

**Public Business Meeting
Minutes**

Thursday, October 16, 2025 - 3:00 PM

*Allegany County Fairgrounds - Multipurpose Building
11490 Moss Ave, Cumberland, Maryland 21502*

WE ASK THOSE CITIZENS WISHING TO ADDRESS THE BOARD TO REGISTER ON THE SIGN-UP SHEET AND CONDENSE THEIR COMMENTS TO FIVE MINUTES OR LESS. THIS WILL ALLOW AN OPPORTUNITY FOR EVERYONE WISHING TO COME FORWARD TO HAVE A CHANCE TO SPEAK. WE WILL CONDUCT OUR MEETING IN AN ORDERLY FASHION AND ASK THAT EVERYONE WISHING TO SPEAK FIRST BE RECOGNIZED BY THE PRESIDENT, COME TO THE MICROPHONE, AND GIVE HIS OR HER NAME AND ADDRESS PRIOR TO THEIR COMMENTS.

1. Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

2. Call to Order & Roll Call

The regular meeting of the County Commissioners of Allegany County was held in the Multi-Purpose Building at the Allegany County Fairgrounds, 11490 Moss Ave, Cumberland, at 03:00 PM on 10/16/2025. Present: County Commissioner William R. Atkinson, County Commission President David J. Caporale, County Administrator Jason Bennett, County Attorney Lee Beeman. Excused: County Commissioner Creade V. Brodie, Jr.

3. Approval of Agenda

There were no additions or deletions to the agenda. Upon Motion made by County Commissioner William R. Atkinson, seconded by County Commission President David J. Caporale, and duly carried, the Agenda for this public business meeting was approved by the Board of County Commissioners.

4. Statement of Closed Meeting

A. The Board of County Commissioners did not meet in Closed Session on October 2, 2025.

5. Approval of Previous Meetings Minutes

Upon Motion made by County Commissioner William R. Atkinson, seconded by County Commission President David J. Caporale, and duly carried, the Minutes from the previous public business meeting were approved by the Board of County Commissioners.

6. Presentations

7. Public Hearing

A. Road Opening Petition for an Unnamed Alley Between Hill Street and Hay Street in Cresaptown - T. Lee Beeman, Jr., County Attorney

Vincent and Jody Montana are petitioning the Commissioners of Allegany County, Maryland to open, for the purpose of closing, a 1,500 sqft portion of the unpaved and unimproved alleyway situated between Hill Street and Hay Street in Cresaptown. Pursuant to the Section 12-512 of the Local Government Article of the Annotated Code of Maryland, notice by publication in The Cumberland Times-News was given once a week for three (3) consecutive weeks. Attorney Wayne Heavener spoke on behalf of his clients, and made mention his clients own both properties adjacent to this particular alleyway, and has heard no concerns pertaining to the potential closure of the alleyway.

Attorney Beeman stated this is a public hearing for the opening, for the intention of closing, of an alleyway and asked if there was any public comment. Hearing none, the public hearing was closed. Attorney Beeman then advised the Commissioners they could take action to open the roadway if they wished to do so.

Commissioner Caporale then asked for a motion to approve the opening of this alleyway.

Motion: Approve, By: William R. Atkinson, Seconded: David J. Caporale. Yes: William R. Atkinson, David J. Caporale. No: None. Abstain: None.

8. Action Agenda & Public Comment

A. Ratification #10 of Emergency Procurements Pursuant to Res. 25-04, 25-08, & 25-10 - Adam Patterson, P.E., Director of Public Works

Resolution 25-04 was adopted on May 22, 2025 to temporarily suspend the provisions of Allegany County Code Section 38-8 (concerning procurement of bids and contracts for necessary public work or improvements, or for the purchase of supplies and equipment) for a period of sixty days (subsequent to the flash flooding event in Allegany County on May 13, 2025.) Resolution 25-08 was then adopted on July 10, 2025 to extend the sixty-day period to an additional thirty days. Furthermore, another additional thirty days was granted under the adoption of Resolution 25-10 on August 7, 2025. The Allegany County Department of Public Works has authorized numerous emergency Procurements since the adoption of these Resolutions. Subject to the terms set forth in Resolution 25-04, the County Commissioners must ratify these emergency Procurements at the next public business meeting after the Procurements were authorized. This is the tenth round of emergency Procurements, and are made part of the agenda packet.

Starting with the Public Business Meeting on October 2, 2025, any Procurements brought before the Commissioners for approval are for work initiated and procured prior to the expiration of the procurement suspension. No emergency procurements have been made subsequent to the September 20, 2025 deadline.

No one signed up to speak on this agenda item.

Motion: Approve, By: William R. Atkinson, Seconded: David J. Caporale. Yes: William R. Atkinson, David J. Caporale. No: None. Abstain: None.

B. Approve the Aerie Road Water Project - Adam Patterson, P.E., Director of Public Works

The residents of Aerie Rd Residents along Aerie Road in Cumberland have requested a County-maintained water system. The residents solicited contractors for construction bids. Two bids were submitted, and the residents have selected a low bid offered by Winner D. Contracting, LLC. The

residents will pay for the project on their quarterly water bill over a ten-year period. The County will offer a zero-percent interest loan for this project. Upon final acceptance of the constructed water system, the County Utilities Division will maintain the new water system. There are three total customers participating in the project. Any future customers would be responsible for the cumulative debt service payment to connect to the water system. No one signed up to speak on this agenda item.

Motion: Approve, By: William R. Atkinson, Seconded: David J. Caporale. Yes: William R. Atkinson, David J. Caporale. No: None. Abstain: None.

9. Consent Agenda & Public Comment

Motion: Approve, By: William R. Atkinson, Seconded: David J. Caporale. Yes: William R. Atkinson, David J. Caporale. No: None. Abstain: None.

A. Accept the 9-1-1 Board Funding for Project #26-121

This is in the amount of \$35 for 911 Specialist APCO Courses. No one signed up to speak on this agenda item.

B. Accept the FY22 State Homeland Security Grant Program Extension Grant Adjustment

This would extend the program until November 30, 2025 and is through MDEM. No one signed up to speak on this agenda item.

C. Approve the FY26 Program Open Space Annual Plan

These were presented back on October 2nd, and there was a work session prior to that on it. No public comment has been received since the initial presentation. The recommendation is to approve the plan as it was presented, which is 10 projects totaling \$289,000. No one signed up to speak on this agenda item.

D. Approve the Purchase of a Ford Transit Cargo Van for the Detention Center in the amount of \$83,380

This van will be paid for using profits from the Inmate Commissary Fund, and the County piggy-backed on a bid from Howard County for this. No one signed up to speak on this agenda item.

E. Execute a Memorandum of Agreement with Potomac Highlands Airport Authority

This is between the Airport Authority and the State of Maryland for a grant that will benefit the Airport Authority long term. No one signed up to speak on this agenda item.

10. General Public Comment

Before the public comment period began, Administrator Bennett and Attorney Beeman recapped what was talked about in the Work Session held prior to the public meeting. Attorney Beeman looked into the compliance of the agreement with the Animal Shelter Foundation Board, and has found there were three areas that were out of compliance - they failed to provide financial statements to the Commissioners since FY22; they failed to provide an audit report that was due to the Commissioners July 1, 2025; and with regard to personnel changes that have occurred at the animal shelter, there is a provision of the agreement that requires the board to provide the Commissioners with advance notice and allow the Commissioners to make comment on those changes to personnel. Under the contract, the Commissioners have the ability to terminate the agreement with notice and a 90 day cure period.

Separately, under State law, animal control is a power delegated to the counties by the State. State law contains a provision that would allow the Commissioners to cancel the contract without notice and without any recourse for cause. Attorney Beeman drafted two separate letters addressed to the Animal Shelter Foundation Board for the Commissioners' review - first being to provide notice of the deficiencies and allow the opportunity to cure and the second being notice to terminate the agreement.

Commissioner Caporale said the Commissioners would be looking into this and everything that has been

discussed and presented, and hopefully move forward from this.

Constituents – In order of sign-up sheet:

- Kit Pepper LeScallete of 211 James Ct in Frostburg - Referenced the situation with the animal shelter, and has many concerns with the lack of the Commissioners' role and involvement in the animal shelter. Law states, there should be an Animal Control Board, which she stated hasn't been active since 2017, that serves in an advisory capacity to the Allegany County Commissioners in all matters pertaining to the welfare of domestic animals in Allegany County. Brought forth concerns with the Commissioners not acting within the law and actively keeping up with having an Animal Control Board.
- Sandy Lippold of 12713 Bedford Rd in Cumberland - Discussed Route 51, and the concerns she has with the unsafe driving conditions on that road. Advocated for change in the way the road is patrolled.
- Jodi Eirich of 11007 Ramblewood Dr in LaVale - Former Executive Director of the Allegany County Animal Shelter. Discussed concerns she has with the remaining members of the Animal Shelter Foundation Board. Also, talked about the accomplished work that has been done in the four months she served as Executive Director.
- Fred Voss of 205 Fayette St in Cumberland - Patron of the Allegany County Animal Shelter, advocated for the leadership of Jodi Eirich and her team, and how there seems to be a disconnection between the management and the Animal Shelter Foundation Board.

11. Reports

A. County Administrator

Reminded the Commissioners there were two items from Attorney Beeman regarding the animal shelter in front of them for consideration. Signing one of the two letters to enforcement the process could potentially be future action for the Commissioners. Administrator Bennett thanked Jodi Eirich, again, for all her work the past four months, and wished her well in the future.

B. County Attorney

Had no further comments to add at this evening's meeting.

12. Commissioner Comments

- Commissioner Atkinson - Very frustrated by the situation with the animal shelter and its Board. Struggling to find a way through the Board issue, and feels as if their hands are tied and the Commissioners have no authority as of now. Would like to have meetings with the current Board to discuss the issues, and what needs done going forward.
- Commissioner Caporale - Had no further comments to add at this evening's meeting.

13. Reminders/Upcoming Meetings

A. NEXT MEETING - Thursday, November 6, 2025, 5:00 PM

14. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 03:53 PM.