

**Public Business Meeting
Minutes**

Thursday, February 26, 2026 - 5:00 PM

*Allegany County Office Building, 701 Kelly Road, Allegany Room 100
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 Commissioners' Meeting Room, Allegany Room 100, 701 Kelly Road, Cumberland, at 04:57 PM on 2/26/2026. Present: County Commissioner Creade V. Brodie, Jr., County Commissioner William R. Atkinson, County Commission President David J. Caporale, County Administrator Jason Bennett, County Attorney Lee Beeman.

3. Approval of Agenda

Commissioner Caporale asked for a motion to add Item 8B to the Action Agenda, Request and Authorize Staff to Support HB988, HB1164, HB1187, and HB1190, as discussed in the public Work Session held prior to the public business meeting.

Motion: Amend, By: Creade V. Brodie, Jr., Seconded: William R. Atkinson. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

Commissioner Caporale asked for a motion to approve the agenda as amended.

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

4. Statement of Closed Meeting

A. Statement Regarding the Closed Session Held on Thursday, February 12, 2026 at 4:00PM - T. Lee Beeman, Jr., County Attorney

Attorney Beeman read a statement regarding the closed session. A copy of this statement is attached to these minutes.

5. Approval of Previous Meetings Minutes

Upon Motion made by County Commissioner Creade V. Brodie, Jr., seconded by County Commissioner William R. Atkinson, and duly carried, the Minutes from the previous public business meeting were approved by the Board of County Commissioners.

6. Presentations

A. Present Citation to Roy Cool for 50 Years of Service with Allegany County Government - **Jim Squires, Director of Planning and Zoning**

The Board of County Commissioners for Allegany County publicly recognized and congratulated Roy Cool for a staggering 50 years of service with Allegany County Government. Dedication is admirable, and the Commissioners commend Mr. Cool for his long term commitment to the citizens of Allegany County. Mr. Jim Squires, Director of Planning and Zoning, approached the podium to provide background of Mr. Cool's 50 years of employment with Allegany County and to congratulate Mr. Cool on this amazing achievement. There was a round of applause and a photo taken.

7. Public Hearing

A. Code Home Rule Bill 1-26 - An Act to Repeal and Reenact Public Laws of Allegany County, Maryland, Section 461-9 - Prohibition of Traffic Law Photo-Monitoring Devices to Detect or Prove Traffic Law Violations - **T. Lee Beeman, Jr., County Attorney**

At the previous public business meeting, the Commissioners introduced Code Home Rule Bill 1-26, a bill entitled "An Act to Amend Chapter 461 of the Code of Public Local Laws of Allegany County, Maryland to Repeal the Prohibition of Traffic Law Photo-Monitoring Devices." Previously, in 2019, the Board of County Commissioners entered a Code Home Rule Bill to ban the use of traffic law photo monitoring devices as evidentiary tools in Allegany County. This act, Code Home Rule Bill 1-26, seeks to repeal Section 461.9, the prohibition of use of traffic law photo monitoring devices to detect and prove traffic law violations. This is a repeal in its entirety. It would delete the entire section 461.9. As discussed, the Sheriff previously presented at a public meeting and asked the Commissioners to introduce legislation in order to enable speed cameras. This would be step one of the process. If the ban is repealed, then at a later date, the Commissioners will need to introduce legislation enabling the use of speed cameras in Allegany County.

Attorney Beeman then opened the public hearing, and asked if there were any members of the public who would like to make comment on Code Home Rule Bill 1-26. Hearing none, the public hearing was closed. No action was taken by the Commissioners. Being that the next scheduled public business meeting is a legislative day, the Commissioners will have the opportunity to vote to adopt this bill then.

8. Action Agenda & Public Comment

A. Award Bid to Mountain League Baseball for Use of the Fairgrounds Ballfields and Authorize Staff to Negotiate an Operations and Maintenance Agreement - **Jason Bennett, CPA, County Administrator**

Two weeks ago during the public meeting, the Commissioners authorized staff to put an RFP out for use of the ball fields at the Fairgrounds. Only one proposal was received and it was submitted by Mountain League Baseball, LLC. Everything in the proposal fit exactly what the County asked for, and therefore, staff is asking the Commissioners' permission to award the bid to Mountain League Baseball, LLC and negotiate a contract with them. If approved, staff hopes to have the contract for approval on the next public meeting agenda. No one signed up to speak on this agenda item.

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

B. Request and Authorize Staff to Support HB988, HB1164, HB1187, and HB1190 (Item added at the start of the BOCC Public Business Meeting) - T. Lee Beeman, Jr., County Attorney

During the public work session held before the public business meeting, four legislative bills were brought to the Commissioners attention:

- HB988 is a bill sponsored by Delegate Hartman of Worcester County and titled "Environment - Building Energy Performance Standards - Repeal." This bill seeks to repeal the BEPS in their entirety.
- HB1164 is a bill sponsored by Delegate Foley of Montgomery County titled "Water Companies, Sewage Disposal Companies, and Water and Sewage Disposal Companies - Rate Consolidation and Limited-Income Mechanisms." This is the bill that would allow for rate blending, which is the idea that if a public service utility has customers in multiple areas, the company would be allowed to consolidate those customers for the purposes of a rate case. For example, if a small area is hit with a significant amount of repairs or infrastructure improvements, that rate increase would be spread out over all of the utility's customers in the state, as opposed to just that particular area.
- HB1187 is a bill sponsored by Delegate Hinebaugh of Garrett and Allegany Counties and titled "Water Companies and Sewage Disposal Companies - Eminent Domain Proceedings and Service Rates." This bill would prohibit the Public Service Commission from approving a public utilities rate increase request for a water company or sewage disposal company if a county or municipality has commenced or indicated an intent to commence condemnation proceeding. This bill also makes further changes within the Real Property Article to address the valuation of a private utility, in the event that it's undergoing a condemnation or eminent domain action. It would allow or require the reduction in value of the system based upon reasonable system upgrades necessary to provide safe and reliable water service.
- HB1190 is a bill sponsored by Delegate Hinebaugh of Garrett and Allegany Counties and titled "Public Utilities - Off-Grid Electricity Providers - Exemption." This bill provides for a definition of what an off-grid electricity provider is - a provider whose connection doesn't interconnect with the electric system of the State, doesn't cross state lines, and is not located within or doesn't cross any federal, state or local roadways or right-of-ways. The bill then goes on to indicate it only applies to off-grid electricity providers that begin to generate, transmit, distribute or sell electricity after October 1, 2026. It also provides that those off-grid electricity providers are exempt from any provision of the Public Utilities Article and any regulation, order or permit except as otherwise provided, and it subjects them to comply with the requirements in Section 7-207 and 7-207.1 of the process to construct an electric generating facility. Finally, it provides that an off-grid electricity provider that subsequently connects to the state system or fails to meet the definition, loses its consideration as an off-grid electricity provider.

The action before the Commissioners is to authorize staff to support these four Bills.

Three people asked to speak on this agenda item, which was added at the start of the public business meeting:

- Eric Carey of 99 Mt. Pleasant St in Frostburg brought up his concerns with supporting HB1190, which is cross-filed with SB26, and the idea of a data center coming to the County.
- Kit Pepper LeScallete of 211 James Ct in Frostburg brought up her concerns with supporting HB1190, which is cross-filed with SB26, and the idea of a data center coming to the County. Also, feels the citizens should have input on whether or not the Commissioners should support this Bill and the Commissioners did not provide ample time for that.

- Ellen McDaniel Weissler of LaVale brought up her concerns with supporting HB1190, which is cross-filed with SB26, and the idea of a data center coming to the County. Also, feels the citizens should have input on whether or not the Commissioners should support this Bill and the Commissioners did not provide ample time for that.

At the conclusion of the comments, Commissioner Caporale asked if there was any discussion, and hearing none, tasked for a motion to approve this agenda item.

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

9. Consent Agenda & Public Comment

Upon Motion by County Commissioner Creade V. Brodie, Jr., seconded by County Commissioner William R. Atkinson, and Motion carried, the Board of County Commissioners approved and adopted the Consent Agenda as recommended by the County Administrator.

A. Execute Fairgrounds Use Agreement with Western Maryland Jaycees for the First Peoples Wing-Off and Music Festival

This will be on June 20th and the rent is set at \$2,500 with additional rent coming from the number of campers. No one signed up to speak on this agenda item.

B. Execute an Agreement with Mountain Maryland Ventures, LLC

This is for the operation and promotion of dirt track racing at the Fairgrounds, and allows for two one-year options after the first year. No one signed up to speak on this agenda item.

10. General Public Comment

Constituents – In order of sign-up sheet:

- Kit Pepper LeScallete of 211 James Ct in Frostburg - Questioned the transparency of the current Board of County Commissioners and gave several examples of transparency issues.
- Dr. Larry Smith of 15201 Brandywine Dr in Cumberland - Concerned with HB1164, "smoothing of rates", and does not agree with the Commissioners' support of this bill, as he is very much against the "smoothing of rates".

11. Reports

A. County Administrator

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

B. County Attorney

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

12. Commissioner Comments

- Commissioner Atkinson - Had no further comments to add at this evening's meeting.
- Commissioner Brodie - Had no further comments to add at this evening's meeting.

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

13. Reminders/Upcoming Meetings

A. NEXT MEETING - Thursday, March 12, 2026, 5:00 PM

14. Adjournment

**STATEMENT REGARDING THE CLOSED SESSION HELD ON
THURSDAY, FEBRUARY 12, 2026, AT 4:00 O’CLOCK P.M., ROOM 424**

The Board of County Commissioners, at a meeting convened on Thursday, February 12, 2026, upon a motion by Commissioner Caporale, and duly seconded by Commissioner Atkinson, voted unanimously to go into a closed session. Commissioner Brodie was absent for both the open and closed sessions. The meeting time and place and the purpose of the meeting were provided in a public notice distributed on February 11, 2026. The notice was provided in the same manner, and also to the same entities, that receive the Commissioners’ regular business meeting notices.

The meeting was closed in accordance with the General Provisions Article of the Annotated Code of Maryland Section 3-305, and the purposes for which the meeting was closed were as follows:

1. To consult with staff, consultants, or other individuals about pending or potential litigation regarding Open Meetings Act complaints filed against the Board of County Commissioners (General Provisions Article Section 3-305(b)(8); and
2. Consultation with counsel to obtain legal advice concerning the matters referenced above and other matters (General Provisions Article Section 3-305 (b)(7)).

Those persons present during all or part of the closed session are Commissioners Atkinson and Caporale; Jason M. Bennett, County Administrator; T. Lee Beeman, Jr., County Attorney; as well as Recording Secretary, Madison Taylor.

Item 1. Open Meetings Complaints – Staff presented Commissioners with two Open Meetings Compliance Board Complaints. Staff presented the Complaints, explained the alleged violations to the Commissioners, and provided legal advice regarding potential responses to the Complaints. County Attorney, T. Lee Beeman, Jr., will respond to the Open Meetings Compliance Board.

There was no further business. The meeting was adjourned at 4:20 p.m.