



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* Joseph P. George  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## AGENDA

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

DATE: November 16, 2021  
TIME: 6:15 p.m.

### OPEN SESSION

#### Pledge of Allegiance

#### Roll Call

#### Proclamations

1. Proclamation presented to the Allegany High School Marching Band honoring their achievement in capturing the 2021 Tournament of Bands Atlantic Coast High School Marching Band Championship
2. Proclamation proclaiming November 27, 2021 to be Small Business Saturday in the City of Cumberland

#### Director's Reports

##### (A) Fire

1. Fire Department monthly report for October, 2021

##### (B) Police

1. Police Department monthly report for October, 2021

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

1. Utilities Division Flood/Water/Sewer monthly report for October, 2021

#### Approval of Minutes

1. Approval of the Work Session and Regular Session Minutes of August 17, 2021

## **Unfinished Business**

### **(A) Ordinances**

1. Ordinance 3905 (*2nd and 3rd readings*) - approving an application (ZMA #21-01) to amend the City's zoning map to rezone property at 718 Frederick Street from R-U (Urban Residential) to R-R (Rehabilitation and Redevelopment) Floating Zone
2. Ordinance 3906 (*2nd and 3rd readings*) - accepting the bid from Michael W. and Kimberly A. McKay for the purchase of 17 Paw Paw Alley for the amount of \$2,500 and authorizing execution and conveyance of a deed to effect the transfer

## **New Business**

### **(A) Ordinances**

1. Ordinance 3907 (*1st reading*) - authorizing the issuance and sale of General Obligation Bonds in the total amount not to exceed \$2,066,664 for the purpose of financing, reimbursing, or refinancing costs of the Decatur Street Waterline Project

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

1. Order 26,901 - approving the Sole Source Purchase of a new 2021 Ford T-250 Envirosight Camera Van for use by the Sewer Dept. from Infrastructure Solutions Group, Mechanicsville, VA, which is offering the VA Sheriff's Association Heavy Equipment Procurement Program Contract (#22-03-0721) pricing, in the not-to-exceed amount of \$250,000
2. Order 26,902 - declaring City-owned property at 309 S. Cedar Street (Tax ID No. 04-015460) as surplus property, authorizing it for public sale, and authorizing the execution of a deed to effect the transfer of the property after 20 days from the date of this order
3. Order 26,903 - accepting the bid from The EADS Group, Inc. for the "Water Distribution Analysis and CIP Update Contract (15-21-W)" in the lump sum cost of \$32,000

## **Public Comments**

All public comments are limited to 5 minutes per person

## **Adjournment**

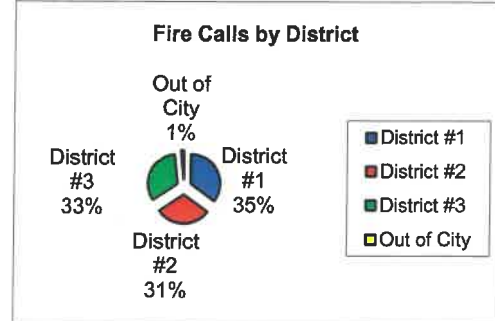
**File Attachments for Item:**

. Fire Department monthly report for October, 2021

**REPORT OF THE FIRE CHIEF FOR THE MONTH OF OCTOBER, 2021**  
**Prepared for the Honorable Mayor and City Council and City Administrator**

**Cumberland Fire Department Responded to 131 Fire Alarms:**

Responses by District:	
District #1	46
District #2	40
District #3	43
Out of City	<u>2</u>
	131



Number of Alarms:	
First Alarms Answered	128
Working Alarms Answered	2
Second Alarms Answered	<u>1</u>
	131

Calls Listed Below:

Property Use:	
Public Assembly	6
Educational	1
Institutional	7
Residential	76
Stores and Offices	7
Industrial, Utility	1
Special Properties	<u>33</u>
	131

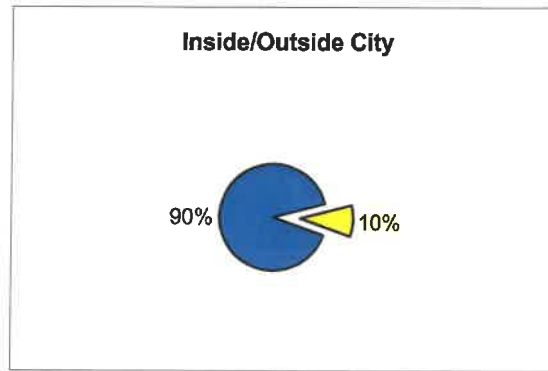
Type of Situation:

Fire	17
Overpressure	5
Rescue Calls	58
Hazardous Conditions	4
Service Calls	8
Good Intent Calls	17
False Calls	<u>22</u>
	131

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in October:	\$0.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$0.00
Fire Service Fees for Fire Calls Paid in October:	\$0.00
FY2022 Fire Services Fees Paid in FY2022:	\$0.00
All Fire Service Fees Paid in FY2022:	\$955.92
Fire Service Fees for Inspections and Permits Billed in October:	\$400.00
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:	\$150.00

**Cumberland Fire Department Responded to 521 Emergency Medical Calls:**

In City Calls	471
Out of City Calls	<u>50</u>
Total	521



Total Ambulance Fees Billed by Medical Claim-Aid for October:	\$135,468.41
Ambulance Fees Billed Fiscal Year to Date:	\$478,944.50

Ambulance Fees Paid: Revenue Received in October:	\$99,815.78
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FY2022 Ambulance Fees Paid in FY2022:	\$238,606.90
Total Ambulance Fees Paid in FY2022:	\$428,934.62

(Includes all ambulance fees, current and previous fiscal years, paid in FY2022.)

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

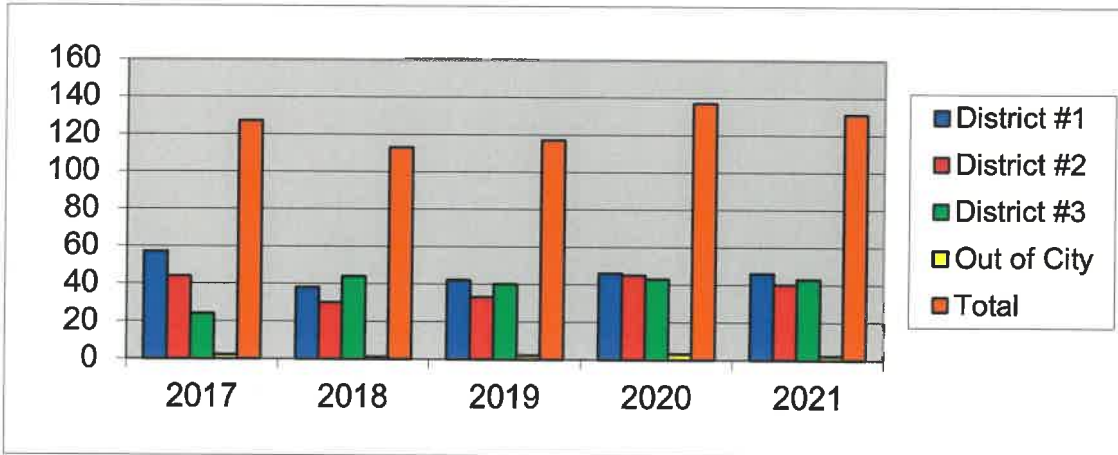
0 Paramedic Assist Call within Allegany County	
5 Paramedic Assist Calls outside of Allegany County	
<u>5</u>	
Ridgeley, WV VFD	1
Short Gap, WV VFD	2
Cumberland Valley EMS, PA	1
Hyndman Area Rescue, PA	<u>1</u>
	5

**Cumberland Fire Department provided 41 Mutual Aid Calls:**

41 Mutual Aid Calls within Allegany County	
4 Mutual Aid Calls outside of Allegany County	
<u>45</u>	
Bowman's Addition VFD	23
Corriganville VFD	2
Cresaptown VFD	9
District #16 VFD	6
Flintstone VFD	<u>1</u>
	41
Cumberland Valley EMS, PA	1
Ridgeley, WV VFD	2
Wiley Ford, WV VFD	<u>1</u>
	4

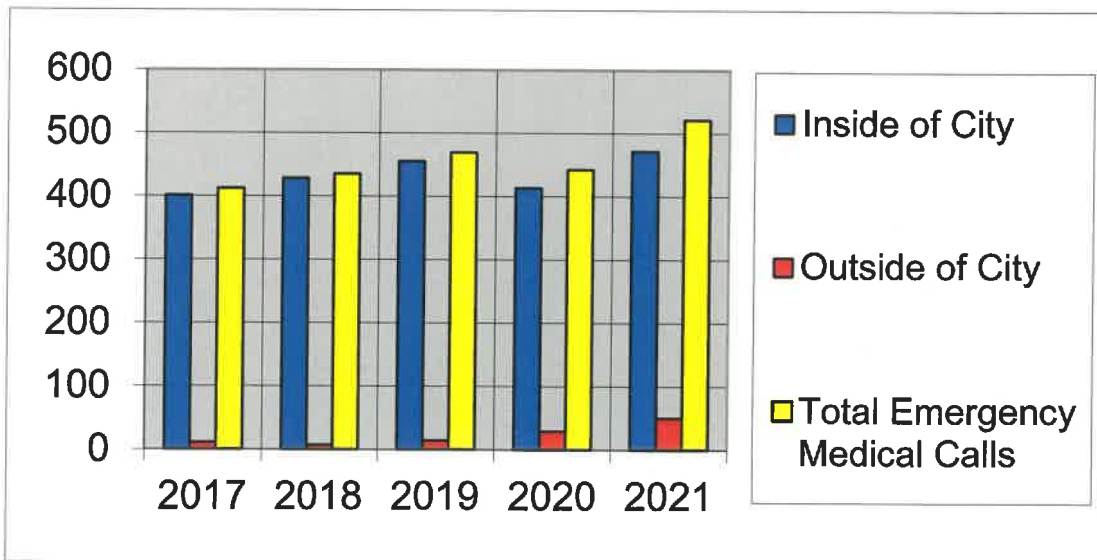
**Fire Calls in the Month of October for a Five-Year Period**

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
District #1	57	38	42	46	46
District #2	44	30	33	45	40
District #3	24	44	40	43	43
Out of City	<u>2</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>2</u>
Total	127	113	117	137	131



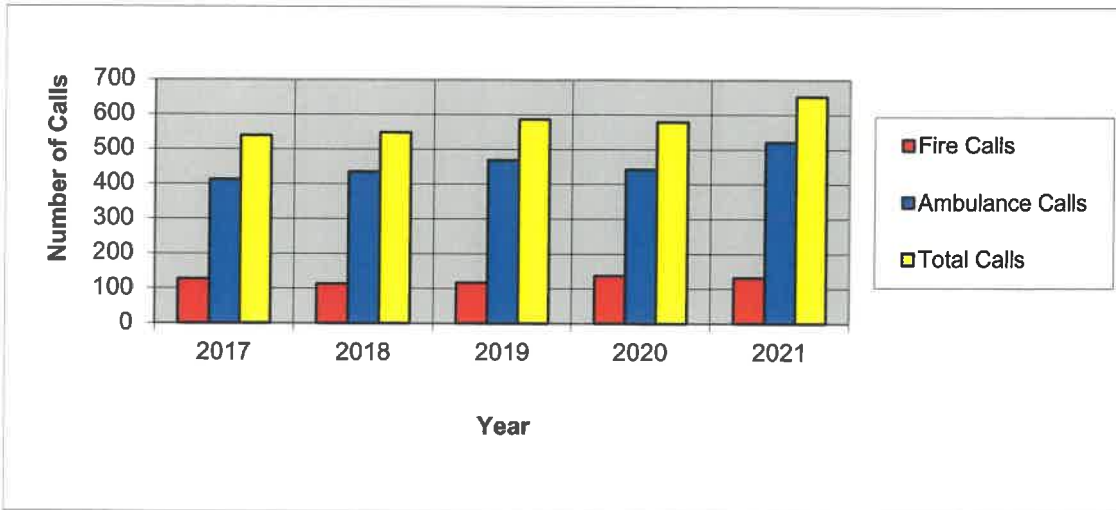
**Ambulance Calls in the Month of October for a Five-Year Period**

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Inside of City	401	428	455	413	471
Outside of City	<u>11</u>	<u>7</u>	<u>14</u>	<u>29</u>	<u>50</u>
Total Emergency Medical Calls	412	435	469	442	521



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

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Fire Calls	127	113	117	137	131
Ambulance Calls	412	435	469	442	521
Total Calls	539	548	586	579	652



**Training**

Training Man Hours:	196.00 Man Hours
Apparatus Check Procedures	82.50
Apparatus Specifications	4.50
SCBA Inspection and Care	22.00
eMEDS-Elite Patient Care Reporting	3.00
Drug Box Inventory	5.00
Powered Stair Chair	11.00
EMT Recertification	6.00
Paramedic Refresher	14.00
Tournequits	11.00
Ambulance Inventory	5.00
Stop-the-Bleed Class	11.00
Post Incident Review	11.00
Rescue Tools	10.00
	<hr/>
	196.00

**Fire Prevention Bureau**

Complaints Received	2
Conferences Held	14
Correspondence	7
Inspections Performed	8
Investigations Conducted	3
Plan Reviews	6
Burning Permits	8
Public Education	5

**Personnel**

Fire Equipment Operator Glenn R. Chaney retired on October 31, 2021, with 34 years and 7 months of loyal and dedicated service.

Firefighter/EMT-P Lucas R. Braithwaite was terminated on October 30, 2021.

Statistics Compiled by Julie Davis, Fire Administrative Officer



**File Attachments for Item:**

. Police Department monthly report for October, 2021



# **City of Cumberland Department of Police**

**Monthly Report**  
**October 2021**



# City of Cumberland Department of Police

## Monthly Report

### October 2021

#### Part 1 Crimes for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Aggravated Assaults	9	6	B & E (All)	8	14	Murder	0	1	Rape	1	2
Robbery	3	1	Theft - Felony	3	2	Theft - Vehicle	1	1			

#### Selected Criminal Complaints for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Theft - Misdemeanor	21	16	Theft - Petty	22	24	Domestic Assaults	19	19	CDS	82	25
Disturbances	163	154	DOP/Vandalism	24	35	Indecent Exposure	2	1	Sex Off - Other	2	5
Suicide	0	0	Suicide - Attmpt.	0	1	Tampering M/V	0	0	Abuse - Child	0	0
Trespassing	20	18	Assault on Police	1	1	Assault Other	34	32			

#### Selected Miscellenous Incidents for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Alcohol Volations	3	1	Juvenile Compl.	27	25	Missing Persons	11	8	School Resource	168	187
School Threat	0	0	Sex Off. Regist.	10	3	Truancy	16	5	Death Investigation	8	6

#### Selected Traffic Incidents for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
DWI	13	18	Hit & Run	20	16	M/V Crash	79	59	Traffic Stop	352	304

#### Selected Service Calls for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Alarms	38	33	Assist Motorist	35	35	Check Well-Being	96	123	Foot Patrol	43	58
Assist Other Agency	78	68	Bike Patrol	1	0	Special Events	8	16	Suspicious Activity	69	91

#### Current Incident Status for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Open	36	98	Arrest	287	214	Closed	2284	2125	Suspended	54	47



# City of Cumberland Department of Police

## Monthly Report

### October 2021

#### Arrests Totals for the Month

	2020		2021			2020		2021			2020		2021	
M/V Citations	52	51	M/V SERO	5	4	M/V Warnings	289	249	Arrest on View Adult	42	42			
Arrest On Crim. Cit.	13	7	Arrest Summons	47	21	Arrest Warrant Adult	57	54	Adult Crim.	162	130			
Arrest Summon (Chrg)	34	17	Arrest Warrant (Chrg)	9	15	Juvenile Crim.	25	21	Arrest on View Juv	23	20			
Arrest Warrant JUV	0	0	Emer. Petition	69	41	Fingerprinting	1	2	RunAway & Miss Per.	9	9			
Civil Citation	5	7												

**Total Incidents Reported :**
2020
2021  
2,661
2,484

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Chuck Ternent - Chief of Police

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

OCTOBER 2021

SWORN PERSONNEL: 48 SWON OFFICERS

Administration	5 officers
Squad D1	9 officers
Squad N1	9 officers
Squad D2	10 officers
Squad N2	9 officers
C3I/C3IN	5 officers
School Resource	1 officer
Academy	0 recruits

CIVILIAN EMPLOYEES: 6 full time, 9 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
CPD Records Clerk	1 part time
MCIN 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	2 part time

\*=Grant funded

\*\*=Shared costs with other agencies

### LEAVE REPORT

VACATION TAKEN: 870  
COMP TIME USED: 160.5  
SICK TIME USED: 202

YEAR TO DATE (beginning 07/01/21): 4255.375  
YEAR TO DATE (beginning 07/01/21): 728.875  
YEAR TO DATE (beginning 07/01/21): 435.50

### OVERTIME REPORT

OVERTIME WORKED: 374.5  
HOSPITAL SECURITY: 56  
COURT TIME WORKED: 224

YEAR TO DATE (beginning 07/01/21): 950  
YEAR TO DATE (beginning 07/01/21): 414.5  
YEAR TO DATE (beginning 07/01/21): 1631

**File Attachments for Item:**

. Utilities Division Flood/Water/Sewer monthly report for October, 2021

**Utilities Division Activity Report for October 21 WATER**

REQUEST	W/E 10/8/21	W/E 10/15/21	W/E 10/22/21	W/E 10/29/21	MONTHLY TOTALS
<b>Service Technicians</b>					
NON READS/Go backs	21	27	23	36	107
FINAL READS/TURN ONS/SHUT OFFS & DEMOS	1	4	1	1	7
LEAK INVESTIGATIONS <i>turn off-on</i>	6	3	8		17
METER/STOP INVESTIGATIONS	26	16	21	2	65
REPAIR WIRING/GET READING					0
ORANGE TAG FOR REPAIRS	5	5	10	2	22
RED/PINK TAG FOR SHUT OFF					0
TURN WATER ON	44	37	42	22	145
TURN WATER OFF		1			1
NONPMT/BAD CK/AGREE SHUT OFFS	44	41	36	29	150
SHUT OFF RECHECKS				1	1
REPLACE/REPAIR METER/LID/VALVE					0
DIRTY WATER/ODOR					0
SVC SEPARATIONS/INVESTIGATIONS					0
INSTALL COUPLERS/PLUGS/LOCK		1			1
NEW METER	6	2	2	7	17
METER FIELD TESTS-Residential	2	6	2		10
METER TESTS - Industrial					0
Ind - Register/Chamber Chg Out	1	1			2
Industrial - Chamber Cleaning					0
Industrial - Strainer Cleaning					0
HYDRANTS FLUSHED					0
PRESSURE CHECK/NO WATER/DIRTY WATER	1	1			2
MOVE METERS OUTSIDE/READINGS	4	4			8
SP Change Outs/Repairs/Reactivates/Move	10	6	2	7	25
Replace/Reattach smartpoint antenna					0
INSULATE METER BOXES					0
FREEZE UPS/METERS & LINES					0
CCP - BACKFLOW/RETRO	4	4			8
HYDRANT/IRRIGATION METER					0
<b>Total</b>					<b>588</b>
<b>Pipe Technicians</b>					
LINE LOCATOR	70	45	50	96	261
TAPS SERVICED	6	4	4		14
LEAKS REPAIRED	1		1		2
523 LOWELL - INSTALLED 2" RISER	2				2
LOCATED 12" FOR NPL - INDUSTRIAL BLVD	2				2
12500 WILLOWBROOK-8" METER CHANGEOUT	3				3
NEW HYDRANT - COLUMBIA ST @ PULASKI	4				4
LEAK INVESTIGATION - FORT CUMB HOMES	4				4
NEW LID - 130 POTOMAC ST	4				4
MOCCASIN PATH - NEW RISER ON VALVE BX	3				3
LEAK INVESTIGATION - LAMONT ST	3				3
130 POLK - COLD MIXED HOLE	3				3
CLEANED WAREHOUSE/TRUCKS	3	3		3	9
UNLOADED TRUCK OF PIPE @ WAREHOUSE		3			3
PREPPED FOR FAYETTE ST MAIN LINE JOB		13			13
FT CUMB-FIRELINE ON FOR FIRE MARSHALL		2			2
CHECKED HOLES ON UTAH AVE		3			3
REPAIRED HYD - WILLIAMS @ MILTENBURGER			3		3
HYD - CENTRE @ MECHANIC/OUT OF SERVICE			3		3
FAYETTE ST MAIN REPLACEMENT			28	10	38
MECH @ IND BLVD - TEST MAIN FOR NPL			2		2
BACKFILLED 114 KARNS			2		2
132 BEDFORD - TURNED OFF FOR PLUMBER			2		2
809 VALLEY - LOCATE FOR METER TECHS			2		2
1514 FRÉDERICK - LOCATE FOR METER TECHS			2		2
CLEANED LOADER				3	3
					0
					0
					0
					0



## Watershed

Went to Ebensburg to pick up 8" water meter for UPMC  
 Went to UPMC to get overall measurements for fittings & assembled couplings to meter  
 Turned off water for Potomac Plumbing @ 1109 Frederick St  
 Flushed hydrants on Longwood Ave/BW Dr/Moccasin Path (weekly)  
 Put 4" drain line in on the 36" main & backfilled @ dam  
 Hauled shale on 36" main on Lake Gordon Rd (several days)  
 Gave Liller Bros Paving a 1.5" valve box riser to install on valve  
 Hauled shale on emergency access rd @ dam (several days)  
 Put in ditch on right side of new road - Lake Gordon Rd  
 Driver's training in road tractor  
 Class B DOT training/pre-trip inspection/air brake test/in-cab inspection  
 Completed access Rd to 36" main line @ Ware property (hauled shale & graded road)  
 Removed downed trees from 36" main @ Lake Gordon Rd  
 Winterized pole saws & weed eaters  
 Sharpened chain saws  
 Cleaned 379  
**Refueled equipment**  
 Park dump site - installed grade stakes with laser level & seeded the bank  
 Hauled CR-6 to Uhl Hwy dump site road to prevent mud for main line job beginning 10/18  
 Class A DOT training w/ Crabtree  
 Winterized #398 AGCO tractor & 317 backhoe  
 Hauled dirt, blacktop & concrete to Uhl Hwy dump site -from Fayette St main line job (several days)  
 Hauled stone to Fayette St main line job (several days)  
 Pushed dirt at park dump site  
 Hauled out bin from warehouse to park  
 Moved gravel & cold mix at warehouse  
 CDL training in crane truck w/ Brody Anderson  
 Cleaned & greased loader

## Projects

Projects					0
GRAND TOTAL					980



# October 2021 Monthly Report

## FLOOD MAINTENANCE

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Test run pumps and run gates

Check sewage regulators

Safety meeting

Mowed Rt. 28 ditch, West Levee ditch, narrows, viaduct, Dentist Office, Furlows,

Bull pen, moose, Kelly Blvd. mill race, Rt. 28 levee, West levee, and mowed all fields.

Preform other maintenance work as required

## SEWER BRANCH

Calls answered	7
Service lines opened	0
Owner's trouble	7
Traced lines/main	204
Mains Repairs/ Replace	1
Sewer taps installed/replaced	0
Cleaned catch basins	30
Cleanouts installed	0
Televised sewer mains	0 FEET
Televised sewer lines	0
Call outs/ overtime	4 callouts/ 9 hours overtime
Weekly check of overflows, pits	4
Catch basin repair/rebuild	0
Flushed mains	1,910 Feet
Gallons of water used	8,500 Gals.
605 Vac-con truck	4,000 Gals.

608 Flush truck

4,500 Gals.

Safety meeting

repaired conduit Buckingham @ Dingle  
cleaned lower level of bullpen off Lefevre  
cleaned storm drains at service center  
Hydro 4 sites (water)

**File Attachments for Item:**

1. Approval of the Work Session and Regular Session Minutes of August 17, 2021

# Mayor and City Council of Cumberland

## WORK SESSION

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

Tuesday, August 17, 2021  
5:00 p.m.

*This meeting was held via Video-Conference*

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

**ALSO PRESENT:** Ken Tressler, Interim City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Robert Smith, City Engineer; Mark Gandolfi, City Comptroller; Matt Miller, CEDC Executive Director; Stu Czapski, Economic Development Specialist

### I. AGENDA REVIEW – AUGUST 17, 2021

Mayor Morriss reviewed the Reports, Minutes, Presentation and Proclamation on the agenda and called for any questions or comments. Being none, Mr. Tressler reviewed the Unfinished Business ordinances, up for their 2<sup>nd</sup> and 3<sup>rd</sup> readings:

**Ordinance No. 3894** – to repeal and reenact with amendments Section 10-30 of the City Code pertaining to tax credits provided for improvements to properties located in the Canal Place Preservation District, National Register sites or districts, and Maryland-designated Certified Heritage Zoning Districts, and clarifying which properties are eligible for the tax credits.

**Ordinance No. 3895** – to repeal and reenact with amendments Section 10-29 of the City Code pertaining to the provision of tax credits for the restoration and preservation of structures having historic or architectural value within the Historic District areas of the City.

Mr. Tressler advised that both Ordinance 3894 and Ordinance 3895 are meant to better define boundaries between heritage areas and HPC areas, and how they can and can't work together.

Mr. Tressler reviewed the Orders on the Consent Agenda:

**Order 26,855** authorizing the Chief of Police to accept an FY22 Maryland Criminal Intelligence Network (MCIN) Grant through the Governor's Coordinating Offices in the amount of \$280,223 to be used for contractual salaries, personnel service, and overtime support for increased manpower within allied agencies, the Allegany County Combined Narcotics Unit (C3I/N), and a Peer Recovery Specialist, and to also support crime reduction patrols, targeted enforcement, apprehension, and intelligence gathering.

Mr. Tressler advised that the CPD has received these grants for several years, and added that funding for overtime was added this year.

**Order 26,856** accepting the proposal of Gwin, Dobson & Foreman, Inc. for engineering services for City Project "Evitts Creek Phase IV - Interceptor Sewer to Pump Station" (06-08-S) in the lump sum cost of \$32,600.00.

Mr. Tressler advised that this is the fourth phase of this project, and stated that the sewer line involved is an important line which is nearing the end of its useful life, with this being the first step in restoring it.

**Order 26,857** accepting the bid of Long Fence Company, Inc. for the Municipal Service Center Security Fence Contract (09-21-M) in the lump sum cost of \$50,260.00.

Mr. Tressler advised that Long Fence was the only bidder for this project, and said it was originally budgeted for FY21 but funds weren't secured until April 2021.

**Order 26,858** authorizing the utilization of American Rescue Plan Act (ARPA) funds in FY22 to provide premium pay upon hours physically worked at a City facility during the period 7/6/20 through 5/15/21 for current employees and former employees who performed services during that time period.

Mr. Gandolfi advised that this authorization will provide premium pay for hours physically worked during the stated period at a rate of \$1.57 per hour for regular employees, and \$3.15 per hour for frontline CPD and CFD employees.

**Order 26,859** rescinding Order No. 26460, and adopting a revised Family Medical Leave Act (FMLA) Policy effective this date.

Mr. Tressler stated that this order will authorize a couple of minor revisions: redefining the 12-month measuring period from a fiscal year to a rolling year, and added that Federal guidelines also stipulate that the FMLA period begins even if the employee doesn't submit the request.

**Order 26,860** authorizing the Chief of Police to accept a GOCCP FY22 Police Recruitment & Retention Grant in the amount of \$19,500.00 for financial assistance in recruiting and retaining police officers.

Mr. Tressler advised that these grants have been received before, with this year's being a larger pot of money.

**Order 26,861-** rescinding Order No. 24,443 and adopting a revised Workers' Compensation Policy effective August 17, 2021.

Mr. Tressler advised that the previous policy was adopted in January 1998. He provided background on the City being self-insured, and stated that its annual contribution is over a million dollars with almost \$4M in balance and pre-paid funds to cover future claims. He stated that the stipulation in the current policy to allow employees on workers comp continuing to earn sick leave even when not working is being addressed with this revision. He added that this policy also creates a category called "accident pay", which begins with the first 60 days after injury and is just like sick pay.

**Order 26,862** adopting a Social Media Policy.

Mr. Cohen advised that this policy will dictate how Council, elected officials, employees, and boards and commission use social media, and said basically the policy contains a list of dos and don'ts to make sure that those who use the City's social media use it in a compliant manner.

## **II. CEDC – BALTIMORE STREET ACCESS PROJECT UPDATE**

Mr. Miller advised that since the CEDC and M&CC have last convened, they have received notification that Engineering Department has received comments back from the State Highway Administration. He added that Engineering will address the comments and said that they are shooting for the end of the month to have them sent back to MDOT.

Mr. Smith advised that they had been invited by Tri-County Council to submit the final application for the broadband grant tied to the project, in the amount of \$125K, and added that there is a good indication that they will contribute additional funding. He also stated that they can also apply for \$250K through Community Legacy DHCD, which brings the total for broadband grants to \$275K, and said that will pay for the cost from underground infrastructure up to the surface, and can pay for pavers and those kinds of activities. He advised that the application is due in November of this year.

Mr. Miller advised on the recent launching of “Reimagine Your Business”, which is an online free-of-charge information class to help with mitigation during construction, and provides tools needed to build or maintain a website, how to market on social media, etc., when customers may not be able to reach the store fronts. Mr. Miller advised that there are 17 total participants, said classes have already begun, and explained the different courses. He added that when completed, the entire group will reconvene to talk about best practices. Mr. Miller also noted that the course has top shelf instructors, a good curriculum and great content, and said it's a huge opportunity with no reason to not attend.

## **III. MARYLAND AVENUE REDEVELOPMENT PROJECT UPDATE**

Mr. Miller advised that due to Covid and the major effects of the supply chain problem, the path of this project has been drastically altered, with the developer unable to get materials. He said that in the past month or so, Engineering has had to go back and reconfigure buildings with a new design with materials available in mind, just to get things moving. He advised that new materials are expected on-site in the next 3-4 months, and added that a lot is out of their hands. He noted that the supply chain issue is affecting commercial development in general.

Mr. Smith advised that finding materials will be a problem for every sector – particularly with ARPA funds coming out. He said finding pipe has been a problem, with materials 4-5 months out and prices changing rapidly. He said they are looking at November before material will be on-site for the first building. Mr. Smith stated that water and sewer projects especially will be affected, and said Decatur Street is seeing it right now, with the price about to double for materials while waiting on MDE to approve something.

## **IV. CEDC STRATEGIC PLAN RE-ASSESSMENT UPDATE**

Mr. Czapski advised that on August 5<sup>th</sup> RKG associates were in town to meet with CEDC and take a tour, and said they looked at strategic sites to see how they have changed. He added that there were 25 attendees from various sectors and groups, as well as Council, City Administrator, etc. He said

they met with Barclay Allen from Allegany County Economic Development, said that afternoon was a meeting with key staff and Council, followed by a meeting with the sub-committee of the CDC Board of Directors. Mr. Czapski advised that RKG will be in town again to present their final recommendations to Council. He explained that they will be updating information from 2014 and implementing strategies as well, and advised that the CEDC will be having bi-weekly coordination meetings with them to stay on task. In answer to a question from Mayor Morriss, Mr. Czapski advised that the projected end date is 4-6 months.

**V. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 5:59 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

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



# 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

Interim City Administrator Kenneth Tressler  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## MINUTES

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

DATE: August 17, 2021

### I. OPEN SESSION

### II. Pledge of Allegiance

### III. Roll Call

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

### IV. Statement of Closed Meeting

1. Summary Statement of closed meeting held August 10, 2021 and August 17, 2021

Mayor Morriss announced that Closed Meetings had been held on Tuesday, August 10, 2021 at 5:00 p.m. and Tuesday, August 17, 2021 at 6:00 p.m., and read into the record summaries of those meetings which are attached hereto and made a part of these minutes as required under Section 3-306 (c) (2) of the General Provisions Article of the Annotated Code of Maryland.

### V. Presentations

1. City Star Awards presented to Lisa Wolford, Ed Mullaney, Becky McClarran, Freida Spriggs, and KTK Services

Mayor Morriss advised that City Star Awards are done by the City to acknowledge the good work being done by its citizens, and noted there were some excellent people nominated:

**Lisa Wolford** was nominated by Amanda Lipold. The Mayor advised that Ms. Wolford single-handedly put together the Feed Western Maryland organization,



which came about due to Covid in an effort to feed families in the Western Maryland region. He added that the organization ran strictly on monetary and product donations, with Ms. Wolford being the go-to person as well as running the operation, assisted by many volunteers.

**Ed Mullaney** was nominated by Erin Nicole. Mayor Morriss advised that Mr. Mullaney has done so much for the community for such a long period of time. As Executive Director of the DDC, now as one of the key members of Let's Beautify Cumberland - with all the hard work he has done, the Mayor said it's time he got some appreciation for everything he's done over countless years.

Council also thanked Ed Mullaney, saying he was an example for everyone, showing that one person can really make a difference.

**Becky McClarran** was nominated by Terri McCagh. Mayor Morriss advised that she has run McClarran and Williams for a long time, and said that especially during Covid, she had kept things organized on Baltimore Street and with the downtown businesses, as well as notifying the public about what was going on. The Mayor stated that Ms. McClarran is also involved with the Allegany County Animal Shelter, which is the first municipal no-kill shelter in the state, and is also involved with the Barkin' Basement which raises money for the shelter. Councilman Cioni added that Ms. McClarran also has been instrumental in getting flags downtown honoring veterans.

**KTK Services** was nominated by Tyua Rice. Mayor Morriss advised that this business runs auctions and donates so much to members of the community in need, and also sponsors events to benefit the community, such as Rock the Mountain. He added that they also ran Haircuts for Veterans in the past.

**Freida Spriggs** was nominated by Jeff Hedrick. Mayor Morriss advised that Ms. Spriggs takes care of all her neighbors plants, making sure that the area looks good, and said her dedication makes her a true community treasure.

## **VI. Proclamations**

### **1. Proclaiming August 31, 2021 to be Jane Gates Day in the City of Cumberland**

Mayor Morriss read the proclamation and presented it to John, Sukh, and Julian Gates. John Gates thanked M&CC and recognized his family in attendance: son Julian and wife Casey, grandchildren Jordan, Adrian, and Lakely. He added that his grandson Jordon is a junior member of the Jane Gates Board of Directors, to keep it going for future generations. Mr. Gates also thanked Kathy McKenney, saying she was extremely proficient in her duties and knowledge in her assistance of this project. Mr. Gates advised that the Gates house has been standing for 150 years, and was bought in 1871 for \$1,400, which today would be \$29K. He also mentioned that an historical series would be filmed here locally regarding the mystery of where the \$1,400 came from, as 5 years prior to the purchase she was property, and 5 years later she purchased property. Mr. Gates wanted to also publicly thank Sukh Gates, the president of the association, saying she was the heart and soul that drives them, and said if not for her there probably

wouldn't be a 501-3c in place now. He added that the State of MD has issued them 2 grants for revitalization of the property.

## **VII. Director's Reports**

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

### **(A) Administrative Services**

1. Administrative Services monthly report for June, 2021

### **(B) Engineering**

1. Engineering Division monthly report for July, 2021

### **(C) Fire**

1. Fire Department monthly report for July 2021

### **(D) Police**

1. Police Department monthly report for July, 2021

## **VIII. Unfinished Business**

### **(A) Ordinances**

1. **Ordinance 3894** (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-30 of the City Code pertaining to tax credits provided for improvements to properties located in the Canal Place Preservation District, National Register sites or districts, and Maryland-designated Certified Heritage Zoning Districts, and clarifying which properties are eligible for the tax credits

Ms. McKenney advised that both ordinances 3894 and 3895 are being updated as a refresher and said these ordinances help to provided the historic incentive program, with one providing for a property tax assessment freeze, and one providing for a 10% property tax credit.

**SECOND READING:** The ordinance was presented in title only for its 2<sup>nd</sup> reading. On a **motion** made by Councilman Frazier, seconded by Councilwoman Marchini, the second reading 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 5-0.

2. **Ordinance 3895** (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-29 of the City Code pertaining to the provision of tax credits for the restoration and preservation of structures having historic or architectural value within the Historic District areas of the city.

**SECOND READING:** The ordinance was presented in title only for its 2<sup>nd</sup> reading.

On a **motion** made by Councilman Bernard, seconded by Councilwoman Marchini, the second reading 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 5-0.

## **IX. New Business**

### **(A) Orders (Consent Agenda)**

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

**Order 26,855** authorizing the Chief of Police to accept an FY22 Maryland Criminal Intelligence Network (MCIN) Grant through the Governor's Coordinating Offices in the amount of \$280,223 to be used for contractual salaries, personnel service, and overtime support for increased manpower within allied agencies, the Allegany County Combined Narcotics Unit (C3I/N), and a Peer Recovery Specialist, and to also support crime reduction patrols, targeted enforcement, apprehension, and intelligence gathering.

Chief Ternent advised that the MCIN used to be the old "Safe Streets" program grants the CPD received for several years. He added that this funding covers salaries of a coordinator and analyst, with some overtime funding for law enforcement activities around town.

**Order 26,856** accepting the proposal of Gwin, Dobson & Foreman, Inc. for engineering services for City Project "Evitts Creek Phase IV - Interceptor Sewer to Pump Station" (06-08-S) in the lump sum cost of \$32,600.00.

Mr. Smith advised that this sewer line is actually outside the City limits which takes all the flow from Bedford Road to Shades Lane to the outfall, and stated that this is an important line which is nearing the end of its useful life. He said this is the first step in restoring it, and added a study was done to be able to access the Bay Restoration Fund.

**Order 26,857** accepting the bid of Long Fence Company, Inc. for the Municipal Service Center Security Fence Contract (09-21-M) in the lump sum cost of \$50,260.00.

Mr. Tressler advised that this project was originally budgeted for FY21 but funds weren't secured until April 2021.

**Order 26,858** authorizing the utilization of American Rescue Plan Act (ARPA) funds in FY22 to provide premium pay upon hours physically worked at a City facility during the period 7/6/20 through 5/15/21 for current employees and former employees who performed services during that time period.

Mr. Gandolfi advised that this authorization will utilize \$620K of new costs associated with premium pay for hours physically worked

**Order 26,859** rescinding Order No. 26460, and adopting a revised Family Medical Leave Act (FMLA) Policy effective this date.

Mr. Tressler advised that the current policy was adopted June 2019, and stated that this order will authorize very minor revisions; basically, redefining the 12-month measuring period from resetting every fiscal year to a rolling 12-month period. He added that Federal guidelines also stipulate that the FMLA period begins even if the employee doesn't submit the request.

**Order 26,860** authorizing the Chief of Police to accept a GOCCP FY22 Police Recruitment & Retention Grant in the amount of \$19,500.00 for financial assistance in recruiting and retaining police officers.

Chief Ternent advised that this grant allows for police recruitment and retention and incentives to attract new-hires. Mr. Tressler added that Chief Ternent, during his career at the Police Department, does a great job of obtaining grants to help the City's police force.

**Order 26,861-** rescinding Order No. 24,443 and adopting a revised Workers' Compensation Policy effective August 17, 2021.

Mr. Tressler advised that the previous policy was adopted in January 1998. He provided background on the City being self-insured, and stated that its annual contribution is over a million dollars with almost \$4M in balance and pre-paid funds to cover future claims. He said that basically this is streamlining the City's process with the creation of "Accident Leave", and explained how it will work.

**Order 26,862** adopting a Social Media Policy.

Mr. Cohen advised that this policy will dictate how Council, elected officials, employees, and boards and commission use social media, and said basically the policy contains a list of dos and don'ts to make sure that those who use the City's social media use it in a compliant manner.

Mayor Morriss commented that Order No. 26,858 which authorizes using ARPA funds for premium pay, is money very well spent on the City's part to give employees premium pay for working through Covid and said he believes it's something they have earned, and is glad the City is doing it.

Councilman Bernard announced his resignation effective September 8, 2021, and read a statement. Mayor Morriss discussed the process to fill his seat on the Council, and advised that letters of interest will be accepted.

The Council Members thanked Councilman Bernard for his service to the community, saying it has been an honor to serve with him.

**X. Public Comments**

*No public comments*

All public comments are limited to 5 minutes per person

**XI. Adjournment**

With no further business at hand, the meeting adjourned at 7:16 p.m.

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

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

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

**File Attachments for Item:**

1. Ordinance 3905 (*2nd and 3rd readings*) - approving an application (ZMA #21-01) to amend the City's zoning map to rezone property at 718 Frederick Street from R-U (Urban Residential) to R-R (Rehabilitation and Redevelopment) Floating Zone

**ORDINANCE NO. 3905**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE APPROVING THE APPLICATION TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) TO REZONE PROPERTY LOCATED AT 718 FREDERICK STREET, CUMBERLAND, MARYLAND FROM R-U (URBAN RESIDENTIAL) TO R-R (REHABILITATION AND REDEVELOPMENT FLOATING ZONE)."

**WHEREAS**, the property which is the subject of this Ordinance is presently owned by Rick Toms, the "Applicant" for the zoning map amendment which is the subject of this Ordinance; i.e., 718 Frederick Street, Cumberland, MD 21502 (the "Subject Property"), which is more particularly described in the Deed from Jon Forester and Jerry A. Goldizen to the Applicant, dated May 5, 2021 and recorded among the Land Records of Allegany County, Maryland in Book 2659, Page 330."

**WHEREAS**, the Subject Property is presently zoned R-U (Urban Residential) and is improved by a two-story building.

**WHEREAS**, the Applicant made application to the Planning and Zoning Commission of the City of Cumberland (the "Planning Commission"), requesting that the Subject Property be rezoned to R-R (Rehabilitation and Redevelopment Floating Zone

District) in order to re-establish a commercial use at that location.

**WHEREAS**, the first floor of the structure was formerly used for commercial purposes, i.e., a hair and nail salon, under the nonconforming use provisions of the City Code; however, since that use was abandoned more than twenty-four (24) months ago, it cannot be re-established under existing zoning. See City Code, Section 25-176(c)(4).

**WHEREAS**, the second floor of the Subject Property, a converted apartment, will be used by the Applicant and his family as their principal residence.

**WHEREAS**, if the requested rezoning is granted, the Applicant will establish a tattoo shop on the first floor of the Subject Property.

**WHEREAS**, the Cumberland Planning Commission Staff issued a Report dated July 7, 2021 (the "Staff Report"), a copy of which is attached hereto and incorporated by reference herein as Exhibit 1, recommending that the proposed zoning map amendment be approved subject to the nine (9) restrictions, conditions and limitations set forth on pages 2 and 3.

**WHEREAS**, among other things, the Staff Report includes Staff's findings relative to the required considerations set forth in Section 4-204(b)(1) of the Land Use Article of the Annotated Code of Maryland, i.e., population change, the



availability of public facilities, 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**, the Planning Commission held a hearing on August 9, 2021 for the purpose of considering the Applicant's request for a zoning map change, voting 3-0 to recommend that the Mayor and City Council approve the application. (see Exhibit 1, Page 8).

**WHEREAS**, as required by Section 25-439(e) of the City Code, the Planning Commission forwarded its recommendations relative to the proposed rezoning to the Mayor and City Council for action.

**WHEREAS**, as required by Section 4-203(b) of the Land Use Article and Section 25-439(f) of the City Code, the Mayor and City Council 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 2 successive weeks. The notices were published on October 8, 2021 and October 13, 2021, posted to the City's website on October 1, 2021, and posted to the City Hall Bulletin Board on October 1, 2021.

**WHEREAS**, as required by Section 4-203(b) of the Land Use Article and Section 25-439(e) of the City Code, a public hearing on the proposed rezoning was held before the Mayor and City Council on October 19, 2021, 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 Staff Report, the attachments thereto and the other evidence, if any, presented, the Mayor and City Council made the following findings:

1. Since the RR zone is a "floating zone," a determination of a substantial change in the character of the neighborhood or a mistake in the original zoning of the Subject Property under Section 4-204(b)(2) of the Land Use Article is not required. City Code, Sec. 25-144; *Beall v. Montgomery County*, 240 Md 77, 90 (1965).

2. As required under the terms of the Court of Appeals' ruling in *Beall*, the application complies with the express purposes for which the floating zone was established. The purpose of the RR Zone is to provide incentive for the reuse, rehabilitation and redevelopment of abandoned structures that were originally used for industrial, warehouse, or other employment purposes but which have become nonconforming in the district in which they are located. See City Code, Sec.

25-144. The first floor of the structure on the Subject Property has been abandoned. By virtue of its design, it cannot feasibly be converted to a conforming use within the neighborhood. If left vacant, it would be likely to have a blighting influence in the neighborhood.

3. The reuse, rehabilitation and redevelopment of abandoned structures in an RR Zoning District should be conducted in a manner such that the integrity of the neighborhood can be preserved. See City Code, Sec. 25-144(c)(2). The applicable criteria (performance standards) for considering an application to rezone a property to the RR Zone in order to determine whether such a use is compatible with the neighborhood are set forth in Section 25-144(d) of the City Code. Additional requirements relative to the establishment of an RR Zone are set forth in Section 25-144 of the City Code.

4. In addition to considering the aforesaid requirements, the Mayor and City Council are required to make findings relative to the required considerations set forth in Section 4-204(b)(1) of the Land Use Article which were identified previously herein.

5. The Mayor and City Council adopt the findings set forth in the Staff Report as its findings with respect to the subject application.

**WHEREAS**, based upon the foregoing, the Mayor and City Council determined that the application for the rezoning of the Subject Property should be granted and the nine (9) restrictions, conditions and limitations recommended by the Planning Commission should apply.

**NOW, THEREFORE:**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Applicant's application to rezone the Subject Property from R-U to R-R is granted. The Official Zoning Map referred to in Section 25-1 of the Code of the City of Cumberland (1991 Edition) be and is hereby amended to rezone the Subject Property accordingly.

**SECTION 2:** BE IT FURTHER ORDAINED, as permitted by Section 25-442(a) of the City Code, the aforesaid rezoning is subject to the following restrictions, conditions and limitation. The Applicant shall:

1. Comply with all applicable environmental standards and requirements listed in Section 25-138 (noise, lighting, vibrations, noise pollution, etc.);
2. Satisfy the off-street parking and loading requirements of Article 12;
3. Provide required buffers along existing residential uses required in Article 13;
4. Satisfy specific signage limitations;

5. Comply with certain trip generation limitations or provide a traffic study to show that the use will not exceed the capacity of local streets;
6. Require no access for loading and unloading from a local street;
7. Require no outside storage of materials or products associated with the use;
8. Ensure that any light manufacturing uses will be conducted in an entirely enclosed space; and
9. Comply with operating hours restrictions between 10:00 p.m. and 6:00 a.m.

**SECTION 3:** BE IT FURTHER ORDAINED, that the Mayor and City Council impose the following additional conditions:

1. The Applicant shall comply with the applicable terms of Chapter 25 of the Cumberland City Code, including but not limited to, Section 25-144, as amended from time-to-time.

**SECTION 4:** BE IT FURTHER ORDAINED, that the said change shall be made on the Official Zoning Map immediately by inserting an entry on said Map stating: "On November 16, 2021 (PENDING FINAL VOTE), by official action of the Mayor and City Council of Cumberland, the following changes were made on the Official Zoning Map:

1. The property located at 718 Frederick Street shall be zoned RR; and

2. The said property is and shall be subject to those certain restrictions, conditions and limitations set forth in Ordinance No. 3905." (PENDING FINAL VOTE)

**SECTION 4:** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect on the eleventh day following its passage.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

**File Attachments for Item:**

2. Ordinance 3906 (*2nd and 3rd readings*) - accepting the bid from Michael W. and Kimberly A. McKay for the purchase of 17 Paw Paw Alley for the amount of \$2,500 and authorizing execution and conveyance of a deed to effect the transfer

**ORDINANCE NO. 3906**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT BID FOR THE PURCHASE OF A PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 17 PAW PAW ALLEY AND TO AUTHORIZE THE CONVEYANCE OF THIS PROPERTY TO MICHAEL W. AND KIMBERLY A. MCKAY, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, AND TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 17 Paw Paw Alley, Cumberland MD (the "Property");

**WHEREAS**, the Property was declared surplus under the terms of Order No. 26,757, passed by the Mayor and City Council on February 16, 2021;

**WHEREAS**, the Property was included in the solicitation for bids known as the "2020 Request for Bids Surplus Properties Round III" but was not bid upon in the original solicitation for bids;

**WHEREAS**, the City has since received a bid for the Property through the City's "On-Going Surplus Property Sale" and staff is recommending that the Mayor and City Council award the bid for the property known as 17 Paw Paw Alley to Michael W. and Kimberly A. McKay ("Purchaser") for the amount of \$2,500.00 (Two Thousand, Five Hundred Dollars); and

**WHEREAS**, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid to be in the City's best interests.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept the bid of Michael W. and Kimberly A. McKay for the sum of \$2,500.00



(Two Thousand, Five Hundred Dollars) subject to the following terms and conditions:

- A. Purchaser shall pay all recordation and transfer taxes required to record the deed effecting the conveyance of the Property successfully bid upon;
- B. Each purchaser shall pay the \$60.00 deed recordation fee charged by the court.
- C. Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the tax year and will assume responsibility for the payment of those taxes thereafter. The amount of pro-rated City and County taxes will be conveyed to the purchaser and shall be paid by cashier's check, personal check, or money order.
- D. The Properties will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit B attached hereto;
- E. The City will record the deed for the Purchaser, who in turn shall pay the City's \$100.00 deed recordation fee.
- F. The purchase price, the pro-rated City taxes, and the City's \$100.00 recording fee shall be paid by bank check, cashiers check or money order made payable to "City of Cumberland" and shall be hand-delivered or mailed to:

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

County taxes and County recording fees shall be paid by bank check, cashiers check or money order made payable to "Allegany County" and shall be hand-delivered or mailed to:

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

A purchaser's deed shall be released upon the payment of these sums and final recordation of the deed.

- G. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of a purchaser's bid, unless said deadline is extended by the City Administrator or City Solicitor for good cause shown.

**SECTION 2:** AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute and deliver deeds effecting the aforesaid conveyances subject to the aforesaid requirements;

**SECTION 3:** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

ATTEST:

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

# EXHIBIT A

## QUITCLAIM DEED

**THIS QUITCLAIM DEED**, made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and \_\_\_\_\_ (the “Grantee”), \_\_\_\_\_, party of the second part.

### WITNESSETH:

That for and in consideration of the sum of \_\_\_\_\_ cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant, bargain and sell, release, confirm and convey unto the Grantee, \_\_\_\_\_ [personal representatives, administrators, heirs or successors] and assigns, forever in fee simple:

**IT BEING** the same property which was conveyed from \_\_\_\_\_ to the Grantor by deed dated \_\_\_\_\_ and recorded among the Land Records of Allegany County, Maryland in Book \_\_\_\_\_, Page \_\_\_\_\_.

**TOGETHER** with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD** the above-described property unto the Grantee, \_\_\_\_\_ [personal representatives, administrators, heirs or successors] and assigns in fee simple forever.

**PROVIDED, HOWEVER**, that this deed shall be null and void and of no force and effect if it is not recorded within ninety (90) days of its date.

**WITNESS/ATTEST:**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

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

By: \_\_\_\_\_ (SEAL)  
**Raymond M. Morriss, Mayor**

**STATE OF MARYLAND,  
ALLEGANY COUNTY, TO WIT:**

**I HEREBY CERTIFY**, that on this \_\_\_\_ day of \_\_\_\_\_, 2021, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$ \_\_\_\_\_ and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

**WITNESS** my hand and Notarial Seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:** \_\_\_\_\_

**I HEREBY CERTIFY** that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that no title search was performed in connection with its preparation.

\_\_\_\_\_  
**MICHAEL SCOTT COHEN**

**File Attachments for Item:**

. Ordinance 3907 (*1st reading*) - authorizing the issuance and sale of General Obligation Bonds in the total amount not to exceed \$2,066,664 for the purpose of financing, reimbursing, or refinancing costs of the Decatur Street Waterline Project

ORDINANCE NO. 3907

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE TO AUTHORIZE AND EMPOWER MAYOR AND CITY COUNCIL OF CUMBERLAND (THE "CITY"), FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF A PROJECT THAT THE CITY GENERALLY REFERS TO AS THE DECATUR ST WATERLINE PROJECT AND RELATED COSTS AS PROVIDED HEREIN, TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$2,066,664, AND (2) GENERAL OBLIGATION REFUNDING BONDS, PROVIDED THAT THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF ANY SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; DETERMINING THAT ANY SUCH SERIES OF BONDS BE SOLD TO THE MARYLAND WATER QUALITY FINANCING ADMINISTRATION (THE "ADMINISTRATION") BY PRIVATE SALE, WITHOUT PUBLIC BIDDING; AUTHORIZING THE APPROVAL BY RESOLUTION OF ONE OR MORE LOAN AGREEMENTS WITH THE ADMINISTRATION AND, WITH RESPECT TO ANY SUCH LOAN AGREEMENT, ACKNOWLEDGING THE ADMINISTRATION'S RIGHTS THEREUNDER; MAKING A PLEDGE OF CERTAIN REVENUES RECEIVABLE FROM THE STATE OF MARYLAND, AND ACKNOWLEDGING CERTAIN PAYMENT RESPONSIBILITIES OF THE CITY;

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PROVIDING THAT THE MAYOR AND CITY COUNCIL BY RESOLUTION SHALL DETERMINE OR PROVIDE FOR CERTAIN DETAILS OF ANY SUCH SERIES OF GENERAL OBLIGATION BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS (EACH, A “SERIES OF OBLIGATIONS” OR “OBLIGATIONS”), INCLUDING WITH RESPECT TO ANY DEBT SERVICE RESERVE ACCOUNT REQUIRED BY THE ADMINISTRATION; PROVIDING THAT ANY SUCH SERIES OF GENERAL OBLIGATION BOND ANTICIPATION NOTES OR REFUNDING BONDS WILL BE SOLD BY PRIVATE SALE UNLESS THE MAYOR AND CITY COUNCIL BY RESOLUTION DETERMINES OTHERWISE; PLEDGING THE CITY’S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER TO PAYMENT OF ANY SUCH OBLIGATIONS AND PROVIDING FOR THE IMPOSITION OF AD VALOREM TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION TO PAY ANY SUCH OBLIGATIONS; IDENTIFYING OR PROVIDING FOR THE DETERMINATION OF THE SOURCES FROM WHICH DEBT SERVICE ON ANY SUCH SERIES OF OBLIGATIONS WILL BE PAYABLE IN THE FIRST INSTANCE; AUTHORIZING THE MAYOR AND CITY COUNCIL BY RESOLUTION TO PROVIDE FOR POST-CLOSING MODIFICATIONS AFFECTING ANY SERIES OF BONDS OR REFUNDING BONDS ISSUED TO THE ADMINISTRATION; PROVIDING THAT CERTAIN ACTIONS MAY BE TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH THE REISSUANCE OF ANY OF THE OBLIGATIONS; PROVIDING THAT ANY OBLIGATIONS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY; AUTHORIZING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE

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CERTAIN ACTIONS IN CONNECTION WITH THE OBLIGATIONS, INCLUDING AS MAY BE DELEGATED BY THE MAYOR AND CITY COUNCIL BY RESOLUTION; PROVIDING THAT THIS TITLE CONSTITUTES A FAIR SUMMARY OF THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE SALE, ISSUANCE, DELIVERY AND PAYMENT OF AND FOR ANY SUCH SERIES OF OBLIGATIONS.

RECITALS

1. Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the Refunding Act identified below (the “City”), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Enabling Act”), and Sections 81 and 82A of the Charter of the City of Cumberland, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. The City has determined to undertake activities relating to a project that the City generally refers to as the Decatur St Waterline Project that involves the replacement of aging water lines along Decatur and Davidson Streets and other locations within the City (the “Project”), and in connection with such activities and Project, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements (including, without limitation, paving, repaving, curb, gutter and sidewalk replacements/improvements), and related architectural, engineering, planning, design, document development, bidding, demolition, razing,

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removal, acquisition, construction, improvement, installation, modification, renovation, reconstruction, rehabilitation, equipping, inspection, construction management, financial, legal and administrative expenses, costs of related activities, improvements and appurtenances, and costs of activities related to any of the foregoing, and has determined to borrow money for the public purpose of financing, reimbursing or refinancing all or a portion of the costs of any components of such activities, together with, to the extent determined by the Mayor and City Council, the governing body of the City (the “Mayor and City Council”), by resolution, costs of issuance of any borrowing therefor (collectively, “Costs of the Project”), by issuing one or more series of its general obligation bonds.

3. The federal Safe Drinking Water Act, as amended (the “Safe Drinking Water Act”), authorizes the U.S. Environmental Protection Agency (the “EPA”) to award grants to qualifying states to establish and capitalize drinking water treatment revolving loan funds (“SRFs”) for the purpose of providing loans and certain other forms of financial assistance to finance, among other things, the construction and improvement of publicly-owned and privately-owned water supply systems.

4. As contemplated by the Safe Drinking Water Act, the General Assembly of Maryland has amended the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (as replaced, supplemented or amended, the “MWQFA Act”), establishing an SRF designated the Maryland Drinking Water Revolving Loan Fund (the “Fund”) to be maintained and administered by the Maryland Water Quality Financing Administration (the “Administration”).

5. The MWQFA Act authorizes the Administration, among other things, to make a loan from the Fund to a “local government” (as defined in the MWQFA Act) for the purpose of

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financing or refinancing all or a portion of the cost of a “water supply system” project (as defined in the MWQFA Act).

6. The City is a “local government” within the meaning of the MWQFA Act, the Project is a “water supply system” project within the meaning of the MWQFA Act, and the City has applied to the Administration for a loan or loans from the Fund for Project purposes.

7. The MWQFA Act authorizes a local government to issue one or more bonds, notes or other evidences of obligation (each, a “loan obligation” as defined in the MWQFA Act) to evidence its indebtedness under a loan agreement with respect to a loan from the Administration, to sell any such bond, note or other evidence of obligation to the Administration at private sale, without public bidding, and to establish a dedicated source of revenues for repayment of such loan.

8. Pursuant to the authority of the MWQFA Act, the Enabling Act, Sections 81 and 82A of the Charter and any other applicable law, the City has determined to borrow money from the Administration for the public purpose of financing, reimbursing or refinancing Costs of the Project or such components of Costs of the Project as the Administration shall approve.

9. In connection with the issuance and sale of any series of the general obligation bonds contemplated hereby, and pursuant to the MWQFA Act, the City will enter into one or more loan agreements with the Administration.

10. As of the date of introduction of this Ordinance, the Administration has advised that it currently anticipates making the City two separate loans for Project purposes, (i) one such loan to be evidenced by the issuance by the City to the Administration of a series of bonds in the form of a single general obligation installment bond, the interest on which will be excludable from gross income for federal income tax purposes, and (ii) the other such loan to be evidenced by the issuance by the City to the Administration of a series of bonds in the form of a single general obligation bond the

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payment of which is subject to forgiveness as described herein and any interest on which will not be excludable from gross income for federal income tax purposes; provided that, the final structure of any such financing (including, without limitation, the final original principal amount of any series of bonds) and the tax status of interest payable on any such series of bonds issued by the City to the Administration shall be determined by the Mayor and City Council by resolution as provided for in the Charter and this Ordinance.

11. Prior to issuing any such series of bonds to the Administration, the City may need to obtain interim financing in order to finance Costs of the Project on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Bond Anticipation Note Act”), and the Charter.

12. Subsequent to the issuance to the Administration of any series of bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such series of bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”).

13. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on any such series of bonds, bond anticipation notes or refunding bonds contemplated hereby.

14. The City expects to pay the principal of, and interest on, as applicable, any such bonds, bond anticipation notes or refunding bonds in the first instance from revenues received by the City in connection with the operation of the water supply system serving the City and surrounding areas (referred to herein as the “water supply system”), including fees for use of or connection to such

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system and, to the extent required by the purchaser of any such series of obligations, from revenues received by the City in connection with the operation of the wastewater system serving the City and surrounding areas (referred to herein as the “wastewater system”), including fees for use of or connection to such system, all to the extent lawfully available for such purpose or, with respect to the Administration, any other dedicated source of revenues agreed to by the City and the Administration.

15. In connection with the issuance of any series of bonds contemplated by this Ordinance (and any series of refunding bonds contemplated hereby that are issued to the Administration), the Administration may require the City to establish, fund and maintain for a period of time acceptable to the Administration a debt service reserve account in a manner that satisfies the Administration’s debt service coverage requirements.

16. The City, as authorized by the MWQFA Act, may pledge any moneys that the City is entitled to receive from the State of Maryland, including the City’s share of the State income tax, to secure its obligations under any loan agreement with the Administration contemplated hereby.

17. Pursuant to the authority of the Charter, the City shall issue any series of general obligation bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council of the City pursuant to the Charter and this Ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in this Ordinance and not otherwise defined in the Sections of this Ordinance shall have the meanings given to such terms in the Recitals.

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(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other applicable law or authority to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a “deputy,” “associate” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Ordinance to the “principal amount” of any of the Bonds, the BANs, the Refunding Bonds or the Obligations (each as defined herein) shall be construed to mean the par amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable.

(d) References in this Ordinance to the Project are intended to include any modifications or amendments to components of the Project as provided for in City budgetary materials or made by other appropriate actions and that are acceptable to the Administration to the extent such modifications or amendments impact Obligations issued to the Administration.

(e) The Project is generally referred to by the Administration by the following name: Decatur Street 24” Crosstown Water Main Replacement.

SECTION 2. Pursuant to the authority of the Enabling Act, the MWQFA Act, Sections 81 and 82A of the Charter and any other applicable law, the City hereby determines to borrow money

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and incur indebtedness for the public purpose of financing, reimbursing or refinancing any one or more components of Costs of the Project in whole or in part, all to the extent permitted by the Administration. The total Costs of the Project not otherwise payable from other sources is not expected to exceed Two Million Sixty-Six Thousand Six Hundred Sixty-Four Dollars (\$2,066,664). In the event the City issues any BANs (as defined in Section 11 hereof) for purposes of the Project, proceeds of any Bonds (as defined in Section 3 hereof) may be applied to prepay, reimburse or pay principal of, premium, if any, and/or interest on such BANs, and any such expenditure shall be considered an expenditure for Costs of the Project.

SECTION 3. To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act, the MWQFA Act, Sections 81 and 82A of the Charter and any other applicable law, hereby determines to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds in an original aggregate principal amount not to exceed Two Million Sixty-Six Thousand Six Hundred Sixty-Four Dollars (\$2,066,664) (individually, a “series of the Bonds” and, collectively, the “Bonds”). Each such series may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form.

SECTION 4. Pursuant to the authority of the Enabling Act, the MWQFA Act, Sections 81 and 82A of the Charter and any other applicable law, the City hereby determines to sell each series of the Bonds to the Administration by private sale, without public bidding, due, in part, to the ability to issue any series of the Bonds as draw-down obligations, the ability to negotiate certain terms with the Administration, the beneficial formulas by which the Administration establishes interest rates on bonds purchased by the Administration, the lower costs of issuance typically incurred with a private sale to the Administration as compared to a public sale at competitive bid or a negotiated underwriting

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and, to the extent agreed to by the Administration, the ability to structure one or more series of the Bonds as obligations that are subject to principal forgiveness.

SECTION 5. The proceeds of each series of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless, with the approval of the Administration, a supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the MWQFA Act, subject to the provisions of Section 10 of this Ordinance.

SECTION 6. (a) As required by the MWQFA Act, the City is hereby authorized to enter into one or more loan agreements with the Administration (each, a “Loan Agreement” and collectively, the “Loan Agreements”) in connection with any series of the Bonds. The final or substantially final form of each Loan Agreement shall be approved by the Mayor and City Council by resolution and the execution and delivery of each Loan Agreement shall be authorized by the Mayor and City Council by resolution.

(b) The City hereby acknowledges that the provisions of each Loan Agreement may allow for, among other remedies, all payments on any series of the Bonds subject to such Loan Agreement to be declared immediately due and payable upon the occurrence of any event of default provided for in such Loan Agreement.

SECTION 7. As authorized by Section 9-1606(d) of the MWQFA Act, the City hereby pledges any moneys that the City is entitled to receive from the State of Maryland, including the City’s share of the State income tax, to secure its obligations under any Loan Agreement. Any such pledge may be evidenced and detailed in any applicable Loan Agreement.

SECTION 8. Pursuant to the authority of the Enabling Act, Sections 81 and 82A of the Charter, and any other applicable law, the Mayor and City Council, prior to the issuance, sale and

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delivery of any series of the Bonds, shall adopt a resolution or resolutions specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, the types of matters, details, forms (including, without limitation, the form or substantially final form of the Bonds of such series), documents or procedures as may be required by the Enabling Act, the MWQFA Act, the Charter, other applicable law or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or prepayment of or for such series of the Bonds. A resolution shall or may set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other things, as applicable, the original aggregate principal amount of such series of the Bonds; the designation of such series of the Bonds; the denomination or denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds; the principal installment or installments, or the method of determining the principal installment or installments, payable on such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, which may be fixed or variable (and which may include a rate of zero percent (0.0%)), payable on such series of the Bonds; provisions relating to the payment of any late fees or penalties with respect to such series of the Bonds; the components of the Costs of the Project on which proceeds of such series will be expended, if limited in any way; provisions for the appropriation and disposal of such proceeds; provisions relating to the prepayment of such series of the Bonds, if applicable; provisions for the application of unexpended proceeds of such series of the Bonds; provisions relating to the sale of such series of the Bonds by private sale, without public bidding; provisions relating to the principal forgiveness of such series of the Bonds, if applicable; the identification of any dedicated sources of revenue required by the Administration pursuant to the MWQFA Act; certifications, representations, determinations, designations or elections relating to the tax-exempt status of interest payable on such

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series of the Bonds, if applicable; and all other terms and conditions upon which such series of the Bonds will be issued, sold and delivered. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions contemplated by this Section 8 with respect to a series of the Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 8 for more than one series of the Bonds.

(b) In the event the Administration requires the City establish a debt service reserve account to be funded from sources other than Bonds proceeds in order to provide security for any series of the Bonds as a condition to the issuance of such series of the Bonds, provisions relating to the establishment, funding and maintenance of such debt service reserve account (including, without limitation, increases or decreases in the amount to be retained in such account and replenishment of such account) and the investment and application of moneys held in such debt service reserve account shall be determined, approved or provided for by resolution, and any such debt service reserve account may be identified in the applicable Loan Agreement as a dedicated source of revenues contemplated by the MWQFA Act.

SECTION 9. The City is hereby authorized and directed to pay any fees or costs provided for in any Loan Agreement that are not payable from proceeds of the Bonds, including, without limitation, any administrative fees and any ongoing fees or costs. The obligation of the City to pay such amounts shall be absolute and unconditional as further provided in any Loan Agreement.

SECTION 10. Notwithstanding anything to the contrary contained in this Ordinance, the City shall use and apply proceeds of each series of the Bonds only as permitted by the related Loan Agreement, the Safe Drinking Water Act (as defined in such Loan Agreement) and the MWQFA Act (which may be referred to in each Loan Agreement as the “Act”).

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SECTION 11. (a) Pursuant to the authority of the Bond Anticipation Note Act, Sections 81 and 82A of the Charter and any other applicable law, the City may issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an original aggregate principal amount not to exceed Two Million Sixty-Six Thousand Six Hundred Sixty-Four Dollars (\$2,066,664) (each, a “series of the BANs” and, collectively, the “BANs”) prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse Costs of the Project on an interim basis, including paying costs of issuance and capitalized interest on such series of the BANs within the limitations of the Bond Anticipation Note Act. Any such series of the BANs may consist of one or more notes and any note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the BANs, the Mayor and City Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the BANs, pursuant to the authority of the Bond Anticipation Note Act, each series of the BANs shall be sold by private sale (including, without limitation, through a direct purchase transaction). Any such sale by private sale is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms by undertaking a private (negotiated) sale, and, with respect to a private sale that involves a direct

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purchase transaction, the lower costs of issuance typically incurred with such method of private sale as compared to a negotiated underwriting or a public sale at competitive bid. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to a series of the BANs. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 11 for more than one series of the BANs.

(b) The City hereby covenants (i) to pay from the proceeds of one or more series of the Bonds the principal of any series of the BANs actually issued, (ii) to the extent that interest on any series of the BANs is not paid from proceeds of such series of the BANs, to pay the interest on such series of the BANs, and (iii) to issue the applicable series of the Bonds as soon as there is no longer a reason for deferring its issuance. This covenant shall not be construed to prevent the City from paying principal of and/or interest on any series of the BANs from sources of funds other than proceeds of the Bonds, to the extent such other proceeds are available for such purpose.

(c) As authorized by the Bond Anticipation Note Act, by resolution the Mayor and City Council may provide for the renewal of any series of the BANs at maturity with or without resale, as well as any amendments of or modifications to such series of the BANs and any related documentation.

SECTION 12. (a) Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter and any other applicable law, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of general obligation bonds (each, a “series of the Refunding Bonds” and, collectively, the “Refunding Bonds”) for the purpose of currently refunding or advance refunding any of the Bonds

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issued pursuant to the authority of this Ordinance then outstanding, including paying all or any portion of outstanding principal, prepayment premium and/or interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, and paying costs and expenses in connection with the issuance, sale and delivery of such series of the Refunding Bonds, and, to the extent determined by the Mayor and City Council by resolution, interest on such series of the Refunding Bonds, for the public purpose of (A) realizing a savings in the total cost of debt service on a direct comparison or present value basis or (B) debt restructuring that is permitted by applicable law; provided that, the original aggregate principal amount of any such series of the Refunding Bonds may not exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to each series of the Bonds, to the extent applicable with respect to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the Refunding Bonds, pursuant to the authority of the Refunding Act, each series of the Refunding Bonds shall be sold at a private sale, without soliciting bids (including, without limitation, through a direct purchase transaction). Any such sale on a private basis is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial

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interest rate or rates and other beneficial terms (including restructuring terms, if applicable) by undertaking a private (negotiated) sale and, with respect to a private sale that involves a direct purchase transaction, the lower costs of issuance typically incurred with such method of private sale as compared to a negotiated underwriting or a public sale at competitive bid. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to a series of the Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 12 for more than one series of the Refunding Bonds.

(b) To the extent any series of the Refunding Bonds is sold to the Administration, the Mayor and City Council by resolution may specify, prescribe, determine or provide for the determination of, approve or provide for the approval of any determinations contemplated by this Ordinance that may be made with respect to any series of the Bonds, including, without limitation, entry into a new loan agreement with the Administration (in which case the provisions of this Ordinance pertaining to any Loan Agreement entered into in connection with a series of the Bonds shall apply to any new loan agreement entered into with the Administration in connection with any series of the Refunding Bonds) or any modification to an existing Loan Agreement, as applicable, provisions for the potential forgiveness of any such series of the Refunding Bonds, a pledge of the City's right to receive revenues from the State in the nature referred to in Section 7 above, the obligation of the City to pay any administrative fees or ongoing fees and expenses in the nature of those referred to in Section 9 above, the identification of any source of dedicated revenues and provisions for any debt service reserve account with respect to such series of the Refunding Bonds required by the Administration.

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SECTION 13. The Mayor and City Council is hereby authorized, by resolution, to make any further determinations or approvals or provide for any matters or actions deemed necessary or desirable in connection with the issuance of any series of the BANs or the Refunding Bonds, including, without limitation, (i) any determination authorized by the Bond Anticipation Note Act or the Refunding Act, as applicable, (ii) to commit or provide for the commitment of the City to pay to the purchaser or purchasers of any series of the BANs or the Refunding Bonds (A) any commitment fee or similar fee and any legal costs in connection with such purchaser's or purchasers' agreement to purchase such series of the BANs or the Refunding Bonds and/or (B) any breakage compensation or other amount that may be determined to be due to such purchaser or purchasers in the event the City fails to deliver such series of the BANs or the Refunding Bonds and, in connection therewith, to approve or provide for the approval of, and the execution and delivery of, any agreement relating to such payment or payments (which such agreement may, but shall not be required to be, contained within any purchase or similar agreement for such series of the BANs or the Refunding Bonds), and (iii) to approve or provide for any offering documents, credit enhancement, liquidity enhancement, ratings, or continuing disclosure undertakings relating to such series of the BANs or the Refunding Bonds.

SECTION 14. (a) The full faith and credit and unlimited taxing power of the City are hereby pledged to the prompt payment of the principal of and interest on each series of the Bonds, the BANs and the Refunding Bonds (each, a series of the "Obligations," individually, an "Obligation" and, collectively, the "Obligations") issued by the City as and when the same are payable and to the imposition of the taxes hereinbelow described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of each series of the Obligations. Subject to the further provisions of this Section 14, the City hereby covenants with the registered

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owners of each series of the Obligations to impose ad valorem taxes on all real and tangible personal property in the City that is subject to assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the principal of and the interest on the Obligations in each fiscal year in which any of the Obligations are outstanding and to take any further action that may be lawfully appropriate from time to time during the period that the Obligations of such series remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes shall be imposed in the succeeding fiscal year to make up such deficiency.

(b) Notwithstanding the provisions of subsection (a) of this Section 14, the principal of and interest on each series of the Obligations will be payable in the first instance from revenues received by the City in connection with the operation of the water supply system, including charges for the use of or connection to the water supply system and, to the extent required by the purchaser of such series of the Obligations, from revenues received by the City from the operation of the wastewater system, including charges for the use of or connection to the wastewater system, all to the extent such revenues are lawfully available for such purpose. (Any such identification of wastewater system revenues as a source of payment for the applicable series of the Obligations shall be provided for in any resolution relating to a series of the Bonds, the BANs, the Refunding Bonds or a Loan Agreement, as applicable.) To the extent of any funds received or receivable as described in this subsection (b) in any fiscal year, the taxes required to be imposed in accordance with subsection (a) of this Section 14 may be reduced proportionately.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of

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any other obligations of the City (including, without limitation, (i) with respect to any series of the BANs, from the proceeds of any series of the Bonds, and (ii) with respect to any series of the Bonds, from the proceeds of any series of the Refunding Bonds) or from any other funds legally available for that purpose. Within any applicable limitations of Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on any series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the type of project or projects which such series of the Obligations are issued to finance, reimburse or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be imposed may be reduced proportionately.

(d) Any source of revenues referred to in this Section 14, and any additional source of revenues agreed to by the City and the Administration and provided for by resolution, if applicable, may be identified as a dedicated source of revenue contemplated by the MWQFA Act in any Loan Agreement entered into by the City with the Administration in connection with a series of the Obligations. Any applicable Loan Agreement exhibits may describe such dedicated revenues by references that are similar but not identical to any references contained in this Ordinance or in any resolution relating to such series of the Obligations. Any such source of dedicated revenues may be identified as being subject to annual appropriation.

SECTION 15. In addition to the refunding authority provided for in Section 12 of this Ordinance, subsequent to the sale, issuance and delivery of any series of the Bonds or the Refunding Bonds to the Administration, the Mayor and City Council by resolution may specify,

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Underlining : Indicates material added to this Ordinance after introduction  
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prescribe, determine or provide for the determination of, or approve or provide for the approval of, any amendments or modifications to such series of the Bonds or the Refunding Bonds and/or the related Loan Agreement or Loan Agreements and any other documents, agreements or instruments executed and delivered in connection with the sale, issuance and delivery of such series of the Bonds or the Refunding Bonds, and/or provide for the execution and delivery of additional documents, agreements, certificates or instruments relating to such amendments or modifications (including, without limitation, any bond or bonds to be issued and exchanged for one or more of such series of the Bonds or the Refunding Bonds originally issued and delivered and any new or restated Loan Agreement), whether or not such amendments or modifications constitute a refunding or reissuance for purposes of federal and/or Maryland law.

SECTION 16. By resolution, the Mayor and City Council may make any appropriate arrangements (including, without limitation, by authorizing one or more appropriate officials to make any elections, designations, determinations or filings on the City's behalf) in the event any right of the registered owner of an Obligation to put or cause the redemption or prepayment of such Obligation at its option, or any change in the interest rate of an Obligation, or any other modification to an Obligation could lead to a reissuance of such Obligation for purposes of the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder.

SECTION 17. The Mayor and City Council by resolution may determine that any series of the Obligations authorized hereby may be consolidated with any bond anticipation notes, bonds and/or refunding bonds authorized by the Mayor and City Council, as applicable, and issued as a single series of obligations.

SECTION 18. With respect to any Obligations and any Loan Agreement, by resolution the Mayor and City Council shall delegate to one or more specified officials or employees the

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authority to finally approve (to the extent the final form thereof is not approved by resolution), execute and deliver the same, and by resolution the Mayor and City Council may delegate to one or more specified officials or employees the authority to negotiate, approve, execute and deliver, as applicable, any other documents, certificates or instruments relating to any of the Obligations or any Loan Agreement. The following City officials: the Mayor, the City Administrator, the Comptroller, the Treasurer, the City Clerk, and all other appropriate officials and employees of the City, are hereby authorized, empowered and directed to (i) take any and all action necessary to complete and close the sale, issuance and delivery of any of the Bonds, the BANs and the Refunding Bonds authorized hereby, (ii) negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection with any such sale, issuance and delivery, to the extent authority with respect to the same has not been delegated by the Mayor and City Council to any specified official(s) or employee(s) in accordance with the preceding sentence, and (iii) carry out the transactions contemplated by this Ordinance, any ordinance supplementing or amending this Ordinance, any resolution adopted in furtherance of this Ordinance (as the same may be further supplemented or amended), and any such documents, certificates or instruments executed and delivered in connection with a series of the Obligations, to the extent such action is within the scope of such official's or employee's authority and such action has not been specifically delegated to one or more officials or employees by resolution of the Mayor and City Council.

SECTION 19. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 20. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

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SECTION 21. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

MAYOR AND CITY COUNCIL OF  
CUMBERLAND

(SEAL)

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

ATTEST:

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

Introduced: \_\_\_\_\_, 2021

Passed: \_\_\_\_\_, 2021

Votes for passage: \_\_\_\_\_

Votes against passage: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Effective: \_\_\_\_\_, 2021

#224268;10002.076

\_\_\_\_\_  
Underlining : Indicates material added to this Ordinance after introduction  
~~Strike through~~ : Indicates material deleted from this Ordinance after introduction

**File Attachments for Item:**

. Order 26,901 - approving the Sole Source Purchase of a new 2021 Ford T-250 EnviroSight Camera Van for use by the Sewer Dept. from Infrastructure Solutions Group, Mechanicsville, VA, which is offering the VA Sheriff's Association Heavy Equipment Procurement Program Contract (#22-03-0721) pricing, in the not-to-exceed amount of \$250,000.00

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

**ORDER NO. 26,901**

**DATE: November 16, 2021**

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

**THAT**, the Sole Source purchase from Infrastructure Solutions Group, 8383 Old Richfood Road, Mechanicsville, VA, 23116 for a new 2021 Ford T-250 EnviroSight Cameral Van in the not-to-exceed amount of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) be and is hereby accepted; and

**BE IT FURTHER ORDERED**, that this equipment will be purchased as part of the Virginia Sheriff's Association Heavy Equipment Procurement Contract #22-03-0721 pricing as authorized by City Code Section 2-171 (c) (iv).

---

**Raymond M. Morriss, Mayor**

Budget:  
Sewer Department 003.320.64000

# Council Agenda Summary

Meeting Date: November 11, 2021

Key Staff Contact: Brian Broadwater

## ***Item Title:***

Order Accepting the Sole Source Purchase of a New 2021 Ford T-250 EnviroSight Camera Van from Infrastructure Solutions Group, 8383 Old Richfood Road, Mechanicsville, VA 23116 for an amount not to exceed \$250,000.

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

Requesting an order to accept the sole source purchase of a New 2021 Ford T-250 EnviroSight Camera Van from Infrastructure Solutions Group for an amount not to exceed \$250,000. Infrastructure Solutions Group is offering us Virginia Sheriff's Association Heavy Equipment Procurement Program Contract #22-03-0721 pricing, which is in accordance with the City Code Sec. 2-171 (c) (iv) – through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities. This camera van will be used in daily operations by the Sewer Department for investigating the City of Cumberland's sewer infrastructure.

## ***Amount of Award:***

\$250,000

## ***Budget number:***

003.320.64000 (Sewer Department)

## ***Grant, bond, etc. reference:***

N/A



Brian Broadwater &lt;brian.broadwater@cumberlandmd.gov&gt;

## Sole Source Request for Sewer Department Camera Truck

5 messages

**Brian Broadwater** <brian.broadwater@cumberlandmd.gov>

Thu, Nov 4, 2021 at 1:31 PM

To: Jeff Silka <jeff.silka@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Jeff,

Hope everything is going well for your first week here. My name is Brian and I manage our Fleet of vehicles and equipment as well as most of our vehicle/equipment purchases. I do have a sole source request to purchase a New Camera Truck for our Sewer Department for Fiscal Year 2022 that I would like to start moving on.

We would like to request a sole source approval for a New Ford T-250 EnviroSight RovverX Camera Truck for the Sewer Department from Infrastructure Solutions Group. Infrastructure Solutions Group is offering us the Virginia Sheriff's Office Association Heavy Equipment Procurement Program Contract #22-03-0721. This contract is in accordance with the City Code Sec. 2-171 (c) (iv) – through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities. Since I have never used this type of contract, I did some research and found out that it is a legitimate cooperative purchasing program. On their website it states that they offer a statewide purchasing program on a variety of vehicles and services including: Administrative Vehicles, Vans, Trucks, Sport Utility Vehicles, Special Service Vehicles, Police Rated Vehicles, Motorcycles and Heavy Equipment.

The Sewer Department budgeted \$250,000. Tim Murphy has received three quotes and has demoed each truck.

To start, Cues was overpriced (\$325,100) and was the Sewer Department's least favorite. We currently have a Cues and their service is very slow. We have to send the camera to either Delaware or Florida every time it needs to be fixed and it takes months to get it back. Our camera is currently in Delaware right now and has been there for a month.

It then came down to Infrastructure Solutions Group and Atlantic Machinery. Atlantic Machinery quoted us \$245,000 (Software not Included) last November. Infrastructure Solutions Group quoted us \$250,000 (Software Included) in August of this year. Atlantic Machinery would not send an updated quote without demoing the product again, but did state the camera truck would have a price increase. The Sewer Department feels that the EnviroSight RovverX Mainline & SATII Lateral Launch system offered by Infrastructure Solutions Group is the best option for the department. The main reason for this is based off of the mainline camera crawler, which is different from the competitors, as it has extra wheels that will allow it to go over joints without getting stuck. The camera is also more compact which allows for better maneuverability through our size sewer lines. This particular camera truck was the only one that offered this size of mainline camera. The ETA for this Camera Truck is around 2 months since they have a chassis in their possession at this time. This is a big deal as the other companies would have to order a vehicle which could take some time with the manufacturers having production issues.

Please let me know if you have any questions or concerns and would you consider this sole source request.

Thanks,

Brian

--  
**David Brian Broadwater Jr**

*Fleet Manager*

City of Cumberland, MD

W: (301) 759-6627 | C: (240) 920-2079

215 Bowen St. | Cumberland, MD 21502



**Cumberland**  
*Maryland*

1756\_001 (1).pdf  
190K

**Ken Tressler** <ken.tressler@cumberlandmd.gov>

Thu, Nov 4, 2021 at 1:50 PM

To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Cc: Jeff Silka <jeff.silka@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Hello Jeff,

I recommend that we approve Brian's request. They have been researching the purchase for quite some time now to include vehicle operational demos. The \$250,000 is in the Sewer Fund budget and is included in the upcoming CDA 2021 debt issue that we expect to close in early December. Please let me know if you have any questions.

Thanks,

[Quoted text hidden]

Ken Tressler, CPA  
Director of Administrative Services  
57 N. Liberty Street  
Cumberland, MD 21502  
Office (301) 759-6406  
Cell (304) 813-6470

**Jeff Silka** <jeff.silka@cumberlandmd.gov> Thu, Nov 4, 2021 at 2:21 PM  
To: Ken Tressler <ken.tressler@cumberlandmd.gov>  
Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Ken,  
Thank you for the recommendation. I agree!  
Jeff  
**Jeffrey F. Silka**  
City Administrator  
City of Cumberland  
57 N. Liberty Street  
Cumberland, MD 21502  
Office (301) 759-6424

[Quoted text hidden]

**Brooke Cassell** <brooke.cassell@cumberlandmd.gov> Fri, Nov 5, 2021 at 7:03 AM  
To: Jeff Silka <jeff.silka@cumberlandmd.gov>  
Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Thank you for the Approval for the Sole Source purchase of the Camera Truck. We will add this to the next agenda and request Mayor and Council Approval.

**Brooke Cassell**  
Public Works Operations Manager  
City of Cumberland, MD  
phone (301)759-6624  
fax (301)759-6632  
cell (240)580-0755  
email [brooke.cassell@cumberlandmd.gov](mailto:brooke.cassell@cumberlandmd.gov)

[Quoted text hidden]

**Brian Broadwater** <brian.broadwater@cumberlandmd.gov> Wed, Nov 10, 2021 at 8:20 AM  
To: Brooke Cassell <brooke.cassell@cumberlandmd.gov>  
Cc: Jeff Silka <jeff.silka@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Thank you for the approval.  
[Quoted text hidden]





August 30<sup>th</sup>, 2021

Tim Murphy  
City of Cumberland  
215 Bowen Street  
Cumberland, Maryland 21502

Mr. Murphy -

Attached you will find a quote through the Virginia Sheriff's Association Heavy Equipment Procurement Program Contract #22-03-0721 for a EnviroSight RoverX Mainline & SATII Lateral Launch system mounted in a 2021 Ford T-250 high roof transit van.

We appreciate the opportunity to quote you on your equipment requirements. Please feel free to contact me with any questions you may have.

Best regards,

*Chris Croston*

Chris Croston,  
Maryland Territory Mgr.  
Infrastructure Solutions Group  
(443) 613-2280

## Infrastructure Solutions Group

8383 Old Richfood Rd. Mechanicsville, VA 23116  
Office: 804-730-4040 | Fax: 804-730-4242  
www.infrasolutionsgroup.com



### Infrastructure Solutions Group Presents a Virginia Sheriff's Association Proposal of an Envirosight RoverX Mainline & Lateral Launch System Mounted in a 2021 Ford T-250 High Roof Transit Van



Virginia Sheriff's Association Heavy  
Equipment Procurement Program  
Contract#: 22-03-0721  
Group: Underground Pipeline  
Inspection Equipment

#### Prepared By:

Infrastructure Solutions Group  
8383 Old Richfood Road  
Mechanicsville, Virginia 23116

#### Prepared For:

City of Cumberland Public Works  
215 Bowen Street  
Cumberland, MD 21502

RXSAT Combo System

1

List Price:  
\$177,000.00

VSA Price:  
\$174,561.00

**Envirosight SAT II Lateral Launch & RovverX Mainline Camera Crawler – 6% VSA Discount**

- Includes DCX5000 including CCUI, large frame and cable for CCUI to Mainline Reel, RXSAT140 II QCD Crawler with 8 small rubber wheels installed, standard accessories and transport case, RAXSAT 300 Cable Reel with 300M Orange Cable and 45M of red push cable and cable for SAT Reel to Mainline Reel, RAX300 Cable Reel with 300M Cable installed, PTP50 Camera, AC40 Camera, RCX90 Camera, RX130 Crawler with 6 small rubber wheels installed. 8 medium rubber wheels, 4 large rubber wheels, and 2 climber wheels. Double Cable Roller for SAT, Guide pipe adapter DN75 with set of 4 guide pipes DN200-DN800. 2 Gigaware Cables for DCX to Computer, Pressure Kit.

2021 Ford T-250 High Roof Transit Van

1

List Price:  
\$44,500.00

VSA Price:  
\$41,830.00

**New 2021 Ford Transit T-250 Hi Roof Van – 6% VSA Discount**

- Engine: 3.5L PFDi V6 Flex-Fuel
- Transmission: 10-Speed Automatic w/OD & Select Shift
- GVWR: 9,070 lbs
- Color: Oxford White
- AM/FM Radio

Ford Transit Gas Generator Buildout

1

List Price:  
\$ 38,884.46

VSA Price:  
\$36,551.39

**Preferred Build -6% VSA Discount**

- Per Attached Specifications

<i>XXL Wheels (4)</i>	1	List Price: \$2,340.00	VSA Price: \$2,199.60
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**XXL Rubber QC Wheels – 6% VSA Discount**

- Four (4) Quick Change XXL Rubber Wheels. Four are required for a complete set and are recommended to be used with two small rubber wheels on the center axle

<i>Medium Grease Wheels (2)</i>	1	List Price: \$760.90	VSA Price: \$715.25
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**Medium Grease QC Wheels – 6% VSA Discount**

- Two (2) Quick Change Medium Grease Wheels. Four are required for a complete set and are recommended to be used with two climber wheels on the center axle

<i>Medium Grease Wheels (2)</i>	1	List Price: \$760.90	VSA Price: \$715.25
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**Medium Grease QC Wheels – 6% VSA Discount**

- Two (2) Quick Change Medium Grease Wheels. Four are required for a complete set and are recommended to be used with two climber wheels on the center axle

<i>Medium Aggressive Wheels (2)</i>	1	List Price: \$1,272.63	VSA Price: \$1,196.27
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**Medium Aggressive QC Wheels – 6% VSA Discount**

- Two (2) Quick Change Medium Aggressive Wheels. Four are required for a complete set and are recommended to be used with two climber wheels on the center axle.

<i>Medium Aggressive Wheels (2)</i>	1	List Price: \$1,272.63	VSA Price: \$1,196.27
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**Medium Aggressive QC Wheels – 6% VSA Discount**

- Two (2) Quick Change Medium Aggressive Wheels. Four are required for a complete set and are recommended to be used with two climber wheels on the center axle.

WinCan Advanced Package, Single User Subscription (Annually)	1	List Price: \$3,060.64	VSA Price: \$2,877.00
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**WinCan VX Pipeline Inspection Software – Advanced Package, Single User Subscription – 6% VSA Discount**

- ANNUAL WinCan VX Advanced License includes: Section/Lateral/Manhole, Basic Reporting, Report Generator, Data Viewer, All languages & Standards, Map Viewer, PhotoAssistant, Drawing function, Meta DB, Data Transfer Tool, SQL database option, Multiple Inspection, Grading, MPEG 1/2/4 Recording, Software Encoding and Text Generator. NASSCO Validator, Inclination, Local deformation & Crack width with laser, HD Video Capture.

WinCan On-Site Installation & Training	1	List Price: \$2,670.00	VSA Price: \$2,509.80
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**WinCan On-Site Installation & Training**

- One Day On-Site Installation and WinCan Software Training includes instructor's time and expenses

Rackmount Computer	1	List Price: \$2,883.00	VSA Price: \$2,710.02
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**Rackmount Computer – 6% VSA Discount**

Envirosight Freight & Training	1	\$0.00	
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Includes:

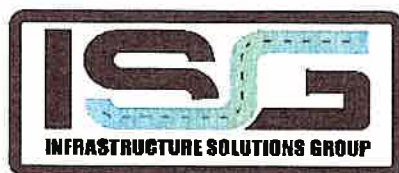
- Delivery and 2 Days on-site EnviroSight training provided by both EnviroSight & ISG representatives

- No VSA Discount Applicable

<b>List Price</b>	<b>\$275,405.16</b>
<b>VSA Discount Applied</b>	<b>-\$8,313.31</b>
<b>ISG Municipal Discount</b>	<b>-\$17,091.85</b>
<b>VSA Procurement Program Total Price</b>	<b>\$250,000.00</b>

**PROPOSAL DATE: 8/30/2021**  
**QUOTE NUMBER: CC-2021.8.30-1**  
**QUOTE EXPIRATION DATE: 9/30/2021**  
**PAYMENT TERMS: NET 30**  
**EXPECTED DELIVERY DATE: Mid December 2021**

**Chris Croston**  
**Maryland Territory Manager**  
**Infrastructure Solutions Group**  
**8383 Old Richfood Rd**  
**Mechanicsville, VA. 23116**  
**443-613-2280 Cell**  
**Chris@WeAreISG.com**  
**<https://infrasolutionsgroup.com>**





# CITY OF CUMBERLAND MARYLAND



## DEPARTMENT OF PUBLIC WORKS

November 11, 2021

Mayor and City Council of  
Cumberland, MD  
57 N. Liberty St.  
Cumberland, MD 21502

Dear Mayor and City Council,

I recommend that we move forward with the sole source purchase of a New 2021 Ford T-250 Envirosight Camera Van from Infrastructure Solutions Group through other agency's purchasing co-ops. Infrastructure Solutions Group is offering us the Virginia Sheriff's Association Heavy Equipment Procurement Program Contract #22-03-0721 pricing (purchasing co-op), which is in accordance with Section 2-171 (c) (iv) of the City Code.

This truck was budgeted by the Sewer Department for \$250,000.00. The total cost of this truck will be \$250,000.00. The ability to obtain the Virginia Sheriff's Association Heavy Equipment Procurement Program cooperative purchasing allows us to save money and to work with dealers that deal with municipalities like ourselves. Since these dealers specialize in heavy-duty trucks/equipment, we can receive them in a timely manner and save money.

Please consider this sole source purchase.

Sincerely,

David Broadwater Jr  
Fleet Maintenance Coordinator

**MAYOR**  
RAYMOND M. MORRISS

**COUNCIL**  
RICHARD J. CIONI, JR.  
EUGENE T. FRAZIER  
JOSEPH P. GEORGE  
LAURIE P. MARCHINI

**CITY ADMINISTRATOR**  
JEFFREY F. SILKA

**PW OPERATIONS  
MANAGER**  
BROOKE CASSELL



MEMBER MARYLAND  
MUNICIPAL LEAGUE (MML)

215 BOWEN STREET, CUMBERLAND, MD 21502 [www.cumberlandmd.gov](http://www.cumberlandmd.gov)  
VOICE (301)759-6620 • FAX (301)759-6632 • TDD (800)735-2258

**File Attachments for Item:**

. Order 26,902 - declaring City-owned property at 309 S. Cedar Street (Tax ID No. 04-015460) as surplus property, authorizing it for public sale, and authorizing the execution of a deed to effect the transfer of the property after 20 days from the date of this order



Real Property Data Search

Search Result for ALLEGANY COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

**Special Tax Recapture:** None

**Account Identifier:** District - 04 Account Number - 015460

Owner Information

**Owner Name:** CUMBERLAND MAYOR AND CITY COUNCIL **Use:** EXEMPT  
**Principal Residence:** NO  
**Mailing Address:** 57 N LIBERTY ST **Deed Reference:** /02706/ 00256  
 CUMBERLAND MD 21502-

Location & Structure Information

**Premises Address:** 309 S CEDAR ST **Legal Description:** 309 S CEDAR ST  
 CUMBERLAND 21502-0000 BLACK LOTS 25.5X148  
 5.0X148

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0111	0013	2200	6040016.01	0000				2021	Plat Ref:

**Town:** CUMBERLAND

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1913	912 SF		2,237 SF	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	NO	STANDARD UNIT	ASBESTOS SHINGLE/ FRAME	3	1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2021	07/01/2022
<b>Land:</b>	6,000	6,000		
<b>Improvements</b>	22,000	22,100		
<b>Total:</b>	28,000	28,100	28,033	28,067
<b>Preferential Land:</b>	0	0		

Transfer Information

<b>Seller:</b> SHRYOCK MARK	<b>Date:</b> 09/29/2021	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /02706/ 00256	<b>Deed2:</b>
<b>Seller:</b> BURKEY RONALD WILLIAM-DONNA J	<b>Date:</b> 09/11/2013	<b>Price:</b> \$1,000
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /01999/ 00428	<b>Deed2:</b>
<b>Seller:</b> STEELE, RONALD M JR	<b>Date:</b> 09/22/2004	<b>Price:</b> \$35,000
<b>Type:</b> ARMS LENGTH IMPROVED	<b>Deed1:</b> /00735/ 00682	<b>Deed2:</b>

Exemption Information

Partial Exempt Assessments:	Class	07/01/2021	07/01/2022
<b>County:</b>	860	0.00	28,067.00
<b>State:</b>	860	0.00	28,067.00
<b>Municipal:</b>	860	0.00 28,067.00	0.00 28,067.00

**Special Tax Recapture:** None

Homestead Application Information

**Homestead Application Status:** No Application

Homeowners' Tax Credit Application Information

**Homeowners' Tax Credit Application Status:** No Application **Date:**

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

**ORDER NO. 26,902**

**DATE: November 16, 2021**

**WHEREAS**, The Mayor and City Council of Cumberland is the record owner of a parcel of property identified as 309 S. Cedar Street; and

**WHEREAS**, the Mayor and City Council have determined that this property is no longer needed for any public use and will be offered for sale to the general public;

**IT IS, THEREFORE, ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT:**

1. The following property is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland:

**309 S Cedar Street**

Tax ID No. 04-015460

Deed reference: Book 2706, Page 256

2. After the passage of twenty (20) days from the date of this Order, the Mayor and City Council may pass an Ordinance authorizing the execution of a deed effecting the conveyance of the property to the purchaser, and the City may proceed with the transfer of the property in accordance with the terms of said Ordinance

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**Raymond M. Morriss, Mayor**

**File Attachments for Item:**

. Order 26,903 - accepting the bid from The EADS Group, Inc. for the "Water Distribution Analysis and CIP Update Contract (15-21-W)" in the lump sum cost of \$32,000

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

**ORDER NO. 26,903**

**DATE: November 16, 2021**

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

**THAT**, the bid from The EADS Group, Inc., 50 N. Mechanic Street, Cumberland, MD, for “Engineering Services: Water Distribution Analysis and CIP Update (15-21-W)” be and is hereby accepted in the lump sum cost of Thirty-two Thousand Dollars (\$32,000); and

**BE IT FURTHER ORDERED**, that all other bids be and are hereby rejected.

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**Raymond M. Morriss, Mayor**

**Budget: 002.220.20100 - Water Distribution**

**Order of Bids:**

<b>Contractor</b>	<b>Bid Amount</b>
EADS	\$32,000.00
Barton & Loguidice, PC	\$58,900.00
Rummel, Kiepper & Kahl LLP	\$64,250.00
Whitman, Requardt & Assoc.	\$66,120.00
George, Miles & Buhr, LLC	\$87,997.00
Gwin, Dobson & Foreman, Inc.	\$91,116.55

# Council Agenda Summary

Meeting Date: 11/2/2021

Key Staff Contact: John DiFonzo, PE

## ***Item Title:***

Award Engineering Services: Water Distribution Analysis and CIP Update Contract

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

Award Engineering Services: Water Distribution Analysis and CIP Update Contract to low responsive bidder, The EADS Group, Inc., in the lump sum cost of \$32,000.

Project includes the analysis of the City's Water Distribution System to determine condition of the water distribution system. In addition to the analysis the consultant will provide recommendations for a prioritized improvement plan in the form of an updated Capital Improvement Plan (CIP) for the Water Distribution System for the next 20 years.

This project was advertised for bid on 9/6/21. Bids closed on 10/6/21, with six qualified bids being received. The low bidder was The EADS Group, Inc., with an acceptable bid of \$70,000. The other acceptable bids ranged from \$58,900 to \$98,116.55.

The project is budgeted for this fiscal year, and utilizes City funds.

***Amount of Award:*** \$32,000.00

***Budget number:*** 002.220.20100

***Grant, bond, etc. reference:*** City Funds

PROJECT INFORMATION	
Project Title:	Engineering Services: Water Distribution Analysis and CIP Update
City Project:	15-21-W
Contract Length:	120 Calendar Days
BID OPENING	
Date & Time:	October 6, 2021 2:30 PM EDT
Location:	Council Chambers, City Hall Cumberland, MD 21502

CERTIFIED BID TABULATION					
BIDDER	BIDDER	BIDDER	BIDDER	BIDDER	BIDDER
The EADS Group, Inc.	Gwin, Dobson & Foreman, Inc.	Whitman, Reardon and Associates, LLP	Rummel, Klepper & Kahl, LLP	Barton & Loguidice, P.C.	George, Miles & Buhr, LLC
50 N. Mechanic Street Cumberland, MD 21502	3121 Fairway Drive Altoona, PA 16602	801 South Caroline Street Baltimore, MD 21231	700 E. Pratt Street Suite 500 Baltimore, MD 21202	116 Defense Highway Suite 309 Annapolis, MD 21401	954 Ridgebrooke Road Suite 230 Sparks, MD 21152

The EADS Group, Inc.	Gwin, Dobson & Foreman, Inc.	Whitman, Reardon and Associates, LLP	Rummel, Klepper & Kahl, LLP	Barton & Loguidice, P.C.	George, Miles & Buhr, LLC
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BIDS AND ALTERNATES															
BID NO.	DESCRIPTION OF BID	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Analysis of Cumberland Water Distribution System	LS	1	\$ 9,000.00	\$ 9,000.00	\$ 29,968.50	\$ 29,968.50	\$ 29,309.00	\$ 29,309.00	\$ 16,100.00	\$ 16,100.00	\$ 33,400.00	\$ 33,400.00	\$ 38,757.00	\$ 38,757.00
2	CIP Update	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 22,347.75	\$ 22,347.75	\$ 9,346.00	\$ 9,346.00	\$ 9,900.00	\$ 9,900.00	\$ 8,300.00	\$ 8,300.00	\$ 18,060.00	\$ 18,060.00
3	Major component spreadsheet and plan diagrams of major facilities (Pump Stations, Tanks, PRV stations, etc.)	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 26,776.50	\$ 26,776.50	\$ 16,862.00	\$ 16,862.00	\$ 23,400.00	\$ 23,400.00	\$ 5,400.00	\$ 5,400.00	\$ 13,100.00	\$ 13,100.00
4	Recommendations for Fort Hill Reservoir	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 19,023.80	\$ 19,023.80	\$ 10,603.00	\$ 10,603.00	\$ 14,850.00	\$ 14,850.00	\$ 11,800.00	\$ 11,800.00	\$ 12,080.00	\$ 12,080.00

The EADS Group, Inc.	Gwin, Dobson & Foreman, Inc.	Whitman, Reardon and Associates, LLP	Rummel, Klepper & Kahl, LLP	Barton & Loguidice, P.C.	George, Miles & Buhr, LLC						
Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓
AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓
LPC	City	LPC	N/A	LPC	N/A	LPC	N/A	LPC	N/A	LPC	N/A
ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓
BASE BID	\$ 32,000.00	\$ 98,116.55	\$ 66,120.00	\$ 64,250.00	\$ 58,900.00	\$ 81,997.00					

I HEREBY CERTIFY THE ABOVE IS A TRUE AND CORRECT SUMMARY OF THE PROPOSALS RECEIVED:



Robert Smith  
Director of Engineering