

**Public Business Meeting
Minutes**

Thursday, August 6, 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 8/6/2026. 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 July 23, 2026.

5. Approval of Previous Meetings Minutes

- A. Approve the Public Business Meeting Minutes from July 23, 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

7. Public Hearing

A. Road Closing Petition for a Portion of the Street Commonly known as Heather Street - T. Lee Beeman, Jr., County Attorney

Attorney Beeman invited Attorney Wayne Heavener to the podium. On behalf of his clients, Mr. Heavener asked the Commissioners to close the 20 foot portion of the unpaved and unimproved portion of a road commonly known as "Heather Street" in Cumberland. The Commissioners previously took action to open this road for the petitioners' intent to close.

Attorney Beeman opened the public hearing and asked if anyone from the public had any comments. Hearing none, the public hearing was closed. He then advised the Commissioners that they could take action to close this portion of the street commonly known as Heather Street.

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 Resolution 26-17 Authorizing the Execution, Issuance, Sale and Delivery of Two General Obligation Bonds for the Bedford Road Phase VII Sanitary District Project - Jason Bennett, CPA, County Administrator

Passing this Resolution would allow the County to close on the Bedford Road Phase VII Sanitary District project. Code Home Rule Bill 4-26 (Bond Bill) was enacted on May 28, 2026. This is a two-part general obligation bond for \$968,011 in total. Series A is the actual debt that will be owed on this project, which is \$484,006 and will be with a 20-year term with an interest rate that's 25% of the average of the bond buyer index for the month preceding. Series B of this is \$484,005, and this is what MDE terms as a forgivable loan so there will be no debt service on this at all. After 10 years, this piece of the loan will be forgiven. 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. Adopt Resolution 26-18 - A Resolution Authorizing the Disposition of 11.87 Acres of County-Owned Property to D.R. Horton, Inc. - T. Lee Beeman, Jr., County Attorney

Allegany County is the owner of certain real property and improved premises lying and situated at the site of the old Allegany High School along Sedgwick Street, in the City of Cumberland, Allegany County, Maryland. Pursuant to the terms of a Land Development Agreement, Allegany County desires to transfer 11.87 acres of that property to D.R. Horton, Inc., for the development of 65 market-rate affordable homes. On July 24th, July 29th, and August 5th the Cumberland Times News advertised that the County would be hearing this matter for proposed disposition to transfer the property to DR Horton. Attorney Beeman stated this an opportunity for anyone to express comments on the matter.

Two people signed up to speak on this item:

- Gary Werkheiser of 615 Washington St in Cumberland - Since it has been three years, suggested to putting it back out for other interested developers. Also suggested having DR Horton available for an opportunity for public comment and questions.
- Kit Pepper LeScallete of 211 James Ct in Frostburg - Lots of concerns with signing an agreement with DR Horton, and points out how much money the County has already spent on

the infrastructure and there is no safety net for the County. Also concerned with the lack of public conversation regarding the agreement with DR Horton.

Commissioner Caporale asked if there was any further discussion on this item, and then asked for a motion to approve the adoption of this Resolution.

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. Approve Land Development Agreement with D.R. Horton, Inc., - Jeffrey Barclay, Director, Department of Economic and Community Development

Allegany County Department of Economic and Community Development (ACECD) has been working with national home builder D.R. Horton to redevelop land owned by the County in the City of Cumberland. With help from ACECD, D.R. Horton seeks to construct 65 new homes on the site, ranging from townhouses to single-family detached homes. Thanks to the investment made by Allegany County's funding partners, ACECD is able to develop all the ground-level property and convey it to Horton, to sell at a highly discounted rate to new homeowners. The development agreement captures this unique approach to creating new, affordable housing options.

Two people signed up to speak on this item:

- Gary Werkheiser of 615 Washington St in Cumberland - Concerned with the agreement appearing to be extremely one-sided in favor of the developer. Money has already been spent without an agreement, and is concerned with the risks. It's a unique opportunity to have a new housing development and urges the County to get it right.
- Kit Pepper LeScallete of 211 James Ct in Frostburg - Agreed with a lot of Mr. Werkheiser comments and is also concerned with the development agreement being one-sided, and DR Horton having no obligation. and the County already spending so much money on this project. Also, would like to see local contractors/developers involved.

Attorney Beeman reiterated that DR Horton's regional office has signed the agreement, and is before the Commissioners for action. Contained within the Resolution 26-18 that was just adopted, DR Horton will have under the land development agreement 30 days to have corporate ratification of this agreement. If ratification is not completed on or prior to September 30th, the Commissioners' authorization to transfer the land to DR Horton expires at that point in time. The County will need to provide DR Horton notice for opportunity to cure, but the County will also have the additional remedy to revoke authorization of the transfer.

Commissioner Caporale asked for a motion to approve this 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.

D. Approve the Termination of Ground Lease documents for Frostburg State University's ABC Business Park — Jeffrey S. Barclay, Director, Department of Economic and Community Development

The County entered into a lease with Frostburg State University in January 2001. The County entered into a ground sublease with Allegany Research Properties, LLC for 12 acres to construct the Allegany Business Center building on the property in March 2007. As a result of this, in May 2007, the FSU and County agreement was amended to include rent accrued and deferred to FSU. Rent was never received by the County from Allegany Research Properties, LLC due to their net operating income not exceeding 130% of the annualized mortgage payment, which was written into their lease. Therefore,

the County liability has continued to grow every year and is over \$4 million, and will continue into 2076 if this is not settled. For \$100,000 from the Revolving Building Fund, this liability can be resolved.

One person signed up to speak on this item:

- Kit Pepper LeScallete of 211 James Ct in Frostburg - Hopes the Commissioners approve this item, however, she has concerns with the lack of transparency and open discussions regarding this matter.

Commissioner Caporale asked for a motion to approve this 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.

- E. Approve and Execute a Memorandum of Understanding to Distribute State Grant Funding in the amount of \$15,100 - Melissa Buskirk, Court Administrator and Pete Washington, Regional Drug Court Coordinator, Allegany County Circuit Court

The Maryland Judiciary provides grant funding for adult drug treatment courts throughout the whole state. Garrett County is the only court that did not have one and it became a regional model with Allegany County. This MOU establishes the terms for Allegany County to pass through grant funds through Garrett County for FY27. This MOU allocates \$15,100 to the Garrett County State's Attorney's Office so they can be a part of the drug court team. There is no additional cost to Allegany County associated with this agreement. 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 26-16 Rules and Regulations Governing Employees of Allegany County, Job Description for Circuit Court - Melissa Buskirk, Court Administrator & Pete Washington, Regional Drug Court Coordinator, Allegany County Circuit Court

This Resolution includes the approval of a job description for The Garrett County Case Manager, Regional Adult Treatment Court position is a Case Manager position through the Regional Drug Court Program, which was expanded from the Allegany County Drug Court Program. The grant budget includes funding for both Allegany and Garrett Counties, as it supports the overall Regional Drug Court Program. This will be a full-time contractual, grant-funded position. 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.

- G. Adopt Resolution 26-19 Rules and Regulations Governing Employees of Allegany County, Job Description for Chief Liquor Board Inspector - Tom Farrell, Chairman and Jim Stafford, Commissioner, Allegany County Board of Licensed Commissioners

The Chief Liquor Board Inspector job description is to implement a Chief Inspector, which will expand duties from the Inspector position. This will be a part-time contractual position. 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.

- H. Approve Settlement with PPG Industries, Inc., Related to Alleged Sewer Overpayment - T. Lee Beeman, Jr., County Attorney

PPG formerly owned property near Pittsburgh Plate Glass Road in Cumberland and during PPG's ownership, groundwater at the property became contaminated. Contaminated Groundwater was pumped into the City of Cumberland's sewer system for treatment at the City's wastewater treatment plant by Allegany County. PPG alleged that it overpaid the City of Cumberland and Allegany County, but the City of Cumberland and Allegany County deny liability and assert that PPG's claims are legally barred. This settlement represents a compromise to avoid the expense and uncertainty of litigation and to resolve the dispute. Allegany County will pay PPG the sum of One Hundred Thirty-Five Thousand Eight Hundred Fifty-Seven Dollars and Eighty cents (\$135,857.80) in full, complete, and final consideration in exchange for a release of claims by PPG. 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.

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. Adopt Resolution 26-15 Rules and Regulations Governing Employees of Allegany County
This includes revisions to provide verbiage updates as well as clarifications on our current benefit processes. No one signed up to speak on this agenda item.
- B. Accept 9-1-1 Board Funding for Project #27-010 in the amount of \$123,321
This will help fund NextGen Core Services. No one signed up to speak on this agenda item.
- C. Accept the 9-1-1 Board Funding for Project #27-111 in the amount of \$11,878
This will help fund Network Maryland Services Charges, 9-1-1 Circuits. No one signed up to speak on this agenda item.

10. General Public Comment

Constituents – In order of sign-up sheet:

- Jack Coburn of 60 Main St in Lonaconing - Addressed and corrected comments made by Commissioner Atkinson at a previous meeting regarding the Town of Lonaconing's water debt owed to the County.
- Gary Miller of 14516 Hazen Rd in Cumberland - Has major issues with flooding on his property and in his home and asked for help to mitigate these issues.
- Tony Frenzel of 19504 Buskirk Hollow Rd in Frostburg - Private bridge was damaged during the May 2025 flood, and was told by the County it would be repaired if he replaced the decking. He has replaced that so came to ask if the County could now repair the bridge.

11. Reports

- A. County Administrator
Had no further comments to add at this evening's meeting.
- B. County Attorney
Gave a shout out and congratulated Mr. David Jones on being named one of the 500 Most Powerful Leaders in Maryland, according to the Daily Record.

12. Commissioner Comments

- Commissioner Atkinson - There have been issues with people disposing of garbage at the Lavale recycling center and urged the residents to please use the Lavale recycling center as it is intended. There have been issues with people disposing of garbage there
- 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. Anticipated BOCC Public Work Session - Thursday, August 20, 2026 (Details and Time TBA)
- B. BOCC Public Business Meeting - Thursday, August 20, 2026, 5:00pm

14. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 06:20 PM.