discussed contacting lobbyists, Maggie MacIntosh, and Mac Middletown for input. Ms. Heller has contacted some of the individuals expressing interest in helping Kent County with the Kirwan funding. Ms. Heller will ask for procurement assistance with written proposals. Commissioner Fithian requested sending a letter to the Senate President and Speaker of the House for a meeting to discuss the financial challenges Kent County will face funding Kirwan.

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 FY2023 Contingency balance as of January 10, 2023, is \$280,824.00, and the FY2023 use of Fund Balance is \$35,966.00.

CLOSED SESSION

At 11:26 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; and (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans, respectively. Three separate personnel matters will be discussed.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Pat Merritt, Acting Director, Human Resources; and Sondra M. Blackiston, Clerk were also in attendance.

MATTER NO. 1: PERSONNEL

Topic to be discussed: Appointment(s) of members to a board or commission.

Reason for closing: Discussion of the qualifications of candidates is confidential and must be shielded.

At 11:27 a.m. Carla Gerber, Deputy Director, Planning, Housing, and Zoning, joined the closed session. Ms. Gerber reviewed a candidate pool and the composition of three boards/commissions. A brief discussion occurred. Ms. Gerber left the meeting at 11:32 a.m.

MATTER NO. 2: PERSONNEL

Topic to be discussed: Employee matters specific to any individual's qualifications, job performance, and compensation are confidential.

Reason for closing: Matters relating to personnel qualifications, job performance, and compensation are confidential.

At 11:35 a.m., Pat Merritt, Acting Director, Human Resources, and Jamie Williams, Director, Economic and Tourism Development, joined the closed session. A personnel request was discussed. Mr. Yeager offered legal advice.

MATTER NO. 3: PERSONNEL

Topic to be discussed: Employee matters specific to any individual's qualifications, job performance, and compensation are confidential, and discuss public safety.

Reason for closing: Matters relating to personnel qualifications, job performance, and compensation are confidential.

At 12:07 p.m. Wayne Darrell, Director, Emergency Services joined the closed session discussion. Mr. Darrell and Ms. Merritt discussed a candidate pool. Discussion took place regarding each applicant's qualifications and public safety vulnerabilities. Mr. Yeager offered legal advice. Commissioner Price recused himself and left the dais at 12:25 p.m., and discussions continued.

At 12:47 p.m., a motion made by Commissioner Nickerson, seconded by Commissioner Fithian, the Commissioners by a majority vote adjourned the closed session and reconvened in open session.

OPEN SESSION

Commissioner Price rejoined the open session at 12:47 p.m. Commissioner Fithian stated there were three (3) closed-session personnel issues. The Commissioners, staff, and the County Attorney discussed and obtained legal advice concerning each matter. Decisions regarding Matters Nos. 2 and 3 are postponed. The appointments of members to a board or committee (Matter No. 1) were taken up for a vote. On a motion made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved the reappointment recommendations brought forth by staff.

At 12:50 p.m., on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Board agreed to adjourn the meeting, and recess until the work session.

WORK SESSION HELD

At 6:00 p.m., the Board reconvened for the work session. Shelley L. Heller, County Administrator, Mike Moulds, Director, Public Works, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning were in attendance in addition to Kevin Hemstock, Mayor, Town of Millington, and was accompanied by Councilmembers Wayne Starkey and Michelle Holland, Russ Richardson, developer, and Chip MacLeod.

WASTEWATER TREATMENT PLANT UPGRADE FEASIBILITY STUDY: Mike Moulds, Director, Public Works presented the Kent County Regional Water and Wastewater Treatment Plant Preliminary Engineering Report for the proposed Millington project. The project's current capacity, expanding certain capacity, and future expansion were reviewed. A copy of the presentation was submitted along with the Report completed by KCI Technologies, Inc.

At 7:06 p.m. the work session concluded. The Board is scheduled to meet again on Tuesday, January 31, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

January 24, 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, 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, January 10, 2023.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

LICENSE UPDATES

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement stated on January 10, 2023, a closeout inspection was conducted with Goose Pointe, LLC t/a 98 Cannon Riverfront Grille. No alcoholic beverages were found on the premises and License No. 4759 was surrendered. A second closeout inspection was conducted with Haven Point Inn and Gallery, LLC. No alcoholic beverages were found on the premises and License No. 4784 was surrendered. Having met all requirements, prorated refunds were issued per Alcoholic Beverages Article §24-1408. The transactions will be recorded in the monthly report of retail license activity given to the Comptroller of Maryland.

UPDATES

Inspector Pearsall stated on January 1, 2023, Christopher Blackwell requested to have Christopher Berghaus added as a member to the Class B Beer, Wine, and Liquor license issued to Jamestown Kitty Knight Hospitality, LLC. Mr. Blackwell is requesting to remove the current Kent County qualifier, Sueann Hall. The license modification application is in proper order. Mr. Berghaus has met the requirements to be considered as the new qualifier. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the modification application as submitted.

Inspector Pearsall and Thomas N. Yeager, County Attorney, discussed information that affected a recently scheduled administrative hearing. The County's local alcoholic beverages code does not explicitly state that a package store cannot charge for tastings. Class A retailers who are issued a secondary license receive additional training concerning tastings and samples. Staff did not anticipate that holders of a secondary license that allows package stores to conduct tastings would stray from its intent. Mr. Yeager recommended correcting the matter with a resolution to add language to the rules and regulation book. Staff recommends approval of Resolution 2023-01, A Resolution for the Alcoholic Beverages Manual of Rules and Regulations of the Kent County Board of License Commissioners. On a motion by

Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Resolution as presented.

At 12:50 p.m. a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, January 31, 2023, at 10:00 a.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