

March 18, 2025

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.m., with the following present: Ronald H. Fithian, President, Albert H. Nickerson, and John F. Price. The meeting was convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent to keep everyone around the world in our prayers and for the safe return of the astronauts who have been stranded for nine months.

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

PUBLIC NOTICE

Code Home Rule 1-2025 Assisted Living Facilities in the Critical Area Residential (CAR) and Community Residential (CR). Commissioner Fithian read a notice into the record. AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new land use in certain districts as a special exception: (1) by adding “5.75. Assisted living facilities with nine to sixteen beds provided” to Article V. District Regulations, Section 3. Critical Area Residential, §5.3 Special Exceptions; (2) by adding “4.75. Assisted living facilities with nine to sixteen beds” to Article V. District Regulations, Section 3. Community Residential, §6.3 Special Exceptions; (3) by adding “3.5. Assisted living facilities with nine to sixteen beds” to Article VII. Special Exceptions, Section 6. Procedures; (4) by adding specific conditions for said new land use “6.75. Assisted living facilities with nine to sixteen beds” to Article VII. Special Exceptions, Section 7. Special Exceptions; (5) by including one non-codified provision; and (6) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

A hearing will be held on April 1, 2025, at 6:00 p.m. in the Commissioners’ Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online 24 hours in advance of the meeting at <https://www.kentcounty.com/government>. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, please contact the County Commissioners’ Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, March 28, 2025.

A complete copy of the proposed legislative bill is available in the Commissioner’s Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and the county’s website.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners, by unanimous vote, approved all nine consent items as presented:

1. Regular Session Minutes, March 11, 2025
2. Liquor Minutes, March 11, 2025

3. Closed Session Minutes, March 11, 2025
4. Commission on Aging – Reappointment of Sally Coleman
5. Dan Mattson, Director of Public Works – Approval of the Cooperative Agreement Between Maryland Department of Agriculture and Kent County for Noxious Weed Control
6. Mr. Mattson – Approval of the Program Open Space (POS) Funded Upgrades to Worton Basketball Court Paving and Surface Coating, David A. Bramble Contract \$159,360.00
7. Bryan DiGregory, State’s Attorney – Approval of the Grant Award Acceptance for Case Management System Enhancement SACM-2025-0002 \$5,000.00
8. Bill Mackey, Director of Planning, Housing, and Zoning – Approval of The Sheker Resident Letters of Credit No. 11096, Stormwater Management, and 11097, Sediment and Erosion Control to Juniata Valley Bank
9. Sondra M. Blackiston, Clerk, Commissioners Office – Approval of the CivicPlus Quote Q-9565-1, to increase original purchase order by \$2,010.00

SPECIAL RECOGNITION

Kent Jr. Wrestling Program: Jill Coleman, Director of Parks and Recreation, requested the Board to acknowledge the dedication and effort demonstrated by Kent Jr. Wrestlers throughout the competition this year, particularly to their performance at the State Championship. Samantha Reed, Jr. Wrestling Coach, was also in attendance. Each wrestler received a certificate of recognition for their hard work. The State Champions will be honored with both a certificate and a photo displayed on the Wall of Fame at the Community Center. The top five finishers were: Luis Banda, Bakari Corbett, Adalynn Davis, Henry DePhilippe, Lucas Duckery, Noel Farinacci, Trainor Farinacci, Beckett Foley, Maximus Kaehler, Daniel Keller, Lilly Keller, Waylon Krom, Samuel Logullo, Grady McAnnally, Cole Menefee, Mason Menefee, Jackson Parsons, Skylar Powell, Jace Reed, Henry Rupert, Holden Schaffer, Isacc Schelts, Ryker Shaw, Chase Shrom, Link Sproates, Brennan Starkey, Alex Stevenson, Bowen Strong, Henry Strong, Braelynn Sutton, Briston Sutton, Ethan Ulrick, Kaleb Walker, Huson Wallace, Aiden Williams. Carsen Conner, Colton Kirwan, and Kinsley Kirwan were recognized for earning a Maryland State Title through the Maryland State Wrestling Association (MSWA). A short presentation was played to honor all the wrestlers. Ms. Reed presented Skylar Powell and Ryker Shaw with their certificates. The other team members were training and unable to attend the meeting. Commissioner Fithian offered a group picture with the teams when they would be available and not in training. The Commissioners were invited to attend the Wrestlers Banquet on March 21, 2025, at 5:30 p.m. at the Betterton Fire House.

LEGISLATIVE SESSION

At 6:17 p.m., on a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into a legislative session.

Legislative Protocol: Thomas N. Yeager, County Attorney, reviewed the protocol for a legislative session. The legislative bill Code Home Rule Bill No. 2-2025 Community Reinvestment and Repair Commission and Special Revenue was submitted for the Board’s

introduction and first-read consideration. Shelley L. Heller, County Administrator, summarized the bill's intent.

1st Read and Introduction – Code Home Rule Bill No. 2-2025 Community Reinvestment and Repair Commission and Special Revenue

AN ACT to add Chapter 15 Community Reinvestment and Repair Commission and to amend Chapter 152 Taxation by adding Article XII Community Reinvestment and Repair Special Revenue Fund § 152-43. FOR THE PURPOSE of establishing Kent County's Local Management Board as the Community Reinvestment and Repair Commission to oversee the use of funds pursuant to the State of Maryland Cannabis Reform Act of 2023; providing the duties of the Community Reinvestment and Repair Commission; defining the permitted uses of the funding; and establishing a special revenue fund. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved introducing Code Home Rule Bill 2-2025 and for the Bill to be scheduled for a Public Hearing. Further discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to conclude the legislative session at 6:26 p.m.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director of Emergency Management, submitted a Clinical Rotation Agreement between Kent County Office of Emergency Services (OES) and Chesapeake College. Ms. Heller reported that one of the clauses in the agreement is still under review. On a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously took no action and tabled this item to be presented at the April 1, 2025, meeting.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, and Mr. Landon requested authority to fill the three vacancies for Emergency Medical Technicians (EMTs) in the Office of Emergency Services Department before the next meeting scheduled for April 1, 2025. This request will save any delays between meetings. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to allow Ms. Heller to approve the conditional offers for the EMT's.

Commissioner Fithian asked staff to give an update on the leak at the 911 Center. Dan Mattson, Director of Public Works, and Mr. Landon gave an update. Staff expect to provide recommendations, options, and costs for consideration at the April 1st meeting.

Commissioner Fithian and Commissioner Price have visited Bayside Landing separately to review the work; not much work has been completed. Mr. Mattson stated the contractor worked on Saturdays for extended hours and would continue to work on Saturdays. Mr. Mattson explained that the contractor said there would be a one-week completion delay, which is projected for the third week in April. The contractor experienced issues with materials and machinery.

Commissioner Fithian contacted the Comptroller's Office regarding a licensing issue for Carolyn Jones and spoke to Ronald Carr. As of this meeting, there has been no response.

PUBLIC WORKS

Mr. Mattson requested Commissioners consider the proposed County Cost Share for Earthwork at the future Millington Wastewater Treatment Plant (WWTP) site in coordination with the property owner (Russ Richardson) and the Millington Senior Village (MSV) project (Frank Hodgetts). In response to the discussion at the March 11th meeting, a meeting of all stakeholders for the above-referenced projects was held virtually on the morning of March 12th, at 10:00 a.m. with Russ Richardson, Frank Hodgetts, Bobby Bramble, Kevin Shearon, Mr. Yeager, Bill Mackey, Mike Moulds and Mr. Mattson. There was extensive discussion regarding various aspects of the coordination, including Permit Status, Required Timelines/Deadlines, Cost Shares, and Contractual Setup. This item was presented to describe the potential agreement in more detail, and to request a motion authorizing Public Works and Mr. Yeager to begin preparation of necessary contract documents based on the terms presented – most notably the cost share. A brief list of key elements of this project's status is listed below:

1. Mr. Richardson has not yet received a grading permit from the County to complete the work. Once a permit is received, Mr. Richardson will need to file a Notice of Intent through the Maryland Department of the Environment's National Pollutant Discharge Elimination System program. This creates a two-week public comment period, required by statute.
2. The two-week period mentioned above will necessitate the demobilization of Bramble's Crew from the Senior Housing Project (as opposed to continuous work via a different supplier of fill material).
 - a. Avoiding demobilization was the basis of the March 17th 'deadline' mentioned at the Commissioners' meeting. However, it may not be a dealbreaker after all.
 - b. Bobby Bramble noted the demolition/removal cost would be about \$10,000.00.
 - c. Mr. Hodgetts has confirmed that MSV is amenable to the delay.
3. Staff reviewed the cost breakdowns received from Mr. Richardson vs. what Mr. Moulds recently prepared.
 - a. The total cost of work is currently estimated to be \$302,348.50
 - b. Mr. Hodgetts agreed that he could contribute \$113,000.00 toward the total work cost. Subtracting out the demobilization cost, his contribution would be \$103,000.00.
 - c. Mr. Richardson agreed that all engineering/permitting costs would be his responsibility and additionally agreed to the \$18,412.35 cost share that Mr. Moulds had calculated to benefit him.
 - d. The County would be left to fund the balance of work, totaling \$180,936.15. Mr. Moulds' 'fair cost share' calculation had this figure at \$152,725.30. However, both numbers do represent cost savings for the WWTP project.
4. Various options for contractual configurations were discussed, and all parties agreed upon a path forward. Mr. Yeager discussed this during the meeting.

5. The County would not need to obligate the funding referenced above at today's meeting immediately; however, Mr. Richardson and Mr. Hodgetts would need the reassurance of an approved motion to begin finalizing this deal.
 - a. There may be potential to use funding set aside for land acquisition; however, they may not be allowed as those are grant funds. Staff will consult the Grant Agency as soon as possible.
 - b. If the County's acquisition money can be used, Mr. Richardson would be amenable to deferring that portion of the acquisition costs to FY2026 to allow it to be budgeted if that were the Board's preference.

Lance Young, Counsel and representative for Russ Richardson, and Frank Hodgetts were also in attendance. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to cover \$210,749.01, in an effort to coordinate between Millington Crossing and Frank Hodgett's project at the Millington Senior Village. The County is to work diligently to have a legal review of the Letter of Intent, and Frank Hodgett and Russ Richardson will work together to address the Memorandum of Understanding after hearing the concerns of the County tonight. The County will need the soil samples to indicate whether the property is appropriate for use on the Millington Senior Village Housing Project. The County prefers to put this off until the FY2026 Budget Cycle to pay the County's portion of the payment to Bramble's Inc. Commissioner Fithian, President of the County Commissioners, will sign the necessary documents.

PUBLIC COMMENT

The procedures for public comment were in effect.

Judy O'Brien extended an invitation to the Main Stay Concert on March 30th at 4:00 p.m. The concert is free for everyone who attends, but donations are welcome. This concert will highlight Kent County High School Musical students and their fundraising for this year's Pigeon Forge Tennessee trip. The cost of the trip is just under \$500.00 per student. Commissioner Price made a motion to contribute \$1,000.00 from Contingency Funds to be used for student scholarships. Commissioner Nickerson seconded the motion, and the Commissioners unanimously approved.

Melessa Freeman, Kent County landowner, requested assistance from the Commissioners for the water and wastewater pipe damage at her property in Worton, MD. Ms. Freeman's renters damaged the water lines, and the County hired Nicholson Plumbing to fix the water main break. The total cost of work was \$2,023.53. Discussion took place. On a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to reduce Ms. Freeman's obligation to \$1,253.53.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners received a copy of the final ARPA Spend Plan report.

CONTINGENCY FUND

The FY2025 Contingency balance as of March 11, 2025, is \$115,464.00. The FY2025 use of Fund Balance is \$499,902.00.

CLOSED SESSION

At 8:28 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session. 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.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Jim Miller, Director, Human Resources Department; and Lacey T. Cox, Deputy Clerk II, were also in attendance.

Pete Landon, Director, Office of Emergency Services, joined the meeting at 8:32 p.m.

MATTER NO. 1: PERSONNEL

Topics to be discussed: The terms of the departure of an employee.

Reasons for closing: The details of a personnel matter should be shielded for privacy.

Jim Miller, Director, Human Resources Department, was asked about a personnel matter. Pete Landon, Director, Office of Emergency Services, confirmed that Mr. Miller's information was correct and accurate. Thomas N. Yeager, County Attorney, offered his legal opinion.

At 8:40 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson; the Commissioners unanimously adjourned the closed session and reconvened in open session.

OPEN SESSION

MATTER NO. 1 PERSONNEL

Commissioner Price stated that the Board had discussed an employee's departure, but no action was taken in the closed session.

At 8:41 p.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, April 1, 2025, at 6:00 p.m.

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

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