

July 25, 2023

The County Commissioners of Queen Anne’s County met this date pursuant to its last adjournment and there were present:

James J. Moran
Jack N. Wilson, Jr.
Patrick McLaughlin
Philip L. Dumenil
Christopher M. Corchiarino (Absent)

CLOSED SESSION:

Pursuant to State Government Law Section 3-305(b), (7) to consult with counsel to obtain legal advice on a legal matter; “The County Commissioners held a Closed Session on a motion of Commissioner Dumenil, seconded by Commissioner Wilson, at 5:00p.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland.” The Board adjourned in Closed Session at 5:20 p.m. Those in attendance were Mr. Todd Mohn, County Administrator, Ms. Margie Houck, Executive Assistant, Patrick Thompson, County Attorney, Chris Drummond, Planning Commission Attorney, Ms. Amy Moredock, Director of Planning and Zoning and Mr. Alan Quimby, Director of Public Works.

Discussed Allocation Policy,

Pursuant to State Government Law Section 3-305(b), (8) to consult with staff, consultants or other individuals about pending or potential litigation; “The County Commissioners held a Closed Session on a motion of Commissioner Dumenil, seconded by Commissioner Wilson, at 5:00 p.m. in the Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland.” The Board adjourned in Closed Session at 5:20 p.m. Those in attendance were Mr. Todd Mohn, County Administrator, Ms. Margie Houck, Executive Assistant, Patrick Thompson, County Attorney, Chris Drummond, Planning Commission Attorney, Ms. Amy Moredock, Director of Planning and Zoning and Mr. Alan Quimby, Director of Public Works

Discussed Allocation Policy.

Pursuant to State Government Law Section 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; “The

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County Commissioners held a Closed Session on a motion of Commissioner Dumenil, seconded by Commissioner Wilson, at 5:20 p.m. in The Office of the County Commissioners, The Liberty Building, 107 N. Liberty Street, Centreville, Maryland.” The Board adjourned in Closed Session at 5:31 p.m. Those in attendance were Mr. Todd Mohn, County Administrator, Ms. Margie Houck, Executive Assistant and Mr. Alan Quimby, Director of Public Works.

Board discussed adding additional Inspectors.

MEETING CALLED TO ORDER:

The meeting was called to order at 5:30 p.m.

MINUTES:

On a motion made by Commissioner Wilson, seconded by Commissioner Dumenil, the Board unanimously agreed to approve the Agenda for the current meeting, the Regular and Closed Session Minutes and Roads Minutes of July 11, 2023

PRESS AND PUBLIC COMMENTS:

1. Chris Pupke – Chesterhaven
2. Clark Erlandson – County Ordinance 23-04
3. James Richardson – County Ordinance 23-04

LEGISLATIVE:

HEARING ON COUNTY ORDINANCE 23-02:

The County Commissioners of Queen Anne’s County held a public hearing at 5:35 p.m. in the County Commissioner’s Meeting Room, Liberty Building, 107 North Liberty Street, Centreville, Maryland 21617 to receive public comments regarding the proposed County Ordinance No. 23-02 (the “Proposed Ordinance”), AN ACT CONCERNING Maximum Density of Dwellings in the Waterfront Village Center (WVC) Zoning District in Queen Anne’s County; FOR THE PURPOSE of authorizing the Queen Anne’s County Planning Commission to consider and grant a maximum density of up to 25 dwellings per acre in the Waterfront Village Center (WVC) Zoning District under certain circumstances; and generally dealing with density and dwellings in the Waterfront Village Center (WVC) Zone; BY AMENDING Section 18:1-26 N. of the Code of Public Local Laws of Queen Anne’s County, Maryland.

Patrick Thompson, County Attorney, conducted the hearing on behalf of the county and noted all legal requirements were met.

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Press and Public Comments

1. Joe Stevens – in favor
2. Paul Millstien – in favor

HEARING ON COUNTY ORDINANCE 23-04:

The County Commissioners of Queen Anne’s County held a public hearing on July 25, 2023 at 5:50 p.m. in the County Commissioner’s Meeting Room, Liberty Building, 107 North Liberty Street, Centreville, Maryland 21617 to receive public comments regarding the proposed County Ordinance No. 23-04 (the “Proposed Ordinance”), AN ACT CONCERNING the Property Tax Credit for Certain Retired Veterans and their Surviving Spouses; FOR THE PURPOSE of revising the current provisions on property tax credits for retired or disabled veterans and their surviving spouses; eliminating the five year duration of the tax credit; providing that the results of the annual audit conducted in connection with such tax credits shall be provided to the County Commissioners; and generally revising and updating the provisions regarding tax credits for dwellings of certain veterans and their surviving spouses.

Patrick Thompson, County Attorney, conducted the hearing on behalf of the county and noted all legal requirements were met.

Press and Public Comments

1. James Richardson – Requested an amendment to the ordinance

COUNTY ORDINANCE NO. 23-05:

Commissioner Moran introduced County Ordinance No. 23-05:

A BILL ENTITLED AN ACT CONCERNING Revisions to the District Standards for the Airport Protection and Kent Island Gateway (APKIG) District in Queen Anne’s County, as part of the 2023 Comprehensive Zoning Code Update; FOR THE PURPOSE of revising the District Standards for the Airport Protection and Kent Island Gateway (APKIG) District in Queen Anne’s County; revising the permitted uses in such district; providing that land uses in the APKIG shall comply with Federal Aviation Administration and Maryland Aviation Administration requirements; revising the density/intensity requirements in such district; revising the dimensional and bulk requirements for such district; revising the provisions on off-site directional signs and design standards in such district; and generally revising and updating the District Standards for the APKIG District in Queen Anne’s County.

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COUNTY ORDINANCE NO. 23-06:

Commissioner Moran introduced County Ordinance No. 23-06:

A BILL ENTITLED AN ACT CONCERNING the Rezoning of three parcels of land in the Fourth Election District of Queen Anne’s County as part of the 2023 Comprehensive Zoning Code Update;

FOR THE PURPOSE of rezoning Parcels 301, 273 and 273, Lot 1 on Tax Map No. 56 from Urban Commercial (UC) Zoning District to Airport Protection and Kent Island Gateway (APKIG) District;

WEEKLY CORRESPONDENCE AND PRESENTATION OF DOCUMENTS FOR SIGNATURE:

The Board reviewed various correspondence with Todd Mohn, County Administrator.

2629 CECIL ROAD VACANT LOT PURCHASE:

Mr. Dave MacGlashan, Chief Property Manager, Department of Public works submitted to the Board for their review and approval a request to purchase a vacant lot. DPW staff was contacted by a local realtor offering the purchase of a vacant lot located at 2629 Cecil Road Chester MD (Harbor View subdivision). The lot is approximately 8,800 square feet and almost fully encumbered with tidal wetlands and is in the Critical Area LDA zone. Staff has significant concerns with this lot being developed as it is prone to both flooding and drainage issues. The State assessed value of the property is \$15,400 and the owners are offering the lot to the County for \$12,500. It is staff’s recommendation that this lot be purchased by the County and preserved for the amount of \$12,500.

On a motion made by Commissioner Dumenil, seconded by Commissioner Wilson, the Board unanimously agreed to purchase the vacant lot at 2629 Cecil Road in the amount of \$12,500. As part of the motion, Commissioners Moran and McLaughlin asked questions and/or made comments on this topic.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

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SURPLUS OF VACANT LOTS – SOUTHERN KENT ISLAND:

Mr. Dave MacGlashan, Chief Property Manager, Department of Public Works submitted to the Board for their approval to sell surplus vacant lots. During the installation of public sewer in Southern Kent Island (Phase 1) the County acquired eleven (11) vacant lots through donation. The majority of these lots were given the option to ‘opt-out’ due to environmental constraints. Public Works has assessed these lots for potential drainage sites and/or other County related functions and has deemed them as ‘not needed’ for County purposes. Several adjacent property owners to these lots have reached out requesting to purchase specific lot(s) to add more acreage to their existing home property. It is staff’s recommendation that these lots be offered for sale to adjacent property owners and that all proceeds from the sales be utilized for community specific improvements.

On a motion made by Commissioner Wilson, seconded by Commissioner Dumenil, with Commissioner Dumenil opposing the Board agreed to surplus the vacant lots located in Kent Island Estates to adjacent property owners and to utilize all proceeds from the sales towards community specific improvements. As part of the motion, Commissioners Moran and Wilson asked questions and/or made comments on this topic.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | | x |
| Corchiarino | absent | |

LIBERTY BUILDING ROOF REPLACEMENT CONTRACT AWARD:

Mr. Lee Edgar, Chief of Engineering submitted to the Board for their review and approval the Liberty Building Roof Replacement Contract. The roof of the Liberty Building is original to the facility (1992) and is due for lifecycle replacement. Development of detailed construction drawings/specification has been completed and a full Bid Package will be ready for formal procurement in August. There exist unique circumstances which prescribe that two specific sections of the roof, the center high roof and southwest flat roof, would best be replaced immediately via a separate contract. Public Works solicited prices from three (3) qualified roofing contractors for replacement of the two roof sections, including contractor’s agreement to coordinate with Owner’s skylight and HVAC specialists. Cost proposals were received as follows:

| Vendor | Location | Total Bid |
|---------------|-----------------|------------------|
|---------------|-----------------|------------------|

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| | | |
|--------------------------------|---------------|--------------|
| Ron Ruff Roofing | Baltimore, MD | \$ 87,330.00 |
| Patuxent Roofing | Laurel, MD | \$105,453.00 |
| Alliance Exterior Construction | Baltimore, MD | \$119,100.00 |

Ron Ruff Roofing submitted the lowest price and is available to commence promptly. The remainder of the Liberty Building roof will be Bid in August for replacement in September/October.

On a motion made by Commissioner Wilson, seconded by Commissioner Moran, the Board unanimously agreed to award the Liberty Building Roof Replacement contract to Ron Ruff Roofing of Baltimore, MD in the amount of \$87,330.00 and authorize the Director of Public Works to issue the Notice of Award and execute the contract on behalf of the County Commissioners. As part of the motion, Commissioner McLaughlin asked questions and/or made comments on this topic.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

LETTER OF CONGRATULATIONS – KENT ISLAND HIGH SCHOOL PRINCIPAL:

This is a congratulatory letter to Dan Harding whom was recently promoted to the position of Principal of the Kent Island High School.

On a motion made by Commissioner Dumenil, seconded by Commissioner Wilson, the Board unanimously agreed to execute the Letter of Congratulations to the Kent Island High School Principal.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

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Rural Maryland Council Grant Application – Community Revitalization Through Adaptive Reuse: Former Sudlersville Middle School Building:

QACETD is seeking approval to apply to Rural Maryland Council’s MAERDAF fund in the amount of \$45,000 to engage the services of Maryland Economic Development Corporation (MEDCO) to assist with real-estate-related consulting services in support of their efforts to adaptively reuse the former Sudlersville Middle School Building. MEDCO will perform directly and/or obtain the services of consultants to assist with certain feasibility and analytical real estate, development, design, and financing efforts obtain the services of consultants to assist with certain feasibility and analytical real estate, development, design, and financing efforts. The total project cost will be \$60,000. Sudlersville VFC has agreed to provide \$15,000 in match to make the project feasible. Other than indirect staff time there will be no out of pocket cost for the County.

On a motion made by Commissioner McLaughlin, seconded by Commissioner Wilson, the Board unanimously agreed to approve Queen Anne’s County Economic and Tourism Development’s grant proposal to Rural Maryland Council for \$45,000 to fund predevelopment consulting costs for the adaptive reuse of the former Sudlersville Middle School building. As part of the motion, Commissioners Wilson and McLaughlin asked questions and/or made comments on this topic.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | Absent | |

REQUEST FOR ECONOMIC DEVELOPMENT INCENTIVE FUNDING – REFILL GOODNESS, LLC:

The Economic Development Incentive Fund (EDIF) Commission recommended the approval of a conditional Loan of up to \$7,500 to Refill Goodness, LLC Located at 460 Main Street Suite 108, Stevensville, MD 21666. The funds will be used to purchase equipment that is needed for two formal event set-ups including tents, tables and check out stations. This equipment will support their efforts to expand operations through mobile refillery services. The total project cost will be \$14,290 and refill Goodness is requesting \$7,500 and will be utilizing their own capital for the remainder of the project. The EDIF Commission has recommended that the award be conditioned upon the creation of 1 full time and 1 part time job within 3 years of

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the EDIF conditional Loan agreement. The business is to remain in full operation in county for an additional two years, resulting in a five-year commitment.

On a motion made by Commissioner Wilson, seconded by Commissioner McLaughlin, the Board unanimously agreed to approve the disbursement of up to \$7,500 from the Economic Development Incentive Fund to Refill Goodness, LLC for the purchase of equipment to expand their mobile refill services. The disbursement of funds is contingent upon a signed agreement between the EDIF Commission and Refill Goodness, LLC, outlining the terms and conditions in accordance with the application submitted to the EDIF Commission. As part of the motion, Commissioners Dumenil and Wilson asked questions and/or made comments on this topic.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

CCR 05 CHESTERHAVEN BEACH PARTNERSHIP, LLC RECONSIDERATION:

This is for a “reconsideration vote” to include the Chesterhaven Beach Property in the Chester Growth Area. The owner has agreed to the condition that the remaining lots of record would be reconfigured and reduced to a maximum of 90 single family lots of approximately 15,000 sf each. Furthermore, he has agreed not to pursue Growth Allocation as part of the reconfiguration and overall density reduction from 180 lots down to 90 lots. This would facilitate the County to recapture 22,500 gpd of sewer allocation and allow the owner to extend public water to serve the lots. The owner has stated his interest for many years to extend public water to the property and avoid drilling individual wells for each lot which is clearly better from an environmental standpoint. The County has adequate water allocation for the site and he would need to purchase water allocation and construct the new water lines to the property.

Comprehensive Rezoning Request (CRR) 05 submitted by Chesterhaven Beach Partnership, LLP(CHB) is an application to add what is known as Tax Map 57, Parcel 25 to the Chester Growth Area. CHB had 186 recognized lots of record given a plat recorded in 1959. The owner administratively combined several lots and acquired a single sewer allocation reducing the subdivision to 181 lots. The owner acquired 2 additional sewer allocations and was later granted sewer allocations for the remaining 178 lots. The owner has secured and paid for 20% of the sewer allocation for the remaining 178 lots of record. The 20% deposit was required by the Sanitary Commission to reserve the allocations in a Public Works Agreement. At its 10 May 2022 meeting, the Board agreed to reject CRR 05 CHB. The Commissioners moved that should the property owner seek and obtain a declaratory judgement or equivalent court ruling

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establishing the legal grandfathering of the lots, the Commissioners would reconsider CRR 05 CHB. On 4 May 2023, Joe Stevens, on behalf of Chesterhaven Beach Partnership, LLC, submitted a letter outlining a lack of basis for filing for a declaratory judgment since there is no controversy on which to base such a claim. He cites the County's long history of recognition of the original lots in CHB. Mr. Stevens also included significant documentation which substantiates the County's position. Staff has consulted with both the Planning Attorney and the County Attorney to review the CHB submittal. Both agree that the Court only has declaratory judgment jurisdiction over actual controversies. There is no such justiciable issue between the County and the owner of the Chesterhaven Beach property. The recognition that the condition of reconsideration (a declaratory judgment) is not possible legally is a recognition that the condition was unenforceable and without remedy. Taking up a reconsideration to include the property in the Growth Area without satisfaction of this condition is justified provided it is directed by the entity of the motion which passed at the 10 May 2022 Commissioner meeting.

If the County Commissioners are inclined to include CRR 05 Chesterhaven Beach Partnership, LLP in the Growth Area based on the facts presented, then two steps must be followed:

1. A motion must be made to reconsider this item in accordance with the motion made and passed at the 10 May 2022 meeting; and
2. If this motion passes, then a second motion must be made to include CRR 05 Chesterhaven Beach Partnership, LLP in the Growth Area (with the 90-lot condition and voiding the need for growth allocation condition). This item was tabled.

BUDGET AMENDMENT #CC-2 – SHERIFF'S OFFICE BYRNE JUSTICE ASSISTANCE GRANT:

The Governor's Office of Crime Control & Prevention (GOCCP) awarded the Sheriff's department additional Byrne Justice Assistance Grant (BJAG) funding. This grant reimburses for training equipment for public safety and medical equipment. Funds are paid out on a reimbursement basis. No additional County funds are needed.

On a motion made by Commissioner Wilson, seconded by Commissioner Dumenil, the Board unanimously agreed approve Budget Amendment #CC-2 – Sheriff's Office Byrne Justice Assistance Grant.

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| Commissioners | Yes | No |
|---------------|-----|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | x | |

BUDGET AMENDMENT #CC-3 – AGING – ASSISTED LIVING:

This amendment is to increase the Assisted Living Budget to reflect the amount received through our grant. The total grant award for FY24 was \$48,979 of which \$36,436 is currently budgeted. This amendment also decreases the transfer in to Aging-Assisted Living by \$1,253 as it is not required due to the increased grant revenue. In order to balance the General Fund. Contingency is being increased to offset the decrease in the Aging transfer out. No additional County Funds Needed.

On a motion made by Commissioner McLaughlin, seconded by Commissioner Wilson, the Board unanimously agreed to approve Budget Amendment #CC-3 – Aging – Assisted Living.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

BUDGET AMENDMENT #CC-4 AGING – VEIP – VULNERABLE & ELDER – HOME DELIVERED MEALS – SENIOR I & A OMBUDSMAN:

This amendment is to increase the budgets for VEIP-Vulnerable & Elder, Home Delivered Meals-General and Senior I&A State and to decrease the budget for Ombudsman State initiative to reflect the amount received through our grant. The total grant award for FY24 VEIP was \$4,095 of which \$3,971 is currently budgeted. The total grant award for FY24 Ombudsman State Initiative was \$5,249 which is a decrease from the \$5,350 that is currently budgeted. The total grant award for FY24 State Nutrition was \$17,797 of which \$15,911 is currently budgeted. The total grant award for FY24 senior I&A State was \$83,644 of which \$6,646 is currently budgeted. This amendment also decreases the total transfer in to Aging by \$78,907 as it is not required due to the increased grant revenue. In order to balance the General Fund Contingency is being increased to offset the decrease in the Aging transfer out. No additional County Funds Needed.

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On a motion made by Commissioner Dumenil, seconded by Commissioner Wilson, the Board unanimously agreed to approve Budget Amendment #CC-4 – Aging – VEIP – Vulnerable & Elder – Home Delivered Meals – Senior I & A Ombudsman.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

BUDGET AMENDMENT #CC-5 – SHERIFF’S OFFICE – WARRANTS AND ABSCONDING PROGRAM:

The Governor’s Office of Crime Control & Prevention (GOCCP) awarded the Sheriff’s department the Warrants and Absconding Program (WAAG) funding. The main purpose of this grant is to decrease the number of open warrants by apprehending wanted and absconding individuals to reduce crime in Maryland communities. This reimburses funds for officer overtime, electronic field equipment, crime/fraud detection software and transport restraints. Funds are paid on a reimbursement basis. No additional County funds are needed.

On a motion made by Commissioner Wilson, seconded by Commissioner Dumenil, the Board unanimously agreed to approve Budget Amendment #CC-5 – Sheriff’s Office – Warrants and Absconding Program.

| Commissioners | Yes | No |
|---------------|--------|----|
| Moran | x | |
| J Wilson | x | |
| McLaughlin | x | |
| Dumenil | x | |
| Corchiarino | absent | |

PRESS AND PUBLIC COMMENT:

1. Beth Malasky - Cooling Centers

COMMISSIONER’S ROUNDTABLE:

Commissioner Wilson discussed the following:
 He was on the zoom meeting for the Chesapeake National Recreation Area Briefing

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Commissioner Dumenil discussed the following:
Umpired at Cooperstown

Commissioner McLaughlin discussed the following:
He is glad to see all the surrounding counties sending support letter for the health campus in
Chestertown
Attended the PTSD911 in Ocean City

Commissioner Corchiarino discussed the following:
Absent

Commissioner Moran discussed the following:
Reviewed the ramp closings
Congratulation to Mr. Mohn for being appointed to Maryland Commission on Transportation
Revenue and Infrastructure Needs

There being no further business, they adjourned at 7:35 p.m. to meet again on Tuesday,
August 8, 2023.

EXECUTIVE ASSISTANT

PRESIDENT

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