

January 28, 2025

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 was convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent to keep everyone in our prayers affected by the California and Carolina weather conditions.

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

PUBLIC NOTICE

The County Commissioners of Kent County, Maryland, will hold a Public Hearing on Tuesday, February 4, 2025, at 6:00 p.m. in the Kent County Commissioners' Hearing Room, R. Clayton Mitchell Jr., County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online 24 hours before the meeting. Citizens are encouraged to participate in the Public Hearing and may offer comments either by attending in person or by submitting written comments. If you require communication assistance, please contact the County Commissioner's Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than January 31, 2025. The Public Hearing is scheduled for the purpose of discussing the proposed Code Home Rule Bill No. 10-2024 Construction Trades Board.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all eight consent items as presented:

1. Regular Session Minutes, January 9, 2025
2. Liquor Minutes, January 9, 2025
3. Public Hearing Minutes, Minutes, January 9, 2025
4. Commission on Aging Appointment – Gwen Spicer – Two-Year term ending December 31, 2027
5. Lindsay Blume, Circuit Court for Kent County, Security Project Corrected Proposal \$35,795.00
6. Kent School Parent Association, Raffle Only, February 7, 2025
7. Dan Mattson, Director of Public Works – LOCC 17822 - Additional Sewer Allocation Donald and Marry Ann Huggins, 5912 Rock Hall Road, Rock Hall, MD 21661
8. Mr. Mattson – LOCC 994 - Additional ½ Sewer Allocation William D. and Louise A. Clark, 5106 Gray's Inn Creek Road, Rock Hall, MD 21661 – Public Works Agreement

SPECIAL RECOGNITIONS

Proclamation: National Human Trafficking Prevention Month – January 2025: Susan Ahlstrom, Regional Navigator, and Myisha Johnson, Victim Advocate at For All Seasons,

provided an overview of how the organization helps communities navigate human trafficking. Ms. Ahlstrom will present an introduction to Human Trafficking 101 at Washington College tonight at 6:00 p.m. For more information, call 410-822-1018. Commissioner Price read the proclamation into the record.

Proclamation: National Mentoring Month – January 2025: Kaitlyn Johnson, the Program Coordinator for Big Brothers Big Sisters of the Eastern Shore, provided an overview of how the organization assists communities in accessing mentoring services for youth and young adults. Commissioner Fithian read the proclamation into the record.

Certificate of Appreciation: Bryan Foreman, the Chief Enforcement Officer, will retire from the Department of Planning, Housing, and Zoning on January 31, 2025. During his farewell, Mr. Foreman reflected on his years of public service. The Commissioners honored him with a certificate of appreciation, read into the record by Commissioner Nickerson, and an obelisk commemorating his significant service milestone.

APPOINTMENTS

League Of Women Voters of Kent County (LWVKC): Marian Herb, Secretary of the LWVKC and Co-Chair of the Commissioners Study Committee, briefed the Commission on completing a study. The League studied an increase in the number of Commissioners from three to five. A brief presentation, fact sheet, and the League's position statement were shared. Jackie Adams, Barbara Flook, Carol Droge, and Sandy Dinoff were also present. Discussion took place. Commissioner Price would like more information on the process of staggered terms. The Commissioners thanked the League for their efforts.

Kent County Sheriff's Department (KCSO): Dennis Hickman, Sheriff, KCSO, requested approval to adjust several budget lines to purchase equipment. The Kent County Information Technology (KCIT) department informed Sheriff Hickman the current Livescan fingerprint machine cannot be upgraded to windows 10 or 11. The machine is attached to the Kent County network, and without the upgrade, it causes a significant risk to the security and integrity of the network. KCSO can absorb the purchase into the existing budget, but only by adjusting several budget lines for their department. Roland Sheppard, Acting Director of Operations at Kent County Detention Center (KCDC), joined the discussion. Discussion took place regarding equipment already in inventory. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously asked the Sheriff's Department to investigate whether the current Livescan equipment at the Detention Center will fulfill the Sheriff's Department's needs and if not, the Commissioners approve adjusting the budget as described in order to purchase the Livescan equipment in the amount of \$24,754.00 is approved. The Livescan machine that the County will no longer use will then be offered to the Chestertown Police Department.

PUBLIC WORKS

Carrie Klein, Deputy Director of Public Works, presented the following items:

Building Maintenance requested contingency funds to fund a project. The requested funding is proposed to be transferred from the County Contingency to cover unanticipated HVAC repairs at 400 High Street. Two replacements at 400 High Street were budgeted for FY2025. These units are #18 & # 40, located in the Local Management Board and KCIT offices. The budgeted amount for these replacements is \$27,015.00. After a detailed inspection of the existing units and preparation of final proposals from Johnson Controls, the cost was determined to be a combined \$28,132.00; this exceeds the budgeted amount by \$1,117.00. It is proposed that this difference be funded via County Contingency. In addition to this item, HVAC Unit #5, within the Commissioners' Hearing Room, has recently failed. This has left the room with only one unit, #6, to control temperatures. Unit #6 is aging and in poor condition as well. Johnson Controls has scoped the replacement of Unit #5, and a proposal has been submitted in the amount of \$18,993.61. This expense was unanticipated within FY2025 and, therefore, not budgeted. The cost of this replacement is proposed to be funded via County Contingency. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the reallocation of \$20,110.61 from County Contingency to Building Maintenance R&M Operating budget to fund HVAC replacements at 400 High Street.

The Water and Wastewater Division requested approval to contract Lab Leasing Company, Inc., doing business as Chesapeake Labs and Water Testing Labs of Maryland, to renew their water quality testing services in compliance with State Regulatory permits. The County is required as a condition of their permits to discharge treated wastewater to State waters and provide potable water to the County's water systems to perform water quality testing to provide assurances that the treated water meets environmental and drinking water quality for the public. The County, for years, has utilized Water Testing Labs of Maryland for Drinking Water and Chesapeake Labs for Wastewater to provide testing services. These labs must be certified by the State to be able to perform these services. In addition to testing, the lab also provides pick-up samples and specialized sample bottles for storing the samples before testing. These labs must also provide quality control programs to assure test result reliability. Due to the multiple number of County water and wastewater treatment facilities (and the Town of Galena), a significant number of tests are required each month to ensure the safety of our public water system and the safe discharge of treated wastewater to County rivers and streams. Lab Leasing has provided the County with reliable and convenient testing services for over ten years. Due to the fortunate close location of these labs in Stevensville, Queen Anne's County, reliable pick and delivery service in a timely manner meets the County's needs. The Department's procurement staff has been working with the lab company to piggyback off the competitive bid of a 5-year contract with the United States Department of Agriculture, which will be in effect through October 31, 2026. The department's budget for testing is \$98,900.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Contract to perform water quality testing to meet permit compliance requirements.

The Water and Wastewater Division requested approval to renew contracts. The contracts are for one year of chemical supplies for water and wastewater operations for the County and the Town of Galena. This is a proposed one-year renewal of existing contracts with both vendors. Two vendors are contracted for this service to encourage and take advantage of competitive / changing chemical costs and availability. The County has extensive experience with both

vendors capable of completing the services. The renewal of these contracts was delayed due to issues obtaining final updated pricing from vendors. Both vendors agreed to honor previous contract terms and rates while renewal was being coordinated. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approve the renewal of contracts with Intercoastal Trading Inc. and George S. Coyne Chemical Co., Inc, for Water and Wastewater chemical supplies.

COUNTY ADMINISTRATOR

Chesapeake College: Shelley Heller, County Administrator, presented a proposal on behalf of Dr. Clifford P. Coppersmith, President of Chesapeake College, to use the College's fund balance for a Facilities Planning Consultant contract not to exceed \$242,880.00, \$167,550.00 of which would need to be approved from fund balance. Dr. Coppersmith also provided an update on the Queen Anne's Technical Center building project status. Already approved in the FY2025 budget is \$75,000.00 for an M&R Athletics Master Plan. Chesapeake College would like to expand the Athletics Master Plan to complete a much broader and more comprehensive Master Plan. The College is required to update Master Plans every 10 years; the last update was completed in 2016. Due to the delay in the Queen Anne's Technology Building project, the timeline on a new Chesapeake College Master Plan would carry the project through to completion and include the previously mentioned Athletics Master Planning. Dr. Coppersmith's initial email correspondence and memorandum were available for review. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved using the College's fund balance not to exceed \$167,550.00 for a Facilities Planning Consultant contract for Chesapeake College.

Mid Shore Regional Detention Center Agreement: Ms. Heller presented a Mid Shore Regional Detention Center Cooperative Service Agreement to be reviewed, approved, and signed. For the past year and a half, Kent County has been in discussions with Queen Anne's County and Caroline County to build a regionalized detention center. All three counties were in the process of designing either a new detention center or significantly renovating their respective facility when the State of Maryland surplused the former Eastern Pre-Release Unit in Church Hill to Queen Anne's County. The 80-acre site is ideally situated for a regional facility and would create a cost-effective detention center for our three small counties. Commissioner Price, Ms. Heller, and Mr. Yeager have been intimately involved in drafting the agreement. All terms and conditions have been carefully negotiated and reviewed. The agreement, in its entirety, is recommended for approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Mid Shore Regional Detention Center Cooperative Service Agreement as drafted.

Maryland Annual Transportation Plan for FY2026 Transportation Services: Clay B. Stamp, Manager of Talbot County, sent a letter dated January 10, 2025, advising residents Delmarva Community Transit (DCT) is applying for grant funds to continue to operate public and specialized transportation services. Delmarva's Community Services, Inc., will conduct a

public hearing via virtual meeting on Wednesday, February 12, 2025, at various times. Kent County's hearing will run from 2:15 p.m. to 3:15 p.m. All interested parties may contact Andrea Waters at 410-221-1910 or email at andrea@kcsdet.org. Written comments may also be submitted to Ms. Waters before the public hearing. The Proposed FY2026 Annual Transportation Plan is available for review after January 22, 2025, at the DCT office located at 10502 Greensboro Road, Denton, between the hours of 8:00 a.m. and 4:00 p.m. or in the Commissioners' Office at 400 High Street between the hours of 8:30 a.m. and 4:00 p.m. Alternate formats of the Plan are available by contacting the Kent County DCT dispatcher at 410-778-5187 by January 31, 2025. The letter and public hearing notice were available during the meeting. Commissioner Fithian asked staff to arrange a meeting with Andy Hollis, President/CEO of DCS, to discuss Kent County's transportation plan.

Town of Millington: Kevin Kemstock, Town Mayor, Town of Millington, sent a letter dated January 14, 2025. The letter thanked the Commissioners for their support and approval of contingency funds amounting to \$7,500.00 at the July 9, 2024, meeting. However, the Town is now rescinding its request for these funds due to current time constraints. The letter is included for review, and a response letter has been prepared. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to de-obligate the \$7,500.00 that was taken from Contingency Funds that had been allocated to Millington intended to pay for an evaluation of the existing drainage ditch and the money to go back into the Contingency Fund.

COUNTY ADMINISTRATOR REPORT

Commissioner Fithian signed the Grant Management System FY2025 State Aid for Police Protection (SAPP) Award for the Sheriff's Office document on January 9, 2025. The document was made available during the meeting.

Ms. Heller signed a support letter to Stories of the Chesapeake Heritage Area on January 17, 2025. The Economic and Tourism Development Department requested a letter for its joint application with the Museums of Kent. The letter was available during the meeting.

Commissioner Fithian inquired about the Little Neck Farm Pier's hold harmless indemnity status, stating he believed the document was in-house. A discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, subject to staff and attorney approval, the Commissioner unanimously approved and authorized President Fithian to sign the agreement.

PUBLIC COMMENT

The procedures for public comment were in effect. Mike Waal, a Kent County resident, offered information on the FY2026 budget process, tax increase process, and frozen State and Federal budgets.

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 January 9, 2025, is \$136,825.00. The FY2025 use of Fund Balance is \$105,307.00.

CLOSED SESSION

At 12:33 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss two matters. 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 (7) To consult with counsel to obtain legal advice 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.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Dennis Hickman, Sheriff and Harry Kettner, Captain, Kent County Sheriff's Office; Roland Sheppard, Acting Director of Operations, Kent County Detention Center; Jim Miller, Director, Human Resources (HR); Sondra M. Blackiston, Clerk/KATE Manager; and Lacey T. Cox, Deputy Clerk II, were also in attendance. A brief recess was taken, and the closed session reconvened at 12:44 p.m.

MATTER NO. 1: PERSONNEL, LEGAL ADVICE AND PUBLIC SAFETY

Topic to be discussed: The qualifications and ability of staff to manage the daily operations of a safety facility and the legal opinion of the County Attorney concerning specific options.

Reason for closing: The qualifications and details of staff should be shielded for privacy and legal advice from the County Attorney is private to the public, and specific details should be shielded.

The Commissioners convened in closed session to discuss plans for the Kent County Detention Center (KCDC), which include, but are not limited to, the oversight of KCDC by the Sheriff's Office, requests to recruit additional staff, the position of Director of Operations, and a consultancy project to reduce the center's operations pending the creation of a regional detention center. Mr. Sheppard shared insight into the current operations and staffing challenges. At 1:50 p.m., Jim Miller, Director, Human Resources, and Mr. Sheppard were temporarily excused from the closed session. All other persons remained.

Ms. Heller summarized the options that have been considered and sought feedback from the Commissioners. Mr. Yeager provided legal advice as needed. Sheriff Hickman discussed the management and authority over KCDC's daily operations. At 2:45 p.m., Mr. Sheppard and Mr. Miller rejoined the closed session discussion.

Commissioner Price summarized the discussion of KCDC's operations. Commissioner Fithian suggested opening the advertisement to accept applications should the joint evaluation recommend hiring personnel.

At 2:57 p.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 Price reported that during a closed session, the Commissioners held an in-depth discussion regarding the operations of KCDC. The County intends to move KCDC's operations under the jurisdiction of KCSO, with legal agreements to be finalized soon. Staffing levels at KCDC will undergo further evaluation, and decisions about filling positions will be made at a later date. Additionally, the KCDC staff will transition to permanent shifts. Two corporals have voluntarily chosen to be demoted to the rank of correctional officer. Commissioner Price took two matters for action with one motion. On motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved moving the correctional officer's salary to reflect their new positions as discussed and to promote Sergeant Sheppard to Director of Operations, grade 10, with benefits as discussed, effective January 25, 2025. Once a resolution is completed and finalized, Sergeant Sheppard will answer Sheriff Hickman directly.

At 2:59 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, February 4, 2025, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

January 28, 2025

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; Thomas N. Yeager, County Attorney; and Bonnie S. Pearsall, Inspector; Kent Alcohol and Tobacco Enforcement were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, January 9, 2025.

SPECIAL CLASS C

Rock Hall Volunteer Fire Company (RHVFC) has applied for a Beer, Wine, and Liquor Special Class C Multiple Event License to cover twelve (12) events for the 2025 calendar year. The application was reviewed and met the requirements for a multiple-event license approval. Part of those requirements include a list of events scheduled throughout the year. This practice helps track the number of permitted events allowed. RHVFC provided a list of events they have scheduled for the year. Staff recommended approval. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Multiple Event Special Class C (Per Diem) liquor license application for the Rock Hall Volunteer Fire Company.

PUBLIC HEARING PROTOCOL

Mr. Yeager read the public notice into the record. Notice an application has been made by Valerie Ashmore, Member, representing Rock Hall Brewing Company, LLC, for a Class D, Beer, Wine, and Liquor License on the premises known as Rock Hall Brewing Company, which shall authorize the holder thereof to keep for sale and to sell Beer, Wine, and Liquor at the place therein described, for on-premises consumption, or elsewhere. A hearing on the application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD, on January 28, 2025, at 10:00 a.m., at which time any exceptions to the application will be heard. The hearing was duly advertised.

Mr. Yeager reviewed the public hearing protocols. The rules for a public hearing were in effect.

ROCK HALL BREWING COMPANY, LLC; CLASS D, BEER, WINE, AND LIQUOR LICENSE

The hearing commenced at 10:26 a.m. Mr. Yeager stated that a legal review of the application for a Class D, Beer, Wine, and Liquor License was completed. The applicant has applied for a Maryland Sales and Use Tax License and is waiting for the Comptroller of Maryland to approve and administer it. Mr. Yeager noted the application had a technical error regarding the years acquainted requirement, which could be addressed and resolved when the applicant testifies. The KATE team will issue an alcoholic beverage license to the establishment upon the Commissioners approval, contingent

upon receiving a copy of a valid Maryland Sales and Use Tax License from the applicant. The applicant has met all the other requirements to be considered for a license. The County has met all the advertising requirements required for the public hearing. Inspector Pearsall provided an overview of the staff report and recommended approval. Ms. Ashmore provided an overview of the business plan. Ms. Ashmore affirmed that the time acquainted with the applicant on her petition of support was intended for the years each signer was acquainted with Ms. Ashmore, the sole applicant. Discussion took place. No comments were offered in favor of or in opposition to the application. There being no objections, on a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to close the Public Hearing at 10:39 a.m.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Alcoholic Beverage License Application for Rock Hall Brewing Company, contingent upon obtaining a valid Maryland Sales and Use Tax License.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Inspector Pearsall conducted the second round of Tobacco compliance checks on December 11th and 12th, 2024. All tobacco establishments complied during this check and did not sell tobacco products to the Authorized Underage Purchaser (AUP). The following tobacco establishments did not have a tobacco compliance check done due to a fire at their establishments: Dollar General in Worton and Molly's Mart in Kennedyville. Molly's Mart reopened on December 17, 2024, while Dollar General in Worton remains closed. A Mystery Shopper Educational Compliance Check was conducted on November 11th, 12th, and 14th, 2024. All establishments asked the AUP for an ID, with the exception of one establishment. Inspector Pearsall spoke with the clerk (who did not ask for an ID) and the establishment's owner and reminded them of the Maryland Law that anyone who appears to be 30 years old or younger must be asked for an ID. The 2025 Age of Purchase Calendars were delivered to all Tobacco Establishments in November and December 2024. The calendars are essential for retailers to calculate their customers' ages. Tobacco educational packets will be delivered to all tobacco establishments in January 2025. The packets have the "Under 21 is Underage" and the "Under 21 No Tobacco, Under 30? Please have ID Ready" window clings. These signs are required and comply with the state law. Retailers are required to post the new age of sale signs in their establishments, and each establishment is provided with these signs to ensure compliance with the law.

Inspector Pearsall provided a license update for Riley's Mill Ale Works, LLC, David Blake Eason, Sr., David Blake Eason, Jr., and Randall Neil McLennan. During the December 17, 2024, meeting, the Commissioners approved a Class D Beer, Wine, and Liquor license for the establishment contingent upon the Commissioners' Office receiving a copy of a valid trader's/business license. On January 2, 2025, the applicants provided a copy of a valid trader's/business license and paid the pro-rated fee required. Staff were pleased to report that liquor license No. 4912 was issued to Riley's Mill Ale Works, LLC on January 2, 2025.

This transaction will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

At 2:59 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, February 4, 2025, at 6:00 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