

# Mayor and City Council of Cumberland

## WORK SESSION

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

Tuesday, September 7, 2021  
5:00 p.m.

**PRESENT:** Raymond M. Morriss, President; Council Members: Seth Bernard, Richard Cioni, and Laurie Marchini. Council Member Eugene Frazier was absent at the beginning of the meeting, and entered at 5:10 p.m.

**ALSO PRESENT:** Ken Tressler, Interim City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

**Media:** Greg Larry – Cumberland Times-News; Brian Gowan – WCBC Radio

### I. PUBLIC MEETING AGENDA REVIEW – SEPTEMBER 7, 2021

Mayor Morriss reviewed the Reports, Minutes, and Presentation on the agenda and called for any questions or comments. Being none, Mr. Tressler reviewed the New Business ordinances, up for their first readings:

**Ordinance No. 3896** – to repeal and reenact with amendments Article II of Chapter 14 pertaining to noise nuisances.

Mr. Cohen advised that this ordinance rewrites the City’s noise nuisance provisions, and moves away from subjective standards that are currently in the code, and provides objective standards that can be enforced, which are measurable by decibels. He added that this ordinance also contains provisions relative to shooting ranges.

**Ordinance No. 3897** – amending Section 11-93 of the City Code to except indoor shooting ranges from the general prohibition against the discharge of firearms in the City.

Mr. Cohen advised that this ordinance enables shooting ranges to be excepted from the prohibition in place currently against firing guns in the City.

**Ordinance No. 3898** – authorizing execution of a deed to convey surplus property at 455 Baltimore Avenue to Andrea C. Moore for the amount of \$3,111 with terms included to cause the property to revert back to the City should certain terms for rehabilitation not be met.

Mr. Tressler advised that this ordinance includes terms to cause the property to revert back to the City should certain terms for rehabilitation not be met. He added that this was a property that was acquired and bid in Round II of the City’s recent surplus property sales, and it being a rehab-able property is the reason for the reverter clause.

**Ordinance No. 3899** - authorizing execution of a deed to convey surplus property at 424 Goethe Street to Sandesh Sreenivas for the amount of \$1,200 with terms included to cause the property to revert back to the City should certain terms for rehabilitation not be met.

Mr. Tressler advised that this property also includes the reverter clause should certain terms for rehabilitation not be met.

Mr. Tressler reviewed the Orders on the Consent Agenda:

**Order 26,863** - granting a residential Special Taxing District exemption of \$372.59 to Robert and Rosario Chevez for 47 Baltimore Street for the tax years 2020-2021; and \$640.16 to JoAnn Circosta for 107 S. Centre Street for the tax years 2021-2022.

Mr. Tressler advised that these STD exemptions are for the residential exemption relative to property in the special taxing district downtown, and are done every year.

**Order 26,864** - declaring certain computer equipment to be surplus property (3 Samsung 50" plasma monitors, and 1 Samsung 42" plasma monitor) and authorizing them to be scrapped or e-cycled.

Mr. Tressler advised that this is the old equipment that used to be in the Council Chambers, and has been replaced.

**Order 26,865** declaring a 1990 580K Backhoe (VIN: G0028571) surplus and authorizing it for scrap, sale or trade-in.

**Order 26,866** - authorizing execution of a Memorandum of Understanding with the Allegany County Board of Elections outlining terms for their use of the City Hall Council Chambers as an alternate election office during peak election periods in the event of an emergency, effective July 1, 2021.

**Order 26,867** - authorizing the City Solicitor and the City's opioid case attorneys to cast bankruptcy plan ballots for plan approvals and rejections, as recommended by the City's attorneys.

Mr. Tressler advised that the City is a participant in class action lawsuits against several big pharma companies, with settlements from individual companies, and this order authorizes the City Solicitor to cast votes.

**Order 26,868** - accepting a \$25,000 award from the Certified Local Government Sub-grant for the purpose of completing a Preservation Plan. Matching funds in the amount of \$25,000 have been budgeted for this project in the General Fund.

Mr. Tressler advised that this plan will serve as an information document pertaining to property improvements in the Historic District.

**Order 26,869** - approving the Evitts Creek Water Company's (ECWC) execution of a Public Access Program Cooperative Agreement with the PA Game Commission (PAC) providing terms by which ECWC land is made available to public use for hunting and, in

exchange, the PAC patrols the land, provides law enforcement, and is granted certain right of entry and wildlife and habitat development rights.

Mr. Tressler advised that this order will allow hunting on the watershed lands and will also give the PA Game Commission access to provide law enforcement to monitor that activity. He added that this is a renewal of an agreement the City has had for years.

**Order 26,870** - authorizing execution of a Donation Agreement with Paula J. Barney and Donald T. Barney regarding the donation of 471 Goethe Street to the City.

Mr. Cohen stated that he has the deed, and said he will record it as soon as the donation agreement is signed.

Mr. Greg Larry asked how many applicants there were for Seth Bernard's soon to be open council seat. Mayor Morriss advised that there was a total of ten, and added it was a very good field to choose from.

Mr. Cohen advised that they just received a signed contract for the demolition of 309 Fayette Street, which is beside the Fayette Street Bridge.

## **II. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 5:12 p.m., with Councilman Frazier making a motion to move into closed session, seconded by Councilman Bernard, and was passed on a vote of 5-0.

Another motion was made at 5:15 to move out of closed session and back into open session by Councilwoman Marchini, seconded by Councilman Bernard, and was passed on a vote of 5-0, to discuss laws regarding whether or not the names of candidates for City Council can be released to the public.

## **III. DISCUSSION: LAWS REGARDING CANDIDATES NAMES MADE PUBLIC**

Mr. Cohen advised that he can't tell M&CC what it can or can't do, and said he can only advise on the laws so M&CC can make an informed decision whether to abide by it, or think there's an exception to it, etc.

Mr. Cohen stated that the last time he was asked about this issue he looked at the Open Meetings Act manual, published by the Maryland Attorney General, which has a provision he had provided to Council at the time, which said that in instances such as this - appointing potential vacancy on an elected or appointed position - you can't release the names of the applicants if it's something contained exclusively within their application.

Mr. Cohen stated that M&CC can decide if they want to release the names, and said that he likes the idea of sharing names, but there is this provision from the Attorney General.

Mayor Morriss advised that he has no issue with releasing the names, but said his concern was that they are going to review the potential candidates and discuss whether or not to interview all of them. He stated that if they release the names, and then not interview them all, it puts people not receiving an interview in a bad situation.

Councilwoman Marchini advised that last time, the applicants signed a waiver to release their names, and Mr. Cohen stated that can be done again, and said it's the path of least resistance. Councilwoman Marchini advised that all of Council has received criticism for not releasing the names of candidates, and wanted to go on record saying that due to the Open Meetings Act, it should not be done, and said it's not the M&CC trying to be secretive.

Mr. Cohen stated he would provide a copy of the manual specifics to the media if they want. Mr. Brian Gowan asked has it changed, with Mr. Cohen stating that it depends on how you do it, if there are open interviews, the candidates have the choice to attend or not, but said that there aren't many instances of this. Mr. Gowan asked when the selection would be finalized, with the Mayor responding by the middle of next week, hopefully.

At 5:23 p.m., a motion was made to move back into Closed Session by Councilman Frazier, seconded by Councilman Bernard, and was passed by a vote of 5-0.

Respectfully submitted,  
Marjorie A. Woodring  
City Clerk

Minutes approved December 21, 2021