



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

AGENDA

M&CC Regular Public Meeting
City Hall Council Chambers, 57 N. Liberty St., Cumberland

DATE: December 05, 2023

OPEN SESSION – 6:15 PM

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

Proclamations

1. Proclamation commemorating the 40th Anniversary of the Cumberland Historic Cemetery Organization

Director's Reports

(A) Engineering

1. Engineering Department Monthly Report for November 2023

Approval of Minutes

1. Approval of the Closed, Work, and Regular Session Minutes of November 21, 2023, and the Closed Session Minutes of November 28, 2023

Public Comments – FOR AGENDA ITEMS ONLY

All public comments are limited to 5 minutes per person

New Business

(A) Resolutions

1. Resolution No. R2023-06 (*1 reading only*) - Declaring the intent to reimburse expenditures paid with respect to two (2) separate projects generally identified as police vehicles and Municipal Service Center Fuel Station from proceeds of "Reimbursement Bonds" in accordance with U.S. Treasury Regulation Section 1.150-2

(B) Orders (Consent Agenda)

- [1.](#) Order 27,372 - authorizing appointments to the Historic Preservation Commission and Parks and Recreation Board
- [2.](#) Order 27,373 - approving the Goals and Strategic Initiatives derived from the Mayor and City Council's Retreat/Goal Setting Session
- [3.](#) Order 27,374 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Greene Street from Smallwood Street to Baltimore Street for a lump sum payment to the City of \$189,018.39
- [4.](#) Order 27,375 - approving budget appropriations and transfers for fiscal year 2022-2023

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

. Engineering Department Monthly Report for November 2023

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects							November 30, 2023	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2008		05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	NO CHANGE - WRA received notice from CSX on 7/7/21 stating that they would no longer allow access in yard for any investigative or rehab activities. This decision was reviewed and confirmed by Alex Saar (PE in Jacksonville office) on 10/29/21. City now assessing legal route of obtaining access to site.	MDI	11/24/2021
2008		06-08-S	Interceptor Sewer to Evitts Creek Pump Station Phase IV	This is the sewer along Evitts Creek upstream of the Pump Station. Project is to evaluate existing line and determine if repair or replacement is best option.	Design	NO CHANGE - Received engineering report from Gwin Dobson & Foreman on 1/18/22. MDE denied request to transfer funds from Phase 3 to Phase 4. Bobby has requested to proceed with WQSRF loan money in order to complete this project by FY25. Awaiting confirmation.	MDI	8/30/2023
2014		04-14-WWTP	Sludge Screening Study/Design	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to retrieve rags in the future.	Design	NO CHANGE Need/Benefit of the project is being reevaluated, and for now the project is on hold. Design is complete and the project will remain on this report for the time being.	RLS	4/2/2018
2014		19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	NO CHANGE - The Design Report from Alta Planning + Design was submitted and presented to the Mayor and City Council. The plan to start work on Construction Funding Applications has been delayed because of the Baltimore Street Project, which would have been competing for the same funds. This project still needs to be done and should be a priority in the future.	RLS	6/1/2017
2015		18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Planning	NO CHANGE Project continues. Staff are taking regular scheduled stream samples for e-Coli analysis at this time. Rainy days (once a month) are the target for sampling at this time.	RJK	11/16/2023
2016		12-16-M	Baltimore Street Access Improvement - Final Design	The purpose of the New Baltimore Street Town Center project is to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall.	Construction	UPDATE - The project has been award to Triton Construction of Saint Albans, WV for \$14,638,500. Construction began on 4/3/2023. To date, contractor has invoiced for \$5,329,444. Subcontractors currently working on roadway base on Baltimore St. while Triton works on utilities on Liberty St. Project is on schedule at this time.	MDI	11/29/2023
2016		18-16-BR	John J. McMullen, Bridge No. A-C-01 Repairs	Bridge Repair	Construction	UPDATE - Project is using State in lieu of Federal Aid funding. Construction phase was awarded to Harbel for a price of \$500,577. Harbel has started work, but will pause for the winter as it is too cold to do concrete work.	MDI	11/29/2023
2016		19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	UPDATED - The City is working with the USACE to combine efforts on this project with the Canal Rewatering Project. Still working on the details of this agreement that may facilitate getting this moved forward.	RLS	8/30/2023
2017		2-17-FPM	Flood Control Encroachment removal Project	The City as the Local Sponsor of the Flood Control Project is expected to maintain the easements along the Flood Control Project, however the area along Wills Creek and other areas were never given any comments until the Corps of Engineers standards changed. Completion of this project is necessary to allow the City to get a Satisfactory rating on its annual Flood Control Inspections.	Planning	NO CHANGE - This project has been delayed because of other work, but must be done. A tree removal project has been bid out and a contractor selected to do the work of removing trees in the encroachment area.	RLS	7/11/2018

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects							November 30, 2023	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2017		18-17-M	Maryland Avenue Development	This is not and Engineering Project, but included here to cover future department work with the development.	Design	NO CHANGE - Phases 1 & 2 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	RLS	3/26/2021
2018		08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	NO CHANGE - The project is in the Final Engineering stages and the City is currently working on Right of Way issues. The engineer also needs comments from CSX in order to submit the PS&E package.	RLS	7/24/2023
2018		09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Construction	NO CHANGE - The project is under construction. Phase 1 is expected to be completed in September before switching traffic on to the newest part of the bridge. Project is scheduled to be completed in July 2024	RLS	7/24/2023
2018		22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	UPDATE Proposals received proposals to extend the contract for FY25. Noble Environmental (Mountainview Landfill) and Burgmeier's Hauling received approval of 1-year extensions in November 2023.	RJK	11/16/2023
2018		26-18-M	Ridgeley Levee System Certification					
2018		31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	NO CHANGE - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
2018		44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Studies have been returned and subject to CSX negotiations.	RLS	8/5/2019
2020		2-20-M	Frederick St Parking Garage Repairs	Repairing a spalled section of slab on grade in Frederick St parking garage, as well as looking into sealing all concrete driving surfaces	Planning	NO CHANGE - Researching proper repair systems for spalled concrete in parking garages. Working with Street Dept. to determine if city forces can make repairs.	MDI	1/24/2020
2020		6-20-S	Sanitary Sewer Lining Assessment	Performing a cost assessment on relining (CIPP) all sanitary sewer lines within city.	RFP	UPDATE - Based on list of "high risk" lines provided by sewer dept, have developed a preliminary cost estimate. Bobby is now working with sewer department to develop an RFP for a yearly service contract for sewer line relining throughout City.	MDI	11/29/2023
2020		9-20-M	Constitution Park Fill Disposal	Assessing potential clean fill dump sites for Public Works	Construction	NO CHANGE - Public works dept. has finished dumping in site #1 behind Long Field. They will place topsoil and seed this area in Spring. Site #2 (behind pool house) is now active dump site for all PW projects until full. Engineering responsible for intermittent E&S inspections.	MDI	1/25/2023
2020		14-20-M	Carver Building Repairs	Project to repair damage to the Carver Building	Planning	NO CHANGE - The building power should be restored in the near future to allow for the lights/HVAC equipment to be tested. Still no word on the plans for the building from the Board	RLS	1/25/2023
2020		17-20-WWTP	CSO Long-Term Control Plan Projects/Schedule Review	Correspondences with MDE regarding the LTCP Projects and the Consent Decree (CO) end date: October 1, 2023.	N/A	NO CHANGE - Coalition is awaiting a draft extended Consent Decree from MDE. Consent Decree expired October 1, 2023. The City has been communicating with MDE since October 25, 2019 regarding need for an extension based on projected schedules for project completion and the need for post construction monitoring.	RJK	11/15/2023
2020		29-20-S	Locust Grove Force Main & LaVale Water Main Replacement	Joint project between Allegany County Public Works & LaVale Sanitary Commission to replace the force main from the new Locust Grove Pump Station and replace water main to LaVale.				

**City of Cumberland, Maryland
Engineering Division - Monthly Report**

Capital Projects								November 30, 2023	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update	
2020		30-20-SWM	Grow West Facility Expansion	SWM Review for proposed expansion of Grow West MD Facility @ the industrial park.	Construction	NO CHANGE - Contractor continues construction of expansion. City monitoring SWM situation at incomplete stage, as rainwater collection tanks have not been installed.	MDI	10/8/2021	
2021		2-21-WWTP	Influent Screening System Upgrade	Design and replacement of a new influent screening system at the headworks of the WWTP.	Construction Closeout	UPDATE - Carl Belt was the low bidder for the construction phase of this project, at \$1.4M. Construction began on 3/16/23. Both screens have been installed and are operational. Belt is finalized punchlist and should invoice for retainage by the end of the year.	MDI	11/29/2023	
2021		4-21-W	Route 220 20" Water Main Replacement	Project to replace the 20" water main in Route 220. The water line from I-68 to the State Prison is currently owned by the City. Discussion are being held between the City and County to partner on the project or transfer the asset to the County.	Planning	NO CHANGE - This project is in the planning stages in conjunction with Allegany County.	RLS	4/21/2021	
2021		6-21-RE	Constitution Park Wading Pool Filter Renovation	Replace the cracked filter and other improvements to the mechanical building equipment for the wading pool.		NEW -			
2021		8-21-WWTP	SCADA System Integration	Solicit bids for a qualified Industrial Control System Integrator to complete the Water/Wastewater SCADA System integration.	Construction	NO CHANGE - Work is on going and will continue as a service and not as a project. This project will be removed from future reports	RLS	1/25/2023	
2021		10-21-M	Undocumented Rights-of-Way	Decide how undocumented rights-of-way should be dedicated and what form of dedication is need to prevent the rights-of-ways from accidentally being sold.	Study	UPDATE - Evaluating using GIS to track City owned property, easements, parcels used for rights-of-way, etc. May need to request a legal opinion on several issues. As part of the evaluation, multiple issues have been found in the parcel data from Maryland SDAT (city owned parcel shown in the wrong location). The City will need to review City owned parcels and report errors to SDAT.	JRD	8/30/2023	
2021		12-21-WWTP	Industrial Pretreatment USPI CWT Organics Permit Application	An application to discharge industrial wastewater as a Centralized Waste Treatment facility (Categorical Permit request by existing Significant Industrial User USPI)	Planning	UPDATE - Permit issued to USPI, effective date was November 22, 2021. USPI trade name is now RRCWT and operating completely as a CWT. RRCWT is receiving 4 waste sources. One more source is under evaluation at this time.	RJK	11/16/2023	
2021		14-21-RE	Constitution Park Splash Pad	The installation of a splash pad and surrounding recreational area in Constitution Park.	Construction	COMPLETE - This project is complete.	JAT	8/24/2023	
2021		16-21-M	Downtown ADA Improvements	This project includes the replacement of the curb ramps for compliance with the latest ADA requirements at the following locations: Baltimore/Mechanic intersection on the southwest and northwest corners, Liberty/Dexter intersection at the southeast and southwest corners, Centre/Dexter intersection at the southeast and southwest corners, and Centre/Fredrick intersection on the northeastern side.	Planning	NO CHANGE - A preliminary estimate to determine the amount of funding needed was prepared. An additional ramp at the corner of S. Centre Street and Union Street was added to the list. We will be seeking Future CDBG funding for this project.	JRD	1/23/2023	

City of Cumberland, Maryland
Engineering Division - Monthly Report

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2021		19-21-M	South Street ADA Improvements	This project includes the replacement of curb ramps for compliance with the latest ADA requirements along South Street between Oldtown Road and Industrial Boulevard.	Construction	COMPLETE - This project and the full scope of work is now complete.	JAT	8/24/2023
2021		20-21-M	Engineering Database Migration	This project will implement the migration of data from the Engineering Department's drawing database and project database to the Laserfiche document management system including the transfer of the scanned images of the Department's drawings from the file server into Laserfiche and the collection of additional metadata for each image.	Planning	UPDATE - Engineering has continued to work with MCCi on finalizing our project database prototype, with some minor hiccups. Engineering is currently waiting on some final feedback and bug testing from MCCi to hopefully get a fully functional prototype for our internal project database.	JAT	11/16/2023
2021		21-21-WFP	Water Allocation Permit Renewal PA DEP	The Water Allocation Permit is required to be renewed every 25 years. The City will use Gwin, Dobson and Foreman to work through the permit and establish how much flow we can pull from the reservoirs.	Permitting	NO CHANGES - Application submitted in March.	RJK	11/16/2023
2021		31-21-RE	Constitution Park Amphitheater Upgrades	Project to upgrade the Constitution Park Amphitheater.	Construction	NO CHANGES - Contracted portion of project is complete (new benches, sidewalks, asphalt parking area, gutter). City forces to install new pole-mounted lights behind amphitheater this year after concert season.	MDI	7/26/2023
NOTE: Beginning in 2022, the Engineering Department will be migrating to a new project number format. The new number format places the 4-digit year first, a 2-digit yearly sequence second, and a 3 or 4-character project type code third.								
2022	2022-02-WTR	2-22-W	South Cumberland Water Main Replacement Project	This project includes the replacement of undersized water mains in Humbird, Walsh, and Cumberland Park areas of Cumberland; plus the replacement a a 12" portion of the water main along the southern side of Industrial Blvd. (Route MD-51).	Design	NO CHANGE - Project is still under design as the City works with CSX to obtain encroachment agreement. Plan to bid the project in the Fall for a Spring 2024.	RLS	1/25/2023
2022	2022-09-SHLD	09-22-M	Cumberland Street ADA Improvements	ADA improvements at the intersection of Johnson, Cumberland, and Market Streets	Design	NO CHANGE - This project is currently in preliminary design. The scope of work includes work that was not able to be completed under projects 24-18-M and 14-11-M. This project is currently on hold due to focusing on other priority projects.	JAT	7/19/2022
2022	2022-10-SWM	10-22-SWM	Messick Road Development	SWM Review and Utility Easement Review	Review	NO CHANGE - Waiting for support to be requested of the Engineering Department for this project.	RLS	2/2/2023
2022	2022-11-PBLD	11-22-PBLD	City Hall/Public Safety Building HVAC Improvements	American Rescue Plan Act (ARPA) Funded Project to improve the HVAC systems of these buildings to improve air quality capabilities and system energy efficiency.	Design	UPDATE - Design work for the City Hall Improvements are expected to be completed in November and bid in December. Construction is expected to occur in the spring when the demand is lower for heating & cooling	RLS	8/30/2023
2022	2022-12-PBLD	12-22-PBLD	Prisoner Processing Improvements	American Rescue Plan Art (ARPA) funded project to remodel the prisoner processing areas of the Cumberland Police Department in the Public Safety Building	Design	NO CHANGE - The Engineering Department is working with Sourcwell to scope out the project. Additional design work needs to be completed through engineering to finalize the proposal.	RLS	8/30/2023
2022	2022-14-MISC	14-22-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	NO CHANGE - Contract underway.	DTG	11/30/2023

**City of Cumberland, Maryland
Engineering Division - Monthly Report**

Capital Projects							November 30, 2023	
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2022	2022-15-MISC	15-22-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction	NO CHANGE - Contract underway.	DTG	11/30/2023
2022	2022-16-SHLD	2022-16-SHLD	Waverly Terrace Retaining Wall Replacement	Project to include replacement of retaining wall below road between 16 and 24 Waverly Terrace. Will include installation of storm sewer.	Planning	NO CHANGE - Currently developing preliminary cost estimate to install an inlet along Waverly to catch stormwater runoff and direct to nearby sewerline, as well as multiple repairs to retaining wall. Project on hold.	MDI	7/22/2022
2022	2022-17-UTIL	2022-17-UTIL	Fuel Bid Bid (Heating Oil)	Heating Oil bid for WRF and WFP	RFP	COMPLETE -		
2022	2022-22-PBLD	2022-22-PBLD	City Hall and Public Safety Building Elevator Upgrades	Project includes upgrades to elevators in City Hall and the Public Safety Building	Construction	UPDATE - Elevator improvements in PSB are complete. The City Hall elevator will be modernized in between October/November per the current schedule.	RLS	8/30/2023
2022	2022-23-SWM	2022-23-SWM	Queen City Armory SWM Review	SWM Redevelopment Review for two new structures on S. Wineow St. for Queen City Armory	Review	NO CHANGE - Project is now in construction. Working with EADS and owner to determine a cost effective solution that still complies with City and State SWM guidelines	MDI	7/26/2023
2022	2022-24-BR	2022-24-BR	Fayette Street Over CSX Rail Bridge Replacement A-C-08	Design and construction of the Fayette Street Bridge (A-C-08)		UPDATE - Prime AE has been selected as the engineering consultant for this project. Design work should begin in September.	RLS	8/30/2023
2022	2022-26-SHLD	2022-26-SHLD	Massachusetts Ave and New Hampshire Ave ADA Improvements	CDBG funded project to install ADA improvements and new sidewalk on Massachusetts Ave and New Hampshire Ave between Oldtown Road and Kentucky Ave	Design	NO CHANGE - The overall preliminary design and cost estimate of this project have been finalized. The paving portion of this project was delegated to the projected FY24 paving scope. Engineering will finalize the bid package as time allows so it is ready to bid when funding is available.	JAT	4/4/2023
2022	2022-28-WFP		UCMR5	Quotes for water plant sampling of UCMR5	N/A	UPDATE - Public notification required as results are posted. A note was applied to the water bills - where space allowed. Also information is reviewable on the City's webiste under Engineering, Drinking Water...	RJK	11/15/2023
2022	2022-29-M		Bellevue Street Brownfields Site MDE Project Review	EPATBA Program Phase I and Phase II as required to explore contaminants upon the Old Sacred Heart Hospital Site (remaining undeveloped properties)	Study	UPDATE - The City has successfully applied for a TBA program Work on a new Phase I started January 2023/ Completed in May 2023. Phase II started August 2023.	RJK	8/24/2023
2022	2022-32-RECR		Constitution Park Trails	CDBG funded project to install mountain biking and walking recreational trails within Constitution Park	Construction Bidding	UPDATE - The design/build RFP is complete and project scope has been finalized. This project was put out to bid, and it was determined that accepting one of the bids we received was not in the City's best interest and we are rebidding the project.	JAT	11/16/2023
2022	2022-34-WTR		Fort Hill Reservoir Improvements	Project to include replacement of the liner and floating cover of the Fort Hill Reservoir	Complete	COMPLETE - Project awarded to Atlantic Lining Co, for \$703,100. Project was completed in October 2023 and final retainage invoice was paid on 11/15/23.	MDI	11/29/2023
2022	2022-35-FPM		Ridgeley Bituminous Sill Repairs	Project to include repairs to the existing bituminous sill that caps the sheet piling in the Ridgeley railyard. Part of Cumberland's Flood Control System	Planning	NO CHANGE - This project is on hold until next year due to higher than anticipated pricing from Rhinehart Railroad Co for supplemental rail and crosstie rehab work (required vendor for WMSR work)	MDI	7/26/2023
2022	2022-36-PBLD		AST Compliance at MSC	Permit compliance for the fuel tanks at the MSC	N/A	NO CHANGE - Permit compliance for the fuel tanks at the MSC dependant on project # 2023-14-PBLD.	RJK	11/16/2023
2022	2022-38-PVG		Queen City Drive Pavement Repairs	Project to include concrete patch repairs to the concrete pavement sections of Queen City Drive	Planning	NO CHANGE - The Street Department will NOT be undertaking this project. Engineering will need to issue a contract in the near future to execute these repairs.	RLS	1/25/2023
2022	2022-39-FPM		River walk and Potomac Industrial Dam Removal	Remove the industrial dam for the purposes of creating a river park with walking trails, moderate kayak course, docks for kayaks/canoes and a viewing area	Design	UPDATE - CEC should complete the preliminary engineering report for the project in November, at which time the City or Canal Place will advertise for final engineering services.	RLS	8/30/2023

File Attachments for Item:

1. Approval of the Closed, Work, and Regular Session Minutes of November 21, 2023, and the Closed Session Minutes of November 28, 2023

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

2nd Floor Conference Room

Tuesday, November 21, 2023; 4:00 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305(b)(1)(i) and (7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice from the City Solicitor regarding the Rolling Mill Project and a contract with the CEDC.

MOTION: Motion to enter into Closed Session was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni (by phone), Eugene Frazier, Jimmy Furstenberg, and Laurie Marchini

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael S. Cohen, City Solicitor; Ken Tressler, Director of Administrative Services



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael S. Cohen
City Clerk Allison K. Layton

Mayor and City Council of Cumberland

WORK SESSION

City Hall 2nd Floor Conference Room
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, November 21, 2023, 5:00 p.m.

PRESENT: Mayor Raymond M. Morriss; Council Members: Rock Cioni, Eugene Frazier, Jimmy Furstenberg, and Laurie Marchini

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael Cohen, City Solicitor; Mark Gandolfi, Comptroller; Ken Tressler, Director of Administrative Services; Robert Smith, Director of Engineering and Utilities

Media: Teresa McMinn, Cumberland Times-News
Kathy Cornwell, WCBC Radio

I. DEBT AFFORDABILITY DISCUSSION

Mr. Gandolfi provided a PowerPoint presentation, and background on debt affordability, explaining that the City's bond rating is like a credit score, which can affect an entity's ability to borrow. He advised that the City's current rating is A+, and said our debt levels are moderate. He added that they've been that way for about 10 years.

Mr. Gandolfi discussed asset management plans, saying Engineering does a great job, and said the City's asset management plan predicts \$173M in capital projects over the next 5 years. He explained that capital projects drive borrowing. He discussed grants, saying that total grants are at \$76.7M which is a 44% ratio of grant to other funding, or debt. He stated that there are large projects in the works in the future that will need grant funding in order to stay away from debt.

Gandolfi stated that they are projecting borrowing \$97M over 5 years, predominately for water and sewer projects. He mentioned that water rates are expected to increase in 2025-2028, with sewer rates maybe being increased in 2026-2028. He stated that the key water project is the filter plant, and said they're hoping it will not be debt, but it could be. He added that there's \$22.5M in funding in FY29 to complete the filter plant project.

Mr. Gandolfi stated that debt service today, though moderate, is going to rise due to upcoming projects, and asked M&CC to focus their conversations with legislators to getting earmarked funds, grants, etc.

Mr. Gandolfi stated that in the sewer fund, debt would be seven times higher in 2029, and said in the water fund, debt services in 2029 would be 77% of current operating revenues, which would mean increasing rates, and added that funding on key projects is important.

Mr. Gandolfi advised that the new filter building right now is all funded with debt. He said all of the City's CSOs and the Riverwalk project, \$25M, is all debt right now, absent any other funding source. Council Member Marchini asked if the \$6M that Congressman Trone got for the City would go toward the Riverwalk. Mr. Smith advised that the Trone money is for the trails, but is technically not part of the \$25M. He said, though, that there is significant grant funding possible.

Mr. Tressler advised that there's a lot of estimates in the presentation, looking 5 years out. He said things will change drastically. He explained that they do this all the time, and said they will raise a red flag if they need to. He stated that they have said for some time that these major projects will require major funding.

Mr. Gandolfi explained that regarding debt affordability, they take everything in the capital improvement plan that's on the horizon and where it is in that point in time. He said if grant funding is reasonably expected, or secured, they will include it. If not, and the project *has* to happen (as in the filter building) it is considered debt. He advised that for the filter building, the Riverwalk, and the CSOs, M&CC should focus on laying groundwork to obtain funding.

Mr. Gandolfi discussed the General Fund, saying the big project there is the HVAC project, and said they still need to determine how it will be funded. He explained that the Water and Sewer funds are driving the trends he's going to talk about.

Mr. Gandolfi advised that he'd like to see a declining trend, but he also wants to see consistency. He stated that in both the Water and Sewer funds they are seeing large increases in projected debt, and said 2026 is the point where rate increases may need to be considered.

Next, Mr. Gandolfi looked at budgets, saying he does not want to see as much of an upward trend. For the MPA, he said it is in a downward trend, as debt is being paid off as time goes, and said there will likely be funds needed down the road for repair or replacement.

Mr. Gandolfi discussed rating, wanting to maintain a GF unassigned balance at 25% to keep the City's rating, and reducing/keeping debt levels. He advised that debt levels per capita between \$2K and \$5K is considered moderate – over \$5K is high. Mr. Gandolfi explained that debt levels between 6% and 10% are considered moderately high, and above 10% is high. He projects that the City will be in the 6% range through 2025-2026. He stated that the City is able to manage the debt load it has and the core debt load we plan to have outside of the key projects.

Mr. Gandolfi mentioned that total debt service could more than double by FY27 if we don't watch it. He explained it as a percentage of revenue, and said the City cannot take on this level of

debt without increasing rates. He advised that the MPA is estimated to need and receive \$1M over the next 5 years, and will rely on the GF to be able to balance its budget.

Mr. Gandolfi stated that in summary, the City has 44% of its capital projects grant funded, which is outstanding, with 60% this year and the next. He said for the future, with work, we can obtain grant funding or earmarked funding, and said there is lots to look forward to, and lots to be mindful of. He said the City is managing it, and current debt loads are fine. He said when he comes back and presents the Audit Report, they are looking to assign \$3.5M, which reduces future borrowing needs.

II. LIBERTY & CENTRE STREETS FIBER EXTENSION DISCUSSION

Mr. Smith discussed Liberty Street first. He stated that they were able to attain additional grant funding which can be used for construction activities. He recommended to extend the fiber network from the Baltimore Street corridor to the side streets, getting the fiber conduit to the buildings there so streets won't have to be torn up in the future. He said after doing rough estimates, it will cost about \$300K to cover this work – probably less. He stated that he needs an okay from M&CC, and said it will be as a change order with the contractor. He explained that the caveat is that the general contractor does not wish to continue core drilling into the basement of the buildings, saying that luckily most of the buildings on the side streets don't have basements. He told M&CC that if they can live with this, Engineering will work through the details and will report back. He added that the contractor is optimistic.

Mr. Smith stated that things are going well at the construction site, and said he expects to start seeing pavers in the January timeframe. He said they still have some underground work to do, and added that the project is going better than expected.

There was discussion about the funding being redirected for this and that it's really wonderful that they will be able to add on Liberty and Centre Streets.

Mr. Smith advised that regarding Mr. Gandolfi's presentation, Engineering will be working to find funding for the filter plant. He stated that they have some options for grants and have spoken to Congressman Trone about it.

On the topic of CSOs, Mr. Smith stated that they are in the process of dealing with a consent order that expired on October 4th. He said they are waiting on MDE to provide the new goal, which he said will be affecting Frostburg, Allegany County, and the LaVale Sanitary Commission. He said some communities do get to the end of the CSO projects – which is water quality. He stated that there is a challenge they will have regarding the MDE permit, saying they picked a different road long before he came on board, and said they have made the request for additional time. He said regarding funding, they'll wait to see what is thrown at them. He added that within the consent order, there is a limit to the number of taps they can make, but said MDE is receptive to their needs.

III. GOAL SESSION REVIEW

Mr. Silka provided a PowerPoint presentation, and advised that he was not going to go in-depth with the SWOT Analysis, but said they need to review it and make sure it matches what M&CC recall from the Retreat Meeting.

He then went over the Strategic Initiatives, and followed with Goals that they had come up with at the retreat. Mr. Silka then reviewed General Communication and Neighborhood Revitalization topics. Next was Staff Enhancements, followed by Governmental and Community Partner Relations.

Mr. Silka stated that after reviewing everything, this will be officially approved as a plan, with departments coming back with roadmaps to meet the Goals. He asked M&CC to read the presentation in the next 2 weeks, to see if they want to fine-tune it.

Mayor Morriss stated that the presentation is a good summation of their retreat. Mr. Silka thanked all for their participation in getting to this point with the SWOT analysis, and said they will talk more at the next work session.

IV. AGENDA REVIEW NOVEMBER 21, 2023

Mr. Silka reviewed tonight's public agenda. He touched on Order No. 27362, the salt agreement with MD SHA, saying this agreement allows for the City to buy salt in an emergency, if they were to run out.

Mr. Silka noted that Order No. 27367 should have been with the other meter setters and boxes sole source orders from the last meeting, but one vendor was forgotten.

Mr. Silka discussed Order No. 27366, the Micro-Revolving Loan Fund, saying that the 3% interest rate is better than the market. He stated that they will get this out on social media, CEDC, DDC, and make sure everybody knows the City has this money available.

Mr. Silka discussed Order No. 27365, the forgivable loan provided to Nick Dearcangelis, saying that this was done about 18 months ago before the City had any formal processes for the loan fund. He added that the County back-fed the money into the loan fund, making it kind of a City/County cooperative project.

IV. MAYOR AND CITY COUNCIL UPDATES

Council Members Frazier and Cioni had no updates.

Council Member Marchini stated that work continues on Baltimore Street, and said sidewalks are going to be more than 20" wide. She stated that the DDC will cease to exist at the end of construction. She stated that Cumberland has always been a Main Street Community, and said they have been preparing for that. She advised that there will be Main Street subcommittees – Design, Economic, and Restructuring.

Council Member Marchini listed the events coming up:

Tree Lighting – 5:00 PM on Friday at Canal Place; also, a parade and Santa’s arrival.
Shop Small Saturday on the 25th, with another contest this year - \$1000 in cash prizes; visit
www.mdmountaininside.com. Logan Scott live broadcast on 100.5 on Saturday, with shops
offering treats. Lots of ribbon cuttings recently – lots of new places to shop.

Breakfast with Santa at The Book Center

Winter Festival at Canal Place, December 2nd and 9th – music, crafts, games, firepits, etc.

NYE at Canal Place this year due to Baltimore Street construction.

HPC – Lakota Group presenting on December 19th. Linda Lambert wrote an article. HPC will
start reviewing solar panels.

MHT receiving applications for severely damaged properties.

24 rising Juniors were welcomed at City Hall for Leadership Allegany Rising.

Shoutout to Allegany Boys Soccer – they made it to the State Championship game. There was
discussion about bringing the team in.

Mayor Morriss spoke about the renovations to the Duck Pond, and the grand opening, saying they
did a wonderful job. He mentioned 2 Veterans Day events that happened at the American Legion
and Rocky Gap, and also LBC did a service at Veterans Park. The Mayor talked about all the
recent ribbon cuttings, saying it shows an interest in the project on Baltimore Street, and added
it’s the right thing to revitalize the downtown area. Council agreed, saying the Rosenbaum is
amazing, and that the City is headed in the right direction. They discussed the high school
students that were there the day of the ribbon cutting, saying there were role models and
entrepreneurs there for them, and how important it is, when many adults say there’s nothing here
for young people.

V. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:00 p.m.

Respectfully Submitted,

Allison K. Layton
City Clerk

Minutes approved on: _____



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. “Rock” Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

MINUTES

M&CC Regular Public Session
City Hall Council Chambers, 57 N. Liberty Street, Cumberland, MD

DATE: November 21, 2023

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

PRESENT:

Council Member Richard J. “Rock” Cioni
Council Member Eugene T. Fraser
Council Member James L. Furstenberg, III
Council Member Laurie P. Marchini
President Raymond M. Morriss

Also Present: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; Michael S. Cohen, City Solicitor; Ken Tressler, Director of Administrative Services; Melinda Kelleher, Downtown Development Commission; Captain Jim Burt, CPD; Shannon Adams, Fire Chief; Media representatives

IV. Statement of Closed Meeting

Mayor Morriss announced that a closed session had been held on November 21, 2023 at 4:00 p.m., and read into the record a summary of that meeting which is attached hereto and made a part of these minutes as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

Council Member Cioni interrupted the meeting, and introduced a gentleman from West Virginia Public Broadcasting who will be doing some work around the Cumberland area to brag about.

V. Presentations

1. Presentation from the Safe, Green & Clean Committee regarding EV Chargers for Vehicles

Chris Myers, Chairman, reviewed the basis for the committee. He introduced a member of the committee, Seth Mosinger, who discussed the EV fast charging stations. Mr. Mosinger provided some background on EV charging stations, saying it is a fast-growing market. He talked about the logistics of where to place these stations, saying folks charging are seeking locations where they can shop and dine within a walkable distance. He suggested placing some high-speed chargers in close proximity to the downtown area, since the downtown's goal is being a tourist hub off the highway. He recommended Liberty Street, the CPD parking lot, and lower levels of the parking garages. He discussed the Potomac Edison EV Driven program which would take the reins of the installation if the City should be a good fit. He added that Potomac Edison would be tasked with maintenance going forward, and the consumer pays for the electricity.

Mr. Mosinger stated that 2 chargers have been put in at Canal Place through the Potomac Edison EV Driven program, and said that Dee-Dee Ritchie indicated it was an easy process having them installed.

Mayor Morriss thanked Mr. Mosinger, and said M&CC realizes that they need to do something like this. He said they will stop and talk with Tesla drivers at the Greene Street Sheetz, and agreed that the downtown area would be a great location.

Mr. Myers stated that their committee is ready to work with M&CC if they want to appoint someone to move forward. Mayor Morriss stated the contact would likely be Environmental Specialist Raquel Ketterman, but said they will check and get back with him.

VI. Proclamations

1. Proclaiming November 25, 2023 as Small Business Saturday in the City of Cumberland
Mayor Morriss read the proclamation and it was accepted by Melinda Kelleher, Downtown Development Commission.

M&CC touted all the businesses that have opened recently, and the many ribbon cuttings they have attended. Mayor Morriss encouraged everyone to come down and “shop small,” supporting businesses in the downtown area, saying it’s even more important this year, due to the construction on Baltimore Street. Council Member Marchini read a list of new businesses that have opened up downtown recently, and provided more information about the goings on during Small Business Saturday.

VII. Director's Reports

Motion to approve the reports was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

(A) Administrative Services

1. Administrative Services Monthly Report for October 2023

(B) Public Works

1. Maintenance Division Monthly Report for October 2023

(C) Fire

1. Fire Department Monthly Report for October 2023

(D) Police

1. Police Department Monthly Report for October 2023

VIII. Approval of Minutes

Motion to approve the minutes was made by Council Member Frazier, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

1. Approval of the Closed, Work, and Regular Session Minutes of November 7, 2023

IX. Public Comments – Agenda Items Only

No Comments

All public comments are limited to 5 minutes per person

X. New Business

(A) Orders (Consent Agenda)

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions and comments. **Motion** to approve all Consent Agenda items was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

Order 27,362 - authorizing execution of a Three-Year Salt and Aggregate Utilization Agreement with MD State Highway Administration for the distribution of salt and/or aggregate during winter storm events, for a three (3) year period effective September 1, 2023 through August 31, 2026.

Order 27,363 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at Orlando Street, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation.

Order 27,364 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at the Unnamed Alley, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation.

Order 27,365 - authorizing the forgivable loan provided to Nick Dearcangelis in the amount of \$30,000 from the City of Cumberland Revolving Loan Fund to supplement Allegany County funding for a renovation project at 432 N. Centre Street to be forgiven as the project has been completed and has met all requirements set forth.

Order 27,366 - approval of the Micro-Revolving Loan Fund in the amount of \$100,000 to provide low-interest loans between \$2,000 and \$10,000 for small businesses in the City of Cumberland meeting the requirements for a term of 24 to 60 months at an interest rate of 3%.

Order 27,367 - authorizing the Sole Source purchase of the City's annual amount of Meter Setters, Meter Boxes and Frost-Free Lids from Ferguson Waterworks in the amount not-to-exceed \$62,533 for the entire fiscal year.

Order 27,368 - authorizing the abatement of certain non-collectable personal property taxes for tax years 2010-2022 totaling \$72,589.69.

Order 27,369 - authorizing the renewal of the contract with Denali Water Solutions for the "WFP Residuals Management Transportation, Storage, Beneficial Use and/or Disposal" Project (33-20-WFP) in variable amounts based on material generated for a term of February 1, 2024 through January 31, 2025.

Order 27,370 - accepting the proposal from Triad Engineering for the Municipal Service Center Fuel Tank Replacement Project (2023-14-PBLD) for the demolition and removal of existing fuel tank and fuel island sites, environmental testing and the construction of proposed fuel tank and fuel island sites in the not-to-exceed amount of \$564,594.

Order 27,371 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Browning Street between Oak Street and Virginia Avenue for a lump sum payment to the City of \$89,133.

XI. Letters / Petitions

1. Letter from City Clerk advising Mayor and City Council that Charter Amendment Resolution 152 has passed the referendum period and became effective as of November 8, 2023.

XII. Public Comments

All public comments are limited to 5 minutes per person

Merrill Smith, Shriver Avenue, talked about emergency alert systems in Cumberland, and asked if Cumberland has anything in place to advise residents about preparedness during an emergency. He spoke about international issues likely coming to this area and his concern that the City may not be prepared.

The Mayor advised that the City has an email system that sends out blasts, but it requires registration. He added that Allegany County also has a test system, though admitted there are definitely some improvements the City can look into.

Captain Burt, CPD, advised that they do have emergency preparedness meetings with the County and the Health Department, and said they are prepared and have allied agencies and receive notifications in advance of things coming our way. He stated that the meetings are not public, but said to ease Mr. Smith's mind he advised that things are indeed going on in the background. Fire Chief Shannon Adams advised that Reverse 911 will be in place soon, and explained how it works.

John Buchanan, 44 Baltimore Street, spoke on behalf of CBIZ Insurance Services, and talked about 38 Baltimore Street, which he stated has taken a beating since construction began, with portico damages, and the building corner clipped by a piece of equipment. He said there has been no repair work yet. He also mentioned that the Mechanic Street wall has a 12 x 12 hole in it. He said he is concerned that if there is a heavy rain or snowfall, some of the concrete work done there will act as a dam and water will go right into the building. He said he has had conversations

with Robert Smith, Director of Engineering and Utilities. Mr. Buchanan stated that Mr. Smith advised that Triton is ready to award the contract for the wall repair. He said that he's concerned that with the time of year it won't be appropriate to do masonry work. He asked if there is anything M&CC can do in the event the contractor cannot begin work until Spring – a temporary fix would be appreciated. He said he's concerned that vermin and water will get into the building.

Mayor Morriss stated that they will take a look at it, and speak with the City Administrator and City Engineer.

Wanda Float, 609 Patterson Avenue, wanted to talk about the Allegany High School site and her concern with the builder. She stated that her daughter lives in one of this builder's homes in NC, which cost \$350K. She said she's seen the issues. She said there's been foundation problems, and the house is only 2 years old. She said she was visiting there when equipment came in to take out all the concrete in the garage, and while the workers were there, they noticed that the drywall was buckling. She stated that the workman looked and saw black mold in the whole wall, because the bathroom showers and tubs were not properly sealed. Ms. Float stated that after looking further, they found black mold in 2 walls. She also mentioned that her daughter had someone come in from her City and look at a problem in the attic, where it was found that the supports for the roof were done incorrectly. She stated that while her daughter was having concrete removed from her garage, there were other homes there in her daughter's neighborhood having the same thing done – the same issues. Ms. Float discussed other issues in the neighborhood as well, concerning work done by the builder.

Mayor Morriss said they appreciate Ms. Float's concerns and said they look forward to working with the County on this project, and making sure the development works out properly.

XIII. Adjournment

With no further business at hand, the meeting adjourned at 6:55 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Allison K. Layton, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

2nd Floor Conference Room

Tuesday, November 28, 2023; 4:00 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice from the City Solicitor regarding a contract with the CEDC.

MOTION: Motion to enter into Closed Session was made by Council Member Marchini, seconded by Council Member Cioni, and was passed on a vote of 4-0 (Council Member Furstenberg arrived after the vote)

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni, Eugene Frazier, Jimmy Furstenberg, and Laurie Marchini

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael S. Cohen, City Solicitor; Ken Tressler, Director of Administrative Services; Matt Miller, Executive Director-CEDC; Stu Czapski, Economic Development Specialist-CEDC

File Attachments for Item:

. Resolution No. R2023-06 (*1 reading only*) - Declaring the intent to reimburse expenditures paid with respect to two (2) separate projects generally identified as police vehicles and Municipal Service Center Fuel Station from proceeds of "Reimbursement Bonds" in accordance with U.S. Treasury Regulation Section 1.150-2

RESOLUTION NO. R2023-06

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED A RESOLUTION DECLARING THE OFFICIAL INTENT OF MAYOR AND CITY COUNCIL OF CUMBERLAND TO REIMBURSE EXPENDITURES PAID WITH RESPECT TO TWO SEPARATE PROJECTS GENERALLY IDENTIFIED AS POLICE VEHICLES AND MUNICIPAL SERVICE CENTER FUEL STATION FROM PROCEEDS OF "REIMBURSEMENT BONDS" IN ACCORDANCE WITH U.S. TREASURY REGULATION SECTION 1.150-2.

RECITALS

1. Pursuant to appropriations provided for in the fiscal year 2024 budget, Mayor and City Council of Cumberland, a Maryland municipal corporation (the "City"), has or will be acquiring and outfitting sport utility vehicles for use by the Police Department and completing a fuel station upgrade project (collectively, the "Projects" or, individually, a "Project").

2. The City anticipates borrowing money for costs of the Projects, such borrowing to be evidenced by one or more series of general obligation bonds or other evidences of indebtedness to be issued by the City (collectively, or individually by series, the "Bonds").

3. The City reasonably expects to spend City funds on costs of the Projects prior to issuance of the Bonds or any interim financing issued or incurred by the City in

anticipation of the Bonds, and (i) to reimburse the City from proceeds of the Bonds for all or a portion of such previously paid costs of the Projects, and/or (ii) to use Bonds proceeds to refinance all or a portion of any interim borrowing issued or incurred by the City that is applied to reimburse the City for previously paid costs of the Projects.

4. Section 1.150-2 of the U.S. Treasury Regulations (the "Reimbursement Regulations") provides that local governments funding "original expenditures" intended to be reimbursed from the proceeds of tax-exempt "obligations" must make a declaration of "official intent" in order to qualify such original expenditures for reimbursement from a "reimbursement bond", all within the meaning of the Reimbursement Regulations.

5. The City is an "issuer" for purposes of the Reimbursement Regulations and wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the City to reimburse from reimbursement bond proceeds (meaning the Bonds or any interim financing issued or incurred in anticipation of the Bonds) original expenditures made for costs of the Projects.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT:

SECTION 1. (a) The Recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the Recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the Recitals hereto.

(b) References in this Resolution to the Projects shall be deemed to include any changes in the scope of activities of either Project made by the City in accordance with applicable budgetary or other law, including (without limitation) in future fiscal years. References in this Resolution to costs of the Projects shall be deemed to be to expenditures that constitute capital expenditures and, to the extent applicable, (i) costs of issuance of any borrowing related to either or both Projects and (ii) capitalized interest.

SECTION 2. In accordance with the Reimbursement Regulations, the Mayor and City Council of the City hereby makes this declaration of its reasonable expectation that the City will (i) expend money to pay costs of the Projects prior to the issuance of the Bonds (or any interim financing issued or incurred in anticipation of the Bonds), and (ii) use proceeds of the Bonds (or such interim financing), which Bonds (or such interim financing) will qualify as a “reimbursement bond” for purposes of the Reimbursement Regulations, to reimburse all or a portion of such previously paid costs of the Projects. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. The maximum principal amount of the Bonds expected to be issued for the Projects (and the maximum principal amount of any interim financing to be issued or incurred in anticipation of the Bonds) is Nine Hundred Fifty Thousand Dollars (\$950,000); such specified maximum principal amount applies, to the extent applicable,

both to any Bonds issued for such Projects and to any interim financing issued or incurred for such Projects.

[CONTINUED ON FOLLOWING PAGE]

SECTION 4. This Resolution shall take effect from the date of its adoption.

MAYOR AND CITY COUNCIL
OF CUMBERLAND

(SEAL)

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton
City Clerk

Introduced: _____, 2023

Adopted: _____, 2023

Votes for adoption: _____

Votes against adoption: _____

Abstentions: _____

Effective: _____, 2023

File Attachments for Item:

. Order 27,372 - authorizing appointments to the Historic Preservation Commission and Parks and Recreation Board

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 27,372

DATE: December 5, 2023

ORDERED, By the Mayor and City Council of Cumberland, Maryland,

THAT, the following appointments and reappointments to boards and commissions be and are hereby approved:

<i>Board/Commission</i>	<i>Seat</i>	<i>Member</i>	<i>Term</i>
Historic Preservation Commission	5	Timothy Hoffman	12/31/23-12/31/26
Parks and Recreation	4	Shelley Minnigh	12/5/23-12/5/26
Parks and Recreation	HS Student Representative (non-voting)	Nash Cassell	12/5/23-12/5/26
Parks and Recreation	Council Representative	James Furstenberg	

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,373 - approving the Goals and Strategic Initiatives derived from the Mayor and City Council's Retreat/Goal Setting Session

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 27,373

DATE: December 5, 2023

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the goals and strategic initiatives (attached) derived from the Mayor and City Council Goal Setting Session be and is hereby approved.

Raymond M. Morriss, Mayor

SWOT ANALYSIS

- Unique Structure & Architecture
- Highway through the City
- History & Strategic Buildings
- Preserve to Grow
- Importance of Art/Entertainment
- Culture of City Hall
- Good communication w/Finance Department

- North/South Highway
- Perception of Residents involved within the City, Engagement and maintaining properties
- Tax differential
- Negotiate (quietly) with the County (Partnership)
- Revenue Structure
- HUD Program (we own a voucher program)
- Trained workforce / expand training
- Lack of Opportunities
- Encouraging students into work force/internships
 - Employment, Retail Shops and Schooling/Careers
 - Transportation

S W
O T

- Finish all Projects
- Refined Outlook
- Acquire CSX property (encourage more in the area)
- Redefine/Revisit Economic Development
- Perception: Communication & Engagement within Residents
- Rebranding of Cumberland (one website)
- New Logo
- Interstate 68 (Flintstone – LaVale)
- Set regulations for K-9 dogs to go through Public Parks
- Bring Standard up (not settle)

- Social Media
- Recruitment (Critical Retirements)
- Old houses and blight
- Landlords living out of town
- Lack of qualified staff
- Plant Closures
- Population decline
- Stock housing

STRATEGIC INITIATIVES

STRATEGIC INITIATIVES

1. River Park and Amphitheatre at Canal Place
2. Connectivity of City amenities
3. Enhancing Parks and Recreation (resources)
4. Economic Development Review & Assessment
5. Leverage private investments for the use of public funds

GOALS

FISCAL WELL-BEING

1. Fund balancing projection- 2-5 years of what revenue will be & put a base plan together
2. Responsible borrowing
3. Prioritization of projects
4. Revenue sources/enhancements
5. Addressing infrastructure needs

GENERAL COMMUNICATION

1. Consolidation/Rebranding of website
2. Citizen messaging
3. City positive Public Relations
4. Engagement of the public (volunteer opportunities)
- increase public engagement
5. Speak with a unified voice

NEIGHBORHOOD REVITALIZATION

1. Continuation and evaluation of programs
2. Continuation/Strengthening Code Enforcements
3. Parks and Recreation – continue improvements
4. Increasing housing stock and blight removal
5. Preserve historic buildings/manage change well

STAFF ENHANCEMENTS

1. Expanding staff development
2. Succession plan
3. Organizational structure optimized (right structure and having the right person in the job/right sizing departments)
4. Growing culture
5. Internal training (cross-training)

GOVERNMENTAL & COMMUNITY PARTNER RELATIONS

1. Enhancing the Relationship with County & State Representatives
2. Enhancing the Relationship with Community Partners
3. State associations, MML, MACO, Tri County Council
4. Colleges/Career Center for workforce development

File Attachments for Item:

. Order 27,374 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Greene Street from Smallwood Street to Baltimore Street for a lump sum payment to the City of \$189,018.39

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 27,374

DATE: December 5, 2023

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the Mayor be and is hereby authorized to execute a Reimbursement and Release Agreement by and between the Mayor and City Council of Cumberland and Columbia Gas of Maryland outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system on streets listed below in exchange for a lump sum payment to the City of One Hundred Eighty Nine Thousand Eighteen Dollars and Thirty Nine Cents (\$189,018.39).

- Greene Street from Smallwood Street to Baltimore Street

Raymond M. Morriss, Mayor

Budget: N/A – City receiving reimbursement

Council Agenda Summary

Meeting Date: 12/5/2023

Key Staff Contact: Robert Smith, PE

Item Title:

Columbia Gas Reimbursement and Release Agreement for Greene Street

Summary of project/issue/purchase/contract, etc for Council:

The Mayor & City Council of Cumberland (M&CC) is entering into a reimbursement and release agreement with Columbia Gas of Maryland (Columbia). Columbia has undertaken certain renovations to its pipeline system located within the M&CC's public rights-of-way and in doing so has disturbed the said rights-of-way. The M&CC has agreed to perform the restoration and paving of the public rights-of-way disturbed by Columbia's project in exchange for a lump sum amount of \$189,018.39.

This mill and overlay paving would be done for the following streets:

<u>Street Name</u>	<u>Intersecting Streets or House Numbers</u>
Greene Street	Smallwood Street to Baltimore Street

This agreement relieves Columbia of any liability regarding the restoration work and places it on the M&CC. Once the above mill and overlay paving has been accomplished, any remaining funds will be able to be used by the discretion of the M&CC for further paving restoration work.

Amount of Award: \$189,018.39

Budget number: N/A

Grant, bond, etc. reference: City receiving reimbursement

REIMBURSEMENT AND RELEASE AGREEMENT

THIS REIMBURSEMENT AND RELEASE AGREEMENT (“Agreement”) is made and entered into as of the 30th day of November, 2023, by and between Columbia Gas of Maryland, Inc., a Delaware corporation (“Columbia”), and The City of Cumberland, a Maryland political subdivision (“Municipality”).

- A. The Municipality and Columbia are entering into this Agreement to achieve economic and operational efficiencies;
- B. Columbia has undertaken certain renovations and/or upgrades to its pipeline system located within the Municipality’s public rights-of-way along Greene Street (the “Project”), and Municipality agrees to perform the restoration and paving of the public rights-of-way disturbed by the Project;
- C. as a one-time benefit, Columbia agrees to reimburse Municipality for the actual and reasonable expenses incurred by the Municipality for such restoration and paving work under the terms of this Agreement;
- D. Municipality agrees to use the full amount of the Payment solely for the Work as defined in this Agreement: and
- E. Municipality agrees to be solely responsible for the Work and is willing to release and indemnify Columbia for any and all claims and costs associated with such Work.

In exchange the promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, the parties agree as follows:

1. **Recitals.** The above recitals are made a part of this Agreement.

2. **Work:** Municipality agrees to be solely responsible for and perform the work described below: (i) through its own employees and/or its contractors, and (ii) in accordance with all applicable rules and regulations including, but not limited to, Municipality’s paving and restoration standards (the “Work”):

(a) Asphalt mill and overlay, as per Municipality’s street opening ordinance, of the roadway surfaces of Greene Street between Cumberland and Smallwood Streets.

3. **Payment:** Municipality has provided an estimated cost for the Work of \$189,018.39. Within thirty (30) days execution of this Agreement, Columbia shall pay the estimated cost in the form of a check made payable to the Municipality (the “Payment”). The receipt and sufficiency of the Payment as compensation in full for any and all costs and damages associated with the Project, is acknowledged by the Municipality. Municipality waives all permit fees, street opening fees, or right of way costs associated with the Project and Columbia shall not be

responsible to pay for or reimburse Municipality for any costs associated with any restoration of roads that were not disturbed by Columbia during the Project.

4. **Release and Waiver:** Municipality represents and covenants that Columbia shall not be held liable or responsible for any costs, damages, defects, defaults or failures, including but not limited to any type of pavement failure (e.g., settlement, development of potholes, fatiguing cracks, reflection cracks, seam cracks, etc.) or failure to comply with any federal, state or local laws, rules or regulations, arising from or related to the Work.

To the extent allowed by law, Municipality releases and forever discharges Columbia and its parent company, affiliates and/or subsidiaries, and all of their respective employees, officers, directors, agents and shareholders (collectively, "Released Parties"), from all claims, suits or actions related to or arising from Municipality's performance of the Work and or the granting of waivers contained in this Agreement which Municipality or any third party has or may hereafter have for loss, damage, expenses or injuries of any kind including, but not limited to, damage or injury to any Municipality roadway, property, employee, agent, representative or contractor. To the extent allowed by law, Municipality shall indemnify and defend the Released Parties from all such claims, demands, suits or causes of action at its own costs and expense without reimbursement from Columbia or any other of the Released Parties.

5. **Governing Law:** This document is subject to and governed by the substantive law of the Commonwealth of Maryland. This document shall be construed to provide the broadest possible protection to the Released Parties.

6. **Miscellaneous:** This Agreement is unique and applies to this Project only and shall have no effect on any future work done by Columbia within the Municipality. This Agreement shall be construed to provide the broadest possible protection to the Released Parties. In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, then it shall be construed as reformed to the extent necessary to render such provision valid, and this Agreement shall remain fully enforceable and in effect as reformed. This Agreement contains the entire agreement between the Municipality and Columbia, and all of the terms of this Agreement are contractual and not mere recital. The captions and heading used in this Agreement are convenience only and shall not affect the interpretation or meaning of the Agreement. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original but all of which shall be deemed one and the same instrument. A facsimile or pdf signature to this Agreement shall be legally binding and considered in all manner and respects as an original signature. This Agreement may only be modified by a written instrument signed by authorized representatives of the Municipality and Columbia.

[Signature pages to follow.]

The parties have executed this Agreement as of the date first written above.

BY SIGNING BELOW, I REPRESENT THAT I HAVE FULL AUTHORITY TO EXECUTE THIS AGREEMENT ON BEHALF OF _____, Maryland.

[_____]

Title: _____

Date: _____

COLUMBIA GAS OF Maryland, INC.

Title: _____

Date: _____

File Attachments for Item:

. Order 27,375 - approving budget appropriations and transfers for fiscal year 2022-2023

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 27,375

DATE: December 5, 2023

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the following General Fund appropriations and transfers be and are hereby approved for Fiscal Year 2022-2023:

	Original Budget	Budget Changing Ordinances	Current	Revised Amended Budget	Adjustment Required
Expenditures					
General Government	\$ 2,118,551	\$ -	\$ 2,118,551	\$ 2,118,551	\$ -
Public Safety	13,038,414	-	13,038,414	14,341,414	1,303,000
Public Works	2,883,624	-	2,883,624	2,883,624	-
Recreation	861,734	-	861,734	861,734	-
Community Dev & Housing	2,868,141	-	2,868,141	3,112,141	244,000
Debt Service	3,534,384	-	3,534,384	3,534,384	-
Operating Transfers	5,458,491	-	5,458,491	3,911,491	(1,547,000)
Total Expenditures	\$ 30,763,339	\$ -	\$ 30,763,339	\$ 30,763,339	\$ -

Raymond M. Morriss, Mayor

Council Agenda Summary

Meeting Date: December 5, 2023

Key Staff Contact: Ken Tressler and Mark Gandolfi

Item Title:

City of Cumberland – FY 2023 Year-end Budget Adjustment & Notice of Assignment of Funds

Summary of project/issue/purchase/contract, etc. for Council:

An order approving the following FY 2023 General Fund budget adjustments.

	Original Budget	Budget Changing Ordinances	Current	Revised Amended Budget	Adjustment Required
Expenditures					
General Government	\$ 2,118,551	\$ -	\$ 2,118,551	\$ 2,118,551	\$ -
(1) Public Safety	13,038,414	-	13,038,414	14,341,414	1,303,000
Public Works	2,883,624	-	2,883,624	2,883,624	-
Recreation	861,734	-	861,734	861,734	-
(2) Community Dev & Housing	2,868,141	-	2,868,141	3,112,141	244,000
Debt Service	3,534,384	-	3,534,384	3,534,384	-
(3) Operating Transfers	5,458,491	-	5,458,491	3,911,491	(1,547,000)
Total Expenditures	\$ 30,763,339	\$ -	\$ 30,763,339	\$ 30,763,339	\$ -

- (1) Public Safety - primarily due to additional police vehicles and a fire truck.
- (2) Community Devel & Housing - primarily due to the discretionary transfer to CEDC in exchange for a grant.
- (3) Operating transfers - primarily due to timing differences on transfers to Capital Projects. \$3.1 million in Fund 115 and \$0.7 million in Fund 127 (primarily \$2.6 million Balt St Access, \$500K Balt. St. Bridge, \$700K Street Improvements), reduced city matching funds on grant applications \$110K and a net reduction of \$29K to DDC and MPA transfers resulting from a \$47K reduced MPA transfer offset by a \$18K increased DDC transfer.

Additionally, in accordance with the City’s fund balance policy, please be advised that the comptroller has assigned \$3,500,000 of fund balance for capital projects and capital equipment. Capital projects and capital equipment may include, but not be limited to, the Baltimore Street, Memorial Hospital, and Rolling Mills redevelopment and other capital projects and equipment.

The unassigned fund balance meets the fund balance policy’s goal to achieve and maintain an unassigned General Fund balance equal to 25.0% of budgeted expenditures.

The FY 2023 financial statements present the General Fund’s fund balance as:

Fund Balance	Fiscal Year 2023		
	Beginning	Change	Ending
Nonspendable	\$ 3,573,091	\$ (748,162)	\$ 2,824,929
Restricted	7,197,717	(1,106,113)	6,091,604
Assigned	3,000,000	2,771,183	5,771,183
Unassigned	6,512,270	1,346,872	7,859,142
	<u>\$ 20,283,078</u>	<u>\$ 2,263,781</u>	<u>\$ 22,546,859</u>