

October 22, 2024

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 for the family of Mrs. Janice Caldwell. Mrs. Caldwell worked many years for the County with the Kent County Courts.

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

PUBLIC NOTICE

Code Home Rule Bill 8-2024 Emergency Services and Fire Companies - Commissioner Fithian read the notice into the record. AN ACT concerning Chapter 33 Emergency Services and Fire Companies, Section 33-1 Emergency Services Board Appropriations and 33-2 Vehicles. For the purpose of decreasing time constraints for volunteer fire and EMS companies to achieve compliance with standards and revisions to be consistent with the Maryland Annotated Code Transportation Article. By repealing Chapter 33 Emergency Services and Fire Companies, Section 33-1 Emergency Services Board Appropriations, and 33-2 Vehicles and reenacting with amendments to Chapter 33 Emergency Services and Fire Companies.

A hearing will be held on October 29, 2024, at 10:00 a.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 www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. 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 noon on Friday, October 25, 2024.

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 on the County's website at www.kentcounty.com/commissioners/draft-legislation.

CONSENT ITEMS

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

1. Regular Session Minutes, October 8, 2024
2. Liquor Minutes, October 8, 2024
3. The Chestertown Garden Club, Raffle Only, October 29, 2024
4. Betterton – Still Pond Lions Club, Combined Gaming Devices, November 9, 2024

RECOGNITION

Shelley Neal-Edwards, Director of Social Services, requested a certificate of

appreciation for Ms. Tracye Landon, who worked as a Family Caseworker in the Human Services Department for forty-one (41) years and will retire effective November 8, 2024. Mr. Yeager read the certificate of appreciation into the record and presented it to Ms. Landon. The following Human Services Staff members were in attendance: Shelly Neal-Edwards, Nikki Strong, Kathryn McAllister, Christina Russell, Mattie Meehan, Taylor Nickerson, Amanda Plummer, Lakala Whaley, Alison Farmer, Sandy Richardson, Susan Caulk, Rachel West, Margaret Allen, Lindsay White, and Patty Dahle.

APPOINTMENTS

Kent County Public Schools: Tom Porter, Supervisor for Accountability and Career and Technical Education (CTE) at Kent County Public Schools, provided an overview and presentation of the Career and Technical Education Technology Programs offered at Kent County High School. Commissioner Price asked if Electrical and Plumbing courses could be offered. Mr. Porter stated those courses could be added; however, multiple factors come into play when creating a new CTE program. New instructors could cost as much as \$100,000.00. The staff has been researching alternatives such as dual enrollment with Chesapeake College and apprenticeships with local businesses.

A Kent County resident, Mike Waal, asked if the High School offered a financing course. Mr. Porter stated that the Academy of Finance Course is not currently offered. An introduction to business and a finance course is offered.

Chester Valley Ministers Association: Terwana Brown, President of the Chester Valley Ministers Association, provided an update on the Good Neighbor Fund Initiative. Commissioner Fithian requested a work session to be scheduled with the Chester Valley Ministers Association, the Department of Social Services, and other partners in Kent County to discuss the county's needs.

KENT COUNTY DETENTION CENTER

Roland Sheppard, Acting Director of Operations, and Steve Wallace, Captain of the Kent County Detention Center, requested acceptance of the University of Maryland Psychiatry Associates, P.A. (UMPA) agreement to provide telehealth services for the Medication Assisted Treatment (MAT) and Substance Use Disorder (SUD) programs required by state mandate. In 2019, Maryland passed HB-116, which mandates each detention center to provide MAT to Incarcerated Individuals in their custody. Kent County has implemented this initiative with the help of State grants. For FY2025 funding, Kent County was awarded \$226,396.00 from the Performance Incentive Grant Fund (PIGF). Kent County's program provides screening, referral, counseling, and treatment through medication for those with SUDs and fulfills the requirements outlined in the Annotated Code. For the past two years, Kent County has partnered with the UMPA to provide telehealth services that include evaluation and treatment of patients, charting, writing orders, phone consultation with nursing staff, writing bridge prescriptions, and similar services. During that same time, staff used another provider, Maryland Treatment Center (MTC), for telehealth counseling. MTC was the only provider at the time that would provide a

quote for these services. However, for FY2025, UMPA has also provided a quote for telehealth counseling. UMPA's quote is \$13,750.00, which is lower than MTC's quote for Y2025. UMPA has provided quality services to date. Mr. Sheppard and Captain Wallace recommended using UMPA as the telehealth counseling provider for FY2025. If the attached agreement is approved and UMPA provides all contractual services, the PIGF grant of \$85,085.00 will fully fund the services. The remainder of the grant funds will be used for nursing, peer recovery, and medication costs. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to have University of Maryland Psychiatry Associates, P.A. provide the telehealth services for the Medication Assisted Treatment and Substance Use Disorder Program as required by state mandate.

PARKS AND RECREATION

Jill Coleman, Director of Parks and Recreation; Carrie Klein, Deputy Director, Public Works; Dan Small, Associate Director, Natural Land Stewardship Center for Environment & Society; and Katherine Thornton, Field Technician, Natural Lands Project, Washington College, gave an overview of the Turner's Creek & Toal Park Farmland Project proposal. In January 2023, the Director of Parks and Recreation received an email from Michael McQuarrie at the Department of Natural Resources (DNR) confirming that no agricultural work is permitted on properties funded by the Program Open Space (POS), which includes Turner's Creek and Toal Park Property. Staff had been in communication with Dan Small, Associate Director of the Natural Land Stewardship Center for Environment & Society at Washington College. They focus on the Natural Lands Project, which collaborates with landowners to convert marginal cropland into wildlife habitats. This project primarily involves planting diverse native meadows to support grassland wildlife, particularly the Northern Bobwhite, and overseeing wetland restorations and large tree plantings for woodland species. The initiatives are grant-funded, covering all costs for habitat installations and management for three years. The Department of Public Works will maintain a natural Walking Trail outside the native meadow plantings. The Washington College staff will work closely with the Department of Public Works to manage and oversee these efforts. The Turner's Creek & Toal Park project proposal was presented to the Parks and Recreation Advisory Board (PRAB), which favors advancing this initiative. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the advancement of the Turner's Creek & Toal Park project, along with the dedication of the Turner's Creek Project to a Kent County native, whose name will be announced at a later date. A letter of support for Washington College was signed.

KENT FAMILY CENTER

Katie LeMaire, PhD Child Development Specialist, on behalf of Lisa Mazingo, Director of Kent Family Center, requested an extension from Maryland Family Network for the FY2024 grant period. The grant period for the FY2024 award was extended from June 30, 2024, to September 30, 2024. Discussion took place. On a motion made by Commissioner Price and

seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the extension of the FY2024 MFN grant from June 30, 2024, to September 30, 2024.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, requested approval to offer the Compensatory Time Buy-Back program to the County employees. Compensatory Leave (Comp Time) is time accrued by staff instead of being paid overtime. Non-exempt employees are those who are working more than forty (40) hours a week. For exempt employees, it is for working on weekends or in the event of an emergency or special circumstances, with approval, for hours worked on Monday-Friday. For deputies and correctional officers sworn in, it is for working more than 85.5 hours in a pay period. The maximum accrual is eighty (80) hours. For the past seven (7) years, employees have been granted permission to sell back to the County a maximum of forty (40) hours of compensatory leave. In 2023, twenty-four (24) employees sold back compensatory leave hours to the County, totaling \$23,528.05. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the County Compensatory Leave Buy-Back Program for employees to sell back to the County a maximum of forty (40) hours of compensatory time. Payment is to be made with the paycheck of November 25, 2024.

Mr. Miller requested approval to hire the recommended candidate for the Emergency Medical Technician (Full-Time) vacancy. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment to the recommended candidate.

Mr. Miller requested approval to hire the recommended candidate for the Grant Program Administrator vacancy. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment to the recommended candidate.

Mr. Miller announced, under the advisement of Commissioner Fithian, that the County Appreciation Dinner will be held this year at the Rock Hall Volunteer Fire Company on December 14, 2024.

PUBLIC WORKS

Environmental Operations Division- Authorize Purchase of Roll-Off Truck: Dan Mattson, Director of Public Works, requested authorization to purchase a Galbreath U75-OR-174 75000# Outside Rail Tandem-Axle Roll-Off Hoist. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the purchase of a Galbreath U75-OR-174 75000# Outside Rail Tandem-Axle Roll-Off Hoist from Mid-Atlantic Waste Systems under the state contract for \$289,410.00.

Public Works Update: Mr. Mattson updated various projects that are in progress.

- Worton Park - Multipurpose Courts - County staff is wrapping up the topsoil application and stabilization.
- Emergency Services Building - Staff are scheduled to meet with the Town of Chestertown on Wednesday, October 23rd, to request the grading permit. They should have it by the end of the week.
- Bayside Landing - The project is out to bid. The County could receive over \$500,000.00 from the Department of Natural Resources.
- Nicholson Groundwater Treatment - Pilot Testing and permit revisions are underway.
- The Worton Sludge Press Replacement - The project bid is open. ARPA funds will be used for the purchase.

COUNTY ADMINISTRATOR

By the end of 2024, the Commissioners will have met and held thirty-nine (39) meetings, seven (7) of which were work sessions. The scheduling model modifies the meeting schedule to account for conference weeks and holidays. The proposed 2025 calendar follows the same model and will make the proper adjustments for meeting consistency. Budget work sessions will be added when the dates are available to staff. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved accepting the 2025 meeting calendar as recommended by staff.

LETTER FOR SIGNATURES

Commissioners signed a Thank You for Your Interest Letter addressed to Jonathan Quinn. Mr. Quinn submitted an interest form for the Planning Commission.

PUBLIC COMMENT

The procedures for public comment were in effect. The public offered no comments.

FOR YOUR INFORMATION

A letter was received from Andy Fish, Senior Director, Office of Finance Programs, Maryland Department of Commerce, addressed to Commissioner Fithian. Mr. Fish notified the Commissioners of the County's Private Activity Bond allocation share. The unused allocation reverts to the Department and is placed in the Secretary's Reserve. The letter was available for review and included the Exhibit A report.

A letter was received addressed to Dr. Mary Boswell-McComas, Kent County Public Schools, Superintendent, from Donna Gunning, Assistant State Superintendent, Division of Financial Planning, Operations, and Strategy, Maryland State Department of Education, was copied to Shelley Heller, County Administrator. Ms. Gunning informed Dr. McComas that the

FY2025 Maintenance of Effort (MOE) Certification Statement for the Kent County Public School system has been approved. The letter was available for review.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners were provided with a copy of the ARPA Spend Plan outlining the approved expenditures to date for informational purposes.

CONTINGENCY FUND

The FY2025 Contingency balance as of October 8, 2024, is \$308,865.00. The FY2025 use of Fund Balance is \$105,307.00.

CLOSED SESSION

At 12:07 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) (7) To consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation. Two matters were discussed.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Dan Matson, Director, Carrie Klein, Deputy Director, and Mike Moulds, Engineering Consultant, Public Works; Bill Mackey, Director, Planning, Housing, and Zoning; Jamie Williams, Director, Economic and Tourism Development; and Lacey T. Cox, Deputy Clerk II, were also in attendance. There was a brief recess; the Closed Session commenced at 12:12 p.m.

MATTER NO. 1 LEGAL ADVICE

Topics discussed: Legal advice concerning the possibility of selling County property.

Reasons for closing: The advice of counsel is confidential, and certain details should be shielded.

Shelley L. Heller, County Administrator, and Dan Matson, Director of Public Works, provided an update on the status of the Village at Kennedyville. Mike Moulds, Engineering Consultant, Public Works; Bill Mackey, Director of planning, Housing, and Zoning; Jamie Williams, Director of Economic and Tourism Development, provided additional information for consideration. Mr. Yeager provided options for the Commissioners to consider.

Ms. Williams, Mr. Moulds, Ms. Klein, and Mr. Mattson departed the closed session at 1:16 p.m. All the other persons remained.

MATTER NO. 2: LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

Topics to be discussed: The legal opinion of the County Attorney concerning pending or potential litigation matters and to consult with staff regarding the matter.

Reasons for closing: Legal advice from the County Attorney is private to the public and is meant to shield specific details of pending or potential litigation, and information provided by staff regarding the matter should be shielded.

The closed session is for a briefing on the status of the Peacock Corner community solar project. Mr. Yeager, Mr. Mackey, and Shelley L. Heller, County Administrator, further explained the project's details and the next steps involved in the process. Discussion took place.

At 1:42 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 summarized both closed-session discussions. In Matter No. 1, the board discussed having staff proceed as discussed. In Matter No. 2, the Board discussed potential litigation and instructed the County Attorney and staff to proceed with negotiations.

OPEN SESSION

At 1:43 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, October 29, 2024, at 10:00 a.m.

Respectfully submitted,

Lacey Cox
Deputy Clerk II

Approved:

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

October 22, 2024

PUBLIC HEARING

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance, as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, read the notice into the record. The rules for a public hearing were in effect.

RESOLUTION 2024-12 TO AMEND KENT COUNTY CRITICAL AREA GROWTH ALLOCATION POLICY REQUIRED BY CRITICAL AREA COMMISSION FOR ADOPTION OF NEW ZONING MAP

The public hearing commenced at 10:19 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing to discuss the adoption of Growth Allocation Revisions for review by the Critical Area Commission.

Bill Mackey, Director, Planning, Housing, and Zoning, provided a summary and further details of the resolution's intent. Mr. Mackey stated that adopting a Resolution to amend by interlineation the Critical Area Growth Allocation Policy for Kent County, Maryland was necessary. This will allow the County to address changes required by the Critical Area Commission (CAC) related to Kent County's comprehensive rezoning process and adopting a new zoning map. Mr. Mackey stated that Carla Gerber, Deputy Director of Planning, Housing, and Zoning, worked diligently with the CAC to ensure their requirements were met. Ms. Gerber gave an overview of the CAC's requests and how they impacted the final draft of the Critical Area Growth Allocation Policy. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adopt Resolution 2024-12 to amend the Kent County Growth Allocation Policy.

PUBLIC COMMENTS

During the public hearing, citizens were invited to sign the testimony log and offer comments on the proposed Resolution. No comments were offered.

WRITTEN COMMENTS

No written comments were received at the time of the public hearing.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing regarding Resolution 2024-12 at 10:36 a.m.

Public Hearing Minutes – Resolution 2024-12 To Amend Kent County Critical Area Growth Allocation
Policy Required by Critical Area Commission for Adoption of New Zoning Map
October 22, 2024
Page 2 of 2

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

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

October 22, 2024

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, October 8, 2024.

SPECIAL CLASS C

The Rock Hall Volunteer Fire Company submitted a Special Class C (Per Diem) liquor license application for approval. They requested approval to sell beer, wine, and liquor for a Bocce Banquet from 6:30 p.m. to 9:00 p.m. on October 29, 2024. With no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the 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 Rikin Patel, President, and Robert T. Connell, Shareholder, representing Hari Corp., for a Class A, Beer, Wine, and Liquor License with BWLT (tasting) and DEL (delivery) on the premises known as, Pip's Discount Liquors, 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 application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD, on October 22, 2024, at 10:00 a.m. At that time, any exceptions to the application will be heard. The hearing was duly advertised.

Mr. Yeager reviewed the public hearing protocols and administered the Oath to applicants Rikin Patel and Robert T. Connell, Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and anyone wishing to testify. The rules for a public hearing were in effect.

HARI CORP., TRADING AS PIP'S DISCOUNT LIQUORS, CLASS A, BEER, WINE, AND LIQUOR LICENSE WITH BEER, WINE, AND LIQUOR TASTING (BWLT) AND DELIVERY (DEL)

The hearing commenced at 10:28 a.m. Mr. Yeager stated that a legal review of the application for a Class A, Beer, Wine, and Liquor, with Beer, Wine, and Liquor Tasting (BWLT) and Delivery (DEL) License was completed. Inspector Pearsall explained that the business plan would remain the same. Inspector Pearsall informed the Commissioners that approval of the application would need to be contingent upon receiving a copy of a valid business license. Mr. Yeager explained the condition of the contingency request for the license. Genevieve McFarland, legal representation on behalf of Hari Corp. was accompanied by Mr. Patel and Mr. Connell to testify on their behalf. Ms. McFarland confirmed that the business's daily operations would not be changing and understands the contingency condition as

explained by Mr. Yeager and Inspector Pearsall. Staff recommended approval of the application with the contingency of obtaining a valid business license. 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 the Class A, Beer, Wine, and Liquor, with Beer, Wine, and Liquor Tasting (BWLTL) and Delivery (DEL) for Hari Corp. trading as Pip's Discount Liquors contingent upon receiving a valid business license and verification of an approved bulk transfer order.

On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to close the Public Hearing at 10:34 a.m.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, informed the Commissioners of a letter received from Lance M. Young, MacLeod Law Group, requesting the removal of Hassan Mahmood from Gulshan Inc., Lewes Dairy Market liquor license. Mr. Mahmood no longer has an interest in the company. At this time, Mahmood Baig Mirza (President) does not intend to add anyone else to the liquor license and is not required to do so. Inspector Pearsall asked for approval of the License Modification Request for Gulshan, Inc., dba Lewes Dairy Market, as requested by Mr. Young. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved the Liquor License Modification to remove Hassan Mahmood from Gulshan, Inc., dba Lewes Dairy Market liquor license as requested. This transaction will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

At 1:43 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, October 29, 2024, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Lacey T. Cox
Deputy Clerk II

Approved:

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