



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Seth D. Bernard  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey D. Rhodes  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## AGENDA

Regular M&CC Public Meeting  
Via Video Conference

DATE: November 17, 2020

### OPEN SESSION - 6:15 PM

To view this meeting live, go to the City's website at [www.ci.cumberland.md.us](http://www.ci.cumberland.md.us) and access the public meetings link under the Government tab, or go to Facebook and access the page: Cumberland City Hall Livestream.

To provide public comment during this video conference, go to <https://zoom.us> and enter the following:

Use Meeting ID (899 1023 6973) Passcode (276741)

To join by phone dial: (+1 301 715 8592); Meeting ID (899 1023 6973) Passcode (276741)

Citizens wishing to speak will be placed in a waiting room and will be called upon at the appropriate time.

### Roll Call

#### Proclamations

1. Proclaiming Saturday, November 28, 2002, as Small Business Saturday in Cumberland

#### Director's Reports

##### (A) Engineering

1. Engineering Department monthly report for September, 2020

##### (B) Fire

1. Fire Department monthly report for October, 2020

##### (C) Police

1. Police Department monthly report for October, 2020

##### (D) Utilities - Flood, Water, Sewer

1. Utilities Division for Water / Sewer / Flood monthly report for October, 2020

### **Approval of Minutes**

1. Approval of the Work Session Minutes of October 13, 2020 and the Regular Session Minutes of October 20, 2020

### **Public Hearings**

1. Public Hearing - to receive comment on the proposed Zoning Map Amendment (ZMA #20-02) to rezone five (5) parcels at the intersection of Maple Street and East Oldtown Road to correct a mistake in their zoning designation. The subject tracts are currently zoned "Local Business" and the correct designation should be "Urban Residential."

### **Unfinished Business**

#### **(A) Ordinances**

1. Ordinance 3878 (*2nd and 3rd readings*) - to amend the official zoning map of Cumberland (ZMA #20-01) to correct the map by removing thirty (30) parcels of record between Alley No. 224 and Canal Parkway from the Canal Place Historic Preservation District

### **New Business**

#### **(A) Ordinances**

1. Ordinance 3879 (*1st reading*) - to enact Section 2-194 of the City Code to provide that, unless otherwise provided for, the terms of service of board and commission members shall continue until such time as their successors are appointed

#### **(B) Orders (Consent Agenda)**

1. Order 26,731 - authorizing the Chief of Police to enter into an agreement with the High Intensity Drug Trafficking Agency (HIDTA) to receive grant funding in the amount of \$16,435 for specific drug enforcement activities through their partnership with the Allegany County Narcotics Task Force
2. Order 26,732 - authorizing the Chief of Police to accept the FY21 MD Center for School Safety SRO Grant in the amount of \$49,052. These funds will be used to provide adequate police coverage in and around city schools and pay officers overtime to supplement school resource activities, including providing additional officers to patrol schools and interact with children during school and during extra-curricular activities.
3. Order 26,733 - accepting the proposal from Turnbull, Hoover and Kahl, P.A. to audit the financial statements of the City for FY20 for the amount not-to-exceed \$154,800
4. Order 26,734 - authorizing a Special Taxing District Exemption for the 2020-2021 tax year for 33 N. Centre Street (Sasaki / Gusella) in the amount of \$625.39
5. Order 26,735 - rescinding Order No. 26,718 which referenced an incorrect business entity, and authorizing execution of a contract with the Housing Authority of the City of

Cumberland /dba Cumberland Housing Group regarding the use of \$149,000 in MD Community Parks and Playgrounds grant funding for upgrades to the playground located at 635 East First Street

- [6.](#) Order 26,736 - accepting individual bids for the "2020 Bid for Surplus Vehicles and Equipment" project

### **Public Comments**

All public comments are limited to 5 minutes per person

### **Adjournment**

**File Attachments for Item:**

1. Proclaiming the Saturday after Thanksgiving, November 28, 2020, as Small Business Saturday in Cumberland



City of Cumberland

~ MARYLAND ~

# Proclamation

- WHEREAS,** *the government of Cumberland, Maryland celebrates our local small businesses and the contributions they make to our local economy and community; and*
- WHEREAS,** *small businesses employ 47.1% of the employees in the private sector in the U.S., and 62% of small businesses reported that they need to see consumer spending return to pre-COVID levels by the end of 2020 in order to stay in business, with 65% of small business owners said it would be most helpful to their business to have their “regulars” return and start making purchases again; and*
- WHEREAS,** *three-quarters of consumers are currently looking for ways to Shop Small®, and most consumers who shopped on Small Business Saturday® agree that shopping at small, independently-owned businesses supports their commitment to making positive social, economic, and environmentally impactful purchases; and*
- WHEREAS,** *97% of consumers agree that small businesses are essential to their community with 95% who shopped on Small Business Saturday reported the day makes them want to shop or eat at small independently-owned businesses all year long; and*
- WHEREAS,** *advocacy groups, as well as public and private organizations across the country, have endorsed the Saturday after Thanksgiving as Small Business Saturday; and*
- WHEREAS,** *Cumberland, Maryland supports our local businesses that create jobs, boost our local economy, and preserve our communities.*

**Now, Therefore, the Mayor and City Council of Cumberland,**  
*do hereby proclaim November 28, 2020 to be*

## “Small Business Saturday”

*and do urge all citizens to “Shop Small” and support the local small businesses that we value for their contribution to our community.*

Given under our Hands and Seals this 17<sup>th</sup> day of November, in the Year 2020,  
with the Corporate Seal of the City of Cumberland hereto attached,  
duly attested by the City Clerk.

**ATTEST:**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

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*Marjorie A. Woodring*  
**City Clerk**

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*Raymond M. Morris*  
**Mayor**

**File Attachments for Item:**

. Engineering Department monthly report for September, 2020

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

Capital Projects						September 30, 2020	
Order	Project No.	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	<b>UPDATE</b> - WRA has developed a preliminary schedule for the project and is working with CSX to obtain ROE permit	MDI	10/16/2020
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Construction	<b>UPDATE</b> The contractor has mobilized equipment to renovate the Bowers Field and is working on final completion items	RLS	9/21/2020
2013	1-13-FPM	Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	<b>UPDATE</b> - Dam Safety Permit Application submitted to MDE on 10/8. Once approved, P&S packet will be ready for final review prior to advertisement for bid. Due date for final review is 12/1.	MDI	9/22/2020
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 revive rags in the future.	Design	<b>NO CHANGE</b> 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	13-14-M	Mechanic Street Access Road Improvement Project	Repaving and ADA ramp improvements to the section Mechanic Street from I-68 to Bedford Street. Includes improvements to the block of Bedford Street from N. Centre to N. Mechanic Street and Baltimore Street to the Bridge.	Construction	<b>NO CHANGE</b> - Project is complete. Waiting for checks from final invoices to clear, so that the final reimbursement to SHA can be submitted.	JRD	10/8/2020
2014	19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	<b>NO CHANGE</b> - 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	9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	<b>NO CHANGE</b> -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC.	RLS	8/9/2019
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	<b>No CHANGE</b> Project continues. Health Department Lab is back up to full hours and coverage, so we are taking regular scheduled stream samples for analysis at this time. Rainy days are the target for sampling at this time.	RJK	10/9/2020
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	<b>NO CHANGE</b> Asset Management Program/Capital Improvement implementation. Working on Survey 123 and Collector with Sewer & Water Staff. Work is ongoing.	RJK	10/9/2020

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

Capital Projects						September 30, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2015	23-15-M	Flood Insurance Rate Map (FIRM) Modernization and Implementation	Update FIRMs and the Floodplain Ordinance, and conduct an outreach to the community to apprise landowners of the impact of those changes.	Planning	<b>NO CHANGE</b> - The Letter of Final Determination date is now October, 2018, with a projected effective date of April, 2019.	PJD	1/3/2019
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.	Design	<b>UPDATED</b> - The 90% review comments have been received from MDOT SHA, and those comments along with the City of Cumberland comments and the Cochran Studio Comments have been forwarded to EADS. Weekly meetings are being held to continue the project design to completion. The Engineering Department continues to research alternatives to proprietary (name brand items). There are currently over 20 proprietary items listed in project specifications. Proprietary items can not be paid for with Federal or State funding, and additionally Local funding used for these items can not count as a match towards Federal and State funding. Some of the proprietary items will need to remain in the project because they are part of the City's utility synchronization.	JRD	10/8/2020
2016	17-16-M	Stage Renovations at Liberty Street Stage	Replace wood stage with Concrete	Design	<b>NO CHANGE</b> - This project would be unnecessary if the Baltimore Street Access project is executed. The project will remain on this list until the Baltimore Street project moves to construction.	RLS	5/15/2019
2016	18-16-BR	John J. McMullen, Bridge No. A-C-01 Repairs	Bridge Repair	Planning	<b>NO CHANGE</b> - This project is expected to move forward in FY21 with State Aid Funds.	RLS	1/28/2020
2016	19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	<b>NO CHANGE</b> - Design work continues, as City staff works on property acquisition. The USACE and NPS have authorized permits for additional field work to continue.	RLS	5/31/2020
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	<b>NO CHANGE</b> - 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
2017	3-17-M	Route 51 Bridge 12" Waterline Replacement	Replace water line on bridge as part of SHA Bridge Deck Project	Construction	<b>NO CHANGE</b> - The contract for the bridge replacement has been awarded but the water line is not expected to be replaced until FY21 due to construction phasing.	RLS	5/15/2019
2017	18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	<b>NO CHANGE</b> - The department is supporting Cumberland Gateway LLC with historical records and will review stormwater design in the future.	RLS	5/15/2019
2017	29-17-UTIL	VOID See 19-15-M	VOID				



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

Capital Projects						September 30, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2017	30-17-WWTP	40 CFR 441 Compliance - Dental Dischargers	Collection of 1-time compliance reports from dental offices that remove amalgam.	Planning	<b>UPDATE</b> Twenty nine (29) dental offices have returned their 1-time compliance report to date. Dental offices had until July 14, 2020 to comply with this new Federal regulation. EPA meeting to be held Sept 24 (revealed certifications had until October 2020 to be received). All All Co dental offices in compliance at this time.	RJK	10/9/2020
2017	31-17-W	Decatur Street 24" Crosstown Water Main Replacement	Prior to designing the water main replacement a more detailed Water Model analysis of the City's system will be done to make sure the issues are being properly addressed. Design will follow.	Design	<b>UPDATE</b> The project has a contingent award for ARC funds and a recent award of additional MDE SRF loan funds to completely fund the project. Engineering is working to finalize the contract documents in light of the new ARC funds.	RLS	9/21/2020
2018	08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	<b>NO CHANGE</b> - EBA continues to work on the preliminary engineering on this project, with on site activities ramping up. Work will continue throughout FY20/21	RLS	10/9/2019
2018	09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	<b>NO CHANGE</b> - Project has been approved to begin Final Engineering. Expecting the project to be bid in March 2021.	RLS	4/29/2020
2018	19-18-M	ADA Improvements at 218 Washington Street	Construct an ADA complinat parking space in the 200 block of Washington Street, and reset the brick sidewalk adjacent to parking area.	Construction Bidding	<b>UPDATE</b> - Construction is complete and a final inspection is being scheduled	JRD	10/8/2020
2018	22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	<b>UPDATE</b> New schedule in effect! Burgmeier's sent out annual recycling info flyer to all City residents in Aug/September. Generating calls and new recyclers.	RJK	9/21/2020
2018	23-18-WWTP	FY 2019 MDE Energy Grant Optimization of the Aeration System at the WRF	Application through MDE for energy grants for WWTP or WFPs	Construction	<b>NO CHANGE</b> Project is complete. As-builts were developed by GD&F on 8/6/20. Still need to send all pay apps to WQFA for final reimbursement.	MDI	10/9/2020
2018	25-18-BR	SHA Project: Replacement of MD 51 Bridge Deck	Replace the water line under the industrial blvd bridge under a MDOT bridge rehabilitation project	Construction	Refer to project 3-17-W	RLS	10/11/2018
2018	26-18-M	Ridgeley Levee System Certification					
2018	29-18-W	Smouses Mill Pumping Station Upgrades	Replace existing pumps and VFD's, install a back-up generator, remove hydro-pneumatic tanks	Construction	<b>NO CHANGE</b> - All upgrades are complete and system is operational. Final invoice submitted/approved on 6/23. Sub-contractors are still working on flow meter communication issue (does not have affect on functionality of pumping station).	MDI	6/25/2020
2018	30-18-SWM	WMHS Crisis Resource Center	Project involving SWM review Replaces an existing building with a new facility.	Design	<b>COMPLETE</b> - Received SWM As-builts from Specs on 7/1/2020. Project is complete.	MDI	10/16/2020
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	<b>NO CHANGE</b> - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
2018	32-18-FPM	Rehabilitation Assistance for Flood Damages to Flood Risk Management Projects	Request USACE to make repairs or provide funding to address flood control issues	Planning	<b>NO CHANGE</b> - The USACE has denied financial support due to the flood control being in an unacceptable condition. The City is looking to enter the SWIF program to receive aid to get financial support for construction.	RLS	10/12/2018

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

Capital Projects						September 30, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2018	33-18-RE	Constitution Park Marble Courts	Installation of marble courts, adjoining pavilion, and upgrades to nearby comfort station in Constitution Park	Construction	<b>UPDATE</b> - The project is substantially complete, and the contractor and sub-contractors are completing work on the "Punch List".	JRD	9/22/2020
2018	37-18-SWM	Columbia Gas Line - Walnut Street					
2018	43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	<b>NO CHANGE</b> - The bridge has been opened for one lane of traffic. The bridge will be replaced in the future.	RLS	2/26/2020
2018	44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	<b>NO CHANGE</b> - Studies have been returned and subject to CSX negotiations.	RLS	8/5/2019
2019	5-19-M	Virginia Ave Lot Demolition	Remove two structures and retaining walls at 6, 8 and 10 Virginia Ave.	Construction Bidding	<b>NO CHANGE</b> - The grading plan has been approved by ASCD and the project has been turned over to Code Enforcement for demolition	RLS	8/5/2019
2019	7-19-WFP	Filter Building Pilot Study	Perform a study to evaluate the potential to replace current filter building with a new membrane/GAC building in the future. The City is required to perform a pilot study to validate the technology we are proposing to use.	Study	<b>UPDATE</b> - The pilot study is underway and will occur over the next 4 months.	RLS	9/21/2020
2019	8-19-WFP	New Inlet Screens for Gate House		Construction	<b>UPDATE</b> - Maverick Construction has begun demolition/prep work inside of gate house. Divers will arrive on site Monday (10/19) and begin underwater core drilling on 10/20.	MDI	10/16/2020
2019	10-19-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	<b>NO CHANGE</b> - Contract underway	DTG	10/16/2020
2019	11-19-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	<b>NO CHANGE</b> -Contract Underway	DTG	10/16/2020
2019	13-19-M	Center City Parking Garage Improvements	Various improvements to the Center City Parking Garage including ADA improvements, wayfinding and signage upgrades, and painting	Construction	<b>NO CHANGE</b> -Kiosks and Gate system are installed and functioning. New system will not be put into service until new cameras are installed. Artwork has been installed.	JAT	3/19/2020
2019	14-19-M	WWTP RMP Compliance Services	RMP Compliance for OSHA 29 CFR 1910	Planning	<b>NO CHANGE</b> RMP program updated to comply with OSHA 29 CFR 1910 for chlorine and sulfur dioxide storage on site. Annual RMP review took place August 12, 2020	RJK	10/9/2020
2019	26-19-FPM	Repointing Viaduct, Ridgeley and Mill Race Pump Stations	Project to repair mortar joints in the Flood Control Pump Stations	Construction Bidding	<b>NO CHANGE</b> - Construction is nearly complete except for work at the Ridgeley Pump Station. Work is expected to be completed in September	RLS	8/12/2020
2019	32-19-M	Brownfields Application 2019	Information Regarding Brownfields and potential projects within the city.	Study	<b>UPDATE</b> -Staff attended Brownfields Boot-Camp held by MDP 9/24	MEA	9/30/2019
2019	36-19-WWTP	Blower Building Switchgear Replacement	This project replaced the existing Blower Building Switchgear to reduce the 4160V down to 480V to improve the safety of the building and to adequately protect our equipment.	Design	<b>UPDATE</b> - Bid opening was on 10/14/2020, with two acceptable bids. Low bidder was S&S Electric. Working on getting award request onto M&CC agenda.	MDI	10/16/2020

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

Capital Projects						September 30, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
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	<b>NO CHANGE</b> - 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	5-20-M	Installation of Traffic Pole Intersection of Mechanic & Harrison Street	Repair traffic pole that was hit by tractor trailer on 12/31/19.	Construction	<b>UPDATE</b> - The traffic pole foundation has been replaced, awaiting the pole to be delivered. The traffic pole is a custom order so the pole will not ship until November.	RLS	9/21/2020
2020	6-20-S	Sanitary Sewer Lining Assessment	Performing a cost assessment on relining (CIPP) all sanitary sewer lines within city.	Planning	<b>NO CHANGE</b> - Based on list of "high risk" lines provided by sewer dept, have developed a preliminary cost estimate. Awaiting updated list from most recent cleaning and cameraing prior to moving forward with project.	MDI	3/30/2020
2020	9-20-M	Constitution Park Fill Disposal	Assessing potential clean fill dump sites for Public Works	Planning	<b>UPDATE</b> - Grading plan has been finalized and approved by Allegany SCD, and stakes have been placed to delineate approximate locations of fill slopes and control devices. Next step will be to get control devices in place and develop plan for clearing and grubbing of site.	MDI	10/16/2020
2020	10-20-M	2020 ECWC Watershed Timber Sale	This project will hold a timber sale at the EC watershed as part of our watershed management plan	Planning	<b>NO CHANGE</b> - The contact was awarded to Cessna Brothers and work will be begin in a few months.	RLS	8/12/2020
2020	11-20-WFP	Koon Dam Repairs	Concrete repairs to the dam structure (spillway and downstream face) per the annual dam inspection recommendations.	Planning	<b>NO CHANGE</b> - Project is budgeted for FY21. Currently developing bid specs and repair "map."	MDI	9/23/2020
2020	12-20-RE	Long Field Upgrades - Phase 1	Improvements to Long Field Concession and Restroom area. Upgrades include electrical improvements.	Planning	<b>NO CHANGE</b> - Received POS funding for upgrades to Long Field on 5/20. Received quote for electrical upgrades for S&S Electric on 6/9. Developed a list of other needed improvements with help from Dapper Dan rep. Awaiting SourceWell quote (Belt) for these upgrades.	MDI	9/23/2020
2020	13-20-WWTP	CSO Nine Minimum Controls Annual Review	A requirement of our LTCP and NPDES Report to look at these controls annually		<b>NO CHANGE</b> - The next NMC report due spring 2021.	RJK	10/9/2020
2020	14-20-M	Carver Building Repairs	Project to repair damage to the Carver Building				
2020	15-20-P	South Street Pavement Repairs	Paving the length of South Street while also making ADA and sidewalk improvements	Design	<b>UPDATE</b> - Progress continues on the installation of the new water main, and it is anticipated the Water Department will complete their work in November. Documents are being prepared for the installation of ADA Curb ramps, and it is anticipated that the trench patching and paving will be completed under SHA competitively bid contract prices.	JRD	9/22/2020
2020	16-20-M	Queen City Drive ADA Improvements	Project will include upgrading sidewalk for ADA compliance along Queen City Drive at corners of Bedford and Frederick Streets, below McMullen Bridge.	Design	<b>NO CHANGE</b> - Part of CDBG 5-year plan. Developing a set of bid specifications to put to bid around March 2021. Nearing completion of spec and plan development.	MDI	9/23/2020
2020	17-20-WWTP	CSO Long-Term Control Plan Projects/Schedule Review	Correspondences with MDE regarding the LTCP Projects and the Consent Decree end date: October 1, 2023.	N/A	<b>NO CHANGE</b> - Letter mailed to MDE as notification that the current CSO projects may be completed after the Oct 1, 2023 date. Call to update MDE on City projects and next steps took place Sept 1. Further meeting dates under consideration.	RJK	10/9/2020

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

Capital Projects						September 30, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2020	18-20-WWTP	Potomac Farms Dairy Prohibited Discharge Violation	The discharge is a violation of the City of Cumberland Code Article III, Sewers and Sewage Disposal, Division 4 General Discharge Regulations, section 24-171 Prohibited discharges generally (a)(8) and (b)(4)(b)&(c) and section 24-172 Excessive BOD, suspended solids.	Inspection	<b>NO CHANGE</b> - Enforcement letter and \$200 fine issued. Further action was to follow-up to confirm the valve/overflow alarm installation. Site visit confirming valve alarm took place Sept 4, 2020. Alarm tested during visit.	RJK	10/9/2020
2020	20-20-W	General Permit 17HT Discharges from Tanks Pipes Other	Potable water system general permit for chlorinated discharge regulations regarding streams.	Planning	<b>UPDATE</b> Permit application due by Feb 2021. Working with Water Plant and Distribution to complete a Pollution Prevention Plan. Goal to apply (send NOI) is November 16, 2020.	RJK	10/9/2020
2020	22-20-M	Fall Tree Removal Project	Project to remove various hazardous street trees throughout the City.	Construction	<b>UPDATE</b> - Kiddy's Contracting won the bid for this contract. Once the contract is signed, will issue a NTP.	DTG	10/16/2020
2020	27-20-M	106 Luteman Sidewalk Repairs	Project to remove tree stump and replace damaged sidewalk and driveway on Luteman St.	Construction	<b>UPDATE</b> - Shaffer completed this work on 10/15/2020. Sidewalk is still curing. Will do final inspection of work next week.	MDI	10/16/2020
2020	28-20-M	Fall Tree Pruning Project	Project to prune various hazardous street trees throughout the City.	Construction	<b>UPDATE</b> - No bids on this project. Reaching out to potential vendors to perform the work and get quotes.	DTG	10/16/2020
	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.		<b>NEW</b> -		
	30-20-SWM	Grow West Facility Expansion	SWM Review for proposed expansion of Grow West MD Facility @ the industrial park.		<b>NEW</b> - Thrasher has submitted Conceptual and Site Development plans for SWM Review. I have approved both and am awaiting final plan set for review and signing. Met with Thrasher and Belt reps on 10/16 to review site plans, small changes have been made to site and will be incorporated in next set to be reviewed.	MDI	10/16/2020
	31-20-SWM	Mary Street Gas Line SWM Review	SWM Review and Waiver Approval for Columbia Gas Mary Street Gas Line Replacement		<b>NEW</b> - CS Davidson Inc. submitted first set of plans for SWM review on 10/6/2020. Project will receive SWM Waiver from City.	MDI	10/16/2020
	32-20-WFP	Lake Koon and Gordon Annual Dam Inspection & EAP Update	Project to perform the annual Dam Inspection. The project will also update the EAP for the dams which is required every 5 years. The work was performed by the EADS Group.		<b>NEW</b> -		

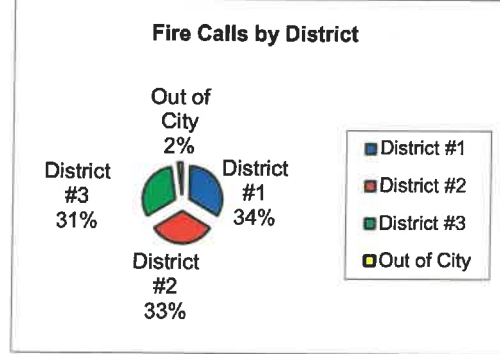
**File Attachments for Item:**

. Fire Department monthly report for October, 2020

**REPORT OF THE FIRE CHIEF FOR THE MONTH OF OCTOBER, 2020**  
**Prepared for the Honorable Mayor and City Council and City Administrator**

**Cumberland Fire Department Responded to 137 Fire Alarms:**

Responses by District:	
District #1	46
District #2	45
District #3	43
Out of City	<u>3</u>
	137



Number of Alarms:	
First Alarms Answered	136
Working Alarms Answered	<u>1</u>
	137

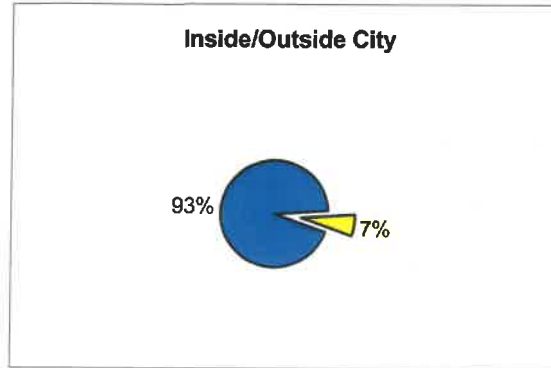
Calls Listed Below:	
Property Use:	
Public Assembly	4
Educational	5
Institutional	6
Residential	81
Stores and Offices	3
Manufacturing	1
Special Properties	<u>37</u>
	137

Type of Situation:	
Fire	12
Overpressure	3
Rescue Calls	70
Hazardous Conditions	8
Service Calls	6
Good Intent Calls	11
False Calls	<u>27</u>
	137

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in October:	\$910.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$7,700.00
Fire Service Fees for Fire Calls Paid in October:	\$1,420.00
FY2021 Fire Service Fees Paid in FY2021:	\$1,420.00
All Fire Service Fees Paid in FY2021:	\$2,330.00
Fire Service Fees for Inspections and Permits Billed in October:	\$150.00
Fire Service Fees for Inspections and Permits Paid in October:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$200.00

**Cumberland Fire Department Responded to 442 Emergency Medical Calls:**

In City Calls	413
Out of City Calls	29
Total	<u>442</u>



Total Ambulance Fees Billed by Medical Claim-Aid for October:	\$189,501.00
Ambulance Fees Billed Fiscal Year to Date:	\$531,367.00
Ambulance Fees Paid:	
Revenue Received in October:	\$77,846.14
FY2021 Ambulance Fees Paid in FY2021:	\$237,269.70
Total Ambulance Fees Paid in FY2021:	\$373,147.86
(Includes all ambulance fees, previous and current fiscal years, paid in FY2021.)	

**Cumberland Fire Department provided 5 Paramedic Assist Calls:**

0 Paramedic Assist Call within Allegany County	
5 Paramedic Assist Calls outside of Allegany County	
	<u>5</u>

Fort Ashby, WV VFD	3
Ridgeley, WV VFD	1
Short Gap, WV VFD	1
	<u>5</u>

**Cumberland Fire Department provided 24 Mutual Aid Calls:**

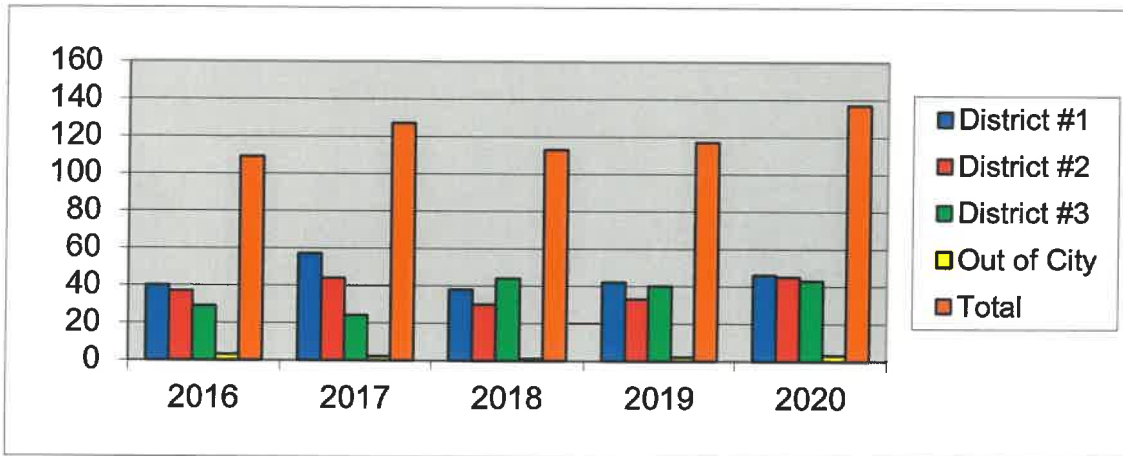
17 Mutual Aid Calls within Allegany County	
7 Mutual Aid Calls outside of Allegany County	
	<u>24</u>

Bowman's Addition VFD	7
Cresaptown VFD	9
District #16 VFD	1
	<u>17</u>

Ridgeley, WV VFD	5
Wiley Ford, WV VFD	2
	<u>7</u>

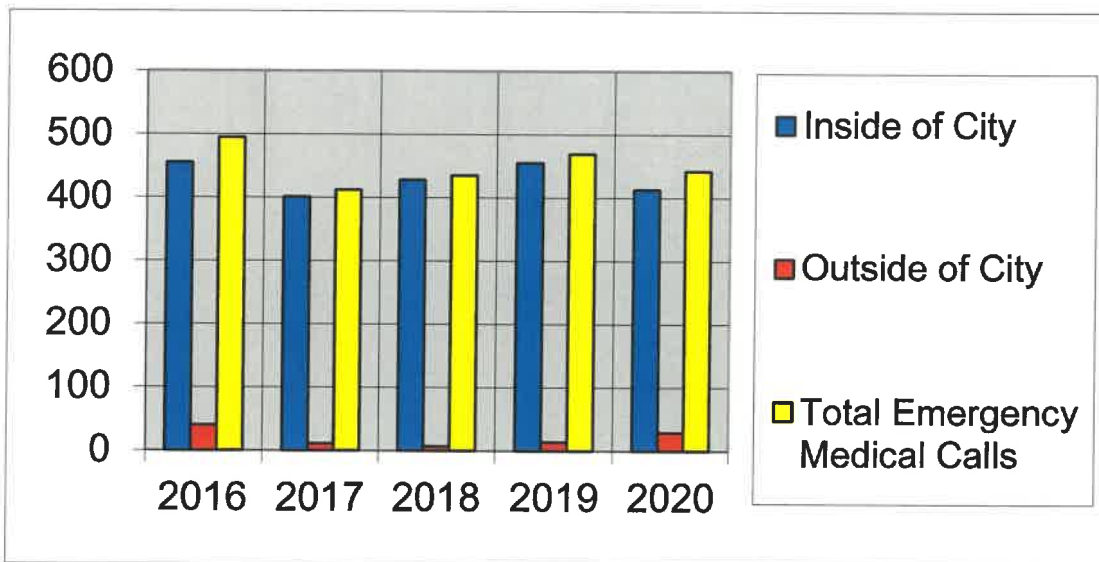
**Fire Calls in the Month of October for a Five-Year Period**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
District #1	40	57	38	42	46
District #2	37	44	30	33	45
District #3	29	24	44	40	43
Out of City	<u>3</u>	<u>2</u>	<u>1</u>	<u>2</u>	<u>3</u>
Total	109	127	113	117	137



**Ambulance Calls in the Month of October for a Five-Year Period**

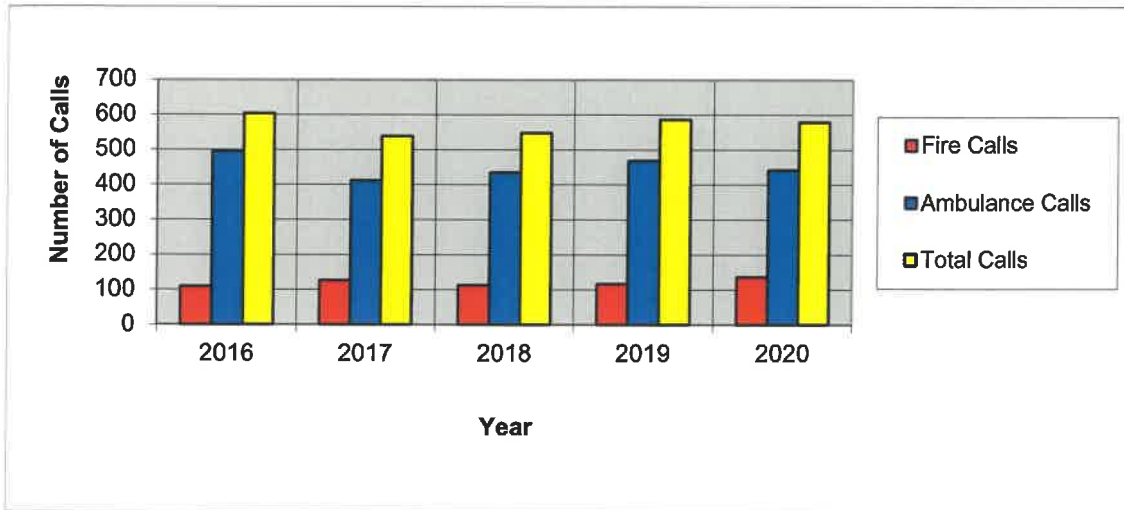
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Inside of City	455	401	428	455	413
Outside of City	<u>40</u>	<u>11</u>	<u>7</u>	<u>14</u>	<u>29</u>
Total Emergency Medical Calls	495	412	435	469	442





**Fire and Ambulance Calls in the Month of October for a Five-Year Period**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Fire Calls	109	127	113	117	137
Ambulance Calls	<u>495</u>	<u>412</u>	<u>435</u>	<u>469</u>	<u>442</u>
Total Calls	604	539	548	586	579



**Training**

Training Man Hours: 339.75 Man Hours

Discuss Safety Issues	4.50
Employee Evaluations	2.00
Pump Operations	14.00
Apparatus Check Procedures	71.50
SCBA Inspection and Care	11.00
General Driver Training	6.00
Drug Box Inventory	8.00
EMT Recertification	2.00
Toradol Training	4.00
General Fire Control and Behavior	22.00
Fire Officer I Class	6.00
General Fire Prevention	1.50
Fire Suppression	52.00
Hose Lines	16.50
Hazardous Materials	9.00
Physical Fitness	13.00
Officer Meeting	6.00
Pipeline Emergencies	22.00
Reeves Sleeve	5.50
Salvage and Overhaul	12.00
Tactical Medical Training	19.50
Turn-Out Gear	31.75
	<hr/>
	339.75

**Fire Prevention Bureau**

Complaints Received	2
Conferences Held	45
Correspondence	11
Inspections Performed	7
Investigations Conducted	8
Plan Reviews	3

**Personnel**

Nothing to report.

Statistics Compiled by Julie Davis, Fire Administrative Officer

**File Attachments for Item:**

. Police Department monthly report for October, 2020



# **City of Cumberland Department of Police**

**Monthly Report**  
**October 2020**



# City of Cumberland Department of Police

## Monthly Report

### October 2020

#### Part 1 Crimes for the Month

	2019		2020		2019		2020		2019		2020	
Aggravated Assaults	18	9	B & E (All)	23	8	Murder	0	0	Rape	2	1	
Robbery	2	3	Theft - Felony	2	3	Theft - Vehicle	1	1				

#### Selected Criminal Complaints for the Month

	2019		2020		2019		2020		2019		2020	
Theft - Misdemeanor	21	20	Theft - Petty	24	23	Domestic Assaults	29	19	CDS	53	82	
Disturbances	161	163	DOP/Vandalism	23	24	Indecent Exposure	3	2	Sex Off - Other	5	2	
Suicide	0	0	Suicide - Attmp.	0	0	Tampering M/V	0	0	Abuse - Child	3	1	
Trespassing	20	20	Assault on Police	7	1	Assault Other	53	34				

#### Selected Miscellenous Incidents for the Month

	2019		2020		2019		2020		2019		2020	
Alcohol Volations	15	3	Juvenile Compl.	32	27	Missing Persons	9	11	School Resource	129	168	
School Threat	1	0	Sex Off. Regist.	17	10	Truancy	4	16	Death Investigation	3	8	

#### Selected Traffic Incidents for the Month

	2019		2020		2019		2020		2019		2020	
DWI	7	13	Hit & Run	25	20	M/V Crash	81	79	Traffic Stop	361	352	

#### Selected Service Calls for the Month

	2019		2020		2019		2020		2019		2020	
Alarms	64	38	Assist Motorist	37	35	Check Well-Being	129	96	Foot Patrol	75	43	
Assist Other Agency	75	78	Bike Patrol	1	1	Special Events	20	7	Suspicious Activity	72	69	

#### Current Incident Status for the Month

	2019		2020		2019		2020		2019		2020	
Open	63	165	Arrest	294	255	Closed	2016	2199	Suspended	57	42	



# City of Cumberland Department of Police

## Monthly Report

### October 2020

#### Arrests Totals for the Month

	2019	2020		2019	2020		2019	2020		2019	2020
M/V Citations	48	52	M/V SERO	5	5	M/V Warnings	309	290	Arrest on View Adult	42	42
Arrest On Crim. Cit.	14	13	Arrest Summons	45	47	Arrest Warrant Adult	65	55	Adult Crim.	188	162
Arrest Summon (Chrg)	31	34	Arrest Warrant (Chrg)	22	9	Juvenile Crim.	23	25	Arrest on View Juv	22	23
Arrest Warrant JUV	0	0	Emer. Petition	54	69	Fingerprinting	0	1	RunAway & Miss Per.	7	9
Civil Citation	23	5									

**Total Incidents Reported :**
**2019**
**2020**  
**2,430**
**2,661**

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Chuck Ternent - Chief of Police

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

OCTOBER 2020

SWORN PERSONNEL: 48 SWON OFFICERS

Administration	6 officers
Squad D1	9 officers
Squad N1	8 officers
Squad D2	8 officers
Squad N2	8 officers
C3I/C3IN	5 officers
School Resource	1 officers
Academy	3 recruits

CIVILIAN EMPLOYEES: 6 full time, 10 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
CPD Records Clerk	1 part time
Safe Streets Coordinator	1 full time*
CPD Patrol Assistant	1 full time
CPD Crime Analyst	1 full time*
CPD Maintenance	1 part time
C3IN Office Associate	1 part time**
C3I Office Associate	1 part time**
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
Code Enforcement	3 part time

\*=Grant funded

\*\*=Shared costs with other agencies

### LEAVE REPORT

VACATION TAKEN: 758.75	YEAR TO DATE (beginning 07/01/20): 3,396.50
COMP TIME USED: 177.25	YEAR TO DATE (beginning 07/01/20): 803.25
SICK TIME USED: 64	YEAR TO DATE (beginning 07/01/20): 612.50

### OVERTIME REPORT

OVERTIME WORKED: 264.75	YEAR TO DATE (beginning 07/01/20): 973.75
HOSPITAL SECURITY: 92	YEAR TO DATE (beginning 07/01/20): 454.50
COURT TIME WORKED: 102	YEAR TO DATE (beginning 07/01/20): 225

**File Attachments for Item:**

. Utilities Division for Water / Sewer / Flood monthly report for October, 2020





**Watershed**

Installed 2 meter boxes & 2" meter  
 Backfilled ditch line  
 Assisted with leak on 2" line - Bedford Rd  
 Flushed hydrants for dam (weekly)  
 Line Locate - Lisa Dr  
 Got material together for leak repair at lower dam  
 Repaired 24" water main leak @ lower dam  
 Backfilled hole from water leak at dam, topsoiled, seeded and strawed  
 Bricked up meter on Eastman Rd  
 Line Locate - Eastman Rd  
 Checked meter box - New Oakland Dr  
 Moved equipment jacks from dam to warehouse  
 Lowered meter box - Bedford Rd  
 Weed eated on 2" line - Bedford Rd  
 Set concrete block on meter pit - Eastman Rd  
 Fueled equipment at South Street job (several times)  
 Repaired 8" leak @ Industrial Park 220  
 Line Locate - Lake Gordon Rd  
 Placed "No Vehicles" sign on water line  
 Met with Street Dept re: Christmas Tree  
 Assisted 304 crew on South St project  
 Assisted 306 crew on Humbird St & W Offutt St  
 Fueled equipment for Sewer Dept (several times)  
 Put in sign - Lelper St  
 Met Bob at Lake Gordon Rd  
 Fixed leak on 378s fuel line  
 Removed debris from water line  
 Cut & removed trees from 36" main  
 Installed meter box off Bedford Rd  
 Cut trees & brush from fire trails  
 Investigated leak - Piedmont Ave  
 Line Locate - Smousemill Rd/Installed meter box  
 Installed meter box - Lake Gordon Rd/Bled air off line & backfilled

**Projects**

Projects - SOUTH ST MAIN REPLACEMENT	27	14	19	11	71
<b>GRAND TOTAL</b>					<b>712</b>

# October 2020 Monthly Report

## FLOOD MAINTENANCE

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Test run pumps and run gates

Check sewage regulators

Safety meeting

Perform other maintenance work as required

Mowing

Rt.28 ditch, West Levee ditch, Parklets, Moose & Kelly Blvd., Narrows, Dentist Office

Viaduct, Furlows, Bd. Of Ed., Bullpen, Mill Race.

Rt. 28 Levee, West levee, all fields

Cleaned seepage control boxes

## SEWER BRANCH

Calls answered	18
Service lines opened	7
Owner's trouble	11
Traced lines/main	151
Mains Repairs/ Replace	3
Sewer taps installed/replaced	0
Cleaned catch basins	11
Cleanouts installed	1
Televised sewer mains	130 FEET
Televised sewer lines	0
Call outs/ overtime	4 callouts/ 6 hours overtime
Weekly check of overflows, pits	4
Catch basin repair/rebuild	0
Flushed mains	1,695 Feet

Gallons of water used	4,500 Gals.
608 Vac-con truck	3,000 Gals.
605 Flush truck	1,500 Gals.

**Safety meeting**

Maple St reset manhole ring and lid with Concrete  
 South St. @ Third St installed tap in storm line for under  
 drain on Third St.

Highland Ave installed 8' 35" of PVC culvert pipe.

Hunt Terr. uncover manhole lid and add riser.

213 Fayette Ave at Spruce Pl. dig up to check for leak no  
 leak found.

439 South St. repair service line (water)

808 White repair service line and add c/o

Lake Ave replace 400' 8" sewer main

Hydro 6 sites (water)

Hydro 3 sites (sewer)

**File Attachments for Item:**

1. Approval of the Work Session Minutes of October 13, 2020 and the Regular Session Minutes of October 20, 2020



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Seth D. Bernard  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey D. Rhodes  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## MINUTES

M&CC Regular Meeting  
Video Conference

DATE: October 20, 2020

### I. OPEN SESSION

#### II. Roll Call

##### PRESENT:

Councilman Seth Bernard  
Councilman Richard J. Cioni  
Councilman Eugene T. Frazier  
Councilwoman Laurie P. Marchini  
President Raymond M. Morriss

Also Present: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk

#### III. Director's Reports

Motion to approve the reports was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0

##### (A) Administrative Services

1. Administrative Services monthly report for September, 2020

##### (B) Public Works

1. Maintenance Division monthly report for September, 2020

##### (C) Fire

1. Fire Department monthly report for September, 2020

##### (D) Police

1. Police Department monthly report for September, 2020

**(E) Utilities - Flood, Water, Sewer**

1. Utilities Division-Flood/Water/Sewer monthly report for September, 2020

**IV. Approval of Minutes**

Motion to approve the Minutes was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 5-0

1. Approval of the Work and Regular Session minutes of September 15, 2020, and the Work Session Minutes of September 29, 2020

**V. Unfinished Business**

**(A) Ordinances**

Mr. Rhodes provided background on the Ordinance and Mr. Cohen stated that this Ordinance will clarify that two or more distinct premises must require their own distinct shut-off valves.

1. **Ordinance 3876** (*2nd and 3rd readings*) - to repeal and reenact Section 24-49 of the City Code pertaining to service pipes supplying two or more premises with water, for the purpose of clarifying its terms

**SECOND READING:** The Ordinance was presented in title only for its second reading. Motion to accept the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 5-0.

Mayor Morriss called for questions or comments. Being none, the Ordinance moved to its third reading.

**THIRD READING:** The Ordinance was presented in title only for its third reading and was passed on a vote of 4-0.

*Councilwoman Marchini lost internet connection at 6:21p.m.*

**(B) Orders (Consent Agenda)**

Mr. Rhodes provided background on the tabled Order, and advised that after checking on the grant, it does not appear that accepting the grant would bring on an historical easement. He added that if funding is granted, they will double-check the paperwork before accepting the funds. Mayor Morriss called for any questions or comments. Being none, motion to approve Order No. 26,720 was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0.

1. **Order 26,720** (*Tabled at previous meeting*) - authorizing the Mayor to sign a letter of support for the City's application to the MD Heritage Areas Emergency Capital Fund for critically needed work at the George Washington's Headquarters Cabin

*Councilwoman Marchini re-joined the meeting at 6:24 p.m.*

## VI. New Business

### (A) Ordinances

Mr. Rhodes provided background on the properties which were declared surplus on July 20, 2020, and advised on the location of the properties.

- 100 Arch Street
- 332 Davidson Street
- 334 Davidson Street
- 532 N. Centre Street
- 730 Bedford Street
- 1016 Ella Avenue
- Pine Avenue (2 Lots)
- 409 Walnut Street

**Ordinance 3877** (*1st reading*) - accepting bids for the purchase of nine (9) parcels of real property and authorizing conveyance of those properties to the successful bidders, subject to certain terms for conveyance

**FIRST READING:** The Ordinance was submitted in title only for its first reading, and Mayor Morriss called for questions or comments. Being none, motion to approve the 1<sup>st</sup> Reading and table until next meeting was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0.

### (B) Orders (Consent Agenda)

Mr. Rhodes reviewed all items on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve all Consent Agenda items was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

**Order 26,724** - 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, 2020 through August 31, 2023

**Order 26,725** - appointing Betsey H. Schwab to the Administrative Appeals Board for a three (3) year term effective September 30, 2020 through September 30, 2023

Councilman Cioni wanted to thank those that are willing to give their time to serve on the City's Boards and Commissions, and Mayor Morriss agreed, saying that it is a community service that is greatly appreciated.

**Order 26,726** - authorizing the Chief of Police to accept a FY21 Byrne Justice Assistance Drug Enforcement Program Grant in the amount of \$59,820 to fund overtime and equipment to develop and implement strategies to reduce drug related crime and overdose deaths in the community



**VII. Public Comments**

*No Comments*

All public comments are limited to 5 minutes per person

**VIII. Adjournment**

With no further business at hand, the meeting adjourned at 6:42 p.m.

Minutes approved on \_\_\_\_\_

Raymond M. Morriss, Mayor \_\_\_\_\_

ATTEST: Marjorie A. Woodring, City Clerk \_\_\_\_\_

# Mayor and City Council of Cumberland

## WORK SESSION

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

Tuesday, October 13, 2020  
4:30 p.m.

*This meeting was held via Video-Conference*

**PRESENT:** Raymond M. Morriss, President; Council Members: Seth Bernard, Richard Cioni, and Eugene Frazier, and Councilwoman Laurie Marchini

**ALSO PRESENT:** Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk, CEDC Executive Director Matt Miller; Lisa Sturtevant and Manual Ochoa from LSA

### I. FINAL PRESENTATION OF HOUSING ANALYSIS BY LSA

Mr. Miller advised that the Comprehensive Housing Analysis has been finalized, and introduced Lisa Sturtevant and Manuel Ochoa from LSA, who are in attendance to discuss their findings which include implementation strategies, housing issues, data, etc.

Ms. Sturtevant provided a PowerPoint presentation, and noted that she worked with Lee Borrer, Community Development Specialist, to complete the CDBG Plan, and stated they also worked on the Analysis of Impediments, which are both required by HUD, and said these are the baseline set of analyses for more comprehensive study. She stated that at the request of the CEDC, they looked at a broader range of housing needs, and housing as a part of economic development strategy, with questions being “where are the unmet needs?” and “how can a housing strategy help retain a more diverse base of residents?”. Ms. Sturtevant stated that the goal was to develop a comprehensive local strategy to help attract middle and higher income working individuals and families, which is important for diversifying and supporting local businesses.

Ms. Sturtevant advised that they have recommendations for Phases I and II, and stated that they developed the bulk of these prior to Covid-19. She said, however, that some of the recommendations still stand at this time in recovery.

Ms. Sturtevant advised on the takeaways from the study:

- While there is a strong desire to take immediate actions, the plan for expanding housing opportunities is a long-term strategy.
- There are housing options not available in the City, but they are being developed in other parts of the region.

- On-going and private-sector investments must continue to improve City amenities.
- There is an opportunity for Cumberland to attract new residents from the region as well as from higher-cost markets.
- Near-term development will need to include housing supported by Federal, state, and local incentives.
- Two key publicly-owned sites in the City provide the best opportunities for new housing development in the near-term.

Ms. Sturtevant advised on the analysis, going over population demographics which show a smaller share of working residents and a higher share of lower income residents. She also discussed the distribution of household makeup, which showed the City having fewer families with older school-age children. She stated that about half of the households are non-family, meaning two or more people living together who are not related, single people who are disabled, or older adults. She added that they found that the City's residents tend to include more single person households, and they also found that the share of disabled residents is high in Cumberland relative to the rest of the region. She stated, however, that these findings are pretty consistent with other urban areas, but said it suggests that there are significant housing needs among the disabled. She added that a shrinking part of Allegany County's population has become a larger part of Cumberland's population.

Ms. Sturtevant noted that although housing costs in Cumberland are low relative to some other parts of Maryland, there are a significant amount of renters having a hard time managing housing costs. She stated that housing stock is significantly older than in the rest of the region, due to in large part to the City's history, and the fact that there has been little new construction over the last several years. She added that the lack of new residential construction suggests there is a lack of homeownership opportunities in the \$100K - \$200K price range, while the stock of lower-valued homes is relatively high. Ms. Sturtevant stated that on the rental side, the biggest needs are for rents in the \$500 - \$900 per month.

Ms. Sturtevant advised that they did a survey this past spring asking human resource directors what types of housing in the Cumberland region their recruits were looking for. She stated that two-thirds of the respondents stated single-family homes, with the highest demand being \$100K or less. She added that more than half of the respondents said apartments, in the monthly range of \$500 - \$900, were in demand as well.

Ms. Sturtevant reviewed market segments identified: Near-retirees and retirees - age 55+ who are looking to move and have more money to spend on leisure, and young adults and millennials that feel big cities are losing their shine, and have a desire to move to vibrant downtowns in suburban settings. Ms. Sturtevant said findings say affordable homeownership is important to young workers (but not necessarily a fixer-upper), as well as high-quality schools and daycare.

Ms. Sturtevant moved on to Recommendations for Phase I and Phase II, and noted that there are some things the City is doing right now that are moving in the direction of implementing these recommendations:

**Phase I (12 – 18 months)**

- Implement Blight Action Plan
- Continue Downtown revitalization
- Fund projects in CDBG priority areas
- Develop a “dollar home” program
- Inventory public land
- Educate about aging in place
- Establish a down payment program
- Review historic preservation program

**Phase II (post 18 months)**

- Make public land available for development
- Develop housing with federal subsidies
- Increase density on key sites
- Fast track development processes

Ms. Sturtevant discussed Site-Specific Recommendations:

**Scattered Sites** – bring public and private sector resources to targeted sites near downtown, with the goal to improve the housing stock and make downtown getaways more appealing to potential new residents.

**Memorial Hospital Site** – bring public and private sector resources to a shovel-ready site in a relatively well-maintained residential neighborhood, with the goal of creating new housing options not currently available in Cumberland on a prime site close to downtown with great views.

**County High School Site** – bring public and private sector resources to develop a mix of housing types at a range of price and rent levels, with the goal of creating unique housing options for a range of ages and family types.

Mr. Ochoa advised that this is not an economic development plan, and stated that the perception of downtown will color people’s perception of the quality of life in Cumberland. He stated that staff members that are hired is key to what the City and CEDC is trying to do to bring life to downtown again, along with having a good main street organization, upper level housing, and contact with residents. He also wanted to point out that the connection between the historic preservation process and the fast tracking development process can sometimes be viewed as barrier, so he recommends looking at those processes in place. He added that related to that issue is the connection between affordable housing and historic

preservation, and discussed published guidelines by the Federal Advisory Council on Historic Preservation regarding using federal funds.

### Questions and Comments

Mr. Miller asked them to speak on the public input (Steering Committee) portion of this study. Mr. Ochoa advised that they did a number of interviews from various groups that were included, and were able to take advantage of focus groups in interviews for the Consolidated Plan. He also mentioned that they convened through the 20-member CEDC Advisory Board about 4 times. Ms. Sturtevant added that they administered a citizen and business survey in February and received close to 600 responses. In response to a question from Council, Ms. Sturtevant advised that they had 44 human resource directors respond to a survey they sent out in May. Mr. Miller stated that the survey encompassed everything from small businesses to larger groups.

Mayor Morriss thanked LSA for the study, saying it was very comprehensive, covering the needs of the City in a lot of different areas, and said it was good to hear that some initiatives the City did in the last year fit into the housing study. He added that he liked that they contacted human resource directors, and said it was critical input. He also mentioned LSA's review of the City's Historic Preservation Commission, and said it's important that they understand and take into consideration that the idea is to streamline and make programs more available and not more difficult for people to renovate their properties.

Mr. Ochoa stated that historic preservation is neutral, it's how it's utilized, so it can be an economic benefit, but in the development process it can also be a barrier. He went on to say that they spoke with community organizations that provide and build housing and also spoke with small property owners, and said almost every group mentioned historic preservation as a barrier. He added that he believes the City understands the need to preserve historical resources, and stated that the focus needs to be on the details. Mayor Morriss invited Mr. Ochoa to watch a Historic Preservation Commission meeting.

Councilwoman Marchini stated that this housing study fits well with the existing economic development plan and repeats a lot of points from the Choose Cumberland website, from a housing perspective, from removing blight to the types of businesses and people the City wants to recruit. Ms. Sturtevant said it's testament to what Mayor Morriss said about how much good work was already being done. Mayor Morriss added that with the Baltimore Street redevelopment, and with using the old Allegany High School and Memorial Hospital sites for potential housing, it could turn the downtown around very quickly in the next few years, but stated that there needs to be a sense of urgency to get some of these projects completed as soon as possible.

Councilman Frazier asked about double taxation in the study, and if it creates a problem for potential housing. Ms. Sturtevant said they did take a look at property taxes in the City versus in the County, and talked about the pros and cons of building outside as opposed to

inside the City. She stated that there are unique things about the City that are to its advantage, and the value of those need to be marketed and demonstrated. She advised that double taxation was not the financial obstacle to building new housing, and stated that they need to get the word out that amenities are here in the City. Ms. Sturtevant discussed more people working from home now because of the pandemic, and stated that a greater share of the population are finding that they don't need to live near a big city as long as there is reliable high-speed internet access. The easy access of Police, Fire and Rescue was also discussed as something that should be marketed more. Ms. Sturtevant also discussed the importance of schools and child care, as millennials are getting older and have kids now. She also stated that with retirees, where there can be safe living is going to be a much bigger issue moving forward.

Ms. Sturtevant discussed disabled City residents, and said the study used mostly public data sources and the Census Bureau, which includes both physical and cognitive disabilities. She stated that 1 out of 4 residents in the City reports having a disability, and said that as the population gets older, the rate of disability increases. She added that this has increased in the City, but has declined in the County. She explained how the percentages get skewed with population decline, and said the City needs to broaden the population base so that those shares move back to where they were before.

Mr. Ochoa spoke about incentive programs, and he encouraged Mayor and Council to use them as a way of partnering with employers for down payment assistance programs. Ms. Sturtevant added now that the City and CEDC have engaged with the employer community, she feels that this could be the beginning of even more community partnerships. Mayor Morriss commented on the incentives to build on public-owned land that was in the study, and said to give developers the land at a nominal cost would be critical, as well as the down payment incentives. Ms. Sturtevant stated that it's really common to make the land available as a 99-year ground lease, and when you provide a public incentive it allows you to guide the development a little bit, which allows the City to have a say in what goes where.

Mr. Miller urged Mayor and City Council to take a thorough look at the study, and asked them to formally adopt this study as the City's housing approach, to give the CEDC and staff direction and guidance on these issues. The Mayor said that from his perspective this study is without a doubt something the City will be using as a guideline for a long time going forward, and said he will look into having it formalized. He said he would also encourage local business people to review the study, and said it was great work.

## **II. UPDATE ON EASTSIDE SCHOOL SITE DEVELOPMENT**

Mr. Rhodes advised that the City was in communication with the developer regarding the PILOT, seeing if they can get that wrapped up. Mr. Cohen stated that there are ways they are trying to approach it, but would rather not talk about it in this setting. He added that the developer has pretty much everything they need at this juncture, and the only thing left to discuss is the PILOT.

### **III. UPDATE ON BALTIMORE STREET ACCESS PROJECT**

Mr. Miller reviewed the two applications for funding being submitted to the Department of Housing and Community Development and advised on the funding amounts of \$125K of Community Legacy funds for installation of fiber, and \$450K of strategic demolition funds to be used for the sprinkler tap installations. He added that there were a couple other things he will be presenting in the near future, and advised that the Baltimore Street Work Group is meeting weekly now, and will continue to do so as the project nears completion.

### **IV. CUMBERLAND GATEWAY PROJECT**

Mayor Morriss advised that he had spoken with the developer, Ed Scott, who said he was planning to come to Cumberland, and asked Mr. Miller if he had heard anything. Mr. Miller advised that he had not heard from him lately, but had spoken to him via text message. He stated that he thinks Mr. Scott's plan is to come into town in the next week or two.

### **V. UPDATE ON FORMER MEMORIAL HOSPITAL SITE**

Mr. Miller stated that he spoke with the CEDC Board directors today and said he would like to outline the process how the CEDC acquires the land from the City. He said he has pitched a very rough draft to the board, where they would enter into a separate MOU with the City naming the CEDC as the sole marketing and promotion agent of the site, which would give them the sole ability to negotiate any dealings and vetting each proposal. Then the proposal would be presented to the Mayor and City Council for their approval or disapproval, and mentioned the proposals would have to meet certain criteria. He added that if the proposal is accepted, then the property would be acquired by the CEDC, and he provided additional information on the series of events that would occur. Mr. Miller stated that he will put something more formal on paper to be reviewed.

Mayor Morriss stated they can work their way through the MOU with the CEDC, but advised that the key is getting the RFP out there for what the City's overall desire is for that property going forward. Mr. Miller advised that he has been consulting with a firm that could do some potential renderings in terms of usage of what the City allows, with input from the CEDC. He stated that the housing study encourages incentivizing residential development through local, state, and federal programs, and said that the CEDC's incentive would be that they control the property. He said the property is valuable, and eventually will be an asset to the neighborhood. He added that he wants to lay out what the expectations are for the CEDC with respect to this, and once again said he will put together something more formal for Mayor and City Council.

### **VI. DISCUSSION REGARDING RECOMMENDED ACTION – 712 ELM STREET**

Mr. Miller provided background on the property 712 Elm Street, which was deeded to the City by accident. He asked to get some direction on whether or not the City wants the property, and added that he had spoken with the CEDC board today. Mayor Morriss stated

that the City may start dealing with First Peoples to give it back to them, which he thinks is the best thing to do from the City's perspective. He said, however, that if First Peoples should demolish the building and it becomes a vacant lot that would change his perspective. The Mayor said, though, to take a piece of property that would be a land-banked piece that the City won't get to for quite a while, it would be too far of a long-term opportunity for his taste.

Mr. Miller advised that the Civic Master plan they adopted names that area as a site for potential commercial use, which could make this a land-banking opportunity for that purpose. Mr. Miller stated additional reasons to accept the property that First Peoples was willing to donate, including having to buy it down the road if needed, and if it goes back to privately owned, the City has no control over what it becomes. He stated that he advocates for First Peoples, saying that they have also invested their money in their own projection of the neighborhood, so they, too, are invested. He said that he understands fiscal problems with the City, but stated that this would fall under the blight action plan and could be used for another purpose. He asked Mayor and Council to take all of this into consideration.

In answer to a question from Council, Mr. Miller stated that although he didn't know of any news with that area, he thinks the developer is readjusting their marketing strategy regarding the pandemic. He added that he thinks all the issues with property from the City's standpoint have been taken care of, and discussed First Peoples being a great community partner

Mr. Rhodes asked Mr. Miller how his board responded when he discussed this with them. Mr. Miller stated that it came down to financial resources and discussed razing and maintenance of the property, and doing an environmental study. He stated that the CEDC may be able to afford the maintenance, and possibly the demolition, but said that financial limitation is their reservation. He added that it's tabled at this point until they can see what they can afford, but said he's willing to maybe partner with the City.

Mr. Rhodes advised that it could cost approximately \$10K to raze the building, and approximately \$15K if there is asbestos. He stated that most of the properties in the area have asbestos. Mr. Miller stated that if it's combined with other demos in the area, the cost could be reduced. Both the Mayor and Mr. Rhodes advised that it would be a while before the City could take that structure down, and Mr. Rhodes stated that there were around 40 properties in between the Gateway project area and where 712 Elm Street sits, so quite a few properties would have to come down before getting to that one, if development occurs.

Mayor Morriss stated that he doesn't think it's the right thing for the City to take at this time. He said if this was a family that didn't have the money to maintain the building so that it deteriorated further, his stance would be different, but this is a financial institution that has the ability to demolish it, with the value of the property increasing in the future. He stated again that if First Peoples does the demolition, his stance can change dramatically.



Sharing cost with the bank was discussed, as well as offering them the City's landfill rate to save them money, but Mayor Morriss stated they would have to check on that. Matt asked if he should present First Peoples with a partnership regarding landfill fees. Mayor Morriss agreed, and Council concurred.

## **VII REVIEW OF DRAFT AGENDA – OCTOBER 20, 2020 PUBLIC MEETING**

Mayor Morriss quickly reviewed the draft agenda, and discussed the tabled Order regarding the Maryland Heritage Area application for a grant to do some renovations at the George Washington Headquarters cabin. Mr. Rhodes advised that Ms. McKenney reviewed it and it appears to be easement free. He suggested moving forward with it and to double-check the paperwork, and stated that similar funding years ago did not require an easement. All agreed to leave this Order on this week's agenda.

Mr. Rhodes reviewed the Orders on the draft agenda:

Order 26725 – authorizing execution of a 3-year salt agreement with the MD State Highway Administration for distribution of salt and/or aggregate during winter storm events for the period 9/1/20 through 8/31/23.

Order 26726 – appointing Betsey H. Schwab to the Administrative Appeals Board for a 3-year term effective 9/30/20 through 9/30/23.

Order 26727 – authorizing the Chief of Police to accept an FY21 Byrne Justice Assistance Drug Enforcement Program Grant in the amount of \$58,820 for overtime and equipment to develop and implement strategies to reduce drug-related crime and overdose deaths in the community.

There were no questions from Council.

Councilwoman Marchini noted that Chris Fraley, former officer for the City, is being honored for his work with the Dare Program in Mineral County tomorrow at the Mineral Board of Education.

## **VIII. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 6:20 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

Minutes approved \_\_\_\_\_

**File Attachments for Item:**

1. Ordinance 3878 (*2nd and 3rd readings*) - to amend the official zoning map of Cumberland (ZMA #20-01) to correct the map by removing thirty (30) parcels of record between Alley No. 224 and Canal Parkway from the Canal Place Historic Preservation District

**ORDINANCE NO. 3878**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) TO CORRECT THE CITY'S OFFICIAL ZONING MAP BY REMOVING THIRTY (30) PARCELS OF RECORD LOCATED BETWEEN ALLEY NO. 224 AND CANAL PARKWAY FROM THE CANAL PLACE HISTORIC PRESERVATION DISTRICT."

**WHEREAS**, in the process of reviewing a site plan, City staff discovered an unintentional error in the City's Official Zoning Map which was adopted as an incident to the most recent comprehensive rezoning.

**WHEREAS**, this error affects thirty (30) parcels of record located between Alley No. 224 and Canal Parkway, said parcels being identified in the Exhibit A attached hereto and referred to hereinafter as the "Affected Properties".

**WHEREAS**, the Affected Properties were not included within the Canal Place Historic Preservation District (the "District") under the terms of the ordinance which created the District, i.e., Ordinance No. 3217 (passed April 2, 1996).

**WHEREAS**, the City's current Official Zoning Map was adopted under the terms of Ordinance No. 3857, passed

August 13, 2019 as an incident to the 2008 Comprehensive Rezoning.

**WHEREAS**, contrary to Ordinance No. 3217, this version of the Official Zoning Map and, preceding versions thereof, erroneously included the Affected Properties within the District.

**WHEREAS**, upon the discovery of the mapping error, the Zoning Administrator filed an application with the City's Municipal Planning and Zoning Commission (the "Planning Commission"), requesting that it recommend that the Mayor and City Council order that the Official Zoning Map be amended to correct the error described herein.

**WHEREAS**, in anticipation of the proceedings before the Planning Commission, City staff prepared a Cumberland Planning Commission Staff Report dated August 10, 2020 (the "Staff Report"), a copy of which is attached hereto as Exhibit B, in support of the Zoning Administrator's application.

**WHEREAS**, the Staff Report includes findings relative to the matters addressed previously herein as well as those required by section 4-204(b) of the Land Use Article and section 25-440 of the City Zoning Ordinance relative to population change, the availability of public utilities, present and future transportation patterns, compatibility

with existing and proposed development for the area, and the relationship of the proposed amendment to the local jurisdiction's plan.

**WHEREAS**, as required by sections 2-203(b) and 4-204(b)(5) of the Land Use Article 25-439(b) of the City Zoning Ordinance, the Planning Commission held a public hearing on the matter of the Zoning Administrator's application on August 10, 2020.

**WHEREAS**, at the conclusion of the aforesaid hearing, the Planning Commission voted 4-0 in favor of recommending that the Mayor and City Council grant the relief sought in the Staff Report, specifically, that the Official Zoning Map be corrected to remove the Affected Properties from the District.

**WHEREAS**, as required by section 25-439(e) of the City Zoning Ordinance and the applicable provisions of the Land Use Article, the Planning Commission forwarded its recommendations relative to the proposed rezoning to the Mayor and City Council for action.

**WHEREAS**, as required by sections 203(b) and 4-204 and 4.04(b)(5) of the Land Use Article and Section 25-439(f) of the City Zoning Ordinance, the Mayor and City Council of Cumberland published notice of the time and place of the public hearing before it on the matter of the rezoning

which is the subject of this ordinance together with a summary of the proposed rezoning in *The Cumberland Times News*, a newspaper of general circulation in Allegany County and the City of Cumberland, once each week for two successive weeks with the first notice being provided at least fourteen days before the hearing. The notices were published on August 31, 2020 and September 7, 2020.

**WHEREAS**, as a public hearing on the proposed rezoning was held before the Mayor and City Council on September 15, 2020, at which public hearing all parties in interest and citizens of the City of Cumberland were permitted to be heard concerning the proposed rezoning.

**WHEREAS**, having considered the evidence presented, the Mayor and City Council adopted the findings set forth in the Staff Report.

**WHEREAS**, based upon the foregoing, the Mayor and City Council determined that the application for the rezoning of the Subject Properties should be granted for the reasons set forth in the Staff Report.

**NOW, THEREFORE:**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Staff Report attached hereto as Exhibit B is adopted in its entirety as their findings in regard to the requested rezoning which is the

subject of this ordinance, and, consistent therewith, they find that there is a mistake in the City's 2019 Official Zoning Map which needs to be corrected; and

**SECTION 2.** BE IT FURTHER ORDAINED, that the 2019 Official Zoning Map shall be amended to effect the removal of the Affected Properties from the District; and

**SECTION 3.** BE IT FURTHER ORDAINED, and staff is directed to revise the Official Zoning Map consistent with the preceding sections of this ordinance; and

**SECTION 4.** BE IT FURTHER ORDAINED, that this ordinance shall take effect on the eleventh day following the date of its passage.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk

1<sup>st</sup> Reading:

2<sup>nd</sup> Reading:

3<sup>rd</sup> Reading:

Effective Date:



**EXHIBIT A**

<b>Parcel ID #:</b>	<b>OWNER'S NAME:</b>
0104013085	COLUMBIA GAS TRANSMISSIONS CORP
0104046528	BRANDS ELWOOD F
0104046633	BUSSARD DANIEL
0104051149	ASHER DONALD W
0104012704	CUMBERLAND CITY OF
0104012704	CUMBERLAND CITY OF
0104031970	VERBAL CORPORATION
0104021010	OVERNITE TRANSPORTATION CO
0104012704	CUMBERLAND CITY OF
0104008561	QUEEN CITY METALS-RECYCLING LLC
0104051181	ASHER DONALD W
0104033671	OWENS WILLIAM RUSSELL
0104035240	BROCK LARRY J ET UX
0104052498	BROCK LARRY J
0104051572	ASHER DONALD W
0104040546	ASHER DONALD W
0104051556	ASHER DONALD W
0104040473	ASHER DONALD W
0104040546	ASHER DONALD W
0104040465	ASHER DONALD W
0104040457	ASHER DON W
0104006674	BALLOU TAWAIN D
0104045475	CARDIA ENTERPRISES LLC
0104006925	CARDIA ENTERPRISES LLC
0104051459	HANCOCK JOHN W-REBECCA N
0104009126	HANCOCK JOHN W-REBECCA N
0104009118	HANCOCK JOHN W-REBECCA N
0104051459	HANCOCK JOHN W-REBECCA N
0104051459	HANCOCK JOHN W-REBECCA N
0104051173	HANCOCK JOHN W-REBECCA N

**EXHIBIT B**

**CUMBERLAND PLANNING COMMISSION STAFF REPORT****ZMA #20-000001: Canal Place Historic Preservation District Zoning Map Correction***August 10, 2020***Overview:**

In the process of reviewing a site plan application, staff identified an unintentional error in the City's Official Zoning Map that was adopted as part Comprehensive Rezoning. This error affects a total of 30 parcels of record between Alley #224 and Canal Parkway, as specified in the list of property identification numbers from the Allegany County Tax Records below:

<b>Parcel ID #:</b>	<b>OWNER'S NAME:</b>
0104013085	COLUMBIA GAS TRANSMISSIONS CORP
0104046528	BRANDS ELWOOD F
0104046633	BUSSARD DANIEL
0104051149	ASHER DONALD W
0104012704	CUMBERLAND CITY OF
0104012704	CUMBERLAND CITY OF
0104031970	VERBAL CORPORATION
0104021010	OVERNITE TRANSPORTATION CO
0104012704	CUMBERLAND CITY OF
0104008561	QUEEN CITY METALS-RECYCLING LLC
0104051181	ASHER DONALD W
0104033671	OWENS WILLIAM RUSSELL
0104035240	BROCK LARRY J ET UX
0104052498	BROCK LARRY J
0104051572	ASHER DONALD W
0104040546	ASHER DONALD W
0104051556	ASHER DONALD W
0104040473	ASHER DONALD W
0104040546	ASHER DONALD W
0104040465	ASHER DONALD W
0104040457	ASHER DON W
0104006674	BALLOU TAWAIN D
0104045475	CARDIA ENTERPRISES LLC
0104006925	CARDIA ENTERPRISES LLC
0104051459	HANCOCK JOHN W-REBECCA N
0104009126	HANCOCK JOHN W-REBECCA N
0104009118	HANCOCK JOHN W-REBECCA N
0104051459	HANCOCK JOHN W-REBECCA N
0104051459	HANCOCK JOHN W-REBECCA N
0104051173	HANCOCK JOHN W-REBECCA N

This area abuts the proper boundaries of the Canal Place Historic Preservation District. A copy of the 2019 Zoning Map identifying the area to be removed from the Canal Place Historic Preservation District is attached to this report. According to the 2019 Zoning Map, this has a hatched overlay designating it as being part of the Historic Preservation District, but according to Ordinance #3217, the boundary of the Canal Place Historic Preservation District actually follows Canal Parkway. Staff has researched the zoning history for this area and determined that the intended boundary for this Overlay Zone lies further northwest than is designated on the current 2019 Official Zoning Map, and is requesting to correct the map error.

**Procedural Status:**

Staff identified the error on February 10, 2020 and began research to determine the correct boundary for the Canal Place Historic Preservation District. After considerable research and consultation with the City Solicitor, staff filed a petition for a Zoning Map Amendment (ZMA 20-000001) on July 7, 2020. A copy of the Zoning Map Amendment petition is attached to this report. The petition was scheduled for presentation to the Planning Commission as well as a public hearing at its August 10, 2020 meeting.

**Staff Review:**

City and Planning Commission records show that affected properties were incorporated into the Canal Place Historic Preservation District with the adoption of Ordinance No. 3217, entitled "An Ordinance to Repeal and Reenact with Amendments, Ordinance No. 3041 Entitled "An Ordinance to Designate the Canal Place Preservation District". This legislation created the Canal Place Preservation and Development Authority for the purpose of preserving, developing, maintaining, and using, the Canal Place Historic Preservation District, in the manner suitable to its significance as the western terminus of the historic Chesapeake and Ohio Canal.

The City's latest Official Zoning Map adoption was a part of Ordinance No. 3857. While this mistake has likely been a part of the Official Zoning Map since the adoption of the Canal Preservation Overlay Zone, it was noticed on the most recent map after investigation of a site in the affected area. The City's Official Zoning Map was readopted in 2019 and included a few ZMA's to address corrections.

**Staff Recommendation:**

Since the Canal Preservation Overlay zoning label for the aforementioned affected properties as depicted on the City's Official Zoning Map is inconsistent with the boundaries defined in Ordinance 3217, staff recommends that this rezoning petition be adopted by the Mayor and City Council and that staff be instructed to remove incorrectly identified parcels on the map and re-map the Canal Preservation Overlay Zone to remove the affected parcels from that Overlay Zone on the City's Official Zoning Map.

Based on the findings and documentation referenced in the Staff Review section of this report, staff formally recommends that the Planning Commission recommend and the Mayor and City Council find that the requested rezoning is necessary to correct a technical "mistake" in the official Zoning Map adopted as part of the March 2008 Comprehensive Rezoning (Ordinance Number 3607) for the aforementioned affected properties and again in the adoption of the latest City's Official Zoning Map (Ordinance Number 3857). Said "mistake" determination is consistent with the requirements of Article 66b, Section 4.05 (a) (2) (II) of the Annotated Code of Maryland and is a legal requisite for any adopted change in a base zoning classification.

Additionally, under the provisions of Article 66b of the Maryland Annotated Code, the Mayor and City Council must make a series of specific findings in making its decision regarding the proposed zoning. A recommendation regarding these findings must be made by the Planning Commission. The specific findings are outlined in Section 4.05 (a) (2) (i) of Article 6b. Staff recommends the following findings be determined with respect to these statutory considerations:

1. **Population change**: The proposed Zoning Map Amendment has been deemed necessary to correct a technical error in the original zoning of the properties. No development has occurred in accordance with the incorrect zoning classification that caused the need for this rezoning. Consequently, the correction of this error will result in no net impact on the City's population or growth rate.
2. **The availability of public facilities**: All subject properties are currently served by all city services. Consequently, the correction of this zoning error will not affect the availability or adequacy of existing public services and facilities.
3. **Present & future transportation patterns**: Since no development has occurred in the area in accordance with the incorrect zoning classification, staff finds that the proposed correction will not affect present or future transportation patterns in the area.
4. **Compatibility with existing and proposed development for the area**: The area in question is currently zoned Business Commercial (B-C). All development within and on the affected properties conforms to the requested B-C Zoning for the area. The removal of these properties from the Canal Place Historic Preservation District Overlay Zone will not affect any current or future development in the region.
5. **Relationship of the proposed amendment to the local jurisdiction's plan**: At the time of the adoption of the 2019 Official City Zoning Map, this map error had already existed. The removal of the affected properties from the Canal Place Historic Preservation District Overlay Zone will not change or affect any current or future development in the area. Correcting the boundaries of this overlay zone to address the map error was determined to be consistent with the Allegany County Comprehensive Plan, as well as adjoining developed properties in the area and the City's general zoning patterns. The City has also determined that the need for the rezoning was caused by a technical error in the Official Zoning Map that arose from the 2008 Comprehensive

**Rezoning. Consequently, the City has determined that the current B-C Zoning and adjustment of Overlay Zone boundaries is consistent with the City's and County's adopted local plans.**

**Planning Commission Action:**

- [ ] Recommend removal of affected properties to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

*To be forward to the Mayor + City Council  
for their approval.  
Aug 10, 2020 4:40 pm*

- [ ] Recommend denial of removal of affected properties to the Mayor and City Council, based on the following findings:

Motion by: *Aaron Hendrickson*

Seconded by: *John Jacobs*

Vote:

In favor of motion: 4      Opposed: \_\_\_\_\_      Abstained: \_\_\_\_\_

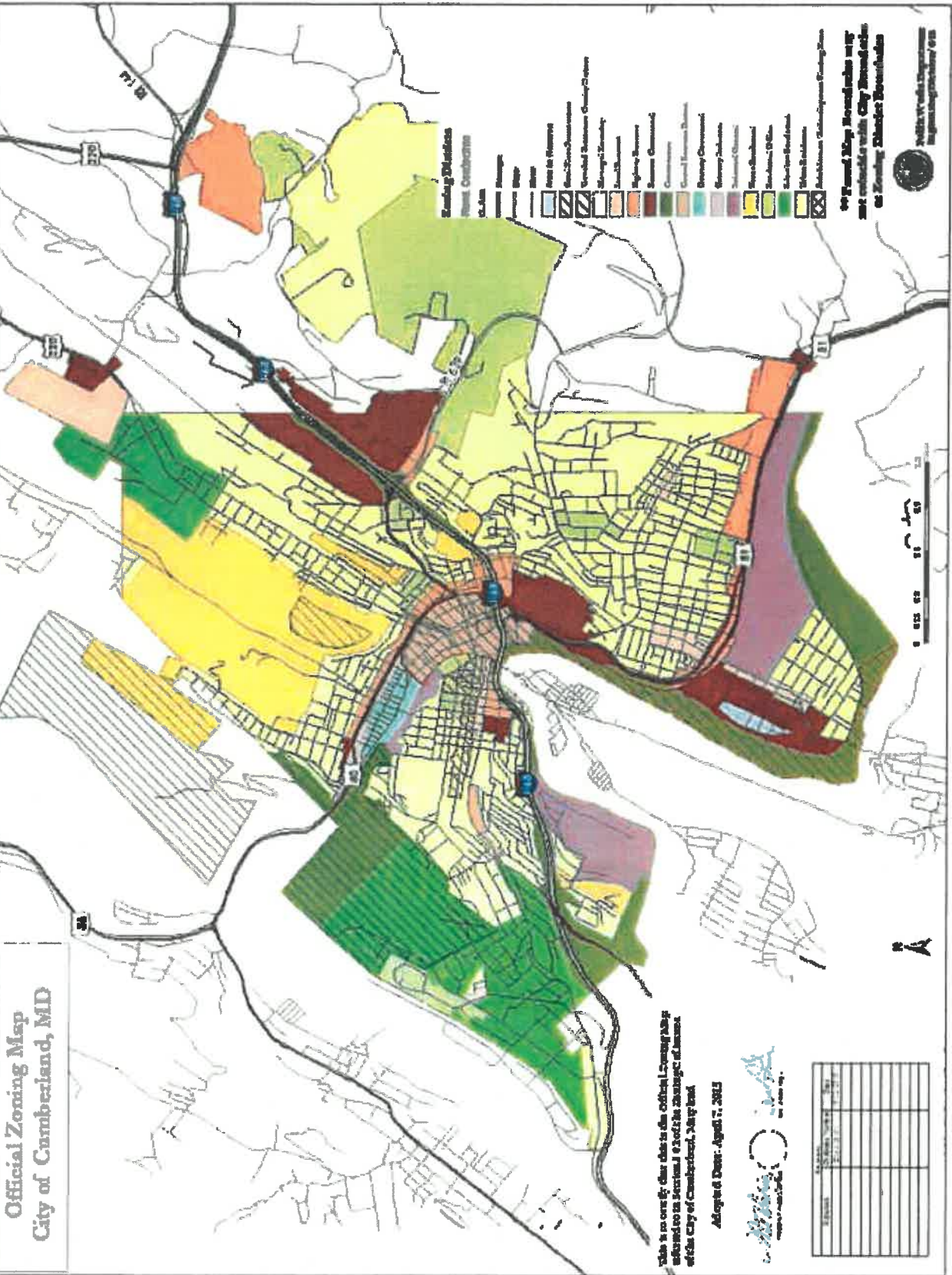
Number of voting members present: 4

Signed: *David P. Webb*  
Chair, Cumberland Planning Commission

Date: August 10, 2020

*Aaron Jacobs*  
Secretary, Cumberland Planning Commission

Date: August 10, 2020









DEPARTMENT OF COMMUNITY DEVELOPMENT

1701 BRIDGESTONE COURT, CUMBERLAND, MD 21032 • PHONE NO: 301-443-7400 • FAX NO: 301-443-7401 • TDD: 301-443-7402  
www.cumberland.gov

Permit Number: ZMA20-00001  
Approval Date:

**Zoning Map Amendment Application Permit**  
**Zoning Map Amendment**

Permit issued on projects and subject to all applicable zoning and regulations.

<b>Project Location:</b> MD Prop. #: 04812088 <b>Owner:</b> Columbia Gas Transmission Corp	<b>Date applied:</b> 07/07/2020
<b>Applicant:</b> City of Cumberland Department of Community Development <b>Address:</b> 87 North Liberty Street <b>City/State/Zip:</b> Cumberland, MD 21032 <b>Phone:</b> (301) 788-6434 <b>Email:</b> hally.mcconery@cumberlandmd.gov	

In addition to the Project Location listed, the following Property Locations are included with the Zoning Map Amendment:

Property Address	Address	Property Address	Address
0481802E	1017 LEICESTON AVE	0482546	0 ELDER ST
0484803	1015 LEICESTON AVE	0482555	0 ELDER ST
0481145	0 TRINITY ST	0482673	0 ELDER ST
0481204	0 ELDER ST	0482682	0 ELDER ST
0481970	218 BOWEN ST	0482687	0 ELDER-ELIZABETH ST
0482810	138 KING ST	0482674	207 ELDER ST
0482801	222 OFFUTT ST	0482676	1209 LEICESTON AVE
0481181	0 TRINITY ST	0482625	1017 LEICESTON AVE
0482871	218 OFFUTT ST	0482428	0 LEICESTON AVE
0482840	0 OFFUTT ST	04829128	0 MARCY ST
0482885	0 OFFUTT ST	04829116	217 ELIZABETH ST
0481972	0 ELDER ST	04821173	1015 LEICESTON AVE
		0481805	0 OFFUTT ST

**Description:**  
Correct the error on the 2019 Official Zoning Map that includes 26 Property Tax Accounts in the area between Virginia Avenue and the Canal Parkway incorrectly in the Canal Place Preservation District Overlay Zone.

**Notes:**

<p><b>SUBJECT:</b> However is revoked by the building official, if the building is not in compliance with the requirements of the City ordinances relating to building privileges and as stated on this application.</p>	<p><b>APPLICANT:</b> I agree to comply with all regulations which applicable hereto and further agree that the proposed use shall be as described on this application and that this structure shall not be used for any other purpose.</p> <p style="text-align: center;"><i>Kendall M. McConery</i></p>
<p>City Code Compliance Manager or Representative Signature</p>	<p>Applicant Signature</p>

ORDINANCE NO. 3217

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT, WITH AMENDMENTS, ORDINANCE NO. 3041 ENTITLED "AN ORDINANCE TO DESIGNATE THE CANAL PLACE HISTORIC PRESERVATION DISTRICT."

WHEREAS, the Mayor and City Council of Cumberland, by Ordinance No. 2836 created a historic district on Washington Street; and

WHEREAS, the Mayor and City Council of Cumberland, by Ordinance No. 3041, repealed and reenacted the aforementioned Ordinance No. 2836 for the purpose of expanding the Washington Street Historic District; and

WHEREAS, the General Assembly of the State of Maryland has adopted legislation creating the Canal Place Preservation and Development Authority for the purpose of preserving, developing, maintaining, and using, the Canal Place Historic Preservation District, in the manner suitable to its significance as the western terminus of the historic Chesapeake and Ohio Canal, said legislation further creating a Canal Place Preservation and Development Authority investing in said Authority certain enumerated powers including the powers to revise the boundaries of the preservation district with the consent of the Mayor and City Council of the City of Cumberland; and

APR 2 1988

WHEREAS, the Historic Preservation Commission, appointed pursuant to Ordinance No. 2821, has recommended to the Planning and Zoning Commission the adoption of a certain proposed Canal Place Historic Preservation District; and

WHEREAS, the Planning and Zoning Commission of the City of Cumberland has concurred in that recommendation.

**NOW, THEREFORE:**

**SECTION ONE:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND that Ordinance No. 3041 of the Mayor and City Council of Cumberland adopted December 5, 1989, be and the same is hereby repealed.

**SECTION TWO:** BE IT FURTHER ORDAINED, that there is hereby created within the City of Cumberland the Canal Place Historic Preservation District, which District shall include that District formerly known as the Washington Street Historic District in its entirety so that the entire District shall be bounded as follows:

Beginning at the intersection of the B&O Railroad Viaduct with the southern side of Wills Creek, then running with the Viaduct in a northeastern direction to its intersection with the Chessie System's Main Lines, then with the Main Lines in a southern direction to a point approximately 155 feet west of Virginia Avenue, then in a southern direction to the intersection of Bowen Street and an alley west of Virginia Avenue, then with Bowen Street in a western direction to the right-of-way line of the Canal Parkway, then with the Canal

Parkway right-of-way in a southern direction to its intersection with the northern property line of the Chesapeake & Ohio Canal, near Ford Avenue, then with the Canal property line in an eastern direction to its intersection with the abandoned Western Maryland Railroad (at the southern end of Riverside Recreation Area), then with the abandoned railroad line in a southeastern direction across the Canal and the Potomac River to the southern side of the Potomac River, then running with southern side of the Potomac river (which is also the Maryland/West Virginia State Line) in a western and then northern direction to the Ridgeley flood plain of the City of Cumberland's Flood Control Project, then in a northern direction with the western edge of the flood plain to its intersection with the centerline of West Virginia Route 28, then with West Virginia Route 28 and Maryland Route 28 in a northeastern direction, and across the Potomac River to the intersection of Maryland Route 28 with Greene Street, then with Greene in a northeastern direction to its intersection with Church Alley, then with the limits of the Washington Street Historic District which is bounded as follows:

Containing all of the properties from #1 Washington Street to and including #630 Washington Street; all of the properties on North Prospect Square, East Prospect Square, South Prospect Square, West Prospect Square; and all of the properties included in the site of SS. Peter and Paul Roman Catholic Church, School, Monastery, Chapel, School Hall and Convent. The

boundaries for the Washington Street Historic District will be the property lines of the aforementioned properties.

Then with the rear property line of #1 Baltimore Street to the southern side of Mills Creek, then with the southern side of Mills Creek to the point of beginning.

SECTION THREE: AND BE IT FURTHER ORDAINED that the District created herein shall be governed by the provisions of Ordinance No. 2970.

SECTION FOUR: AND BE IT FURTHER ORDAINED that this Ordinance shall take effect from the date of its passage.

Passed this 2nd day of April, 1996.

*Edward C. Athey*  
Edward C. Athey, MAYOR

ATTEST:

*Audrey C. Wolford*  
CITY CLERK

**File Attachments for Item:**

. Ordinance 3879 (*1st reading*) - to enact Section 2-194 of the City Code to provide that, unless otherwise provided for, the terms of service of board and commission members shall continue until such time as their successors are appointed

ORDINANCE NO. 3879

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO ENACT SECTION 2-194 OF THE CITY CODE PERTAINING TO THE EXTENSION OF THE TERMS OF SERVICE OF BOARD AND COMMISSION MEMBERS UNTIL SUCH TIME AS SUCCESSORS ARE APPOINTED."

WHEREAS, the City Code and City Charter provide for the creation of a number of boards and commissions;

WHEREAS, some of these provisions do not allow for the continuation of service of Board and Commission members beyond the expiration of their terms of service when their successors have yet to be appointed;

WHEREAS, in such instances, seats on boards and commissions remain vacant until such time as new members are appointed;

WHEREAS, the purpose of this ordinance is to uniformly provide that board and commission members shall continue to serve upon the expiration of their terms of service until such time as replacements are appointed so as to avoid the consequence of a board or commission being unable to act due to the lack of a quorum or the action or voted of a board or commission being rendered invalid due to the participation or vote of a member whose term had expired.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 2-194 of the Code of the City of Cumberland (1991 Edition) be and hereby is enacted and shall read as follows.

**Sec. 2-194. - Service beyond expiration of terms.**

Upon the terms of service of board and commission members shall continue until such time



as their successors are appointed. This section of the code shall apply to all boards and commissions that do not have provisions pertaining to the extension of terms of service after the expiration of such a term but before a successor is appointed.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

**File Attachments for Item:**

. Order 26,731 - authorizing the Chief of Police to enter into an agreement with the High Intensity Drug Trafficking Agency (HIDTA) to receive grant funding in the amount of \$16,435 for specific drug enforcement activities through their partnership with the Allegany County Narcotics Task Force

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

**ORDER NO. 26,731**

**DATE: November 17, 2020**

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

THAT the Chief of Police be and is hereby authorized to enter into an agreement with the High Intensity Drug Trafficking Agency (HIDTA) to receive grant funding in the amount of Sixteen Thousand, Four Hundred Thirty-five Dollars and No Cents (\$16,435.00) for the period 01/01/2021 to 12/31/2021 for specific drug enforcement activities through their partnership with the Allegany County Narcotics Task Force.

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**Raymond M. Morriss, Mayor**

Grant: G21WB0004A

# Recipient Obligation Form

\*\*All Information MUST be Provided\*\*



AGENCY: CUMBERLAND POLICE DEPARTMENT Agency Tax ID: 526000786

Program: Washington/Baltimore HIDTA Agency DUNS: 010095024

Performance Period: January 1, 2021-December 31, 2021 Duration: 12 months

Authorized Amount: \$16,435.00 Grant Number: G21WB0004A  
*One (1) TFO Vehicle and One (1) TFO Overtime* 2021 HIDTA FUNDS

Recipient Point of Contact:

Chief Chuck Tement

(Print Name)

chuck.tement@cumberlandmd.gov

(Email)

20 Bedford St

Cumberland, MD 21502

(Address)

Type of Entity (Circle): Non-profit/educational/government Commercial/For Profit

Provide a copy of your Overtime Policy and Hourly/Differential Rates.

Agency acknowledges receipt of Washington/Baltimore HIDTA directives and I Agreement? Initial: CT

The appropriate programmatic and administrative personnel involved in this application are aware of applicable sponsor guidelines and policies and are prepared to enter into a recipient agreement consistent with the applicable flow-down requirements. I hereby certify that neither recipient listed above, nor its principals, are presently disbarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from participation in this transaction by any U.S. Federal department or agency. To the best of my knowledge, the enclosed represents a true, complete, and accurate representation of work to be performed and costs to be incurred in the performance of the proposed project.

Authorized Organization Representative Signature:

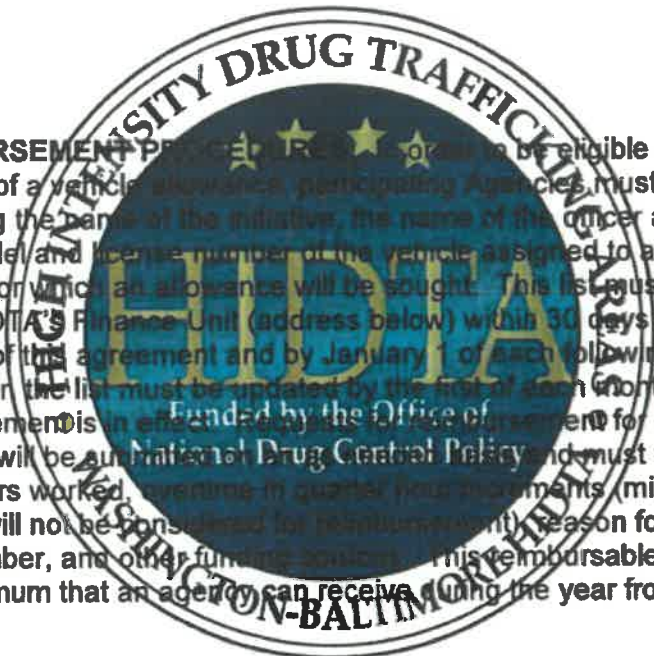
A handwritten signature in blue ink, appearing to read "Chief Chuck Tement", is written over a light blue background.

Print AOR Name: Chief Chuck Tement

Date: 10/28/20

AOR Title: Chief of Police





5. **REIMBURSEMENT** In order to be eligible to request payment of a vehicle allowance, participating Agencies must submit a list containing the name of the initiative, the name of the officer and the make, year, model, and license number of the vehicle assigned to a HIDTA initiative for which an allowance will be sought. This list must be provided to the HIDTA Finance Unit (address below) within 30 days of the initiation of this agreement and by January 1 of each following year. Thereafter, the list must be updated by the first of each month for which this agreement is in effect. Requests for the Government for officer overtime will be submitted on Drug Control Policy and must include the date, hours worked, overtime in quarter hour increments (minutes less than 15 will not be considered for reimbursement), reason for overtime, case number, and other funding sources. This reimbursable overtime is the maximum that an agency can receive during the year from the W/B HIDTA.

**SUBMISSION OF INVOICES:** All payments shall be considered provisional and subject to adjustment within the total estimated cost, in the event the adjustment is necessary because of an adverse audit finding against the contractor. The Washington/Baltimore HIDTA and W/B HIDTA, LLC reserve the right to reject an invoice, in accordance with 2 CFR 200.305.

**Before submission of the first invoice, return the attached Recipient Obligation Form. \*\* Funds will not be released until this form is submitted to HIDTA Finance. \*\***

Washington/Baltimore HIDTA  
 Attn: Deb Flores, Finance Unit  
 9001 Edmonston Road, Suite 300  
 Greenbelt, MD 20770  
 Or email; [dflores@wb.hidta.org](mailto:dflores@wb.hidta.org)

*Failure to comply could result in delayed or denied requests.*

**Submit Reimbursement Invoicing as follows:**

**OVERTIME: Monthly.** Submit a cover invoice, on agency letterhead, with total dollar amount claimed along with the HIDTA Overtime Request Form 60, and Federal Accountability Form 61. Amount claimed per full time position cannot exceed \$8,935 per year.



**VEHICLE/FUEL OVERTIME:** Quarterly. Submit a cover invoice, on agency letterhead, with total dollar amount claimed along with the HIDTA Vehicle Reimbursement Request Form 50. Amount claimed per vehicle cannot exceed \$7,500 per year, \$1,875.00 a quarter.

Include this federal identification tax number, address for reimbursement, phone number and e-mail address of contact person on all invoice summary submissions.

**\*\* The final invoice needs to be received by HIDTA no later than February 15, 2022 to be considered for payment. All remaining funds will be forfeited. \*\***

**Point of Contact when submitting invoicing:**

Washington/Baltimore HIDTA  
 Attn: Deb Flores, Finance Unit  
 9001 Edmonston Road, Suite 300  
 Greenbelt, MD 20770  
 Or email; [dflores@wb.hidta.org](mailto:dflores@wb.hidta.org)

6. **FINANCIAL DOCUMENTATION:** Any Agency accepting a vehicle allowance and/or officer overtime allowance is expected to maintain appropriate financial documentation and make any relevant records available to W/B HIDTA or the Office of State, Local and Tribal Affairs, Office of National Drug Control Policy (ONDCP) staff for audit purposes upon request.
7. **AMENDMENTS:** HIDTA funds are subject to ONDCP's HIDTA Program Policy and Budget Guidance and the Office of Management and Budget's (OMB) regulations regarding the use of grant funds. Any substantial change in ONDCP or OMB policy regarding the acquisition and use of vehicles may require the Executive Board to consider amendments or additions to this agreement to ensure compliance with Federal fiscal grant management guidelines. In no event shall any funds pursuant to this Agreement be guaranteed to any Agency, and this Agreement is expressly conditional upon the ongoing existence of the HIDTA program.
8. Agency assumes total responsibility for, any and all risk of loss, damage, or liability, which agency including its employees may sustain while providing personnel vehicles or related resources, services, and facilities (including databases), and Agency hereby releases and agrees not to hold W/B HIDTA, W/B HIDTA, LLC, their affiliates, and each of their Directors,



Officers, Agents, Employees and Students be liable for any such loss, damage or liability in connection therewith.

9. In no event shall W/B HIDTA or W/B HIDTA, LLC including their respective affiliates and each of their Directors, Officers, Agents, Employees and Students be liable for any direct, indirect, incidental, special, punitive, reliance, consequential or other damages of any kind for any action or inaction on their part in connection with this Agreement or their actions pursuant thereto, regardless of any legal theory under which such liability might arise. W/B HIDTA, and W/B HIDTA, LLC have been advised of the possibility of such damages and regardless of whether the damages were foreseeable.

10. W/B HIDTA, LLC and the Washington/Baltimore HIDTA, actively subscribes to a policy of equal employment opportunity, and will not discriminate against any employee or applicant because of race, age, gender, color, sexual orientation, physical or mental disability, religion, national origin, or political affiliation.

11. If (i) adequate funds are not appropriated for the W/B HIDTA program for any federal fiscal year under the Grant governing the W/B HIDTA, or another grant or funding source (collectively, "Grant") which is utilized for this Agreement; or (ii) W/B HIDTA, LLC, or any of its affiliates, is no longer the HIDTA fiduciary for the W/B HIDTA, then W/B HIDTA, LLC may terminate this Agreement at the end of the month upon ninety (90) days' prior written notice. All parties acknowledge that W/B HIDTA, LLC is solely and exclusively acting in the role of a directed trustee for the HIDTA program, and as such, does not take responsibility for the performance of any provisions of this Agreement for which it does not have control over.

Any questions regarding this Agreement should be directed to the above named contact.

**Signature Page**





Authorized: Thomas H. Carr Date  
Director, Washington-Baltimore HIDTA

Authorized: \_\_\_\_\_ Date \_\_\_\_\_  
Mercyhurst University through its affiliate, VMI HIDTA  
Acting Solely as Directed Trustee

Accepted by Agency Official  
Name: Chief Chuck Ternent  
Agency: Cumberland Police Department

Chief Chuck Ternent  
Signature of Agency Official

10/28/20  
Date

# Council Agenda Summary

Meeting Date: November 17, 2020

Key Staff Contact: Chief John "Chuck" Ternent

*Item Title:* FY21 HIDTA Grant

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

Authorize the Chief of Police to enter into an agreement with the High Intensity Drug Trafficking Agency also known as HIDTA to receive grant funding in the amount of \$16,435 for specific drug enforcement activities through their partnership with the Allegany County Narcotics Task Force.

*Amount of Award:* \$16,435.00

*Budget number:*

*Grant, bond, etc. reference:* Grant

**File Attachments for Item:**

. Order 26,732 - authorizing the Chief of Police to accept the FY21 MD Center for School Safety SRO Grant in the amount of \$49,052. These funds will be used to provide adequate police coverage in and around city schools and pay officers overtime to supplement school resource activities, including providing additional officers to patrol schools and interact with children during school and during extra-curricular activities.

**- ORDER -**  
*of the*  
**Mayor and City Council of Cumberland**  
**MARYLAND**

**ORDER NO. 26,732**

**DATE: November 17, 2020**

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

THAT, the Chief of Police be and is hereby authorized to accept a FY21 SRO/Adequate Coverage Grant made available through the Maryland Center for School Safety (MCSS), in the amount of Forty-nine Thousand, Fifty-two Dollars and No Cents (\$49,052.00) to allow the Cumberland Police Department to supplement their existing School Resource Officer Program by providing adequate police coverage in and around the City's schools. This project will pay officers overtime to supplement our school resource activities, which includes additional officers to patrol schools and interact with students during school days, as well as during extra-curricular activities.

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**Mayor Raymond M. Morriss**

Grant: FY21 MCSS SRO Grant

# MARYLAND CENTER for SCHOOL SAFETY

11/2/2020

## GRANT APPROVAL NOTICE

Maryland Center for School Safety  
C/O: Maryland State Department of Education  
200 W. Baltimore Street  
Baltimore, MD 21201

**Mr. John Ternent**  
**Cumberland Police Department**  
**20 Bedford Street**  
**Cumberland, MD 21502**

RE: FY2021 SRO Grant

Dear Mr. Ternent,

After careful review of your grant application for the FY2021 SRO Grant, this letter is to notify you that your application has been **fully approved** in the amount of **Forty Nine Thousand, Fifty Two Dollars [\$49,052]**. This decision was based on the information contained within your application:

- Funding to cover overtime salaries for Officers to provide adequate coverage.

The Maryland Center for School Safety will submit the approval into the State Department of Education, Notice of Grant Award (NOGA) system. This process may take a few weeks, but once completed, you will receive a letter requiring signatures for an official grant award.

Please visit the [MCSS website](#) to access the Reimbursement Form and other Post Award grant forms as needed during the performance period of this grant. Please contact the MCSS Grants Team at [mcss.mcss@maryland.gov](mailto:mcss.mcss@maryland.gov) with any questions.

Sincerely,

MCSS Grant Review Team  
Maryland Center for School Safety  
Email: [mcss.mcss@maryland.gov](mailto:mcss.mcss@maryland.gov)

cc: John Yarnall



410-281-2335 | [schoolsafety.maryland.gov](http://schoolsafety.maryland.gov) | [school.safety@maryland.gov](mailto:school.safety@maryland.gov)

# Council Agenda Summary

Meeting Date: November 17, 2020

Key Staff Contact: Chief Chuck Ternent/LT. JW Yarnall

***Item Title:*** FY21 MCSS SRO Grant

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

Authorize the Chief of Police to accept the FY21 Maryland Center for School Safety SRO grant in the amount of \$49,052. These funds will be used to provide adequate police coverage in and around our city's schools. The grant will pay officers overtime to supplement our school resource activities which include providing additional officers to patrol our schools and interact with the children during school days as well as extra-curricular activities.

***Amount of Award:*** \$49,052.00

***Budget number:***

***Grant, bond, etc. reference:*** FY21 MCSS SRO Grant

**File Attachments for Item:**

. Order 26,733 - accepting the proposal from Turnbull, Hoover and Kahl, P.A. to audit the financial statements of the City for FY20 for the amount not-to-exceed \$154,800

**- ORDER -**  
*of the*  
**Mayor and City Council of Cumberland**  
**MARYLAND**

**ORDER NO. 26,733**

**DATE: November 17, 2020**

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

THAT, the proposal from Turnbull, Hoover & Kahl, P.A., 17 Glenn Street, Suite 200, Cumberland, MD 21502, to audit the financial statements of the City of Cumberland for Fiscal Year 2020 be and is hereby accepted in the amount not-to-exceed One Hundred Fifty-Four Thousand, Eight Hundred Dollars (\$154,800).

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**Mayor Raymond M. Morriss**



David W. Turnbull, CPA  
Richard J. Hoover, CPA  
Bernard B. Kahl, CPA



217 Glenn Street, Suite 200  
Cumberland, Maryland 21502  
Phone: 301.759.3270  
www.thkcpas.com

August 12, 2020

Mayor and City Council  
City Hall  
57 N. Liberty Street  
Cumberland, Maryland 21502

We are pleased to confirm our understanding of the services we are to provide the City of Cumberland (the City) for the year ended June 30, 2020. We will audit the financial statements of the governmental activities, the business-type activities, the aggregately presented component units, each major fund, and the aggregate remaining fund information and the related notes to the financial statements, which collectively comprise the basic financial statements, of the City as of and for the year ended June 30, 2020. Accounting standards generally accepted in the United States provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis.
2. Budgetary Comparison Schedule.
3. GASB-required Supplementary OPEB Information
4. GASB-required Supplementary Pension Information

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the

auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and will provide an opinion on it in relation to the financial statements as a whole:

1. Schedule of expenditures of federal awards.
2. Combining and individual nonmajor fund financial statements.

The following other information accompanying the financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will not provide an opinion or any assurance on that information:

1. Introductory Section
2. Statistical Tables

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on –

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and terms and conditions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will include a paragraph that states that (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance, and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance report on internal control over compliance will include a paragraph that states that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over

compliance and the results of that testing based on the requirements of Uniform Guidance. Both reports will state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions. We will issue written reports upon completion of our Single Audit. Our reports will be addressed to Mayor and City Council of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or may withdraw from this engagement.

### **Audit Procedures – General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, an unavoidable risk exists that some material misstatements or noncompliance may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. We have advised you of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statements (including misappropriation of cash or other assets). We have offered to perform, as a separate engagement, extended procedures specifically designed to detect fraud and you have declined to engage us to do so at this time. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of

receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; schedule of expenditures of federal awards; federal award programs; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by generally accepted auditing standards.

### **Audit Procedures – Internal Control**

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and the Uniform Guidance.

### **Audit Procedures – Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal statutes, regulations, and the terms and conditions of federal awards applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. For federal programs that are included in the 2020 Compliance Supplement (or most

current supplement), our compliance and internal control procedures will relate to the compliance requirements that the 2020 Compliance Supplement (or most recent supplement) identifies as being subject to audit. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

### **Other Services**

We will also assist in preparing the financial statements, schedule of expenditures of federal awards, and related notes of the City in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

### **Management Responsibilities**

Management is responsible for (1) designing, implementing, establishing and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that government programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards, and all accompanying information in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations (including federal statutes) and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including identification of all related parties and all related-party relationships and transactions, (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance, (3) additional information that we may request for the purpose of the audit, and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants. Management is also responsible for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, contracts, and grants agreements that we report. Additionally, as required by the Uniform Guidance, it is management's responsibility to evaluate and monitor noncompliance with federal statutes, regulations, and the terms and conditions of federal awards, take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings, promptly follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review three months prior to the completion of our audit.

You are responsible for identifying all federal awards received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) in conformity with the Uniform Guidance. You agree to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we have reported on the schedule of expenditures of federal awards. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon or make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the schedule of expenditures of federal awards in accordance with Uniform Guidance; (2) you believe the schedule of expenditures of federal awards, including its form and content, is stated fairly in accordance with the Uniform Guidance; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our

report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

You agree to assume all management responsibilities relating to the financial statements, schedule of federal awards, and related notes, and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, schedule of federal awards, and related notes and that you have reviewed and approved the financial statements, schedule of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience, evaluate the adequacy and results of those services, and accept responsibility for them.

With regard to including the auditor's report in an exempt offering document, you agree that the aforementioned auditor's report, or reference to Turnbull, Hoover & Kahl, P.A., will not be included in any such offering document without our prior permission or consent. Any agreement to perform work in connection with an exempt offering document, including an agreement to provide permission or consent, will be a separate engagement.

With regard to an exempt offering document with which Turnbull, Hoover & Kahl, P.A. is not involved, you agree to clearly indicate in the exempt offering document that Turnbull, Hoover & Kahl, P.A. is not involved with the contents of such offering document.

With regard to the electronic dissemination of audited financial statements, including financial statements published electronically on your website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

In connection with this engagement, we may communicate with you or others via email transmission.

As emails can be intercepted and read, disclosed, or otherwise used or communicated by an unintended third party, or may not be delivered to each of the parties to whom they are directed and only to such parties, we cannot guarantee or warrant that emails from us will be properly delivered and read only by the addressee. Therefore, we specifically disclaim and waive any liability or responsibility whatsoever for interception or unintentional disclosure of emails transmitted by us in connection with the performance of this engagement. In that regard, you agree that we shall have no liability for any loss or damage to any person or entity resulting from the use of email transmissions, including any consequential, incidental, direct, indirect, or special damages, such as loss of revenues or anticipated profits, or disclosure or communication of confidential or proprietary information.

### **Engagement Administration, Fees, and Other**

We understand that your employees will locate any documents selected by us for testing. In addition, we will require certain personnel provide information requested in various PBC (prepared by client) schedules. These schedules will consist primarily of various account analysis and reconciliations. We request that all adjustments known to City personnel be supplied to us as soon as possible after the end of the accounting period.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Turnbull, Hoover & Kahl, P.A. and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to your cognizant or oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Turnbull, Hoover and Kahl, P.A. personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide to distribute the copies or information contained therein to others, including other governmental agencies. Our time to comply with these reviews or requests will be billed to you at our standard hourly rates plus out of pocket expenses incurred.



The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by your cognizant or oversight agency. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

David W. Turnbull is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for audit services will be \$79,650 plus any out of pocket costs we might incur from your third party service providers. Interim billings will be submitted as work progresses and costs are incurred and are payable within thirty days. The audit fee is based on the following assumptions: timely cooperation from your personnel, your personnel preparing complete and accurate financial statements with related schedules and notes (we will provide the requested number of audit opinions), your personnel duplicating and binding the financial statements, minimal audit adjusting entries being required, the City having only one major federal program required to be tested during single audit testing, the fund financial statements presenting no more than four major funds, expanded audit testing not being required because of the condition of the accounting system and records or implementation of new accounting systems, substantial consultations from your personnel not being required and that unexpected or unusual circumstances or transactions will not be encountered during the audit. Our fee for assistance with the preparation of the financial statements, schedule of federal awards, and related notes and for any additional time necessary as a result of the aforementioned items, will be billed at the following hourly rates:

Principal	\$ 225
Manager	\$ 175
Supervisor	\$ 155
Senior Staff	\$ 140
Junior Staff	\$ 115
Secretarial	\$ 40

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the contract period. Our 2018 peer review report accompanies this letter.

Our audit engagement ends on delivery of our audit opinion. Any follow-up services that might be required during that fiscal year will be a separate, new engagement. The terms of this letter will continue in effect for any subsequent audit engagements referred to in the first paragraph.

To ensure that Turnbull, Hoover & Kahl, P.A.'s independence is not impaired under the AICPA *Code of Professional Conduct*, you agree to inform the engagement partner before entering into any substantive employment discussions with any of our personnel.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Kindest regards,



Turnbull, Hoover & Kahl, P.A.

**RESPONSE:**

This letter correctly sets forth the understanding of the City of Cumberland.

By: \_\_\_\_\_

Title: City Administrator

Date: \_\_\_\_\_

**File Attachments for Item:**

. Order 26,734 - authorizing a Special Taxing District Exemption for the 2020-2021 tax year for 33 N. Centre Street (Sasaki / Gusella) in the amount of \$625.39

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

ORDER NO. 26,734

DATE: November 17, 2020

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

THAT, the following Residential Exemption from the Special Taxing District Levy for the 2020-2021 tax year be and is hereby granted:

**TAX YEAR 2020-2021**

Property / Owner	Tax Year / Account No.	Tax Year	Tax Amt.	Exemption Amt.
Tomiyo Sasaki . Ernest Gusella	33 N. Centre St. / 14-002847	2020-21	\$ 947.57	\$ 625.39

BE IT FURTHER ORDERED, that this exemptions is hereby granted pursuant to the provisions of Section 235 of the City Charter.

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**Raymond M. Morriss, Mayor**

**City of Cumberland**  
**SPECIAL TAXING DISTRICT REQUEST FOR EXEMPTION**

Tax Year 2020

I, TOMIYO SASAKI / ERNEST  
SUSELLA request an exemption from the Special Taxing District  
Levy for

property owned by me at: 33 N. CENTRE ST., CUMBERLAND, MD 21502

My request is based upon the fact that:

       **Residential** - this property, or portion thereof, is occupied and used by the  
owner for his or her residence;

       **Industrial** - this property, or portion thereof, is used solely for light  
manufacturing purposes, and qualifies for a similar exemption according to the  
tax provisions of Allegany County, Maryland.

If only part of the property is used for an exempt purpose, designate the percentage so used:

Residential 66 % 66%<sup>90</sup>  
Industrial \_\_\_\_\_ %

As to approved applications, the exemption shall be granted for all fiscal years falling within  
the calendar year preceding the date of the submission of the application for the exemption.

Signed: *T. Sasaki*

Date: 10/17/20

**For City use**

Tax Account No: 14-002847 4P

	Assessed Amount	Tax Amount
Original	207 800	947. 57
Exempt	137 148	625. 39
Billable	70 652	322 18

**File Attachments for Item:**

. Order 26,735 - rescinding Order No. 26,718 which referenced an incorrect business entity, and authorizing execution of a contract with the Housing Authority of the City of Cumberland /dba Cumberland Housing Group regarding the use of \$149,000 in MD Community Parks and Playgrounds grant funding for upgrades to the playground located at 635 East First Street

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

**ORDER NO. 26,735**

**DATE: November 17, 2020**

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

THAT, Order No. 26,718 authorizing execution of a contract with Cumberland Housing Alliance, Inc. regarding a Maryland Community Parks & Playground grant for upgrades to the playground at 635 East First Street be and is hereby rescinded in order to correct the name of the referenced business entity; and

**BE IT FURTHER ORDERED**, that the Mayor is hereby authorized to execute a contract by and between the Mayor and City Council and the Housing Authority of the City of Cumberland, dba Cumberland Housing Group (CHG), regarding the use of \$149,000 in MD Community Parks and Playgrounds grant funding for upgrades to the playground located at 635 East First Street, owned by CHG.

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**Raymond M. Morriss, Mayor**



**MAYOR AND CITY COUNCIL OF  
CUMBERLAND**

**SPECIFICATIONS**

**AND**

**CONTRACT**

**Community Parks and Playgrounds (CPP): East  
First Street Playground (CPP #7129-1-334,  
Cumberland/Allegany County)**



**THIS CONTRACT** (“Contract”) is made and executed in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation (hereinafter referred to as the “City”), party of the first part, and **Housing Authority of the City of Cumberland, dba Cumberland Housing Group.**, a Maryland corporation(hereinafter referred to as the “Contractor”), party of the second part.

**WITNESSETH:**

**WHEREAS**, the Contractor requested that the City assist it in its efforts to obtain financial assistance to upgrade the playground located at 635 East First Street (the in order to provide a safe and enjoyable recreation facility (the said playground hereinafter being referred to as the “Playground” and the project for its improvement which is described herein being referred to as the “Project”);

**WHEREAS**, the playground and surrounding land and improvements thereon are owned by the Contractor;

**WHEREAS**, the Contractor agreed to make the Playground available to the public;

**WHEREAS**, the City submitted an application to the Maryland Community Parks and Playground Program (the “Program”) on behalf of the Contractor for the purpose of obtaining funding for the performance of the Project; and

**WHEREAS**, on July 7, 2020 the City passed Order No. 26,657, authorizing the execution of a Joint Use Agreement and the acceptance of funds totaling \$149,000.00 from the Program.

**NOW, THEREFORE;** in consideration of the stipulations and conditions hereinafter set forth, it is mutually covenanted and agreed by and between the parties hereto that the Contractor will receive a total sum funded by a Community Parks and Playgrounds award not to exceed One Hundred Forty-Nine Thousand Dollars (\$149,000.00) for the Project, in accordance with the following terms, conditions and specifications:

**A. Subcontracts Parties to the Contract**

The City and the Contractor are the only parties to this Contract. No third parties shall have any rights or benefits by virtue of its terms and execution.

The Contractor must identify and describe completely the role of each subcontractor that may be used in performing the work described in the proposals (“Proposals”), i.e. the scope of the work for the Project, as described in the application for the

\$149,000.00 grant to the Maryland Department of Natural Resources (DNR), as approved by and subject to any modifications and conditions required by the State Clearinghouse Review (described in detail in this document). The City must approve the selection and credentials of any subcontractors.

**B. Contract Term**

The following contract term period shall be in effect:

**East First Street Playground Project**

**Contract Period: September 15, 2020 – June 30, 2021**

**C. Compensation and Method of Payment**

Subject to the following, Contractor shall be paid a fixed sum of \$149,000.00 for the performance of the work described in this Contract. Payments will be made in installments as invoices for payment are presented. Payment of any portion of the compensation provided for herein is contingent upon the City's approval of both the quantity and quality of work described in the invoices. Payments shall be rendered no more frequently than once monthly. The final payment of all withheld monies shall be made to the Contractor upon the completion of the work described in the Proposals and the City's approval of the quantity and quality of said work.

Work under the terms of this Contract shall not begin and funds shall not be disbursed until the Clearinghouse Review process is complete and the Maryland Board of Public Works has approved the funds. To the extent that comments are made, the scope of work shall be amended accordingly and no other terms of this Contract shall be amended. In the event the negotiations are unsuccessful, the Contractor shall have the option of declaring this Contract null and void.

Each invoice shall be accompanied by (i) a statement describing the work for which compensation is sought, (ii) a description of the work performed, (iii) a statement of which components of the scope of work, as described in the Proposals, have been completed at the site, (iv) subcontractor invoices, (v) copies of documentation showing that subcontractor have been paid for the work they performed, (vi) if the Project has not been completed, a statement estimating the percentage of the work on the Project which has been completed, and (vii) photographs of the work performed, showing the work that has been completed as well as that which has been commenced but not completed. The City will conduct an inspection to verify that the work described in the invoice has been completed, that the quality of the work is consistent with its description as set forth in the documentation describing the scope of the work to be performed, and that the work had been performed in a good and workmanlike manner. Any inspection described herein will take place within one week of the City's receipt of an invoice, provided that all submitted documentation is complete.

The Contractor may elect to have the City remit payments directly to subcontractors. If the Contractor chooses this option, each invoice must be accompanied by a statement to confirm that the Contractor is satisfied with the subcontractor's work and that the Contractor authorizes payment to be made directly to the subcontractor. If the subcontractor's invoice is not submitted at the same time the Contractor submits its invoice, then it shall be subject to the same requirements for the Contractor's invoices as are set forth in the preceding paragraph. A subcontractor will not be eligible for direct payment from the City unless and until it has an active vendor account in the City of Cumberland's Financial system or must register to become a new vendor by accessing the required forms on the City of Cumberland's website at <http://www.cumberlandmd.gov/373/New-Vendor-Information-Form>.

Invoices shall be mailed, hand-delivered or e-mailed to:

Mayor and City Council  
57 North Liberty Street  
Cumberland, MD 21502  
attn: Kathy McKenney, Historic Planner/Preservation Coordinator  
[kathy.mckenney@cumberlandmd.gov](mailto:kathy.mckenney@cumberlandmd.gov)

**D. Scope of Contract**

It is anticipated that the work to be performed and the services to be provided by the Contractor will consist of the items described in the original Community Parks and Playgrounds Program Application and Project Agreement, along with the contingencies provided by the Maryland Department of Natural Resources as part of the Clearinghouse review comments from the Maryland Department of the Environment.

**E. Indemnification**

The Contractor shall indemnify and hold the City harmless from all liability which may hereafter be incurred by reason of dissemination, publication, distribution, or circulation, in any manner whatsoever, of any information, data or records pertaining in any way to the Contract by the contractor and its employees. Further, the Contractor shall indemnify and hold the City harmless for any liabilities, claims, damages, suits or causes of action arising from, as a result of or as an incident to Contractor's performance or failure to perform under the terms of this Contract. The indemnification provisions provided for herein shall include, but not be limited to, payment of the City's reasonable attorneys' fees.

**F. Equal Employment Opportunity**

There shall be no discrimination against any employee who is employed in the work covered by this Contract, or against any applicant for such employment

because of race, color, religion, creed, age, marital status, sex, sexual orientation, gender identity, national origin, ancestry, or physical or mental disability unrelated in nature and extent so as reasonably to preclude the performance of such employment. This provision forbids all unlawful discrimination, including, but not limited to, discrimination in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

**G. Records, Reports and Inspections**

- (1) The Contractor shall maintain accurate financial and management records, in a form acceptable to the City, of all transactions relating to the receipt and expenditure of the funds and administration of the Project. The Contractor shall make these records, and its administrative offices and personnel, whether full-time, part-time, consultants or volunteers, available to the City upon request. The Contractor shall retain said records for five (5) years after the hereinafter set forth Completion Date. During the term of this Contract, the City may monitor the Project and it shall have the right to inspect the Project during daylight hours to ensure that the work is being undertaken in accordance with the terms of this Contract and in a good and workmanlike manner. These inspections are in addition to those described in Section C hereinbefore.
- (2) In addition to the requirements set forth above, the Contractor shall provide the City with such additional records, reports, and other documentation as may be required by the City.

**H. Default and Remedies**

- (1) A default shall consist of the breach by the Contractor of any of the terms, covenants, agreements, or certifications in this Contract, including, but not limited to, the expenditure of funds for any use other than those described herein.
- (2) Upon the occurrence of any default, the City shall have the following remedies which may be pursued jointly or severally, concurrently and consecutively, on one occasion or from time-to-time:
  - (a) The City shall have the right to terminate this Contract by written notice to the Contractor. Except as otherwise provided for hereinafter, the Contractor shall have thirty (30) days from the date of the City's notice to cure the

default. After the conclusion of this thirty (30) day period, if the Contractor has not cured or meaningfully commenced curing the default to the satisfaction of the City, the City, in its sole discretion, may immediately terminate this Contract.

(b) Notwithstanding the foregoing, the City shall have the right to terminate this Contract immediately without providing the Contractor with the opportunity to cure the default in the event funds distributed to the Contractor are used for any unauthorized purpose.

(c) The City may pursue any and all rights and remedies available to it, at law or in equity, including, but not limited to, money damages and/or specific enforcement of the terms of this Contract.

(d) The Contractor shall be liable for the City's reasonable attorneys' fees, experts' fees, court costs and litigation expenses which arise from or are incurred as a result of or as an incident to a breach in the terms of this Contract.

(3) In the event of the termination of this Contract by the City, no later than fifteen (15) days from the termination date, the Contractor shall submit one (1) final invoice for compensation. The Contractor shall not be compensated for any work which has not been completed, any work item which remains as work in progress as of the date of termination, or for the work described in the final invoice if it has not been submitted in a timely manner and in accordance with the invoicing requirement described hereinbefore. The Contractor shall not be paid for any subsequent invoices or for any work performed subsequent to the termination date. The Contractor shall forfeit its rights to any of the undisbursed funds; and it shall reimburse the City for all work described in paid invoices which has not been performed, which has been performed in a manner inconsistent with the specifications for the Project, and work which has not been performed in a good and workmanlike manner. The Contractor shall reimburse the City for the foregoing no later than thirty (30) days from the demand therefore. In the event the City institutes litigation to collect the amount it is owed, the Contractor shall be liable for the City's costs of collection, including City's reasonable attorneys' fees, experts' fees, court costs and litigation expenses.

- (4) The terms of this Section H and the City's rights and remedies described elsewhere in this Contract shall survive the termination of this Contract.

**I. Conflicts of Interest**

Except for approved eligible costs, none of the Contractor's assignees, agents, members, officers, employees, consultants, or members of its governing body or any local governmental authority exercising jurisdiction over the Project, and no other public official of such authority or authorities who exercises or has exercised any functions or responsibilities with respect to the Project during such person's tenure, or who is in a position to participate in a decision-making process or gain inside information with regard to the Project, has or shall have any interest, direct or indirect, in any contract or subcontract or the proceeds thereof, for work to be performed in connection with the Project or in any activity, or benefit therefrom, that is part of the Project at any time during or after such person's tenure.

**J. Nondiscrimination and Drug and Alcohol-Free Workplace: Fair Practices Certification**

- (1) The Contractor may not discriminate against and hereby certifies that it prohibits discrimination against and will not discriminate against any person based on race, color, religion, national origin, sex, marital status, physical or mental disability, sexual orientation, gender identity or age in any aspect of its projects, programs, or activities.
- (2) The Contractor shall comply with applicable federal, state, and local laws regarding discrimination and equal opportunity in employment, housing, and credit practices, including:
  - a. Titles VI and VII of the Civil Rights Act of 1964;
  - b. Title VIII of the Civil Rights Act of 1968, as amended;
  - c. The Americans with Disabilities Act of 1990;
  - d. Article 49B of the Annotated Code of Maryland, as amended; and
  - e. The DHCD's Minority Enterprise Program, as amended.
- (3) The Contractor shall comply with the provisions of the Governor's Executive Order 01.01.1989.18 regarding a drug and alcohol-free workplace and any regulations promulgated thereunder.

**K. Environmental Certification and Indemnification: Lead Paint**

- (1) The Contractor represents, warrants, and covenants that: (i) to its knowledge, there are no Hazardous Materials located in, on or under the Project site, (ii) it will not cause or allow any hazardous materials to be placed in, on or under the Project site, (iii) it will comply with all requirements imposed by any governmental authority with respect to Hazardous Materials, (iv) it will comply with all requirements imposed by any governmental authority with respect to Hazardous Materials, and (v) that to its knowledge, the Project site is in compliance with all applicable federal and state environmental laws and regulations.
- (2) The Contractor covenants that it shall comply with all federal, state, and local laws and requirements concerning the treatment and removal of lead paint from the Project site.
- (3) If the Contractor breaches its obligations, representations, warranties stated above in this Section K, or if the presence of Hazardous Material on, in or under the Project site caused or permitted by the Contractor, its employees, representatives or subcontractors result in contamination of the Project site, or if contamination of the Project site or surrounding area by hazardous material otherwise occurs for which the Contractor is legally liable to the City for damage resulting therefrom, then the Contractor shall indemnify, defend and hold the City harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses which arise during or after the term of this Contract as result of such contamination. This indemnification of the City by the Contractor includes, without limitation, costs incurred in connection with any investigation of site conditions or any cleanup. Remedial removal or restoration work required by any federal state, or local governmental agency or political subdivision because of Hazardous Material present in the soil or ground water on, under or about the Leased Premises.
- (4) For purposes of this Section K, "Hazardous Materials" shall include (i) petroleum and petroleum products and by-products (ii) asbestos and asbestos-containing materials; (iii) any hazardous materials, toxic substances, hazardous air pollutants or toxic pollutants as those terms are used in the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Hazardous Material Transportation Act, the Toxic Substances Control Act, the Clean Air Act and the Clean Water Act, or in any regulations promulgated pursuant thereto, or in any other applicable law, and (iv) any substances or materials designated as hazardous material under local, state or federal laws or regulations.

**L. Non-Sectarian Certifications**

- (1) The Contractor certifies that no part of the Project funds, no part of the Project, and no part of the Project site, shall be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction or any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination, including (but not limited to) religious services, religious instruction, or other activities that have an explicitly religious content.
- (2) The Contractor certifies that it will provide services of the Project to clients on a nondiscriminatory basis, including (but not limited to) the provision of services without regard to the creed, religion, or religious affiliation of the clients.

**M. Insurance**

- (1) The Contractor shall ensure that the Property owner maintains property and commercial general liability insurance on buildings and other improvements on the property throughout the duration of the Project at the Owner's expense. Additionally, if the property is determined to be in a 100-year flood plain, as designated by the United States Department of Housing and Urban Development, the Property owner shall maintain a flood plain insurance policy.
- (2) The Contractor and all of its subcontractors are required to provide insurance coverage for comprehensive public liability, property damage liability/builder's risk, and workers' compensation in the forms and amounts required or applicable by the City.

Prior to the commencement of work, the Contractor shall submit to the City a Certificate of Insurance as proof that it and/or applicable subcontractors carry the following insurance:

- a. Comprehensive General Public Liability and Property Damage Insurance in the amounts of at least one million dollars (\$1,000,000.00) per claim and two million dollars (\$2,000,000.00) in the aggregate for any occurrence;
- b. Workers' compensation in the statutory amounts;



- c. Automobile liability of one million dollars (\$1,000,000.00) per claim and two million dollars (\$2,000,000.00) in the aggregate for any occurrence; and
- d. Blanket crime and 3<sup>rd</sup> party liability – ten thousand dollars (\$10,000.00).

Such insurance shall be kept in full force and effect until all work has been satisfactorily completed and accepted. There will be no special payment for said insurance.

- (3) The insurance policies shall:
  - a. Be provided by a company that is reputable and authorized to transact business in the State of Maryland;
  - b. Be in force before the disbursement of Project funds;
  - c. Name the City as an additional insured;
  - d. Provide for notification to the City for the maximum number of days permitted under the policies before termination, expiration or non-renewal; and
  - e. Contain terms and coverage satisfactory to the City.

**N. Notices**

All notices, reimbursement and other requests, approvals, and consents of any kind made pursuant to this Contract shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is mailed, postage prepaid, hand-delivered or e-mailed as follows:

- (1) If to the City:

City of Cumberland  
Department of Community Development  
Attn: Kathy McKenney, Historic Planner/Preservation  
Coordinator  
57 North Liberty Street  
Cumberland, MD 21502  
301-759-6431/240-609-8092  
[kathy.mckenney@cumberlandmd.gov](mailto:kathy.mckenney@cumberlandmd.gov)

- (2) If to the Contractor:

Steven J. Kesner, BS, CMH  
President/Chief Executive Officer  
The Cumberland Housing Group  
635 East First Street  
Cumberland, MD 21502-4362  
301-724-6606 Ext 111  
[Steve.kesner@cumberlandhousing.org](mailto:Steve.kesner@cumberlandhousing.org)

**O. Amendment**

This Contract, or any part hereof, may be amended from time to time only by a written instrument executed by the City and the Contractor.

**P. Assignment**

This Contract may not be assigned without prior written approval of the City. The City may deny any requested assignment for any reason or no reason at all.

**Q. Entire Agreement**

This Contract constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to its subject matter.

**R. Governing Law**

This Contract shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland. It shall be enforced and any litigation arising from, as an incident to or as a result of the terms of this Contract shall be instituted and maintained solely in the District Court of Maryland for Allegany County or the Circuit Court for Allegany County. The parties hereto waive any right to claim that such courts constitute inconvenient forums or that said courts lack jurisdiction.

**S. Waiver of Maryland's Public Information Act**

The City and/or the intend to make available to the public certain information regarding the Project, the Contractor, any subcontractors or other parties engaged by the Contractor. In addition, the City and the DHCD are required to disclose information about the Project to State of Maryland officials and staff, local government officials and staff, and others. Such information which may be disclosed to any of the foregoing, including the public, may include the name of the Contractor, the name location, owners, and description of the Project; the date and amount of financial assistance awarded by the Department; the terms of the financial assistance; use of funds; and the

sources, amounts and terms of other funding used to complete the Project, including capital contributions from the participants. This information may be confidential under Maryland Public Information Act (Title 4 of the General Provisions Article of the Annotated Code of Maryland).

**T. Contractor's Responsibilities**

In addition to those set forth elsewhere in this Contract, the Contractor will have the following duties and responsibilities:

- (1) The Contractor shall prepare a final total cost estimate for the scope of work for the Project, as described in the Proposals. This estimate is to include all construction costs, labor, materials, permit fees, and legal fees that are associated with the Project and will be provided to the City.
- (2) The total amount of available funding for the overall the Project is \$149,000.00. The City will not be responsible for payment of any additional costs exceeding this amount. Said Project funding was awarded pursuant to a Community Parks and Playgrounds grant from the Maryland Department of Natural Resources. Repayment of any or all of these funds is not required unless the Contractor defaults in the terms of this Contract. To the extent Project costs exceed the amount of the grant, the Contractor be responsible for funding those costs and no amounts in excess thereof shall be provided to the Contractor or the DNR.
- (3) The Contractor must obtain all applicable permits prior to the commencement of any work.
- (4) Documentation regarding the planned undertaking will be provided to the City of Cumberland's Department of Community Development for approval and for verification that the Maryland Board of Public Works has approved the project prior to the commencement of any work. Additionally, as part of the Clearinghouse Review of this project, the contingencies required by the Maryland Department of the Environment, which are listed in the August 4, 2020 letter provided by Myra Barnes of the Clearinghouse, shown in Attachment B must be followed.
- (5) Once all approvals have been received, work may begin. It may not commence earlier under any circumstance.
- (6) Allowable expenses for reimbursement requests include the costs associated with the expenses that are detailed in the Community

Parks and Playgrounds Project Application and Agreement  
(Attachment A)

- (7) All work must be completed and the final disbursement payment must be made by June 30, 2021.

**IN WITNESS WHEREOF**, the parties to this Contract have caused it to be executed the day and year first-above written.

**WITNESS/ATTEST**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

By: \_\_\_\_\_  
Raymond M. Morris,  
Mayor

**THE CUMBERLAND  
HOUSING GROUP**

\_\_\_\_\_

By: \_\_\_\_\_  
Steven J. Kesner,  
President and CEO

# Attachment A

## Maryland Department of Natural Resources Community Parks and Playgrounds (CP&P) Program

### Community Parks and Playgrounds Application and Project Agreement

Shaded Area For State Use Only. CP&P PROJECT # \_\_\_\_\_

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1. PROJECT TITLE: Cumberland Housing Group 635 East First Street Play Facility Improvements

2. APPLICANT: Mayor and City Council of Cumberland / Allegany  
(Municipality or Baltimore City) (Specify County)

3. APPLICANT'S FEDERAL ID #: 52-6000-786 LAST CP&P GRANT ISSUED ON THIS SITE # N/A

4. PROJECT LOCATION: Street Address: 635 East First Street  
 City/Town: Cumberland Zip Code: 21502  
 LEGISLATIVE DISTRICT: 1C ADC Road Map Edition # 1st Map # 22400 Grid Ltr X8  
 County Tax Map # 109 Grid 0000 Parcel # 7037A

**PROJECT DESCRIPTION:** Descriptions are written into the agenda item, which is presented to the Maryland Board of Public Works for approval. Please explain the proposed project and be specific. Why is it being done and how does it relate to local recreation needs? Is it a new development or does it build upon an existing facility? Provide all of the information that you feel is necessary to explain and justify the project and to convince the approving agencies that it is a worthwhile project. Attach a separate sheet, if necessary.

The Housing Authority of the City of Cumberland (HACC) would like to improve the physical activity of the children living in, and in the neighborhoods around, Jane Frazier Village, a public housing development in Cumberland, MD. HACC would like to improve the daily lives of the children living at Jane Frazier Village, and surrounding neighborhoods, by creating a new playground area for school age children on land in the center of the development to encourage more physically active lifestyles. The proposed area is located behind the administration building, near the tot lot, in an area with high visibility. Due to the popularity of the existing tot lot, it is believed that expanding this playground will allow it to become the hub of neighborhood activity during and after school hours.

6. a. CP&P FUNDS REQUESTED: \$	148,000.00	100 %
b. LOCAL FUNDS: \$		% (Specify Source/Type)
c. OTHER FUNDS: \$		% (Specify Source/Type)
d. TOTAL PROJECT COST: \$	148,000.00	100 %

7. LOCAL PROJECT COORDINATOR:

Kathy McKenney	CD Programs Manager	kathy.mckenney@cumberlandmd.gov
<small>(Print Name)</small>	<small>(Print Title)</small>	<small>(E-mail Address)</small>
57 North Liberty Street	Cumberland	MD 21502 301-758-8431
<small>(Mailing Address)</small>	<small>(City)</small>	<small>(State) (Zip) (Telephone Number)</small>

8. PROJECT PERIOD: From: May 1, 2019 (Date of Letter of Acknowledgment)  
 To: December 31, 2019 (Estimated Date of Completion)


Community Parks and Playgrounds Application and Project Agreement (Cont.)

9. ITEMIZED DETAILED COST ESTIMATE: Round all estimates to nearest dollar.

Item No.	Item	Estimated Cost
1.	Community Parks and Playgrounds Acknowledgement Sign Sample text: "A Maryland Department of Natural Resources, Community Parks and Playgrounds Program, assisted project"	
2.	Elevated Fitness Course and Accessories	\$54,575.00
3.	Surfacing	\$56,164.75
4.	Installation	\$24,545.25
5.	Site Work	\$7,828.12
6.	Shipping Costs	\$3,886.88
<b>Total Development Costs:</b>		<b>\$149,000.00</b>

10. LOCAL GOVERNMENT AUTHORIZATION:

Community Parks and Playgrounds projects are to be administered in accordance with the Program Open Space (POS) Grants Manual. As the authorized representative of this Political Subdivision, I read the terms of the "Project Agreement and General Conditions" of the POS Grants Manual and I agree to perform all work in accordance with the Manual, POS Law and Regulations, Special Conditions of the Community Parks and Playgrounds Program and with the attachments included herewith and made a part thereof.


Jeffrey D. Rhodes
City Administrator
6/1/18  
(Signature)
(Print Name)
(Print Title)
(Date)

PROGRAM ADMINISTRATIVE REVIEW:

11. ON-SITE INSPECTION                      DATE \_\_\_\_\_ BY \_\_\_\_\_

12. DEPARTMENT OF NATURAL RESOURCES APPROVAL:

(Signature)
(BPW Approval Date)
(Agenda Item No.)

## Attachment B

Larry Hogan, Governor  
Boyd Rutherford, Lt. Governor



Robert S. McCord, Secretary  
Sandy Schrader, Deputy Secretary

### Maryland DEPARTMENT OF PLANNING

August 4, 2020

Mr. John Braskey  
Program Administrator, Land Acquisition and Planning  
Maryland Department of Natural Resources  
Tawes State Office Building  
580 Taylor Avenue  
Annapolis, MD 21401

#### **STATE CLEARINGHOUSE RECOMMENDATION**

State Application Identifier: **MD20200625-0549**

Applicant: Maryland Department of Natural Resources and City of Cumberland/Allegany County

Project Description: **Community Parks and Playgrounds (CPP): East First Street Playground (CPP #7129-1-334)**  
**Cumberland/Allegany County**

Project Address: 635 East First Street, Cumberland, MD 21502

Project Location: Allegany County - City of Cumberland

Approving Authority: Maryland Board of Public Works BPW

Funds: State: \$149,000.00

Recommendation: Consistent with Qualifying Comments

Dear Mr. Braskey:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 34.02.01.04-.06, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Department of the Environment and the Maryland Department of Planning including the Maryland Historical Trust.

The Maryland Department of Planning including the Maryland Historical Trust found this project to be consistent with their plans, programs, and objectives.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

The Maryland Department of the Environment found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

1. Construction, renovation and/or demolition of buildings and roadways must be performed in conformance with State regulations pertaining to "Particulate Matter from Materials Handling and Construction" requiring that during any

Mr. John Braskey  
August 4, 2020  
Page 2  
State Application Identifier: MD20200625-0549

construction and/or demolition work, reasonable precaution must be taken to prevent particulate matter, such as fugitive dust, from becoming airborne.

2. During the duration of the project, soil excavation/grading/site work will be performed; there is a potential for encountering soil contamination. If soil contamination is present, a permit for soil remediation is required from MDE. Please contact the New Source Permits Division at (410) 537-3230 to learn about the State's requirements.
3. Any solid waste including construction, demolition and land clearing debris, generated from the subject project, must be properly disposed of at a permitted solid waste acceptance facility, or recycled if possible. Contact the Solid Waste Program at (410) 537-3315 for additional information regarding solid waste activities and contact the Waste Diversion and Utilization Program at (410) 537-3314 for additional information regarding recycling activities.
4. The Waste Diversion and Utilization Program should be contacted directly at (410) 537-3314 by those facilities which generate or propose to generate or handle hazardous wastes to ensure these activities are being conducted in compliance with applicable State and federal laws and regulations. The Program should also be contacted prior to construction activities to ensure that the treatment, storage or disposal of hazardous wastes and low-level radioactive wastes at the facility will be conducted in compliance with applicable State and federal laws and regulations.
5. The proposed project may involve rehabilitation, redevelopment, revitalization, or property acquisition of commercial, industrial property. For specific information about these programs and eligibility, please contact the Land Restoration Program at (410) 537-3437.
6. Borrow areas used to provide clean earth back fill material may require a surface mine permit. Disposal of excess cut material at a surface mine may require site approval. Contact the Mining Program at (410) 537-3557 for further details.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. The State Application Identifier Number must be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the approving authority cannot accommodate the recommendation.



**File Attachments for Item:**

. Order 26,736 - accepting individual bids for the "2020 Bid for Surplus Vehicles and Equipment" project

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

ORDER NO. 26,736

DATE: November 17, 2020

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

THAT, the following bids received for the "2020 Bid for Surplus Vehicles and/or Equipment Project" be and are hereby accepted, and all other bids received be and are hereby rejected:

	Unit #	Year	Make	Bidder	Bid Amount
1.	9	2004	FORD CROWN VICTORIA	Dave Collins	\$199.00
2.	6	2004	DODGE DURANGO 4X4	Thomas Taccino	\$226.00
3.	8	2006	FORD CROWN VICTORIA	Thomas Taccino	\$202.00
4.	21	2006	CHEVROLET TRAILBLAZER	Mike Lawrence	\$652.00
5.	26	2006	FORD CROWN VICTORIA	Dave Collins	\$151.00
6.	33	2004	FORD CROWN VICTORIA	Dave Collins	\$151.00
7.	39	2002	FORD CROWN VICTORIA	Collin Carney	\$423.87
8.	205	2008	CHEVROLET 4X4 DUMP WITH PLOW & SPREADER	Robert Bennett, III	\$2,279.00
9.	225	1991	FORD F-350 - BRINE TANK & SPRAYER	John J. Jones, Jr.	\$1,398.78
10.	236	1994	BOBCAT LOADER MODEL 753 with HYDRAULIC BREAKER and PLOW BLADE	Mark VanTyne	\$7,119.26
11.	503	1999	CHEVROLET K25000 4X4 PICKUP TRUCK	Mike Lawrence	\$456.00
12.	504	1998	CHEVROLET ASTRO VAN	Mike Lawrence	\$355.00
13.	611	2000	FORD F650 DUMP TRUCK	Collin Carney	\$4,787.99
14.	612	2006	CHEVROLET SILVERADO DUMP TRUCK W/PLOW	John J. Jones, Jr.	\$2,198.78
15.	615	1999	CHEVROLET CG21405 CARGO VAN	Dave Collins	\$151.00
16.	705	1993	FORD F-250 PICKUP 4x4	Delmas R. Brabson	\$1,300.85
17.	713	1993	FORD F-250 W/PLATFORM LIFT	John J. Jones, Jr.	\$1,298.78
18.	716	2002	GMC SIERRA 4WD PICKUP w/Plow	Jimmy Jackson	\$350.00
19.	215LM		CUB CADET HEAVY-DUTY GT 2542	John J. Jones, Jr.	\$175.78

20.	SP-1		SWENSON ELECTRIC UNDER TAILGATE SALT SPREADER	Leo Shinholt	\$50.50
21.	SP-2		SWENSON ELECTRIC UNDER TAILGATE SALT SPREADER	Leo Shinholt	\$50.50
22.	Street Trailer 1		5'x12' UTILITY TRAILER	Robert Bennett, III	\$481.00
23.	Tank	2008	CUB CADET COMMERCIAL TANK 60"	Robert Bennett, III	\$581.00
24.	Toro		Toro Z-Turn	Robert Bennett, III	\$422.00
25.	Lift		SEFAC Mobile Column Lift	Mark VanTyne	\$3,676.56
26.	233	2008	Chevrolet Silverado 2500 Crew Cab	Robert Bennett, III	\$1,681.00
27.	535	1987	Snowco Trailer	Delmas R. Brabson	\$300.00
				TOTAL	\$31,118.65

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**Raymond M. Morriss, Mayor**