

**Public Business Meeting
Minutes**

Thursday, May 28, 2026 - 4:00 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 04:00 PM on 5/28/2026. 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. The Board of County Commissioners did not meet in Closed Session on May 7, 2026.

5. Approval of Previous Meetings Minutes

- A. Approve the Public Business Meeting Minutes from May 7, 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. FY 2027 Allegany County Utility Rate Presentation - Adam Patterson, P.E., Director, Department of Public Works

Each year, the Allegany County Sanitary Commission provides feedback on the proposed utility rates that are prepared by members of the Allegany County Utility Division. These proposed rates were previously presented to the Commissioners on May 7th, and were made part of the agenda packet. These will be presented for approval at the next regularly scheduled business meeting, and adopted as part of the FY27 budget.

B. FY2027 - FY2031 Allegany County Capital Improvement Program Presentation - Daniel S. DeWitt, P.E., County Engineer, Department of Public Works

Each year, the Allegany County Capital Improvement Program (CIP) Committee solicits and receives requests from various County-funded agencies/departments for capital funding for projects/purchases that will exceed \$25,000 and/or 10 years of useful life. All received requests are reviewed by the Committee and recommendations for funding in the coming fiscal year are then made to the Commissioners for their consideration and eventual approval. These recommendations were previously presented on May 7th, and will be presented for approval at the next regularly scheduled business meeting and adopted as part of the FY27 budget.

C. FY27 Program Open Space Recommendations - Andrew Cowan, Recycling Coordinator, Department of Public Works

Program Open Space is funded by the DNR for the purpose of planning, acquisition, and/or development of recreational land or open space areas. For FY 2027, Allegany County was awarded \$561,507.00. The apportionment may be used to fund projects consistent with Allegany County's 2022-2027 Land Preservation, Parks, and Recreation Plan. A list of the proposed funded projects was presented to the Commissioners and made part of the agenda packet. This list will be posted to the County website for public review and comment, and brought back to the Commissioners at the public business meeting scheduled for June 25th for their approval.

7. Public Hearing

A. FY 2027 Second Preliminary Budget Public Hearing - Jason Bennett, CPA, County Administrator

The preliminary budget of \$118.6 million was presented to the Commissioners on May 7th. This included no property tax or income tax increases and included the \$6.3 million additional disparity grant dollars. This also includes putting back \$2.1 million into the County's fund balance. This is the second preliminary budget hearing, and a chance for the public to comment. Administrator Bennett asked if there was anyone from the public who wished to comment on the preliminary budget, hearing no one the public hearing was closed.

The adoption of the budget is tentatively scheduled for the public business meeting scheduled for June 4th. This would also include adoption of the utility rates and CIP.

B. Code Home Rule Bill 4-26 "Bedford Road Sanitary Sewer Rehabilitation Phase VII - Bond Authorization" - Jason Bennett, CPA, County Administrator

CHRB 4-26 was introduced on May 7th, and would authorize the Commissioners to borrow up to \$1.5 million for this project, and will be funded through MDE. Administrator Bennett opened the public hearing for comments, and hearing none the public hearing was closed. Being that this is a legislative day, the Commissioners went ahead and took action to adopt CHRB 4.26.

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.

8. Action Agenda & Public Comment

- A. Adopt Code Home Rule Bill 3-26 "An Act to Amend the Minimal Annual Tax Levy Found in Articles VI and VIII of Chapter 146 of the Code of Public Local Laws of Allegany County, Maryland (2011 Edition As Amended)" (Introduced April 23, 2026)- T. Lee Beeman, Jr., County Attorney

Chapter 146, Article VI, Section 22 of the Allegany County Code sets the annual tax levy for the Cresaptown Fire Area to provide funding to operate and maintain the Cresaptown Fire Company. Chapter 146, Article VIII, Section 32 of the Allegany County Code sets the annual tax levy for the Cresaptown Ambulance Area to provide funding to operate and maintain the Cresaptown Ambulance Company. These sections provided a minimal annual tax levy. The Cresaptown Fire Company and Cresaptown Ambulance Company have historically requested respective annual levies for their area and company below the minimal annual tax levy. This update will remove the minimal annual tax levy and authorize the Cresaptown Fire Company and Cresaptown Ambulance Company to directly set their levy rates, consistent with other Public Safety Special Taxing Areas in Allegany County.

CHRB 3-26 was introduced on April 23rd and the public hearing was held on May 7th. The bill is now being presented to the Commissioners for adoption. 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 Amendment to Ground Lease between Celanese Acetate and Board of County Commissioners - Adam Patterson, P.E., Director, Department of Public Works

In July 2021, the Board of County Commissioners entered into a ground lease with Celanese Acetate at the North Branch Wastewater Treatment Plant. The ground lease is for 0.52 acres of property that has an existing above-ground storage tank that the Utilities Division utilizes to support the treatment plant process. The tank holds non-potable water that we use in the sprayers and belt press, and we do not need to use potable water for these processes. This agreement has five five-year extensions written into it, and this would be the first of these extensions. 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. Execute an Operations and Maintenance Agreement with LaVale Athletic Association (LAA) for Holly Avenue Recreation Area and LaVale Lions Field - Andrew Cowan, Recycling Coordinator, Department of Public Works

LaVale Athletic Association manages two tracts of land located in LaVale, MD, under an Operations and Maintenance Agreement with the Allegany County Commissioners. The first tract, known as LaVale Lions Field, is situated on Braddock Road. The second track is located on Holly Avenue in LaVale, MD, and is referred to as Holly Avenue Recreational Area. This will extend the current agreement for three more years, and will now terminate on April 30, 2029. 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.

- D. Approve the CareFirst Stop Loss Renewal for FY 2027 - Kristi Liller, Director, Department of Human Resources

Stop Loss insurance reduces the County's financial liability by reimbursing medical expenses that exceed a certain dollar amount. CBIZ, our current insurance broker obtained quotes from various insurance carriers for our Stop Loss insurance for the upcoming year. The recommendation was to continue our coverage with CareFirst, as other carriers would have resulted in higher premium or

increased liability. The proposal for the CareFirst coverage for FY 27 includes an overall 26.12% increase in fixed premium, from \$1,033,976 to \$1,304,007. The increase in premiums are due to our claims history and increase in high-cost claims. 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.

E. Adopt Resolution 26-09, Revisions to Rules & Regulations Governing Employees of Allegany County - Kristi Liller, Director, Department of Human Resources

The update to Section 5.804, Salary of a Promoted Employee, includes clarification of the salary increase being "up to" 5% per grade or minimum of the new salary range for promoted employees. The update to Section 8.302 increases the amount from \$50 to \$150 for reimbursement of eligible employees who waive the County's healthcare coverage as they are covered under a spouse's or parent's plan. This update also provides clarification that proof of other coverage is required on an annual basis. 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.

F. Adopt Resolution 25-10 - A Resolution Supporting and Authorizing the Exercise of the County's Power of Eminent Domain for the Purposes of Condemnation of the Water and Sewer Utility Systems Owned and Operated by Maryland Water Service, Inc. and Nexus Regulated Utilities, LLC within Allegany County, Maryland - T. Lee Beeman, Jr., County Attorney

Before any discussion and public comment, Mr. Bennett read into the record a letter that was received from the Federal Delegation. This letter is attached to these minutes.

Two people signed up to speak on this item and were invited to the podium one at a time before the Commissioners discussed:

- Larry Smith of 15201 Brandywine Dr in Cumberland - Verified this includes all the affected areas of the privately owned system, not just Pinto and Highland Estates, as it is named. Thanked the Commissioners for hearing the voices of the people of Bel Air, Pinto, Glen Oaks, and Highland Estates, and continued to read a prepared statement in regards to the critical need for affordable water.
- David Tibbetts of 15613 Winslow St in Cumberland - Thanked the County and State leaders for the support with this.

This Resolution will initiate condemnation of the water and sewer utility systems, including all assets, personal property attendant to the operation of the utility systems, infrastructure, real property, easements, and any appurtenances thereto controlled and operated by Maryland Water Service, Inc. and Nexus Regulated Utilities, LLC and located within Allegany County, Maryland, more specifically identified as (1) Pinto Water and Wastewater Systems in Cumberland, Allegany County, Maryland and (2) Highland Estates Water System in Cumberland Allegany County, Maryland.

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

G. Adopt Resolution 26-11 - A Resolution to Ratify Certain Sales and Leases of County-Owned Property - T. Lee Beeman, Jr., County Attorney.

Two people signed up to speak on this item and were invited to the podium one at a time before the Commissioners discussed:

- Kit Pepper LeScallete of 211 James Ct in Frostburg - Talked about transparency and how it was published a hearing would be held in regards to the 12 pieces of property that were either sold or leased by the County.
- Ellen McDaniel-Weissler of 311 Skyview Dr in LaVale - Reiterated that the Commissioners, Administrator and Attorney work for the people, and need to be transparent and hold public discussion and not make transactions behind closed doors.

Due to an advertising error by the Cumberland Times-News, the required public notices for this item were legally insufficient. As a result, additional public notice will be given and this matter will be considered on the next available meeting date, June 25, 2026. No action was taken.

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. Approve a Sponsorship Request from Rock the Mountains LLC in the amount of \$1,500

This will be for their annual event now held at the Allegany County Fairgrounds August 21st through 23rd. No one signed up to speak on this agenda item.

B. Approve a Sponsorship Request for the Frostburg Palace Theatre's 2026 Classic Film Series in the amount of \$1,000

This will help defray the cost of programming and advertising. No one signed up to speak on this agenda item.

C. Approve the Re-appointment of Renee Kniseley to the Allegany County Library System Board of Trustees

This will be for her second term and will run from July 1, 2026 through

D. Accept 9-1-1 Board Funding for Project #26-263 in the amount of \$2,458.36

This will be for outreach materials. No one signed up to speak on this agenda item.

E. Accept 9-1-1 Board Funding for Project #26-235 in the amount of \$8,240

This is for the cost of the Priority Dispatch AI Skills Lab Tier II. No one signed up to speak on this agenda item.

F. Accept 9-1-1 Board Funding for Project #26-222 in the amount of \$7,133.60

This is for the PSAP PRI replacement. No one signed up to speak on this agenda item.

10. General Public Comment

Constituents – In order of sign-up sheet:

- William Taccino of 402 Pine Ave in Cumberland - Asked the Commissioners if there was anything they could in regards to the City of Cumberland increasing water and sewer rates, and ongoing issues he has had with his own water and sewer.
- Chelsea Boor of 11715 Trenton St NE in Cumberland — Concerned about the flood recovery funds from the State and how they will be utilized and accurate information being provided by County staff.

11. Reports

A. County Administrator

Thanked Adam Patterson, Ashli Workman, Keven Kamauf, many members of both the County Roads and Utilities Divisions, members of the GAP Trail team, members of the County Maintenance department for all their hard work maintaining the conditions of the Fairgrounds during a very rainy DelFest. Also thanked the DelFest team, and talked about the great relationship the County has with them.

B. County Attorney

Attorney Beeman read a statement in which he described some of the difficulties the Office of the County has experienced in updating outdated practices regarding Open Meetings Compliance and disposition of County-owned property. Attorney Beeman apologized to the Commissioners and citizens of Allegany County that his office had not been diligent at updating practices that had fallen out of compliance, affirmed that his office has taken the necessary steps to bring these practices into compliance, and assured that his office would continue to update practices to ensure ongoing compliance, accountability, and transparency moving forward.

12. Commissioner Comments

- Commissioner Atkinson - Talked about how great DelFest was, and mentioned how nice the "Delebration" in downtown Cumberland that was held the Wednesday night before DelFest and is happy to have five more years of the festival. Met with Governor Moore at DelFest on Thursday, and discussed the flood money with him, which is still being worked out. Also discussed the Bel Air water situation with him as well. The Commissioners will be in attendance at the PSC hearing in regards to the Solar Farm being proposed on Cash Valley Rd.
- Commissioner Brodie - Glad another flood disaster was averted the day before and we didn't get as much rain as expected. There was little damage done, and thanked Adam Patterson and the County Roads Division who helped with this situation.
- Commissioner Caporale - Congratulated the newly elected mayor of Westernport, Allen Shapiro, and thanked Mayor Judy Hamilton for all the work she did for the town of Westernport, during the flood and beyond. Talked about the open meetings compliance complaints and how time consuming they have been for staff, and mentioned again that two more were dismissed.

A. Acknowledgment of Open Meetings Act Violation, 20 Official Opinions of the Compliance Board 168 (2026) - David J. Caporale, President.

On May 18, 2026, the Open Meetings Compliance Board issued a Decision reviewing two complaints filed against the Board of County Commissioners. The Complaints alleged numerous violations related to closed sessions held by the Board from February 20, 2025 to April 3, 2025. In their decision, the OMCB found that the Board violated the Act by using a boilerplate exception for closing the meeting, by failing to convene the closed session from an open session, and by failing to include a closed session summary in the next meeting's minutes. Commissioner Caporale then read several allegations contained within the complaint, which the OMCB found not to be in violation of the Act.

On April 23, 2026, the Open Meetings Compliance Board issued a decision reviewing two complaints filed against the Board of County Commissioners. The Complaints alleged numerous violations by the Board from April 3, 2025 to May 2025. In their decision, the OMCB found that the Board did not violate the Act. It was alleged that the Board engaged in secret meetings between April 10, 2025 and May 1, 2025. The OMCB found no evidence to support a finding that the Board violated the Act. It

was alleged that the Board improperly executed a lease agreement in a closed session on April 17, 2025. The OMCB found that the Board did not violate the act because the act of executing the lease was included among the listed exceptions.

13. Reminders/Upcoming Meetings

- A. Anticipated BOCC Public Work Session - Thursday, June 4, 2026 (Details and Time TBA)
- B. BOCC Public Business Meeting - Thursday, June 4, 2026, 4:00pm

14. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 05:23 PM.