



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

MINUTES

M&CC Regular Meeting
City Hall, 57 N. Liberty Street, Cumberland, MD 21502

DATE: December 07, 2021

I. OPEN SESSION - 6:15 P.M.

II. Pledge of Allegiance

III. Roll Call

PRESENT:

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

Also Present: Jeff Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Ken Tressler, Director of Administrative Services; Shannon Adams, Interim Fire Chief; Chuck Ternent, Chief of Police; Brian Gowans, WCBC Radio; Greg Larry, Cumberland Times-News

IV. Statement of Closed Meeting

1. Summary Statement of closed meeting

Mayor Morriss announced that a Closed Meeting had been held on December 7, 2021 at 4:30 p.m. and read into the record a summary of that meeting which is attached hereto and made a part of these minutes as required under Section 3-306 (c) (2) of the General Provisions Article of the Annotated Code of Maryland.

V. Director's Reports

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

(A) Administrative Services

1. Administrative Services monthly report for September, 2021

(B) Engineering

1. Engineering Division monthly report for November, 2021

(C) Public Works

1. Maintenance Division monthly report for October 2021

VI. Approval of Minutes

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

1. Approval of the Closed Session Minutes of August 17, 2021, and the Regular Session Minutes of September 7, 2021

VII. Unfinished Business

(A) Ordinances

1. **Ordinance 3907** (*2nd and 3rd readings*) - 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.

Mr. Silka provided background on the ordinance and advised that materials were already being secured by the contractor, and said this project will cost roughly \$3.16M, with various funding being utilized.

SECOND READING: The ordinance was submitted in title only for its second reading. The reading was interrupted and a **motion** was made by Councilwoman Marchini to suspend the second reading and move to the third after comments. Councilman George seconded the motion, and the **motion** and it 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 submitted in title only for its second reading and was approved by a vote of 5-0

VIII. New Business

(A) Resolutions

1. **Resolution R2021-08** (*1 reading*) - authorizing certain businesses located in the Gateway Enterprises Zone to receive tax credits for the year 2022-2023.

Mr. Silka provided background on the Gateway Enterprise Zone, saying that qualifications are reauthorized annually for those businesses included in the zone by the County, with the City reauthorizing separately.

The resolution was submitted in title only. **Motion** to approve the resolution was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **Motion** to approve Order Nos. 26,904 through 26,916 was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0. **Motion** to approve Order Nos. 26,917 and 26,918 was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 4-0, with Councilman George abstaining. **Motion** to approve Order Nos. 26,919 through 26,923 was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 5-0.

Order 26,904 - authorizing the Chief of Police to enter in to a Memorandum of Understanding (MOU) with the United States Department of Veterans Affairs, Martinsburg, WV, Care System to formalize an existing relationship between the CPD and the US Dept. of Veterans Affairs reinforcing interagency coordination, response and requests for assistance at the VA Community Based Outpatient Clinic in Cumberland, Maryland.

Chief Ternent advised that this order just updates the existing MOU already in place, and said the CPD provides mostly all the protection at the clinic, as the VA police don't have a station here in Cumberland. He added that this is to finalize how the CPD operates and interacts with them.

Order 26,905 - accepting the proposal from Hertrich Fleet Services, Inc. to supply one 2022 Ford Interceptor Utility vehicle for use in the Cumberland Fire Department in the amount of \$41,059.00. This equipment will be purchased as part of the State of MD Contract for police equipment, pursuant to Section 2-171 (b) of the City Code.

Order 26,906 - authorizing the execution of Change Order No. 2 to the original contract with Carl Belt, Inc. for the Flood Control System Concrete Repairs Project (01-13-FPM), decreasing the original contract amount by \$6,250 and bringing the new contract amount to \$181,400.

Mr. Smith advised that the decrease in price was due to not installing Bid Item #10 – Mill Race-Install Concrete Gutter, in lieu of installing Bid Item #10A – Install Riprap Along Slope.

Order 26,907 - authorizing execution of an Encroachment Agreement with the Allegany County Commissioners to allow the County to relocate its recycling center from the north side of Riverside Avenue to the western end of Kelly Road.

Order 26,908 - lifting the provisions of Section 11-113 of the City Code to allow open containers of alcohol within a defined area of the downtown mall for the New Year's Eve Ball Drop event, to be effective beginning December 31, 2021 at 10:00 p.m. and extending through January 1, 2022, at 1:00 a.m.; notwithstanding that open glass containers shall not be permitted.

Order 26,909 - declaring City-owned property at 443 Columbia Street to be surplus property and authorizing it for sale to the general public.

Order 26,910 - approving the request from Noble Environmental (Mountainview Landfill) for a one-year extension on the current contract to provide landfill services for accepting municipal solid waste from the City of Cumberland (22-18-M) for an additional one-year term to be effective 7/1/22 - 6/30/23, and to accept curbside municipal solid waste with a \$38.52/ton tipping fee.

Mr. Silka advised that this is an extension of the City's current landfill rate and said Noble Environmental is taking over for Waste Management. He added that this gives the City an additional year as further analysis is done on the landfill.

Order 26,911 - authorizing the sole source purchase of filter media in the estimated amount not-to-exceed \$50,000 from Leopold/Xylem Water Solutions USA, Inc. for media replacement in filter beds at the Water Filtration Plant.

Mr. Smith advised that the filter beds have exceeded their useful life so they need to be replaced, and added that the City doesn't have enough storage to purchase all of the filter media at one time, so the material will be purchased one bed at a time.

Order 26,912 - accepting the sole source proposal from Cleveland Brothers Caterpillar, Murrysville, PA to provide a new Caterpillar 246D3 Skid Steer Loader with saw attachment for an amount not to exceed \$66,755.00 through Sourcewell agreement pricing and including a trade-in price of \$7,000 for a 1999 Bobcat Skid Steer Model 763.

Order 26,913 - accepting the sole source proposal from Five Star International and Stephenson Equipment to provide a new International HV507 SFA Dump Truck w/plow and spreader through Co-Star pricing for an amount not-to-exceed \$171,630.

Order 26,914 - approving a Special Taxing District (STD) property tax exemption of \$1,042.76 for 55 Baltimore Street, owned by David Romero.

Order 26,915 - authorizing execution of a Reimbursement and Release Agreement with Columbia Gas outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system on Fayette Street from Greene St. to Private Alley 131LF south of High Lane, in exchange for a lump sum amount of \$106,607.

Mr. Smith advised that there are three of these agreements with Columbia Gas, which will put the paving in the City's hands, to get better pricing. He added that with the three agreements, the paving totals approximately \$470K, and said it gives the City buying power to access state contracts in order to lock contractors in ahead of time and be able to do more paving. He said there will be more of these agreements in the future when it is advantageous for the City to do so.

Order 26,916 - authorizing execution of a Reimbursement and Release Agreement with Columbia Gas outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system in the areas of Olive Ave., Ella Ave., Elder St., Virginia Ave., and Humbird St. in exchange for a lump sum payment to the City of \$166,066.

Mr. Silka advised that this is the second agreement with Columbia Gas.

Order 26,917 - authorizing the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Family Crisis Resource Center (FCRC) to provide police overtime in the amount not-to-exceed \$8,000, providing Domestic Violence Response Team (DVRT) follow-ups.

Chief Ternent provided information on Order 26,917 and Order 26,918, and said the CPD has a great partnership with FCRC, and said these two orders are regarding the two projects the CPD has been involved with for years: 1) Pay officers to go out to the homes with family violence advocates, and 2) Provide officers for security during visitation with estranged parents.

Order 26,918 - authorizing the Chief of Police to enter into a Memorandum of Understanding with the Family Crisis Resource Center to provide police overtime in the amount not to exceed \$19,583, providing security at FCRC during supervised visitation and exchange.

Order 26,919 - authorizing execution of a Reimbursement and Release Agreement with Columbia Gas outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system in the areas of Frederick, Decatur, Fulton, Davidson, Glenn, Charles, and Bellevue Streets, and Footer Place in exchange for a lump sum payment to the City of \$195,195.00.

Mr. Silka advised that this is the third agreement with Columbia Gas

Order 26,920 - City of Cumberland – FY 2021 Year-end Budget Adjustment.

Mr. Tressler provided details about the FY21 end of year budget adjustment, and reviewed the major items.

Order 26,921 - authorizing execution of a Donation Agreement with Angela F. Growden for the conveyance of 421 S. Central Ave. (Tax No. 22-014293) to the City, authorizing acceptance of the deed to transfer the property, and authorizing the City Administrator and City Solicitor to execute documents necessary to facilitate the transfer.

Mr. Silka advised that this project is ongoing.

Order 26,922 - authorizing execution of a Subdivision Distributor Settlement Participation Agreement and a Subdivision Janssen Settlement Participation Agreement stating that the City elects to participate in the Janssen and Distributor Settlement Agreements of July, 2021, and become a participating subdivision in order to obtain benefits from the settlements.

Mr. Cohen explained that this order provides for the City to ride on the coattails of others to obtain benefits, and said all other orders regarding opioid settlements will essentially have this same explanation.

Order 26,923 - approving the expenditure of American Rescue Plan Act (ARPA) funding for certain community programs and infrastructure in the amount of \$1,938,863.

Mr. Silka advised that these are basically projects that the City has been able to get out of the chute quickly, and reviewed the projects and amounts allocated for them.

Brian Gowans, WCBC Radio, noted that it is nearing the 1-year anniversary of the ground-breaking of the Maryland Avenue Project, and asked for an update. Mayor Morriss advised that the footers have been laid for the Phase I project, and said excavating has started. He also advised that the developer has acquired another property, the green duplex across from the Chick-fil-A, and said that completes the lots for that corner. The Mayor added that the developer is actively engages in negotiation with a convenience-type store for that site, which he said could be a Royal Farms or a Wa-Wa.

Greg Larry, Cumberland Times-News, asked for news about the WMSR's restored 1309 steam engine. Mayor Morriss, who is on the WMSR board, advised that the engine had made its test run, and had passed all FRA inspections. He said it is scheduled for three Polar Express excursions to Helmstetter's Curve this month.

IX. Public Comments

No public comments

All public comments are limited to 5 minutes per person

X. Adjournment

With no further business at hand, the meeting adjourned at 6:59 p.m.

Minutes approved on January 4, 2022

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk