

**Public Business Meeting
Minutes**

Thursday, April 9, 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 05:00 PM on 4/9/2026. 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

There were no additions or deletions to the agenda. Upon Motion made by County Commissioner Creade V. Brodie, Jr., seconded by County Commissioner William R. Atkinson, and duly carried, the Agenda for this public business meeting was approved by the Board of County Commissioners.

4. Statement of Closed Meeting

A. Statement Regarding the Closed Session Held on Thursday, March 26, 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

A. Approve the Public Business Meeting Minutes from March 26, 2026

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

6. Presentations

A. Child Abuse Prevention Month Proclamation - **Courtney Thomas-Winterberg, Director, Allegany County Department of Social Services**

Ms. Thomas-Winterberg invited Tracie Wilson to the podium to speak on her, and the whole Department's, behalf. Ms. Wilson thanked the Commissioners for recognizing April as Child Abuse Awareness and Prevention Month, and spoke about the importance of the community agencies working together to help spread awareness. Commissioner Caporale presented the proclamation, which proclaims April 2026 as Child Abuse Awareness and Prevention Month and the Commissioners call upon all citizens, community agencies, medical facilities, elected leaders and businesses to increase their participation in the efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

B. Fair Housing Month Proclamation For April 2026 - **David Nedved, Community Development Representative**

This evening marks the 58th anniversary of the Fair Housing Act. This is an annual event for Allegany County, which is now in its 13th year. The County Commissioners have shown their commitment to fair housing by adopting a FAIR HOUSING AND EQUAL OPPORTUNITY PLAN. The plan was first signed in 2013, and has been renewed three times, most recently in September 2023. This plan states that the Board of County Commissioners of Allegany County, Maryland, will do what they are doing today, promote the opportunity for each person to obtain housing of such person's choice in this community without regard to any of the categories stated in the proclamation (race, color, national origin, ethnicity, gender, disability, familial status, marital status, age or religion.)

7. Public Hearing

8. Action Agenda & Public Comment

A. Adopt Resolution 26-04 for Allegany County's FY26 Housing Bond Allocation for Maryland Mortgage Program - **David Nedved, Community Development Representative**

The Maryland Community Development Administration (CDA) provides financing for the Maryland Mortgage Program to each county through the sale of tax-exempt bonds. This program provides below-rate mortgages for homeownership to the residents of Allegany County. All of Allegany County is considered a targeted area, which means one does not have to be a first-time home buyer to participate in this program. The 2026 sub-allocation for Allegany County is \$3,174,491.

The Maryland Mortgage Program offers a variety of programs. See the included information kit, the included rate sheet, or visit the website at <http://mmp.maryland.gov>. Since Allegany County is a targeted area, current income limits for 2025 to qualify are \$158,040 for one or two persons in the household with an increase to \$184,380 for a family of three or more. The maximum acquisition cost is \$665,173 for Existing or Newly Constructed Homes. The Federal Housing Administration nationwide mortgage limit "floor" for 2025 is \$524,225 for a one family house.

The program is accessed through various mortgage lenders throughout the State of Maryland but in Allegany County a participating lender with a branch is Truist Financial Corporation. The contact for the program at Truist Financial Corporation is Toni Davis-Spivey. Her phone is 410-265-3699 and her e-mail is tdavis-spivey@Truist.com.

Mr. Nedved is recommending the Commissioners authorize by a Resolution the transfer of \$3,174,491 to the Community Development Administration's Maryland Mortgage Program for issuance of tax-

exempt housing bond on behalf of Allegany County. 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. Approve the DNR Request for Acquisition of the Mt. Savage Refractories Parcel 1 Property - Jason Bennett, CPA, County Administrator

DNR is requesting approval from the Commissioners to pursue the acquisition of the Mt. Savage Refractories Parcel 1 Property, which includes approximately 675.45 acres of mostly forested property. If acquired, the Maryland Park Service will manage the property as part of Wills Mountain State Park, and will offer the opportunity for additional access to areas that can be developed for mountain biking, hiking, rock climbing, and environmental education. No one signed up to speak on 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.

C. Consent to National Opioids Settlement with "Remnant Defendants"- T. Lee Beeman, Jr. County Attorney

One person signed up to speak on this item and was invited to the podium before discussion:

- Sean Major of 95 Ormand St in Frostburg - Read a prepared statement to address the proposed budget, specifically regarding the alignment, or lack thereof, between the County's local tax strategy and the management of opioid restitution funds. Questioned how these funds are being used.

Attorney Beeman presented the agreement and participation form for what is being called the Remnant Defendant Settlement in the National Opioid Litigation. This is six of the regional distributors who have reached a settlement with the participating subdivisions. The settlement amount that has been proposed and agreed to by the Opioid National Trial Council is \$97 million, which will be allocated among all of the participating entities. Assuming all entities participate, Allegany's County share would possibly be .03764% of the total settlement, approximately \$37,000, as a one-time payment. This would be added to the funds that are managed by the County's Opioid Restitution Fund Task Force. Approval by the Commissioners in order to participate in this settlement.

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

D. Code Home Rule Bill 2-26 Introduction, "An Act to Amend Chapter 461 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition as Amended) to Authorize the Use of Speed Monitoring Systems. T. Lee Beeman, Jr., County Attorney

This CHRB is enabling legislation, meaning it is legislation that authorizes something in the future to happen. Essentially, this would allow the use of speed monitoring systems in Allegany County consistent with the State Transportation Code, Section 21-809. This bill would authorize the Sheriff of Allegany County to determine the locations where speed monitoring systems are to be installed in the county, within the limitations of what is written in the State Code. Additionally, this bill would establish a designation of school zones in Allegany County for the purposes of speed monitoring systems, and would define a school zone as a portion of the county road being within a half-mile radius of the greater of either the boundary of a public or private educational institution recognized by the State Education Authority for one or more grades K through 12, or where school related activity occurs, including travel by students to or from school on foot or by bicycle, or by dropping off or pick up of students by school buses. Those areas defined as school zones would make them eligible for the Sheriff to put cameras in, if the Sheriff would choose to do so.

Attorney Beeman advised the Commissioners that action needs to be taken to introduce the Bill and to schedule the public hearing for the Bill on Thursday, April 23rd. 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.

9. Consent Agenda & Public Comment

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.

- A. Approve a Community Event Promotion Request from the Western Maryland Jaycees for the Wing Off and Music Festival in the amount of \$2,000
This will be their 14th annual event, and will be held June 20th at the Fairgrounds. No one signed up to speak on this agenda item.
- B. Approve a Community Event Promotion Request from Allegany County DSS for Crabs for a Cause in the amount of \$1,000
This is their sixth annual event, and will be held September 26th at the Cumberland Outdoor Club Pavilion. No one signed up to speak on this agenda item.
- C. Approve the Appointment of Emily Weber to the Solid Waste Management Board to Represent the City of Frostburg
The SWMB voted on this nomination at their most recent board meeting, and just needs Commissioner approval. No one signed up to speak on this agenda item.

10. General Public Comment

Constituents – In order of sign-up sheet:

- Kit Pepper LeScallette of 211 James Ct in Frostburg - Pointed out a concern she has regarding the decisions to be made about where the speed monitoring devices are placed, and would like a process that includes an opportunity for public opinion. Also, made comments about the Luke Mill site and the use of that site being planned and action being taken by the Commissioners in closed meetings.

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 - Thanked everyone involved with the response to the threat at Allegany High School the week before.

13. Reminders/Upcoming Meetings

- A. Budget Workshop - Thursday, April 16, 2026, 5:00pm
- B. Anticipated BOCC Public Work Session - Thursday, April 23, 2026 (Details and Time TBA)
- C. BOCC Public Business Meeting - Thursday, April 23, 2026, 5:00pm

14. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 05:31 PM.

**STATEMENT REGARDING THE CLOSED SESSION HELD ON
THURSDAY, MARCH 26, 2026, AT 4:00 O'CLOCK P.M., ROOM 424**

The Board of County Commissioners, at a meeting convened on Thursday, March 26, 2026, upon a motion by Commissioner Caporale, and duly seconded by Commissioner Atkinson, voted unanimously to go into a closed session. The meeting time and place and the purpose of the meeting were provided in a public notice distributed on March 25, 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 County Commissioners David J. Caporale, William R. Atkinson, and Creade V. Brodie, Jr.; Jason M. Bennett, County Administrator; T. Lee Beeman, Jr., County Attorney; Gorman E. Getty, III, Esq; as well as Recording Secretary, Madison Taylor.

Item 1. Open Meetings Complaints – Staff presented Commissioners with an Open Meetings Compliance Board Complaint. Staff presented the Complaint, 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.

Item 2. Legal Advice Regarding Open Meetings Act Compliance – Counsel provided counsel with legal advice on compliance with the Open Meetings Act and Maryland Code regarding the operation of public business meetings, work sessions, and public hearings. Counsel provided legal advice regarding past compliance issues and potential remedies moving forward.

There was no further business. The meeting was adjourned at 4:52 p.m.