

November 19, 2024

NOVEMBER 6, 2024, WORK SESSION

A work session was held on November 6, 2025, at 3:00 p.m., with Commissioner Ronald H. Fithian and Commissioner John F. Price. Shelley L. Heller, County Administrator; Shelly Neal-Edwards, Director and Julie Handzo, Assistant Director of Family Investment Assistance of Kent County Department of Social Services; Niara Wilson, Secretary, Jen Rickert, Treasurer, and Terwana J. Brown, Chester Valley Ministries Association; Reverend Joel Tolbert, Board Chair, Family Promise Upper Shore; Joe Holt, Member and Carol Niemand, President, The Shelter Alliance were also present. During the work session, the discussion involved the increase in homelessness in Kent County and the services/resources each organization provides. The goal is to have the organizations work and collaborate together to better assist those in need without overlapping services or funds. The work session ended at 4:28 p.m.

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 acknowledge the unrest in the world.

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

PUBLIC NOTICE

Commissioner Fithian read the Public Notice into the record. The County Commissioners of Kent County, Maryland will hold a Public Hearing on Tuesday, December 3, 2024, 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 at www.kentcounty.com/commissioners/meeting-agenda, 24 hours in advance of 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 November 27, 2024. The Public Hearing is scheduled for the purpose of discussing the voluntary creation of Agricultural Land Preservation Districts for the following: Claude and Stephen Westcott, 12982 Augustine Herman Highway (Map 14, Parcel 10). The hearing is pursuant to the Code of Public Laws of Kent County, Chapter §171-5 Agricultural Preservation Districts.

CONSENT ITEMS

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

1. Regular Session Minutes, October 29, 2024
2. Liquor Minutes, October 29, 2024

3. Public Hearing Minutes, October 29, 2024
4. Closed Session Minutes, October 29, 2024
5. Jill Coleman, Director of Parks and Recreation – Approval to apply for grant funding for the purpose of purchasing and installing a Recreation Communication Board at Edesville Park and Toal Park playgrounds
6. Jill Coleman and Carrie Klien, Deputy Director of Public Works – Approval to rename the AA Diamond Ball Field to Commissioners Field.
7. Bill Mackey, Director of Planning, Housing, and Zoning (DPZ)– Release of Letters of Credit Nos. 162, \$10,960.00 Reforestation and 165, \$52,000.00 Landscaping for the Humane Society of Kent County, Inc. project
8. Pete Landon, Director of Emergency Services Management (OES) – Approval to utilize State Homeland Security Grant and minimal budgeted departmental funding to purchase Motorola portable radios
9. Dr. Mary Boswell-McComas, Superintendent, Kent County Public Schools – Approval of a Letter of Support for the Kent County Middle School Project For FY2026 Capital Improvement Program to Alex Donahue. Executive Director, Interagency Commission on School Construction

RECOGNITION

Robyn Brayton from the Old Kent Chapter of the Daughters of the Revolution attended the proclamation of November 2024 as American Indian Heritage Month, which Commissioner Nickerson read.

Jill Coleman, Director of Parks and Recreation, recognized volleyball coaches Karen House, Lyndsay Williams, Melissa Rochester, and Stephanie Jones, who dedicated countless hours to their teams. Their passion, leadership, and commitment facilitated the development of the community's young athletes' confidence, resilience, and dedication to the game. The Commissioners signed each certificate and presented it to the recipients.

LEGISLATIVE SESSION

At 6:12 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: Commissioner Fithian reviewed the protocol for a legislative session. The legislative bill was read into the record for a third time and considered for a vote. Commissioner Fithian summarized the bill's intent. No amendments or written comments were received during the comment period. Pete Landon, Director of the Office of Emergency Services, joined the Commissioners to provide an overview of the proposed legislative bill and answer any questions the Board had.

3rd Read and Vote – Code Home Rule Bill No. 8-2024 Emergency Services and Fire Companies

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 comply with standards and revisions 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 public hearing was held on October 29, 2024. No public comments have been received. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule Bill No. 8-2024 Emergency Services and Fire Companies as presented. The bill passed without amendments.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adjourn the legislative session at 6:15 p.m.

APPOINTMENTS

Town of Rock Hall: James Cook, Mayor; Carolyn Jones, Vice-Mayor; and Robert S. Resele, Town Manager, were present to discuss two Legislative Bond Initiatives (LBIs). The Town of Rock Hall plans to submit an LBI to the State to request 25% match funding for Pump Stations (1,2,3) replacement from Congressional Directed Spending of \$1,501,000.00. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed a Letter of Support to accompany the Town of Rock Hall's Legislative Bond Initiative requesting a 25% match funding for Pump Stations (1,2,3) replacement.

The Town of Rock Hall also plans to submit an LBI to request funding for an emergency replacement of the Water Plant Filtration. Mr. Cook and Mr. Resele seek a letter of support to accompany the submittal. Quotes for replacement filters have been received. The low bidder's quote of \$394,595.00 was provided for review. Temporary filters have been installed at a monthly rental cost of \$25,000.00. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed a Letter of Support to accompany the Town of Rock Hall's Legislative Bond Initiative for a replacement Water Plant Filtration. In addition, Commissioner Price stated that the County has an obligation to support the municipalities, and if the Town of Rock Hall falls short, come back to the County for interim funding as a last resort. Further discussion followed. Shelley L. Heller, County Administrator, suggested the Town of Rock Hall contact the Upper Shore Regional Council and the County's current Water and Wastewater Consultant, Mike Moulds, for expertise and additional resources to help Mayor Cook navigate additional funding sources.

Chester River Keeper: Annie Richards and Chelsea Peters from the Washington College Center for Environment and Society (CES) attended to request a letter of support for The Maryland Department of Natural Resources. Ms. Richards gave a presentation to provide background information on the letter, which would support the efforts of ShoreRivers, Washington College's CES, and the Eastern Shore Land Conservancy in applying for a watershed fund. If the application is successful, \$20,000.00 could be allocated over the next five years to Kent County, specifically targeting restoration projects in the Langford Creek Watershed. On a motion made by Commissioner Price and seconded by Commissioner

Nickerson, the Commissioners unanimously approved and signed the support letter as presented. In addition, the Commissioners invited Ms. Richards to attend a FY2026 Budget Work Session to discuss any funding requests.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, requested approval for a conditional offer of employment to the recommended candidate to fill the Maintenance Worker I vacancy in the Building/Grounds department. 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.

FINANCE

Patricia Merritt, Chief Finance Officer, Office of Finance, presented the FY2024 Audited Financial Statements. Chris Lehman, Engagement Partner, SB and Company (SBC), discussed the auditor's report via a presentation with a summary of the results. Kent County produces proper control and accurate financial statements. SBC issued an unmodified opinion of the financial statements and noted no audit adjustments. Ms. Merritt thanked the Finance staff for all their hard work. The Commissioners received the Annual Comprehensive Financial Report (ACFR) for FY2024 for their review and information.

LOCAL MANAGEMENT BOARD

On behalf of Rosemary Ramsey Granillo, Director of Kent County Local Management Board, Ms. Heller presented the annual contract with Queen Anne's County Health Department to implement the Healthy Families Mid Shore Program in Kent County. The Kent County Health Department provides office space and referral coordination for Healthy Families staff operating in Kent County. The program is level-funded for FY2025 and only uses grant funds from the Children's Cabinet Interagency Fund and Maryland State Department of Education (MSDE) Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program matching funds. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the FY2025 Healthy Families Home Visiting Program contract with Queen Anne's County Health Department.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, and Mark Carper, Associate Planner of PHZ, presented a response letter regarding Edmonds Creek 5MW Utility-Scale Solar for signatures. On August 27, 2024, Kimley-Horn and Associates, Inc., by COMAR 20.79 pre-application consultation requirement, submitted to PHZ materials for a proposed 5 MW utility-scale solar energy system that will occupy – including panels, fencing, and landscaping – approximately thirty-two (32) acres. The submitted materials included a concept site plan depicting the proposed solar array, perimeter fencing, and outlines of the landscape buffer and a draft Environmental Review Document that included a glare analysis, summaries of consistencies with the Kent County Comprehensive Plan

and the county-wide standards for utility-scale solar energy systems, and information on the cultural and natural features of the site and surrounding area. The designated applicant is Halo Warwick, LLC, and the site location is 12206 Galena Road, Massey, owned by Tree Line Harvesting, LLC. The 338.5-acre property is zoned Industrial (I) and Agricultural Zoning District (AZD) as well as a small area of Employment Center and is adjacent to the village of Massey. Of the approximate 32-acre development area, 20.7 acres are in the Industrial district, and 11.8 acres are in the AZD. All of the proposed development areas are currently being used for agricultural purposes.

Mr. Carper also presented a response letter regarding Rock Hall 3MW Utility-Scale Solar for approval. On August 27, 2024, Kimley-Horn and Associates, Inc., following COMAR 20.79 pre-application consultation requirement, submitted to PHZ materials for a proposed 3 MW utility-scale solar energy system that will occupy – including panels, fencing, and landscaping – approximately sixteen (16) acres. The submitted materials included a concept site plan depicting the proposed solar array, perimeter fencing, and outlines of the landscape buffer and a draft Environmental Review Document that included summaries of consistencies with the Kent County Comprehensive Plan and the county-wide standards for utility-scale solar energy systems and information on the cultural, natural features of the site and surrounding area. The designated applicant is Halo Rock Hall, LLC, and the site location is at Map 51, Parcel 358, along Edesville Road, Rock Hall, owned by Martin T. and Thomas Gordon Legg. The 41.55-acre property is zoned Agricultural Zoning District (AZD) and is approximately 1.25 miles to the Town of Rock Hall and approximately 1 mile to the Village of Edesville. Approximately half of the property is currently in agricultural use; the remainder are wooded or wetland.

During regular business hours, the above-noted materials submitted are available for public review at PHZ, 400 High Street, Chestertown, MD. In accordance with COMAR 20.79.01.05, the applicant has requested a preliminary report from Kent County containing (a) a statement or finding whether the proposed project is consistent with the current comprehensive plan of the county or municipal corporation; (b) a statement or finding whether the proposed project is consistent with the current zoning ordinance of the county or municipal corporation; and (c) suggestions for improving or modifying the application before submission of the application with the Public Service Commission. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners unanimously approved both proposed Letters to the Applicants.

PUBLIC WORKS

Carrie Klein, Deputy Director of Public Works (PW), requested approval to purchase vehicles for various departments. A discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the purchase of various County vehicles per the discussion and the submitted quotes from Enterprise. The following Five Open-End (Equity) Lease Rate Quotes were signed for Nos. 8247374 2025 Ford Explorer PHZ; 8452750 2025 Ford 250 PW; 7975568 2025 Ford F350 W&WW; 7954916 2025 Ford F350 Chassis PW; and 8413525 2025 Ford 350 PW.

Ms. Klein requested additional funding for the Bayside Landing Marina Improvements. A total of three (3) bids were received, with the lowest bid submitted by Sweitzer Marine, LLC, for a total cost of \$1,794,520.00. PW has closely coordinated with the Department of Natural Resources (DNR) throughout the bid process and has received approval for increased grant funding for the project. The original grant award from DNR was for a total amount of \$430,000.00. Recent approvals have increased the total grant award to 50% of the project cost. This means that DNR will fund \$897,260.00 in construction costs and an additional \$39,150.00 in soft costs for a total DNR funding of \$936,410.00 (\$506,410.00 additional funding obtained). The County must fund the remaining project balance, which equals \$936,410.00. Therefore, an additional \$904,860.00 of funding is required for the project's construction, most of which is included in the FY2025 budget. The FY2025 budget included \$618,450.00 of funding designated to be transferred from the General Fund. The Bayside Landing Fund Balance is currently \$98,662.93.00, which can also be allocated to this project. Therefore, \$717,112.93 is available vs. the \$904,860.00 required for the project; \$187,747.07 remains unfunded. PW has reviewed available budgets and requests the following budget reallocations to fund the project:

1. \$23,000.00 remains in the yard waste grinding budget.
2. \$18,028.00 of capital funds associated with the purchase of a tractor for County Roads.
3. \$2,810.00 remains in the County Roads paving program capital budget.

The remaining balance needed is \$146,719.07. The following options were presented to meet the remaining balance requirement:

- A. Reallocation of Village at Kennedyville capital funds from FY2025 Budget. A total of \$160,000.00 is available in this capital line.
- B. County contingency funds of \$146,719.07 could be used.

Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved reallocating \$98,662.93 from the Bayside Landing Fund Balance, \$23,000.00 of PW operating funds for yard waste, \$18,028.00 from Capital Funds for the purchase of a tractor, and \$2,810.00 from the Capital Budget County Roads Paving on various roads in the County for a total of \$142,500.93.

On a motion made by Commissioner Price and Seconded by Commissioner Nickerson, the Commissioners unanimously approved Option B, which involves using County Contingency funds of \$146,719.07. A second motion was made by Commissioner Price and seconded by Commissioner Nickerson; the Commissioners unanimously approved once the revision is made to the Maryland Department of Natural Resources Grant Award to designate County Administrator Shelley Heller to sign as signature of authority.

Ms. Klein requested approval to use County contingency funds, totaling \$17,795.00, which will be transferred to building maintenance for the FY2025 budget to cover the high cost of HVAC repairs at the detention center. Building Maintenance has received two quotes from Johnson Controls for repairs to the HVAC at the Detention Center, totaling \$17,795.00. The quotes were available for the Commissioners to review. This will deplete most of the funds budgeted for FY2025 for building maintenance. Staff requested the use of contingency funds to

avoid depleting our budgeted funds and not having to make multiple requests for funds in the future. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioner unanimously approved the use of County Contingency Funds totaling \$17,795.00 to fund the HVAC Repairs at the Detention Center.

COMMISSIONERS REQUESTS

Commissioner Price gave an update on the two-week research on the Williams property and the pump station at that location. Commissioner Price stated that the Williams received three sewer allocations in exchange for the pump station being located on what had been their property at 25367 Lambs Meadow Road. The Williams have been using two of the three allocations since that time. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously moved to grant the final authorized sewer allocation to the Williams, waiving all fees as promised.

Commissioner Fithian requested that staff construct signs at the Bayside Landing Bulkhead. The signs should indicate the length of stay permitted, which should be no longer than one week.

COUNTY ADMINISTRATOR

Ms. Heller, on behalf of Lisa Mazingo, Director of Kent Family Center, requested approval to renew a lease with KRM-Schlegel, LLC. The renewal contract and the prior amendment were available for review. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Fifth Amendment to the Kent Family Center lease with KRM-Schlegel, LLC. renewal.

Ms. Heller requested that the Commissioners choose the Board and/or Committee they wish to represent for the 2025 MACo Legislative Committee. Commissioners may continue to serve the Board and/or Committee they currently represent and make no changes. The Commissioners agreed to continue with the same representation as in 2024.

COUNTY ADMINISTRATOR REPORT

Office of Emergency Services (OES): On October 29, 2024, Commissioners approved and signed the 2024 Emergency Management Performance Grant for \$60,767.84. On November 5, 2024, Pete Landon, Director, OES, advised Ms. Heller and staff that the Maryland Department of Emergency Management revised the Performance Period October 1, 2024 - May 31, 2026, to Performance Period October 1, 2023 - May 31, 2026. All other languages remained the same. Upon review, Commissioner Fithian signed the revised signature page on November 6, 2024.

Kent County Information Technology (KCIT): The State of Maryland Capital Grant Projects Affidavit states that the Funds will not be used for lobbying or religious purposes. Due to time constraints, the department needed the document before the meeting. Commissioner Fithian signed the affidavits on November 6, 2024.

On June 17, 2024, KCIT applied for four cybersecurity grants through the State and Local Cybersecurity Grant Program (SLCGP) for FY2022. These grant funds cover the period from December 1, 2022 - August 31, 2026. The grant applications received favorable consideration from the State Grant Committee. KCIT will manage the grants through the Project Management Process. Due to time constraints, Commissioner Fithian reviewed and signed the contract on November 7, 2024.

DOCUMENTS FOR SIGNATURES

Water Wastewater Division: On March 26, 2024, the Commissioners approved one water and sewer allocation to Tax Map 0046 Parcel 0041 Lot 2 in Edesville. On September 24, 2024, the Commissioners approved one sewer allocation to Tax Map 0051 Parcel 0550 in the Green Lane service area. The Commissioners signed both associated Public Works Agreements.

PUBLIC COMMENT

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

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 29, 2024, is \$308,865.00. The FY2025 use of Fund Balance is \$105,307.00.

CLOSED SESSION

At 9:40 p.m., Commissioner Price made a motion, 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.

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

MATTER NO. 1: LEGAL ADVICE

Topics to be discussed: The legal opinion of the County Attorney concerning the management and daily operations of a safety facility.

Reasons for closing: Legal advice from the County Attorney is private to the public, and specific details should be shielded.

Thomas N. Yeager, County Attorney, reviewed the Maryland Annotated Code regarding the operations of a safety facility. The Code defines certain responsibilities. A Resolution enacted by the County is required for the County to exercise this authority. If Kent County wishes to transfer operational control, Mr. Yeager believes that legislation will not be required.

At 9:51 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

Ms. Heller summarized the closed session regarding the legal matter; no action was necessary.

At 9:52 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, December 3, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

November 19, 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, and Thomas N. Yeager, County Attorney, 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 29, 2024.

PUBLIC HEARING PROTOCOL

Mr. Yeager reviewed the public hearing protocols and administered the Oath to applicant Hassan Mahmood; Lance M. Young, Associate, MacLeod Law Group, LLC (Attorney Representative for the applicants); Sondra M. Blackiston, Clerk/Kent Alcohol and Tobacco Enforcement (KATE) Manager, and anyone wishing to testify. The rules for a public hearing were in effect.

Mr. Yeager stated that the Commissioners received substantial written correspondence before the Public Hearing; he acknowledged each one for the record. They are as follows: Suzanne Einstein, President, Greater Rock Hall Business Association; Lyndsey Ryan of Booth Cropper and Marriner (Attorney Representative for the opposition, Rock Hall Liquors), with a petition and map attached; Gurinder Singh Kaur, Owner, C-Town Liquors & Deli; Rikin Patel (received from Riya Patel via email), Pips Discount Liquors; and Rahul Dutta, Talegate Market; the original application and supporting material filed by Lance Young. Mr. Yeager informed the Commissioners that one person signed the application signature page supporting the application and also signed the petition in opposition.

Mr. Yeager read the public notice into the record. Notice an application has been made by Bilal Mustafa, President, and Hassan Mahmood, Vice President, representing M&M Rock Hall, LLC, for a Class A, Beer, Wine, and Liquor License on the premises known as Rock Hall One Stop Shop, 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 November 19, 2024, at 6:00 p.m. At that time, any exceptions to the application will be heard. The hearing was duly advertised.

M&M ROCK HALL, LLC, TRADING AS ROCK HALL ONE STOP SHOP, CLASS A, BEER, WINE, AND LIQUOR LICENSE

The hearing commenced at 6:16 p.m. Sondra M. Blackiston, Clerk/Kent Alcohol and Tobacco Enforcement (KATE) Manager, informed the Commissioners that Bonnie S. Pearsall, Inspector, KATE, had reviewed the physical location of the proposed business and noted that

improvements had been made to the facility, including additional lighting outside. The applicants have met all the requirements to be considered for a license. The County has met all the advertising requirements required for the public hearing. Mr. Yeager inquired if a previous liquor license was issued to the exact location and if the license had been surrendered. Ms. Blackiston stated that the location's license was surrendered upon the change of ownership. She also mentioned that there is an agenda item to be discussed after the public hearing regarding the prior Class A Beer and Wine license, and a close-out inspection was conducted. Mr. Yeager noted that a legal review of the Class A Beer, Wine, and Liquor License application had been completed. As previously stated, there was one signatory on the petition in opposition to the license and a signatory on the application as a property owner and taxpayer supporting the application.

Mr. Young presented an overview of the business plan for his clients regarding the liquor license application for Rock Hall One Stop Shop. Mr. Young pointed out that there was a substantial amount of opposition to the application, and he addressed it. Mr. Young expressed concern about treating his client fairly throughout the application approval process. Mr. Young mentioned the integrity of his clients and how this should be a quality the Commissioners would want in an applicant. It was also mentioned that his clients would be good community members and provide valuable service to the residents of Rock Hall. The applicants have improved the facility to ensure the safety of their customers and a better shopping experience. A question-and-answer dialogue took place.

PUBLIC COMMENTS

Lyndsey Ryan, Attorney Representative for the opposition, and Shweta Sethi, Owner, Rock Hall Liquors, provided additional correspondence that had been received just prior to the start of the public hearing. Ms. Ryan stated, for the record, her objection to the liquor license application due to it being legally insufficient, as it fails to satisfy Alcoholic Beverage Article 4-110 (Required Information on Application, Petition of Support). The signatures required for the application do not specify the length of time they have been associated with (known) the applicants. Ms. Ryan pointed out that no one testified in favor of the application and asked those in opposition to the application to kindly raise their hand so the Commissioners could see those opposing. Ms. Ryan stated that there is a lack of public need for the establishment to sell liquor in addition to beer and wine and the detrimental effect it will have on existing businesses if the application is approved. Ms. Ryan asked Ms. Sethi to testify regarding their services to the community. Ms. Sethi spoke about how they always provide services and support to the community and their dedication to them. A question-and-answer dialogue took place between Ms. Ryan and Ms. Sethi. Ms. Ryan provided factors the Commissioners should consider when approving or denying the application. A question-and-answer dialogue took place. Mr. Yeager addressed Ms. Ryan's concern regarding the applicant's ability to provide the length of time associated with the applicants. Mr. Yeager stated that the Commissioners could approve the application contingent upon the applicant providing the length of time the signatories have been associated with the applicants and afford the applicant the ability to supply the missing information. The license would not be issued until the missing information has been provided. Mr. Yeager noted that the information is missing from the application. For the record, Ms. Ryan objected to that and stated that the application did not contain all the required material, it is insufficient and should not be in front of the Commissioners until it is complete.

Citizens were invited to sign the testimony log and comment on the submitted liquor license application. The following citizens spoke in opposition to the liquor license application: John Maenak; Robert Simpson; Riya Patel; Saurabh Sethi, Owner of Rock Hall Liquors; Andrew Carroll, Owner of Bayside Market; Mr. Sumit; Eddie Pickering, Previous Owner of Rock Hall Liquors; Ritu Sharma; Tony Wisnieski; Rahul Dutta, Owner of Tale Gate Market; Jennifer Barnes; Kathy Dierker; Danny Elburn; and Deborah Reese. Mark Eistein spoke on behalf of the Community, not in favor of or in opposition to the application.

There were no public comments offered in favor of the liquor license application.

Mr. Young provided a rebuttal regarding the statements of opposition. Discussion took place among the Commissioners, Mr. Young, and Mr. Yeager. Mr. Yeager stated that the Commissioners could find that the factors are in favor of granting a beer and wine license, but not in favor of granting a beer, wine, and liquor license. With those findings, the applicant could submit an application for beer and wine because there would not be adverse findings with respect to beer and wine. Mr. Yeager stated that if the applicant wishes to continue with the application for beer, wine, and liquor and the Commissioners deny the application, they will have to start the process again and file a new application for just beer and wine. If the applicants amend the application just for beer and wine, the Commissioners can approve it as such, and the applicants would not have to start the process all over again. Mr. Yeager asked if the applicant would be willing to accept a license if the Commissioners granted it with the condition of being a beer and wine only license. Mr. Yeager stated from Alcoholic Beverage Article 4-214 that (A) Except as provided in subsection (b) of this section; (1) if a license is denied, another license application may not be considered from the same applicant or for the same location for six months after the denial; and (2) if a subsequent application by the same applicant or for the same location is denied within a two year period immediately after the first denial, another application may not be considered from the applicant or for that location until the two year period expires. (B) This section does not apply to (1) an applicant, if the license was denied because it was not necessary to accommodate the public or the location was not suitable for the sale of alcoholic beverages; or (2) the location, if the license was denied because the local licensing board determined that the applicant was not a proper person to be issued the license. Mr. Young and his client stepped out of the public hearing briefly to discuss the options available regarding their application. After discussing the options available with his client, Mr. Young advised that his client would like to continue to ask for the beer, wine, and liquor license and if the Commissioners decide after deliberating that they will not approve a beer, wine, and liquor license and would like to amend the application with the condition that it be a beer and wine only license they would be willing to accept that decision without appealing that decision, but ask that the applicants be allowed to apply again for a liquor license in six months to a year. Mr. Yeager suggested that the Commissioners base their decisions on the finding factors of many years; the location of this establishment was Shore Stop, and they had a beer and wine license, and it served a need in the community because it provided that need for many years and had extended hours in addition to the fact that in those many years the grocery store, Bayside Foods, and Rock Hall Liquors survived all those years with Shore Stop having a beer and wine license. Based on the historical knowledge provided, this would not have a significant negative impact on those businesses because they survived all those years with a beer and wine license issued to Shore Stop, which was a predecessor entity to the current applicants. The Commissioners also based their

findings on the fact that granting a liquor license at this point in time does not necessarily accommodate the current situation in a favorable manner. This could possibly change in the future though. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved amending the application to a beer and wine only license as well as the application has been indicated that the application has not been completed properly and is contingent upon supplying the missing information and adopted the finding facts that Mr. Yeager previously mentioned.

WRITTEN COMMENTS

The following written comments were provided prior to the start of the Public Hearing in opposition to the liquor license application: Evangeline Heath, Commander, Sargent Preston Ashley American Legion Post 228; John Smith, 5807 Clam Cove, Rock Hall, MD 21661; and Debra Woodruff-Capper, President, Rock Hall Lions Club.

No other comments were offered. On a motion by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved to close the Public Hearing at 7:47 p.m.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE) REPORTS

Inspector Pearsall submitted a memorandum to the Board regarding GPM Investments, LLC t/a Shore Stop of Rock Hall #221. Liquor license No. 4808 was surrendered by mail and received on October 28, 2024. Inspector Pearsall conducted a Close-Out Inspection on October 22, 2024; no alcohol was left on the premises. The report and the surrendered license were made available for the Board to review.

By memo, Inspector Pearsall reported that the Chestertown Volunteer Fire Company submitted a Special Class C (Per Diem) liquor license application to sell beer and wine during a spaghetti dinner from 5:00 p.m. to 8:00 p.m. on November 8, 2024. The Commissioners offered no objection to issuing the Special Class C (Per Diem) liquor license application for the Chestertown Volunteer Fire Company. Liquor license #2024 PD-48 was issued to the Chestertown Volunteer Fire Company on November 7, 2024.

At 9:52 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, December 3, 2024, 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