



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

AGENDA

M&CC Public Meeting
City Hall

DATE: September 06, 2022

OPEN SESSION

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

1. Summary Statement of the closed meeting held September 6, 2022

Presentations

1. Presentation of City Star Awards to individuals who have gone above and beyond the expected to make a difference in our community.

Director's Reports

(A) Engineering

1. Engineering Department monthly report for July, 2022

Approval of Minutes

1. Approval of the Work and Closed Session Minutes of April 26, 2022, and the Closed, Work, and Regular Session Minutes of May 3, 2022, and the Closed and Regular Session Minutes of May 17, 2022

Public Hearings

1. Public Hearing - to receive comment on proposed **Charter Amendment Resolution No. 149** to rescind Charter Amendment No. 145 and to repeal Section 75 of the Charter, which prohibits the carrying of a concealed weapon in accordance with Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland
2. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 150** to rescind Charter Amendment No. 146 and to repeal and reenact with amendments Charter Section

24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence

3. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 151** to rescind Charter Amendment No. 147 and to repeal Charter Sections 192-203 pertaining to the Mayor and City Council's authority over the Memorial Hospital

Unfinished Business

(A) Ordinances

1. **Ordinance 3925 (2nd and 3rd readings)** - to authorize the transfer of City-owned property at 728 Baker Street to Floyd F. Gregory, Jr. for the purchase price of \$500

New Business

(A) Ordinances

1. **Ordinance 3926 (1st reading)** - approving the transfer of 471 Baltimore Avenue to Bechance, LLC for the purchase price of \$100 and authorizing execution of a deed to effect the transfer

(B) Orders (Consent Agenda)

1. **Order 27,074** - authorizing the Chief of Police to accept a FY23 Sex Offender Compliance Grant in the amount of \$18,071.00 for Cumberland Police Department and Allegany County Sheriff's Office overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency
2. **Order 27,075** - authorizing the Chief of Police to accept a FY23 Maryland Center for School Safety (MCSS) SRO grant in the amount of \$49,245.00 to provide adequate police coverage in and around city schools, pay officers' overtime to supplement school resource activities, and provide additional officers to patrol during school time and extracurricular activities
3. **Order 27,076** - accepting the State bid from Hertrich Fleet Services Inc. for five (5) police vehicles at a total not-to-exceed cost of \$247,140.00
4. **Order 27,077** - rescinding Order No. 27,055 because of a misstated purchase amount and accepting the sole source proposal from L/B Water Service, Inc. to provide water meters and smartpoints for FY23 in the amount not-to-exceed \$335,000
5. **Order 27,078** - appointing Jeffrey F. Silka, City Administrator, as a City representative to the Enterprise Zone Advisory Committee effective this date
6. **Order 27,079** - accepting the proposal from MuniLink to provide FY23 software hosting and support services for the City's utility billing system in the amount not-to-exceed \$43,016.62
7. **Order 27,080** - abating real estate and special taxing district taxes for 118 Baltimore Street, owned by the Cumberland Economic Development Corporation
8. **Order 27,081** - approving a residential exemption from the Special Taxing District Levy for the 2022-2023 tax year for 33 N. Centre Street in the amount of \$600.72

- 9. Order 27,082** - reappointing Dan Bowser to the Downtown Development Commission and Harold Hipsley to the Shade Tree Commission
- 10. Order 27,083** - accepting the proposal from KONE, Inc. to rehabilitate two (2) elevators in the Public Safety Building for the amount not-to-exceed \$440,000
- 11. Order 27,084** - authorizing execution of Change Order No. 1 to the Residential Grass Mowing Project (14-22-M) with Casey Smith, LLC dba/ ServicePro, for the increased not-to-exceed amount of \$6,300.00; bringing the total contract amount to \$59,690.00

Letters / Petitions

- 1.** Report from the City Clerk advising of the official results of the 2022 Cumberland Municipal Primary Election as certified by the Maryland Board of Elections, showing that the four (4) highest vote getters and those whose names will be placed on the General Election Ballot for November 8, 2022, are Rock Cioni, Mary Conlon, James Leo Furstenberg, III, and Joseph Paul George

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

. Engineering Department monthly report for July, 2022

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

Capital Projects							July 31, 2022	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2008		05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	NO CHANGE - WRA received notice from CSX on 7/7/21 stating that they would no longer allow access in yard for any investigative or rehab activities. This decision was reviewed and confirmed by Alex Saar (PE in Jacksonville office) on 10/29/21. City now assessing legal route of obtaining access to site.	MDI	11/24/2021
2008		06-08-S	Interceptor Sewer to Evitts Creek Pump Station Phase IV	This is the sewer along Evitts Creek upstream of the Pump Station. Project is to evaluate existing line and determine if repair or replacement is best option.	Funding & Preliminary Design	NO CHANGE - Received engineering report from Gwin Dobson & Foreman on 1/18/22. Requested MDE Grant funding, using the report as a reference, in February. Awaiting notice of funding appropriations later this year.	MDI	6/9/2022
2014		04-14-WWTP	Sludge Screening Study/Design	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to revive rags in the future.	Design	NO CHANGE Need/Benefit of the project is being reevaluated, and for now the project is on hold. Design is complete and the project will remain on this report for the time being.	RLS	4/2/2018
2014		19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	NO CHANGE - The Design Report from Alta Planning + Design was submitted and presented to the Mayor and City Council. The plan to start work on Construction Funding Applications has been delayed because of the Baltimore Street Project, which would have been competing for the same funds. This project still needs to be done and should be a priority in the future.	RLS	6/1/2017
2015		9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	NO CHANGE -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC.	RLS	8/9/2019
2015		18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Planning	NO CHANGE Project continues. Staff are taking regular scheduled stream samples for e-Coli analysis at this time. Rainy days (once a month) are the target for sampling at this time.	RJK	6/3/2022
2016		12-16-M	Baltimore Street Access Improvement - Final Design	The purpose of the New Baltimore Street Town Center project is to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall.	Design	UPDATED - The City has made several changes to the project documents as requested by MDOT Federal Aid, and resubmitted the final package. MDOT Federal Aid has submitted the revised package to Federal Highway Administration (FHWA) for their review. We anticipate receiving permission from FHWA and MDOT to bid the project sometime in late July or early August.	JRD	7/19/2022
2016		17-16-M	Stage Renovations at Liberty Street Stage	Replace wood stage with Concrete	Design	NO CHANGE - This project would be unnecessary if the Baltimore Street Access project is executed. The project will remain on this list until the Baltimore Street project moves to construction.	RLS	5/15/2019
2016		18-16-BR	John J. McMullen, Bridge No. A-C-01 Repairs	Bridge Repair	Engineering	UPDATE - State in lieu of Federal Aid approval letter received on 5/23/22. Engineering services bidding was concluded on 6/19/22, with Gwin Dobson and Foreman as the low bidder. Kickoff meeting to be scheduled soon.	MDI	7/22/2022
2016		19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	NO CHANGE - The USACE is requiring the City to perform a Safety Assurance Review of the project. The City is coordinating the SAR requirements with USACE and further info will be provided.	RLS	1/26/2022

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2017		2-17-FPM	Flood Control Encroachment removal Project	The City as the Local Sponsor of the Flood Control Project is expected to maintain the easements along the Flood Control Project, however the area along Wills Creek and other areas were never given any comments until the Corps of Engineers standards changed. Completion of this project is necessary to allow the City to get a Satisfactory rating on its annual Flood Control Inspections.	Planning	NO CHANGE - This project has been delayed because of other work, but must be done. A tree removal project has been bid out and a contractor selected to do the work of removing trees in the encroachment area.	RLS	7/11/2018
2017		18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	NO CHANGE - Phases 1 & 2 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	RLS	3/26/2021
2017		31-17-W	Decatur Street 24" Crosstown Water Main Replacement	Prior to designing the water main replacement a more detailed Water Model analysis of the City's system will be done to make sure the issues are being properly addressed. Design will follow.	Design	UPDATE - All 24" pipe has been installed and the contractor is performing pressure testing, disinfecting and tie-in activities. Once the new main is in service, the road restoration phase will begin. The project is expected to be completed in September.	RLS	7/25/2022
2018		08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - The project is in the Final Engineering stage with the contract documents expected to be submitted to MDOT in January 2023.	RLS	7/25/2022
2018		09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - The project documents have been sent to FHWA. The project is expected to be bid in early August	RLS	7/25/2022
2018		22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	NO CHANGE Proposals received proposals to extend the contract for FY23. Noble Environmental (Mountainview Landfill) submitted an acceptable 1-year extension back in December. Burgmeier's Hauling provided a proposal for hauling curbside trash and recycling for FY23. This proposal was accepted by M&CC in January.	RJK	6/3/2022
2018		26-18-M	Ridgeley Levee System Certification					
2018		31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	NO CHANGE - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
2018		32-18-FPM	Rehabilitation Assistance for Flood Damages to Flood Risk Management Projects	Request USACE to make repairs or provide funding to address flood control issues	Planning	NO CHANGE - The USACE has denied financial support due to the flood control being in an unacceptable condition. The City is looking to enter the SWIF program to receive aid to get financial support for construction.	RLS	10/12/2018
2018		43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Funding for design work has been identified. The City is working on a quit claim deed with CSX to allow the project to move into the Federal Bridge program.	RLS	1/26/2022
2018		44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Studies have been returned and subject to CSX negotiations.	RLS	8/5/2019
2019		5-19-M	Virginia Ave Lot Demolition	Remove two structures and retaining walls at 6, 8 and 10 Virginia Ave.	Complete	UPDATE - Project is complete and waiting for site to be stabilized prior to closing E&S permits.	RLS	7/25/2022

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2019		7-19-WFP	Filter Building Pilot Study	Perform a study to evaluate the potential to replace current filter building with a new membrane/GAC building in the future. The City is required to perform a pilot study to validate the technology we are proposing to use.	Study	NO CHANGE - Project is waiting for authorization from the M&CC on how to proceed.	RLS	3/17/2022
2019		10-19-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	NO CHANGE - Contract underway (No work through winter months)	DTG	6/3/2022
2019		11-19-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction	NO CHANGE - Contract underway (No work through winter months)	DTG	6/3/2022
2019		14-19-M	WWTP RMP Compliance Services	RMP Compliance for OSHA 29 CFR 1910	Planning	UPDATE 3-yr audit due July 2022	RJK	6/3/2022
2020		2-20-M	Frederick St Parking Garage Repairs	Repairing a spalled section of slab on grade in Frederick St parking garage, as well as looking into sealing all concrete driving surfaces	Planning	NO CHANGE - Researching proper repair systems for spalled concrete in parking garages. Working with Street Dept. to determine if city forces can make repairs.	MDI	1/24/2020
2020		6-20-S	Sanitary Sewer Lining Assessment	Performing a cost assessment on relining (CIPP) all sanitary sewer lines within city.	Planning	NO CHANGE - Based on list of "high risk" lines provided by sewer dept, have developed a preliminary cost estimate. Awaiting updated list from most recent cleaning and cameraing prior to moving forward with project.	MDI	3/30/2020
2020		9-20-M	Constitution Park Fill Disposal	Assessing potential clean fill dump sites for Public Works	Design	NO CHANGE - Public works dept. is nearing completion of fill placement at Site #1 (behind field). Site #2 behind pool house has been cleared and the perimeter has silt fence in place. Fill may be deposited in this site upon final completion of Site #1.	MDI	7/22/2022
2020		12-20-RE	Long Field Upgrades - Phase 1	Improvements to Long Field Concession and Restroom area. Upgrades include electrical improvements.	Construction	UPDATE - Carl Belt has completed about 99% of the work under this contract. Only items remaining include new picnic table and outfield grass treatment. Project should be completed any day.	MDI	7/22/2022
2020		13-20-WWTP	CSO Nine Minimum Controls Annual Review	A requirement of our LTCP and NPDES Report to look at these controls annually		UPDATE - NMC report spring 2022; to be finalized in June.	RJK	6/6/2022
2020		14-20-M	Carver Building Repairs	Project to repair damage to the Carver Building				
2020		16-20-M	Queen City Drive ADA Improvements	Project will include upgrading sidewalk for ADA compliance along Queen City Drive at corners of Bedford and Frederick Streets, below McMullen Bridge.	Complete	COMPLETE - Harbel and sub-contractor Thomas Construction completed this project in mid-June. Project has been invoiced and will be closed out soon.	MDI	7/22/2022
2020		17-20-WWTP	CSO Long-Term Control Plan Projects/Schedule Review	Correspondences with MDE regarding the LTCP Projects and the Consent Decree (CO) end date: October 1, 2023.	N/A	NO CHANGE - All jurisdictions and AquaLaw to met with MDE on the CO extension process on November 5, 2021. MDE requires a letter with the official request and supporting documentation as next step. This Letter was sent November	RJK	6/6/2022
2020		29-20-S	Locust Grove Force Main & LaVale Water Main Replacement	Joint project between Allegany County Public Works & LaVale Sanitary Commission to replace the force main from the new Locust Grove Pump Station and replace water main to LaVale.				

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2020		30-20-SWM	Grow West Facility Expansion	SWM Review for proposed expansion of Grow West MD Facility @ the industrial park.	Construction	NO CHANGE - Contractor continues construction of expansion. City monitoring SWM situation at incomplete stage, as rainwater collection tanks have not been installed.	MDI	10/8/2021
2021		2-21-WWTP	Influent Screening System Upgrade	Design and replacement of a new influent screening system at the headworks of the WWTP.	Construction	UPDATE - Carl Belt was the low bidder for the construction phase of this project, at \$1.4m. Kickoff meeting was held in late June. Belt has begun material procurement but will not start work on site until Fall.	MDI	7/22/2022
2021		4-21-W	Route 220 20" Water Main Replacement	Project to replace the 20" water main in Route 220. The water line from I-68 to the State Prison is currently owned by the City. Discussion are being held between the City and County to partner on the project or transfer the asset to the County.	Planning	NO CHANGE - This project is in the planning stages in conjunction with Allegany County.	RLS	4/21/2021
2021		6-21-RE	Constitution Park Wading Pool Filter Renovation	Replace the cracked filter and other improvements to the mechanical building equipment for the wading pool.		NEW -		
2021		7-21-WFP	2021 ECWC Watershed Timber Sale	2021 ECWC Watershed Timber Sale		NO CHANGE - The timber sale bids have been returned and an award issued to American Hardwood Industries.	RLS	7/27/2021
2021		8-21-WWTP	SCADA System Integration	Solicit bids for a qualified Industrial Control System Integrator to complete the Water/Wastewater SCADA System integration.		NO CHANGE - This is a project to secure integrator services to support both the Water Filtration Plant and Water Reclamation Facilities	RLS	4/21/2021
2021		9-21-M	Municipal Service Center Security Fence	Installation of a security fence at the Municipal Service Center	Complete	COMPLETE - This project has been completed.	JAT	7/19/2022
2021		10-21-M	Undocumented Rights-of-Way	Decide how undocumented rights-of-way should be dedicated and what form of dedication is need to prevent the rights-of-ways from accidentally being sold.	Study	UPDATE - Reviewing a list of City owned surplus property for possible retention due to easement, utility or right-of-way needs. Evaluating using GIS to track City owned property, easements, parcels used for rights-of-way, etc. May need to request a legal opinion on several issues.	JRD	7/19/2022
2021		12-21-WWTP	Industrial Pretreatment USPI CWT Organics Permit Application	An application to discharge industrial wastewater as a Centralized Waste Treatment facility (Categorical Permit request by existing Significant Industrial User USPI)	Planning	UPDATE - Permit issued to USPI, effective date was November 22, 2021. USPI seeking approval for additional CWT wastes in permit.	RJK	6/3/2022
		13-21-W	Fayette Street Water Main Replacement and Street Repair	Replacement of watermain in Fayette Street from Allegany Street to Luteman Road, and the repair/repaving of the street as needed.	Construction	UPDATE - Project required development of an ESC Site Plan and SOW. These were created and approved by ACSD and MDE on 10/14/21. Construction (using City forces) began on 10/18/21. Project is nearing completion.	MDI	7/22/2022
2021		14-21-RE	Constitution Park Splash Pad	The installation of a splash pad and surrounding recreational area in Constitution Park.	Planning	UPDATE - Project is to be funded from ARPA. Initial splash pad consultant provided a quote exceeding estimate by >2x. Now working with multiple other splash pad contractors to determine best pricing and equipment options. Project will be completed in 2 phases, with a local contractor preparing the site, and a separate splash pad contractor installing all pad related equipment. Construction should be completed prior to 2023 pool season.	MDI	7/22/2022
2021		15-21-W	WATER DISTRIBUTION ANALYSIS and CIP UPDATE 2021	Water system engineering analysis, updated CIP recommendations, particularly concerning the Fort Hill Reservoir, and Asset Management Info for pump stations, PRV Stations and water tanks.	Planning	NEW - The EADS Group, Inc. was awarded the bid on 11/16/21. Kickoff meeting was held on 12/1/21.	DTG	1/18/2022

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2021		16-21-M	Downtown ADA Improvements	This project includes the replacement of the curb ramps for compliance with the latest ADA requirements at the following locations: Baltimore/Mechanic intersection on the southwest and northwest corners, Liberty/Dexter intersection at the southeast and southwest corners, Centre/Dexter intersection at the southeast and southwest corners, and Centre/Fredrick intersection on the northeastern side.	Planning	NO CHANGE - A preliminary estimate to determine the amount of funding needed, will be prepared this summer.	JRD	6/6/2022
2021		19-21-M	South Street ADA Improvements	This project includes the replacement of curb ramps for compliance with the latest ADA requirements along South Street between Oldtown Road and Industrial Boulevard.	Construction Bidding	NO CHANGE - The bid package for this project is complete. On hold until update is received regarding timeline and funding with CDBG staff.	JAT	3/9/2022
2021		20-21-M	Engineering Database Migration	This project will implement the migration of data from the Engineering Department's drawing database and project database to the Laserfiche document management system including the transfer of the scanned images of the Department's drawings from the file server into Laserfiche and the collection of additional metadata for each image.	Planning	UPDATE - Currently, Engineering is working with MCCi (the City's Laserfiche consultant) to create a database for Engineering projects that will use Laserfiche forms to assign new project numbers, and will also automatically create a folder for each project in Laserfiche. This led to the need for the City to Purchase the Laserfiche Forms Pro module. Additionally, a process is in place to upload drawings into the City's Laserfiche document management system. The existing scanned images of the the Eng. Dept. drawings will be uploaded into Laserfiche (with additional metadata added to each image), as time allows. In the future we will need to evaluate possible methods of capturing images of various drawings that are either too large to scan or are to fragile to scan.	JRD	7/19/2022
2021		21-21-WFP	Water Allocation Permit Renewal PA DEP	The Water Allocation Permit is required to be renewed every 25 years. The City will use Gwin, Dobson and Foreman to work through the permit and establish how much flow we can pull from the reservoirs.	Permitting	UPDATE - Application submitted in March.	RJK	6/3/2022
2021		22-21-P	General City Paving	This project paved Merchants Alley Parking Lot (Mill/Patch/Overlay) and Kelly Road along the southern face of the Grow West Facility (Full Depth reconstruct)	Construction	COMPLETE	JRD	6/6/2022
2021		26-21-FPM	Removal of Potomac Industrial Dam at Blue Bridge	Project to remove the industrial dam in the Potomac River under the Blue Bridge to Ridgeley. Water & Land Solutions will be setting up a private commercial mitigation bank to fund construction. This project is related City Project 9-15-M	Planning	NEW -		
2021		27-21-T	Maryland Ave & Williams St Traffic Study	Study to investigate the potential realignment of Maryland Avenue at its intersection with Williams Street for future development in the Rolling Mill area. BBA performed the study using CAMPO funding.	Study	UPDATE - The study is nearly complete. The consultant needs to submit their final memo from Phase 2 of the study. The findings will be presented to City Staff for direction on how to proceed.	RLS	7/25/2022

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2021		28-21-M	Municipal Service Center Pole Building	Project to construct a Pole Building at the MSC to store equipment.	Design	UPDATE - Design and specs completed. Project was advertised for bid starting 1/14/22.	DTG	1/18/2022
2021		30-21-M	Sustainable Communities Program Renewal	Sustainable Communities Program Renewal documentation. The program allows the City to access grant sources and is required to be updated every 5 years.	Planning	COMPLETE - Plan updates sent to Community Development by Dec 7th.	RJK	3/9/2022
2021		31-21-RE	Constitution Park Amphitheater Upgrades	Project to upgrade the Constitution Park Amphitheater.	Planning	UPDATE - Project is a part of the 5-year park improvement plan. Funding (\$174,350) approved through ARPA. A site plan and RFP have been developed and are being reviewed/updated. City staff to perform electrical upgrades, while site work to be completed by contractor through SourceWell. Work anticipated to begin in August.	MDI	7/22/2022
NOTE: Beginning in 2022, the Engineering Department will be migrating to a new project number format. The new number format places the 4-digit year first, a 2-digit yearly sequence second, and a 3 or 4-character project type code third.								
2022	2022-01-UTIL	1-22-M	MDE Pre Applications FFY22 FY24	Annual Pre Application Jan 2022	Permitting	COMPLETE - Applications submitted by January 31.	RJK	2/17/2022
2022	2022-02-WTR	2-22-W	South Cumberland Water Main Replacement Project	This project includes the replacement of undersized water mains in Humbird, Walsh, and Cumberland Park areas of Cumberland; plus the replacement a a 12" portion of the water main along the southern side of Industrial Blvd. (Route MD-51).	Planning	UPDATE - BBA was awarded the project and is finalizing the preliminary report. Will move into the final design stage in September.	RLS	7/25/2022
2022	2022-05-WRF	5-22-WRF	WRF Head of Plant and Operations Building Roof Replacements	Roof replacement	Complete	UPDATE - This project is complete and will be removed from next months report.	RLS	7/25/2022
2022	2022-09-SHLD	09-22-M	Cumberland Street ADA Improvements	ADA improvements at the intersection of Johnson, Cumberland, and Market Streets	Design	NEW - This project is currently in preliminary design. The scope of work includes work that was not able to be completed under projects 24-18-M and 14-11-M.	JAT	7/19/2022
2022	2022-10-SWM	10-22-SWM	Messick Road Development	SWM Review and Utility Easement Review	Review	NEW -		
2022	2022-11-PBLD	11-22-PBLD	City Hall/Public Safety Building HVAC Improvements	American Rescue Plan Act (ARPA) Funded Project to improve the HVAC systems of these buildings to improve air quality capabilities and system energy efficiency.	Design	UPDATE - A study will be performed by East Hills Engineering Associates to assess what the City's best options are improvements. The study will be returned in September.	RLS	7/25/2022
2022	2022-12-PBLD	12-22-PBLD	Prisoner Processing Improvements	American Rescue Plan Act (ARPA) funded project to remodel the prisoner processing areas of the Cumberland Police Department in the Public Safety Building	Design	UPDATE - The Engineering Department is working with Sourcewell to scope out the project. Expecting to have a full proposal for construction in September.	RLS	7/25/2022
	2022-13-PBLD	13-22-PBLD	19 Frederick Street Building Assessment	Feasibility study and building assessment for the building located at 19 Frederick Street	Study	UPDATE - This project has been awarded to the EADS group and the final report is scheduled to be delivered to the City in late September.	RLS	7/25/2022
2022	2022-14-MISC	14-22-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	NO CHANGE - Currently in bidding phase, bid openings on 6/15/22	DTG	6/3/2022
2022	2022-15-MISC	15-22-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction	NO CHANGE - Currently in bidding phase, bid openings on 6/15/22	DTG	6/3/2022

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2022	2022-16-SHLD		Waverly Terrace Retaining Wall Replacement	Project to include replacement of retaining wall below road between 16 and 24 Waverly Terrace. Will include installation of storm sewer.	Planning	NO CHANGE - Currently developing preliminary cost estimate to install an inlet along Waverly to catch stormwater runoff and direct to nearby sewerline, as well as multiple repairs to retaining wall.	MDI	7/22/2022
2022	2022-17-UTIL		Fuel Bid Bid (Heating Oil)	Heating Oil bid for WRF and WFP		NEW -		
2022	2022-18-PVG		General City Paving FY22	This project includes mill and overlay of Winston St and the Virginia Ave subway - Belt Paving	Construction	NEW - Belt Paving to pave Winston Street between Queen City Drive and MD-51 (in front of Wendy's), as well as Virginia Avenue from MD-51 to Bowen St, as part of the MD-51 paving operations. City to pay for their portion, with Columbia Gas covering half of Winston St. Work to be completed by end of July.	MDI	7/22/2022
2022	2022-19-RECR		Constitution Park Guard House	Assisting Community Development with development of bid packet for upgrades to the Guard House. CDBG project.	Design	NEW - Developing bid specs for repairs to Constitution Park Guard House. Project will be ready for advertisement by the end of July. Engineering only assisting with this.	MDI	7/22/2022
2022	2022-20-WFP		Energy Audit WVU IAC	Energy Assessment by WVU Department of Industrial and Management Systems Engineering		NEW -		
2022	2022-21-WRF		Energy Audit WVU IAC	Energy Assessment by WVU Department of Industrial and Management Systems Engineering		NEW -		

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Capital Projects							July 31, 2022	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2008		05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	NO CHANGE - WRA received notice from CSX on 7/7/21 stating that they would no longer allow access in yard for any investigative or rehab activities. This decision was reviewed and confirmed by Alex Saar (PE in Jacksonville office) on 10/29/21. City now assessing legal route of obtaining access to site.	MDI	11/24/2021
2008		06-08-S	Interceptor Sewer to Evitts Creek Pump Station Phase IV	This is the sewer along Evitts Creek upstream of the Pump Station. Project is to evaluate existing line and determine if repair or replacement is best option.	Funding & Preliminary Design	NO CHANGE - Received engineering report from Gwin Dobson & Foreman on 1/18/22. Requested MDE Grant funding, using the report as a reference, in February. Awaiting notice of funding appropriations later this year.	MDI	6/9/2022
2014		04-14-WWTP	Sludge Screening Study/Design	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to revive rags in the future.	Design	NO CHANGE Need/Benefit of the project is being reevaluated, and for now the project is on hold. Design is complete and the project will remain on this report for the time being.	RLS	4/2/2018
2014		19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	NO CHANGE - The Design Report from Alta Planning + Design was submitted and presented to the Mayor and City Council. The plan to start work on Construction Funding Applications has been delayed because of the Baltimore Street Project, which would have been competing for the same funds. This project still needs to be done and should be a priority in the future.	RLS	6/1/2017
2015		9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	NO CHANGE -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC.	RLS	8/9/2019
2015		18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Planning	NO CHANGE Project continues. Staff are taking regular scheduled stream samples for e-Coli analysis at this time. Rainy days (once a month) are the target for sampling at this time.	RJK	6/3/2022
2016		12-16-M	Baltimore Street Access Improvement - Final Design	The purpose of the New Baltimore Street Town Center project is to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall.	Design	UPDATED - The City has made several changes to the project documents as requested by MDOT Federal Aid, and resubmitted the final package. MDOT Federal Aid has submitted the revised package to Federal Highway Administration (FHWA) for their review. We anticipate receiving permission from FHWA and MDOT to bid the project sometime in late July or early August.	JRD	7/19/2022
2016		17-16-M	Stage Renovations at Liberty Street Stage	Replace wood stage with Concrete	Design	NO CHANGE - This project would be unnecessary if the Baltimore Street Access project is executed. The project will remain on this list until the Baltimore Street project moves to construction.	RLS	5/15/2019
2016		18-16-BR	John J. McMullen, Bridge No. A-C-01 Repairs	Bridge Repair	Engineering	UPDATE - State in lieu of Federal Aid approval letter received on 5/23/22. Engineering services bidding was concluded on 6/19/22, with Gwin Dobson and Foreman as the low bidder. Kickoff meeting to be scheduled soon.	MDI	7/22/2022
2016		19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	NO CHANGE - The USACE is requiring the City to perform a Safety Assurance Review of the project. The City is coordinating the SAR requirements with USACE and further info will be provided.	RLS	1/26/2022

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Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2017		2-17-FPM	Flood Control Encroachment removal Project	The City as the Local Sponsor of the Flood Control Project is expected to maintain the easements along the Flood Control Project, however the area along Wills Creek and other areas were never given any comments until the Corps of Engineers standards changed. Completion of this project is necessary to allow the City to get a Satisfactory rating on its annual Flood Control Inspections.	Planning	NO CHANGE - This project has been delayed because of other work, but must be done. A tree removal project has been bid out and a contractor selected to do the work of removing trees in the encroachment area.	RLS	7/11/2018
2017		18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	NO CHANGE - Phases 1 & 2 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	RLS	3/26/2021
2017		31-17-W	Decatur Street 24" Crosstown Water Main Replacement	Prior to designing the water main replacement a more detailed Water Model analysis of the City's system will be done to make sure the issues are being properly addressed. Design will follow.	Design	UPDATE - All 24" pipe has been installed and the contractor is performing pressure testing, disinfecting and tie-in activities. Once the new main is in service, the road restoration phase will begin. The project is expected to be completed in September.	RLS	7/25/2022
2018		08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - The project is in the Final Engineering stage with the contract documents expected to be submitted to MDOT in January 2023.	RLS	7/25/2022
2018		09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - The project documents have been sent to FHWA. The project is expected to be bid in early August	RLS	7/25/2022
2018		22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	NO CHANGE Proposals received proposals to extend the contract for FY23. Noble Environmental (Mountainview Landfill) submitted an acceptable 1-year extension back in December. Burgmeier's Hauling provided a proposal for hauling curbside trash and recycling for FY23. This proposal was accepted by M&CC in January.	RJK	6/3/2022
2018		26-18-M	Ridgeley Levee System Certification					
2018		31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	NO CHANGE - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
2018		32-18-FPM	Rehabilitation Assistance for Flood Damages to Flood Risk Management Projects	Request USACE to make repairs or provide funding to address flood control issues	Planning	NO CHANGE - The USACE has denied financial support due to the flood control being in an unacceptable condition. The City is looking to enter the SWIF program to receive aid to get financial support for construction.	RLS	10/12/2018
2018		43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Funding for design work has been identified. The City is working on a quit claim deed with CSX to allow the project to move into the Federal Bridge program.	RLS	1/26/2022
2018		44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Studies have been returned and subject to CSX negotiations.	RLS	8/5/2019
2019		5-19-M	Virginia Ave Lot Demolition	Remove two structures and retaining walls at 6, 8 and 10 Virginia Ave.	Complete	UPDATE - Project is complete and waiting for site to be stabilized prior to closing E&S permits.	RLS	7/25/2022

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Capital Projects							July 31, 2022	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2019		7-19-WFP	Filter Building Pilot Study	Perform a study to evaluate the potential to replace current filter building with a new membrane/GAC building in the future. The City is required to perform a pilot study to validate the technology we are proposing to use.	Study	NO CHANGE - Project is waiting for authorization from the M&CC on how to proceed.	RLS	3/17/2022
2019		10-19-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	NO CHANGE - Contract underway (No work through winter months)	DTG	6/3/2022
2019		11-19-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction	NO CHANGE - Contract underway (No work through winter months)	DTG	6/3/2022
2019		14-19-M	WWTP RMP Compliance Services	RMP Compliance for OSHA 29 CFR 1910	Planning	UPDATE 3-yr audit due July 2022	RJK	6/3/2022
2020		2-20-M	Frederick St Parking Garage Repairs	Repairing a spalled section of slab on grade in Frederick St parking garage, as well as looking into sealing all concrete driving surfaces	Planning	NO CHANGE - Researching proper repair systems for spalled concrete in parking garages. Working with Street Dept. to determine if city forces can make repairs.	MDI	1/24/2020
2020		6-20-S	Sanitary Sewer Lining Assessment	Performing a cost assessment on relining (CIPP) all sanitary sewer lines within city.	Planning	NO CHANGE - Based on list of "high risk" lines provided by sewer dept, have developed a preliminary cost estimate. Awaiting updated list from most recent cleaning and cameraing prior to moving forward with project.	MDI	3/30/2020
2020		9-20-M	Constitution Park Fill Disposal	Assessing potential clean fill dump sites for Public Works	Design	NO CHANGE - Public works dept. is nearing completion of fill placement at Site #1 (behind field). Site #2 behind pool house has been cleared and the perimeter has silt fence in place. Fill may be deposited in this site upon final completion of Site #1.	MDI	7/22/2022
2020		12-20-RE	Long Field Upgrades - Phase 1	Improvements to Long Field Concession and Restroom area. Upgrades include electrical improvements.	Construction	UPDATE - Carl Belt has completed about 99% of the work under this contract. Only items remaining include new picnic table and outfield grass treatment. Project should be completed any day.	MDI	7/22/2022
2020		13-20-WWTP	CSO Nine Minimum Controls Annual Review	A requirement of our LTCP and NPDES Report to look at these controls annually		UPDATE - NMC report spring 2022; to be finalized in June.	RJK	6/6/2022
2020		14-20-M	Carver Building Repairs	Project to repair damage to the Carver Building				
2020		16-20-M	Queen City Drive ADA Improvements	Project will include upgrading sidewalk for ADA compliance along Queen City Drive at corners of Bedford and Frederick Streets, below McMullen Bridge.	Complete	COMPLETE - Harbel and sub-contractor Thomas Construction completed this project in mid-June. Project has been invoiced and will be closed out soon.	MDI	7/22/2022
2020		17-20-WWTP	CSO Long-Term Control Plan Projects/Schedule Review	Correspondences with MDE regarding the LTCP Projects and the Consent Decree (CO) end date: October 1, 2023.	N/A	NO CHANGE - All jurisdictions and AquaLaw to met with MDE on the CO extension process on November 5, 2021. MDE requires a letter with the official request and supporting documentation as next step. This Letter was sent November	RJK	6/6/2022
2020		29-20-S	Locust Grove Force Main & LaVale Water Main Replacement	Joint project between Allegany County Public Works & LaVale Sanitary Commission to replace the force main from the new Locust Grove Pump Station and replace water main to LaVale.				

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Capital Projects							July 31, 2022	
Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2020		30-20-SWM	Grow West Facility Expansion	SWM Review for proposed expansion of Grow West MD Facility @ the industrial park.	Construction	NO CHANGE - Contractor continues construction of expansion. City monitoring SWM situation at incomplete stage, as rainwater collection tanks have not been installed.	MDI	10/8/2021
2021		2-21-WWTP	Influent Screening System Upgrade	Design and replacement of a new influent screening system at the headworks of the WWTP.	Construction	UPDATE - Carl Belt was the low bidder for the construction phase of this project, at \$1.4m. Kickoff meeting was held in late June. Belt has begun material procurement but will not start work on site until Fall.	MDI	7/22/2022
2021		4-21-W	Route 220 20" Water Main Replacement	Project to replace the 20" water main in Route 220. The water line from I-68 to the State Prison is currently owned by the City. Discussion are being held between the City and County to partner on the project or transfer the asset to the County.	Planning	NO CHANGE - This project is in the planning stages in conjunction with Allegany County.	RLS	4/21/2021
2021		6-21-RE	Constitution Park Wading Pool Filter Renovation	Replace the cracked filter and other improvements to the mechanical building equipment for the wading pool.		NEW -		
2021		7-21-WFP	2021 ECWC Watershed Timber Sale	2021 ECWC Watershed Timber Sale		NO CHANGE - The timber sale bids have been returned and an award issued to American Hardwood Industries.	RLS	7/27/2021
2021		8-21-WWTP	SCADA System Integration	Solicit bids for a qualified Industrial Control System Integrator to complete the Water/Wastewater SCADA System integration.		NO CHANGE - This is a project to secure integrator services to support both the Water Filtration Plant and Water Reclamation Facilities	RLS	4/21/2021
2021		9-21-M	Municipal Service Center Security Fence	Installation of a security fence at the Municipal Service Center	Complete	COMPLETE - This project has been completed.	JAT	7/19/2022
2021		10-21-M	Undocumented Rights-of-Way	Decide how undocumented rights-of-way should be dedicated and what form of dedication is need to prevent the rights-of-ways from accidentally being sold.	Study	UPDATE - Reviewing a list of City owned surplus property for possible retention due to easement, utility or right-of-way needs. Evaluating using GIS to track City owned property, easements, parcels used for rights-of-way, etc. May need to request a legal opinion on several issues.	JRD	7/19/2022
2021		12-21-WWTP	Industrial Pretreatment USPI CWT Organics Permit Application	An application to discharge industrial wastewater as a Centralized Waste Treatment facility (Categorical Permit request by existing Significant Industrial User USPI)	Planning	UPDATE - Permit issued to USPI, effective date was November 22, 2021. USPI seeking approval for additional CWT wastes in permit.	RJK	6/3/2022
		13-21-W	Fayette Street Water Main Replacement and Street Repair	Replacement of watermain in Fayette Street from Allegany Street to Luteman Road, and the repair/repaving of the street as needed.	Construction	UPDATE - Project required development of an ESC Site Plan and SOW. These were created and approved by ACSD and MDE on 10/14/21. Construction (using City forces) began on 10/18/21. Project is nearing completion.	MDI	7/22/2022
2021		14-21-RE	Constitution Park Splash Pad	The installation of a splash pad and surrounding recreational area in Constitution Park.	Planning	UPDATE - Project is to be funded from ARPA. Initial splash pad consultant provided a quote exceeding estimate by >2x. Now working with multiple other splash pad contractors to determine best pricing and equipment options. Project will be completed in 2 phases, with a local contractor preparing the site, and a separate splash pad contractor installing all pad related equipment. Construction should be completed prior to 2023 pool season.	MDI	7/22/2022
2021		15-21-W	WATER DISTRIBUTION ANALYSIS and CIP UPDATE 2021	Water system engineering analysis, updated CIP recommendations, particularly concerning the Fort Hill Reservoir, and Asset Management Info for pump stations, PRV Stations and water tanks.	Planning	NEW - The EADS Group, Inc. was awarded the bid on 11/16/21. Kickoff meeting was held on 12/1/21.	DTG	1/18/2022

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Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2021		16-21-M	Downtown ADA Improvements	This project includes the replacement of the curb ramps for compliance with the latest ADA requirements at the following locations: Baltimore/Mechanic intersection on the southwest and northwest corners, Liberty/Dexter intersection at the southeast and southwest corners, Centre/Dexter intersection at the southeast and southwest corners, and Centre/Fredrick intersection on the northeastern side.	Planning	NO CHANGE - A preliminary estimate to determine the amount of funding needed, will be prepared this summer.	JRD	6/6/2022
2021		19-21-M	South Street ADA Improvements	This project includes the replacement of curb ramps for compliance with the latest ADA requirements along South Street between Oldtown Road and Industrial Boulevard.	Construction Bidding	NO CHANGE - The bid package for this project is complete. On hold until update is received regarding timeline and funding with CDBG staff.	JAT	3/9/2022
2021		20-21-M	Engineering Database Migration	This project will implement the migration of data from the Engineering Department's drawing database and project database to the Laserfiche document management system including the transfer of the scanned images of the Department's drawings from the file server into Laserfiche and the collection of additional metadata for each image.	Planning	UPDATE - Currently, Engineering is working with MCCi (the City's Laserfiche consultant) to create a database for Engineering projects that will use Laserfiche forms to assign new project numbers, and will also automatically create a folder for each project in Laserfiche. This led to the need for the City to Purchase the Laserfiche Forms Pro module. Additionally, a process is in place to upload drawings into the City's Laserfiche document management system. The existing scanned images of the the Eng. Dept. drawings will be uploaded into Laserfiche (with additional metadata added to each image), as time allows. In the future we will need to evaluate possible methods of capturing images of various drawings that are either too large to scan or are to fragile to scan.	JRD	7/19/2022
2021		21-21-WFP	Water Allocation Permit Renewal PA DEP	The Water Allocation Permit is required to be renewed every 25 years. The City will use Gwin, Dobson and Foreman to work through the permit and establish how much flow we can pull from the reservoirs.	Permitting	UPDATE - Application submitted in March.	RJK	6/3/2022
2021		22-21-P	General City Paving	This project paved Merchants Alley Parking Lot (Mill/Patch/Overlay) and Kelly Road along the southern face of the Grow West Facility (Full Depth reconstruct)	Construction	COMPLETE	JRD	6/6/2022
2021		26-21-FPM	Removal of Potomac Industrial Dam at Blue Bridge	Project to remove the industrial dam in the Potomac River under the Blue Bridge to Ridgeley. Water & Land Solutions will be setting up a private commercial mitigation bank to fund construction. This project is related City Project 9-15-M	Planning	NEW -		
2021		27-21-T	Maryland Ave & Williams St Traffic Study	Study to investigate the potential realignment of Maryland Avenue at its intersection with Williams Street for future development in the Rolling Mill area. BBA performed the study using CAMPO funding.	Study	UPDATE - The study is nearly complete. The consultant needs to submit their final memo from Phase 2 of the study. The findings will be presented to City Staff for direction on how to proceed.	RLS	7/25/2022

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Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2021		28-21-M	Municipal Service Center Pole Building	Project to construct a Pole Building at the MSC to store equipment.	Design	UPDATE - Design and specs completed. Project was advertised for bid starting 1/14/22.	DTG	1/18/2022
2021		30-21-M	Sustainable Communities Program Renewal	Sustainable Communities Program Renewal documentation. The program allows the City to access grant sources and is required to be updated every 5 years.	Planning	COMPLETE - Plan updates sent to Community Development by Dec 7th.	RJK	3/9/2022
2021		31-21-RE	Constitution Park Amphitheater Upgrades	Project to upgrade the Constitution Park Amphitheater.	Planning	UPDATE - Project is a part of the 5-year park improvement plan. Funding (\$174,350) approved through ARPA. A site plan and RFP have been developed and are being reviewed/updated. City staff to perform electrical upgrades, while site work to be completed by contractor through SourceWell. Work anticipated to begin in August.	MDI	7/22/2022
NOTE: Beginning in 2022, the Engineering Department will be migrating to a new project number format. The new number format places the 4-digit year first, a 2-digit yearly sequence second, and a 3 or 4-character project type code third.								
2022	2022-01-UTIL	1-22-M	MDE Pre Applications FFY22 FY24	Annual Pre Application Jan 2022	Permitting	COMPLETE - Applications submitted by January 31.	RJK	2/17/2022
2022	2022-02-WTR	2-22-W	South Cumberland Water Main Replacement Project	This project includes the replacement of undersized water mains in Humbird, Walsh, and Cumberland Park areas of Cumberland; plus the replacement a a 12" portion of the water main along the southern side of Industrial Blvd. (Route MD-51).	Planning	UPDATE - BBA was awarded the project and is finalizing the preliminary report. Will move into the final design stage in September.	RLS	7/25/2022
2022	2022-05-WRF	5-22-WRF	WRF Head of Plant and Operations Building Roof Replacements	Roof replacement	Complete	UPDATE - This project is complete and will be removed from next months report.	RLS	7/25/2022
2022	2022-09-SHLD	09-22-M	Cumberland Street ADA Improvements	ADA improvements at the intersection of Johnson, Cumberland, and Market Streets	Design	NEW - This project is currently in preliminary design. The scope of work includes work that was not able to be completed under projects 24-18-M and 14-11-M.	JAT	7/19/2022
2022	2022-10-SWM	10-22-SWM	Messick Road Development	SWM Review and Utility Easement Review	Review	NEW -		
2022	2022-11-PBLD	11-22-PBLD	City Hall/Public Safety Building HVAC Improvements	American Rescue Plan Act (ARPA) Funded Project to improve the HVAC systems of these buildings to improve air quality capabilities and system energy efficiency.	Design	UPDATE - A study will be performed by East Hills Engineering Associates to assess what the City's best options are improvements. The study will be returned in September.	RLS	7/25/2022
2022	2022-12-PBLD	12-22-PBLD	Prisoner Processing Improvements	American Rescue Plan Act (ARPA) funded project to remodel the prisoner processing areas of the Cumberland Police Department in the Public Safety Building	Design	UPDATE - The Engineering Department is working with Sourcewell to scope out the project. Expecting to have a full proposal for construction in September.	RLS	7/25/2022
	2022-13-PBLD	13-22-PBLD	19 Frederick Street Building Assessment	Feasibility study and building assessment for the building located at 19 Frederick Street	Study	UPDATE - This project has been awarded to the EADS group and the final report is scheduled to be delivered to the City in late September.	RLS	7/25/2022
2022	2022-14-MISC	14-22-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	NO CHANGE - Currently in bidding phase, bid openings on 6/15/22	DTG	6/3/2022
2022	2022-15-MISC	15-22-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction	NO CHANGE - Currently in bidding phase, bid openings on 6/15/22	DTG	6/3/2022

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Order	Project No. (New Format)	Project No. (Old Format)	Project Name	Description	Phase	Comments	Updated By	Date of Update
2022	2022-16-SHLD		Waverly Terrace Retaining Wall Replacement	Project to include replacement of retaining wall below road between 16 and 24 Waverly Terrace. Will include installation of storm sewer.	Planning	NO CHANGE - Currently developing preliminary cost estimate to install an inlet along Waverly to catch stormwater runoff and direct to nearby sewerline, as well as multiple repairs to retaining wall.	MDI	7/22/2022
2022	2022-17-UTIL		Fuel Bid Bid (Heating Oil)	Heating Oil bid for WRF and WFP		NEW -		
2022	2022-18-PVG		General City Paving FY22	This project includes mill and overlay of Winston St and the Virginia Ave subway - Belt Paving	Construction	NEW - Belt Paving to pave Winston Street between Queen City Drive and MD-51 (in front of Wendy's), as well as Virginia Avenue from MD-51 to Bowen St, as part of the MD-51 paving operations. City to pay for their portion, with Columbia Gas covering half of Winston St. Work to be completed by end of July.	MDI	7/22/2022
2022	2022-19-RECR		Constitution Park Guard House	Assisting Community Development with development of bid packet for upgrades to the Guard House. CDBG project.	Design	NEW - Developing bid specs for repairs to Constitution Park Guard House. Project will be ready for advertisement by the end of July. Engineering only assisting with this.	MDI	7/22/2022
2022	2022-20-WFP		Energy Audit WVU IAC	Energy Assessment by WVU Department of Industrial and Management Systems Engineering		NEW -		
2022	2022-21-WRF		Energy Audit WVU IAC	Energy Assessment by WVU Department of Industrial and Management Systems Engineering		NEW -		

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Program Projects Update							#VALUE!	
Order	Department	Program/Project Name	Description	Phase	Comments	Updated By	Date of Update	
	PUBLIC WORKS	Curbside Recycling	Curbside recycling program started in the City of Cumberland July 1, 2014	Ongoing	NO CHANGE Outreach to residents; monthly articles in the Times-News and Facebook.	RJK	3-Jun-22	
	PUBLIC WORKS	Solid Waste Management Board	County Board for planning and discussion of County-wide recycling and solid waste issues	Ongoing	<p>NO CHANGE Merger of Waste Management with Advanced Disposal was announced on Friday October 30, 2020. GFL owned Mountainview Landfill as part of the merger divestiture. Now Noble Environmental owns now <i>Mountainview Landfill</i>.</p> <p><i>Mountainview Landfill is open at least 1 more contract year (Noble provided a contract extension request for FY23 - Approved at the Dec 7 Council Meeting).</i></p> <p><i>Contract extension price proposal from Burgmeier's Hauling was received prior to Dec 31, 2021. Proposal accepted at Council in January.</i></p> <p><i>FY24 1-year contract extension years to resume Fall 2022.</i></p>	RJK	3-Jun-22	
	WWTP	Cumberland Pretreatment Program	City Ordinance No. 3251 regulates industrial and significant dischargers to Cumberland's sewer and POTW. There are 4 Significant Industrial Users (SIUs) permitted under this Ordinance. Program may also regulate non-significant users that pose a threat or cause problems to the system or POTW.	Regulatory	UPDATE USPI CWT closed soy processing plant, liquidated equipment. No completely CWT wastes. USPI proposing name change and to add new wastestreams. Permit requires modification reviews for any new permit parameters.	RJK	3-Jun-22	

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Program Projects Update						#VALUE!	
Order	Department	Program/Project Name	Description	Phase	Comments	Updated By	Date of Update
	WWTP	POTW NPDES Permit	Requirements for compliance	Annual/As Needed	<p>NO CHANGE - Renewal application mailed June 1, 2018. Permit expires April 2020. MDE conference call took place on July 7, 2020. Draft permit received July 27th. Second DRAFT received on September 1st, with conference call taken place September 21 in regards to finalized language.</p> <p>Draft Permit reviewed by EPA in November; comments by EPA to MDE have triggered further drafting of sections of the Permit pertaining to primarily to the CSO program.</p> <p>City has retained the services of AquaLaw, specializing in wastewater regulatory/permit reviews and legal counsel. AquaLaw will participate in reviewing the next draft of the permit, any revisions that follow and the final permit; in the best interest of the City.</p> <p>Anticipated issue date: unknown at this time.</p>	RJK	3-Jun-22
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	<p>UPDATE The next semi-annual report due July 10, 2022. Currently the Consent Decree expires April 2023.</p>	RJK	3-Jun-22
	WFP	NPDES Permit	Requirements for compliance		<p>NO CHANGE</p>	RJK	3-Jun-22
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.	Quarterly	<p>UPDATE April meeting to took place on 4/21; in-person meeting at Cumberland Valley Township Building, Centerville, PA</p>	RJK	3-Jun-22

Complete
Construction
Construction Bidding
Construction Closeout
Design
Inspection
N/A
Planning
RFP
Study

File Attachments for Item:

1. Approval of the Work and Closed Session Minutes of April 26, 2022, and the Closed, Work, and Regular Session Minutes of May 3, 2022, and the Closed and Regular Session Minutes of May 17, 2022

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, April 26, 2022, 4:00 p.m.

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

ALSO PRESENT: Jeffrey Silka, City Administrator; Michael Cohen, City Solicitor; Marjorie Woodring, City Clerk; Ken Tressler, Director of Administrative Services

I. ALLEGANY HIGH SCHOOL FACADE

Mr. Silka advised that after some research, they found that there are a total of 18 pallets of concrete, which are labeled with directions for reassembly. He stated that since the County took the extra effort to have them palletized and wrapped, the City should take them. He said, however, there isn't anywhere to store the façade pallets inside, but said there is a laydown yard at the WWTP where they can go temporarily. He advised that they don't have to have the final disposition today, but said they will authorize Public Works to pick them up and transfer them to the area at the WWTP. He added that they will work through the Historic Planner and see if anyone wants the façade, but for now they can work around it, and try to figure out the final display for it later.

Councilman George asked what the worst-case scenario cost would be if no one wants it. Mr. Silka stated that he didn't have that figure off the top of his head, but explained that it could be used for fill somewhere, and said if it's going to the dump they could find someone to productively use it.

Mayor Morriss stated that there should be a time period to see if anyone is interested, and if not, then let it go. Councilman Frazier suggested putting an ad in the Times-News for ideas. Mayor Morriss suggested the Fade to Blue organization – maybe come up with something for it next year. Councilman George agreed, suggesting some kind of hand-out with a brief history and a photo of what the façade initially looked like. Councilwoman Marchini thanked Councilman Cioni for trying to save a piece of history, and said maybe they will find the perfect use for it and it won't go to salvage.

IV. ADJOURNMENT

With no further business at hand, the meeting adjourned at 4:15 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, April 26, 2022; 4:15 p.m.

The Mayor and City Council convened in public work session and afterwards moved into executive session pursuant to Section 3-305 (b)(1) and (9) of the General Provisions Article of the Annotated Code of Maryland to discuss personnel issues and negotiation issues with AFSCME Local #1715.

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

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

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

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, May 3, 2022; 4:00 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305 (b) (1), (3), and (7) of the General Provisions Article of the Annotated Code of Maryland to receive the advice of counsel regarding a contract issue with CSX pertaining to the Cumberland Street Bridge Rehabilitation; to receive the advice of Council regarding issues pertaining to the purchase of a particular parcel of property; and to discuss personnel issues.

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

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

ALSO PRESENT: Jeffrey Silka, City Administrator; Ken Tressler, Director of Administrative Services; Michael S. Cohen, City Solicitor; Robert Smith, Director of Engineering and Utilities; Marjorie Woodring, City Clerk

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, May 3, 2022, 5:30 p.m.

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

ALSO PRESENT: Jeffrey Silka, City Administrator; Michael Cohen, City Solicitor; Marjorie Woodring, City Clerk; Mark Gandolfi, City Comptroller; Ken Tressler, Director of Administrative Services

Media – Greg Larry, Cumberland Times-News

I. FY23 FOLLOW-UP BUDGET PRESENTATION

Mr. Gandolfi provided a PowerPoint presentation, and advised that there were not any material changes from the last presentation, but there were some minor changes. He advised on the dates of the next budget meetings:

- May 3, 2022 – Constant Yield public hearing, budget revisions (work session)
- May 17, 2022 – First Budget Ordinance reading
- June 7, 2022 – 2nd and 3rd Budget Ordinance reading and Budget Adoption

Mr. Gandolfi advised on the few changes from the initial presentation, which included full-time, part-time and temporary staffing levels for review, review and editing of FY22 and FY23 estimates, with minor changes to all funds, and FY24 through FY27 projections.

Mr. Gandolfi reviewed and discussed the FY23 budget highlights and the constant yield of \$1.0354, which is maintaining the existing tax rate, ARPA revenue loss funding with improvement to the General Fund, no utility or tax increases, MPA and DDC revenue, and personnel cost increases. Mr. Gandolfi also touched on health insurance, grants and funding assistance, rising costs that the City will be facing, and available unassigned fund balance.

Mr. Gandolfi reviewed ARPA funding, saying that during FY23, Cumberland will utilize \$6.4M of that funding. He also advised on the 2023 staffing level highlights, with two positions added, four deleted, and three reconfigured, along with some changes in part-time and seasonal.

Mr. Gandolfi went over Capital Expenditures for ongoing projects, which he stated are significant. He said new debt will be required, however, there is significant financial assistance expected in the form of grants.

Mr. Gandolfi reviewed the Governmental Funds FY23 budget, major and non-major, and said most non-major are just in-and-out funds set up for specific purposes, and said street improvement and capital project funds are funded through grants and General Fund debt. He noted that there is \$1.4M budgeted for paving projects. He also mentioned all the bridge projects in the City.

Mr. Gandolfi advised that at the end of 2022, they are projecting \$8.6M in unassigned fund balance. He said that at the end of 2023, they are projecting a \$4.6M surplus, which he said will put the City in a really fine position in terms of financial stability.

Mr. Gandolfi advised on the City's bond rating, which he said is tied in part to what the City's cash reserves are. He explained the Fitch and S&P ratings, and said Cumberland presently has an "A" rating, but a weakened revenue growth. Mr. Tressler pointed out that the rating agencies will definitely remove ARPA revenue influx to see what the City will look like when that is no longer in place. He stated, however, that he expects we will stay at the "A" rating.

Councilwoman Marchini asked why there was an increase of \$100K in snow removal. Mr. Gandolfi explained that with the mild winter this year, there were lower costs, so they budgeted for a traditional winter next year.

Mr. Gandolfi reviewed FY23 General Fund Discretionary Expenditures which are budgeted at about \$880K, FY23 comparison to prior years, and advised that without ARPA, the City would be looking at a \$578K deficit in unassigned surplus, but with ARPA, the City has unassigned surplus at over \$2M.

Mr. Gandolfi also reviewed the Proprietary Funds budget, which includes the Sewer, Water, Trash, and MPA funds. He said the projected income for all these, except MPA, are negative, as well as the cash flow. He added, however, that there are adequate cash reserves to cover deficits, which he explained is why they are not recommending any rate increased to tax or utilities.

Mr. Gandolfi moved on to the MPA, and said the General Fund supplements it, so it doesn't have a negative cash flow. There was discussion about having a plan down the road with parking/MPA. He said what they've identified is that the out-years show substantial contributions from the General Fund to support operations. There was discussion about looking at operations, and how to increase revenue or change the expenditure structure. Mr. Gandolfi pointed out that the MPA will require some examination of how best to operate to minimize the need for General Fund revenue.

Mr. Gandolfi reviewed Key Decision Points, which includes maintaining the existing tax rate with no utility rate increases; non-union and union COLAs, discretionary expenditures, capital purchases, new debt issuance, and other personnel changes. He stated that these are the key components that impact this budget the most.

Mr. Gandolfi advised on the General Fund and Water Fund for FY24 – FY27. He stated that one of the key takeaways is they start to see unassigned surplus deficits starting in FY25, which they will be planning for. He said on the other hand, revenues could improve, and said costs will definitely change – utilities, wages, etc. He stated that if revenues don't improve, the City will be in a negative cash position by 2026. Mr. Gandolfi advised that they will be tracking it and will keep M&CC informed.

Mr. Gandolfi reviewed the Sewer Fund, and explained how the City's combined system generates revenues in wet and snowy seasons, and how dryer weather triggers a higher charge. He advised on the Trash Fund, which is projected to be in the negative by 2025. He said at some point this contract will go out to bid, and said costs will be largely contractor costs. He added that they could be looking at trash increases in 2024 and 2025.

Mr. Gandolfi advised on the DDC Fund, and explained that the Transfers In represent General Fund supplements to the DDC. He said that in 2025, ARPA drops off. He said as the MPA and DDC require more support, that's a demand on the General Fund. He said since 2025 contributions spike, it gives rise to be looking at how the DDC operates, and how to make it more efficient in operations.

For the MPA, Mr. Gandolfi explained that current projection shows that the costs exceed the revenues, with the General Fund supplementing if nothing changes. He added that it will be a projection of \$238K in 2025.

Mr. Gandolfi pointed out that these are projections, and they have many assumptions, but said based on the current trajectory, this is where the City is. He added that 2025 becomes a critical year for all the funds, and said they will be evaluating and reviewing, and will continue to talk with M&CC.

Mr. Gandolfi called for questions or comments.

Mr. Silka advised that when looking at the tax base increase, it's very important when encouraging new development that if you do a tax incentive and tax abatement, you won't reap the benefit of putting new customers on. He added that tax abatements look nice, but for the operations side, it doesn't add what it should add.

Mr. Silka explained the similarities of parking and the community pool. He said parking is one of those things that in order to build a structure, you almost can't monetize them in a city the size of Cumberland. He said they need to figure out the most efficient way to manage as possible. He added that you can't charge admission of \$19.50 per person to cover expenses, and said there's going to be loss, you just need to minimize it. He said the City needs to enforce parking restrictions regularly, and do wheel boots for repeat offenders. Mr. Cohen stated that there are provisions in the City Code to use the boots for repeat offenders.

There was discussion about recent legislation on Highway User Tax coming back to municipalities and what impact it will be on the budget. Mr. Gandolfi advised that he hasn't thoroughly reviewed it, but said it could double the City's highway user revenue, which may help offset other inflationary costs or projected deficits. He added that he will get a better answer and take a closer look at it.

II. PROPOSED CHARTER AMENDMENT RESOLUTIONS

Mr. Silka advised that he's bringing this forth for a second time, and said it's a housekeeping issue. He stated that there are three Charter Amendments that were passed in May of 2019, and said there was a provision overlooked. He explained in order to have a Charter Amendment Resolution you have to have a public hearing 20 days before its adoption. He said that these three 2019 Charter Amendment Resolutions failed to have hearings, so they're bringing them up again to have the hearings scheduled and make them legal. He said the subjects of those CARs are concealed weapons, publication of ordinances, and Memorial Hospital board.

III. PUBLIC MEETING AGENDA 5-3-22

Mr. Silka asked if anyone had any questions on any of the agenda items for tonight's regular session. Being none, the meeting moved to M&CC updates.

IV. MAYOR AND COUNCIL UPDATES

Councilman Frazier thanked council for attending the Fair Housing event recently.

Councilwoman Marchini presented their new tear-off maps for the Historic Downtown Cumberland – one side Historic Downtown, and the other side the Arts and Entertainment District - and stated they will be at the WMSR station and at restaurants, and advised that Downtown Manager Melinda Kelleher has lots of these new maps available.

IV. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:14 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____



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

DATE: May 03, 2022

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: Jeffrey Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Mark Gandolfi, City Comptroller; Ken Tressler, Director of Administrative Services; Robert Smith, City Engineer; Morgan Alban, GIS Specialist

IV. Statement of Closed Meeting

1. Summary Statements of the closed meetings held April 26 and May 3, 2022

Mayor Morriss announced that closed sessions had been held on April 26, 2022 at 4:15 p.m., and May 3, 2022 at 4:00 p.m., and read into the record summaries of those sessions 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. Presentation of the 2021 Planning Commission Annual Report

Morgan Alban, GIS Specialist, provided a PowerPoint presentation and gave a brief background review of the report. Ms. Alban went over key findings: number of building permits issued, and demolition permits issued, which reflects the City's efforts to initiate the Maryland Avenue Redevelopment Project and removal of blighted properties; and a net housing stock decrease of 28 residential units in 2021. Ms. Alban stated that no major changes in current plans or the permitting process is necessary at this time. Mayor Morriss noted that the last Comprehensive Plan was in 2013, and asked if there was a time frame for the next one. Ms. Alban advised that it's being worked on now, and is due 2023/2024.

VI. Proclamations

1. Proclaiming the week of May 9 – 14, 2022 as Salvation Army Week in Cumberland

Mayor Morriss read the Proclamation and presented it to Captain Ronnette Smith and representatives from the Salvation Army. Captain Smith thanked the City of Cumberland, saying they couldn't do all they do without the City's continued support.

Chief Ternent expressed his appreciation to Captain Smith, saying that the CPD and the Salvation Army partner on National Night Out, and the Kids Academy. He said Captain Smith and her team are invested in the community and all they do is appreciated.

VII. Director's Report

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

(A) Administrative Services

1. Administrative Services monthly report for February, 2021

VIII. Approval of Minutes

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

1. Approval of the Closed and Work Session Minutes of December 21, 2021, and the Regular Session Minutes of January 4, 2022

IX. Public Hearings

1. Public Hearing to receive comment on the City's intent to not adopt the 2022 Constant Yield Tax Rate and to readopt the current real property tax rate of \$1.0595 per \$100 of assessment.

Convened: 6:35 p.m. *No comments*

Adjourned: 6:35 p.m.

X. Unfinished Business

(A) Ordinances

1. **Ordinance 3910** (*2nd and 3rd readings*) - accepting the bid from C3 Home Renovations LLC in the amount of \$52,963.40 for the purchase of City-owned surplus property at 502

Regina Avenue, which was offered for public sale in the 2022 Request for Bids for Surplus Property Round IV. No other bids were received.

SECOND READING: The ordinance was submitted in title only for its second reading, **Motion** to accept the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0. Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

THIRD READING: The ordinance was submitted in title only for its third reading and was passed on a vote of 5-0.

2. **Ordinance 3911** (*2nd and 3rd readings*) - accepting the bid from Richard A. Pravlik in the amount of \$2,000 for the purchase of City-owned surplus property at 309 S. Cedar Street, which was offered for public sale in the 2022 Request for Bids for Surplus Property Round IV, and rejecting all other bids.

SECOND READING: The ordinance was submitted in title only for its second reading, **Motion** to accept the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilman George, and was passed on a vote of 5-0. Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

THIRD READING: The ordinance was submitted in title only for its third reading and was passed on a vote of 5-0.

3. **Ordinance 3912** (*2nd and 3rd readings*) - accepting the bid from Del and Del Allegany Properties, LLC in the amount of \$3,500 for the purchase of City-owned surplus property at 107/109 S. Allegany Street, which was offered for public sale in the 2022 Request for Bids for Surplus Property Round IV, and rejecting all other bids.

SECOND READING: The ordinance was submitted in title only for its second reading, **Motion** to accept the second reading and move to the third after comment was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 5-0. Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

THIRD READING: The ordinance was submitted in title only for its third reading and was passed on a vote of 5-0.

XI. New Business

(A) Ordinances

1. **Ordinance 3913** (*1st reading*) - to amend Section 25-23 of the City Code to establish a definition for "Gambling Facility" and to amend the Use Regulation Table in Section 25-132 to incorporate the "Gambling Facility" use into its terms (ZTA #22-01).

Mr. Silka advised that Ordinance Nos. 3913 and 3914 are related to the City being able to accept any of the Fantasy Gambling licenses that the state is issuing. He said No. 3913 allows the gambling facilities to be brick and mortar structures in all zones other than residential.

FIRST READING: The ordinance was submitted in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Councilman Frazier, seconded by Councilman George, and was passed on a vote of 5-0.

2. **Ordinance 3914** (*1st reading*) - to amend Section 11-132 of the City Code pertaining to gambling to legalize fantasy competitions and sports wagering.

Mr. Silka advised that this ordinance allows for the use of the machines in approved zones.

FIRST READING: The ordinance was submitted in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Councilman Cioni, seconded by Councilwoman Marchini, 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 each Order was made by Councilman George, seconded by Councilman Frazier, and was passed on a vote of 5-0.

Order 27,001 - authorizing the acceptance of the recommendation of the Historic Preservation Commission (HPC) of a Historic District Tax Incentive Program property tax credit for 224 Washington Street in the amount of \$2,900.45, which is 10% of the eligible project costs of \$29,004.46.

Mr. Silka advised that this work was an exterior porch and roof renovation.

Order 27,002 - authorizing the sole source purchase of a New 2022 Ford F150 Super Cab XL Pickup from Diehl's Ford in an amount not-to-exceed \$37,220, with government rebates offered by the seller, in accordance with City Code Section 2-171 (d)(3).

Mr. Silka advised that this is a replacement for a 2003 F250 that was declared surplus, and said the cost is roughly \$4200 over what was budgeted, which he said they are seeing in every vehicle the City is buying this year, but funds are available.

Order 27,003 - authorizing execution of a Collective Bargaining Agreement with the AFSCME, AFL-CIO, Local #1715, pertaining to certain employees in the general trades and labor, and clerical/technical classifications of the City, for the term May 3, 2022 through June 30, 2025.

Mr. Silka advised that a few highlights are health insurance premium/co-pays increasing, which will bring the AFSCME union in line with other employees at 10%. He also mentioned wage increases or COLAs for 2022-2024, and comp time not accruing more than 80 hours/year. He added that all of this was ratified by the membership.

Order 27,004 - authorizing execution of a Contract of Sale with Cumberland Ventures, LLC, regarding the City's purchase of certain parcels of land in the area of Bellevue Street for the purchase price of \$40,000.

Mr. Silka advised that the City is purchasing the undeveloped lots of this townhouse development with the hope to be able to use them for future housing projects.

XII. Public Comments

No Comments

All public comments are limited to 5 minutes per person

XIII. Adjournment

With no further business at hand, the meeting adjourned at 6:48 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, May 17, 2022; 5:30 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305 (b)(3) and (7) of the General Provisions Article of the Annotated Code of Maryland to discuss the potential acquisition of a real property and matters related to its title, and to receive advice of the City Solicitor in regards to those matters.

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

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

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



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

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

DATE: May 17, 2022

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: Jeffry F. Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Ken Tressler, Director of Administrative Services; Chuck Ternent, Chief of Police; Shannon Adams, Fire Chief

IV. Statement of Closed Meeting

1. Summary Statement of closed meeting held May 17, 2022

Mayor Morris announced that a closed session had been held on May 17, 2022 at TIME, and read into the record a summary of that session 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. Presentations

1. Presentation by Lee Borrer, Senior Community Development Specialist, regarding a substantial amendment to the 2021 Annual Action Plan, which will be up for approval by

Mayor and City Council on June 7, 2022.

Ms. Borrer discussed the Community Development Block Grant program, and a public notice which appeared in the April 29th Times-News. She provided background on the City's Annual Action Plan, and said the 2021 plan is addressed in the aforementioned public notice. She said changes proposed are with respect to re-allocating \$162,000 from the original \$232,721 for the Baltimore Street Redesign project.

Ms. Borrer explained there are contingencies in the project description for other locations downtown for infrastructure improvements. She said however, when the location is changed to the most shovel-ready project, which is in South Cumberland, the US Department of Housing and Urban Development requires citizen participation. She advised that this was posted in the newspaper and said there was a 30-day comment period which ends May 31st. Ms. Borrer stated that M&CC will vote on the amendment on June 7th at the regular M&CC meeting.

VI. Director's Reports

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

(A) Public Works

1. Maintenance Division monthly report for April 2022

(B) Fire

1. Fire Department monthly report for April, 2022

(C) Police

1. Police Department monthly report for April, 2022

(D) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer monthly report for April, 2022

VII. Approval of Minutes

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

1. Approval of the Work Session Minutes of January 4, 2022, and the Work Session and Regular Session Minutes of January 18, 2022

VIII. Unfinished Business

(A) Ordinances

1. **Ordinance 3913** (*2nd and 3rd readings*) - to amend Section 25-23 of the City Code to establish a definition for "Gambling Facility" and to amend the Use Regulation Table in Section 25-132 to incorporate the "Gambling Facility" use into its terms (ZTA #22-01).

Mr. Silka advised that these two ordinances are regarding permission of gambling within a non-residential district.

SECOND READING: The ordinance was presented in title only for its second 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 opened the floor for questions or comments. Being not, 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 3914** (*2nd and 3rd readings*) - to amend Section 11-132 of the City Code pertaining to gambling to legalize fantasy competitions and sports wagering.

SECOND READING: The ordinance was presented in title only for its second reading. On a **motion** made by Councilwoman Marchini, seconded by Councilman Frazier, the second reading was passed on a vote of 5-0.

Mayor Morriss opened the floor for questions or comments. Being not, 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) Ordinances

1. **Ordinance 3915** - (*1st reading*) - to rescind Ordinance No. 3912, which authorized the conveyance of 107/109 S. Allegany Street to Del and Del Allegany Properties LLC for the amount of \$3,500, accepting Del and Del Allegany Properties LLC request to renege their bid, and accepting the bid of C Corp Leasing in the amount of \$5,000 for said property, as originally offered in the 2022 Request for Bids for Surplus Property Round IV.

Mr. Silka advised that Del and Del Allegany Properties was awarded the bid as being the only complete bid for the project, however, they have since requested to pull their bid, so the City is awarding it to C Corp Leasing, which was the 2nd highest bidder on the list.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman George, seconded by Councilman Frazier, and was passed on a vote of 5-0.

2. **Ordinance 3916** (*1st reading*) - providing for the City Tax Levy for FY23

Mr. Tressler advised that these ordinances were discussed in the last two work sessions, and said one thing of note is that the Assessable Base will increase 3.4%, which is the largest increase since 2011.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 5-0.

3. **Ordinance 3917** (*1st reading*) - providing for the annual expenditure appropriation for the FY23 General Fund.

Mr. Tressler advised that the appropriation is up \$2.6M, and said the largest area of increase in Community Development, and said it is associated with ARPA funds.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

4. **Ordinance 3918** (*1st reading*) - providing for the annual expenditure appropriation for the FY23 Water Fund.

Mr. Tressler advised that this appropriation is down, mainly due to a decline in capital expenditures.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 5-0.

5. **Ordinance 3919** (*1st reading*) - providing for the annual expenditure appropriation for the FY23 Sewer Fund.

Mr. Tressler advised that the big thing with this appropriation is that it's down \$16.2M because capital expenditures are down. He said that in FY22 they had expected the 78" water line to be in full construction, but said now it's being pushed to FY24. He added that the money was not spent in FY22, and won't be spent in FY23, due to problems with the Army Corp of Engineers.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman George, seconded by Councilman Frazier, and was passed on a vote of 5-0.

6. **Ordinance 3920** (*1st reading*) - providing for the annual expenditure appropriations for the FY23 Special Purpose Funds.

Mr. Tressler advised that these are special revenue funds in the City, and said there is an increase of \$2.2M, Public Safety grants are down \$400K, Capital Improvements are up \$1M, said they are allowing for over \$800K for Constitution Park improvements, and added that there is an increase of about \$1M in street paving.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to accept the reading and table until next meeting was made by Councilman George, seconded by Councilwoman Marchini, 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 all Consent Agenda items was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

Order 27,005 - authorizing execution of a Donation Agreement with Kevin Kniseley, Personal Representative of the Estate of Robinhood Constitution, AKA Mark Anthony Shryock, for the donation of property at 766 Maryland Avenue (Tax ID 04-009746) to the City, and authorizing the City's acceptance of the deed and execution of documentation to effect the transfer.

Mr. Silka advised that this property will either be on the rehab or demo list.

Order 27,006 - authorizing execution of a Community Legacy Program Grant Agreement with the Department of Housing and Community Development regarding the disbursement and use of \$50,000 in funding for the YMCA Gilchrist HVAC Installation Project, and authorizing the City Comptroller to accept the funding.

Mr. Silka advised that the City is basically a pass-through for this grant.

Councilwoman Marchini wanted to give a shout-out to Community Legacy funding for the YMCA, and said it's a very well-used facility, and a good use of funds.

Order 27,007 - reappointing Michael Scott Cohen as City Solicitor for a 4- year term, effective retroactive to May 16, 2022, through May 16, 2026.

X. Public Comments

David Biser, Long Drive, Cumberland (retired police officer), spoke about the homeless and provided photos. Staff was unable to use his thumb drive on the computer, so Mayor Morriss suggested emailing them to M&CC. Mr. Biser stated that he's seeing more and more homeless/vagrants, and said one person he's seen recently at the underpass on Queen City Drive was sleeping, food spread out, etc. Mr. Biser said he knows it's a problem in a lot of cities, and said it seems to be getting worse here. He stated that one couple lives in a tent by the river. He advised M&CC that he did some research and found a project called Housing First. He said several cities have successfully used the program to curb homelessness and vagrancy, and said he would be happy to share information he has with M&CC. He mentioned that by the George Washington Headquarters parklet there is a strong smell of urine because they are using the area as a toilet. He stated that it's bad for tourism, and said he knows families will not go there. He offered to M&CC that he would help out however he can.

Mayor Morriss thanked Mr. Biser for his comments, and said they know homelessness is a problem in the community, and an obstacle for tourism. He stated that the police know that George Washington Headquarters is a hot spot, and said they are working on it. The Mayor said he's looking forward to seeing the photos and information Mr. Biser has, and advised that there is quite a bit in this year's budget regarding this issue. The Mayor mentioned the Union Rescue Mission project, as well as a program to give homeowners

assistance with properties and address blight. The Mayor and Council thanked Mr. Biser for his input.

Mayor Morriss spoke about people in the community who the City has lost recently. He spoke about Dick Paulman, Director of the Department of Social Services, and said he had done great work for many years. The Mayor also mentioned Frank Nethken, who was Mayor of the City from 1978 – 1982, and Lee Schwartz, owner of The Book Center on Centre Street, all he did for the downtown business community, and as an ambassador for the City. Mayor Morriss said all will be missed.

Chief Ternent spoke about former Lt. Ronnie Horn, and Records Clerk Becky Lowery, who both passed away recently.

All public comments are limited to 5 minutes per person

XI. Adjournment

With no further business at hand, the meeting adjourned at 7:00 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

File Attachments for Item:

1. Public Hearing - to receive comment on proposed **Charter Amendment Resolution No. 149** to rescind Charter Amendment No. 145 and to repeal Section 75 of the Charter, which prohibits the carrying of a concealed weapon in accordance with Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland

CHARTER AMENDMENT RESOLUTION NO. 149

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED “A RESOLUTION TO RESCIND CHARTER AMENDMENT 145 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL SECTION 75 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION) PERTAINING TO CARRYING CONCEALED WEAPONS.”

WHEREAS, Charter Amendment Resolution No. 145 pertaining to the repeal of Section 75 of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, Section 75 of the City Charter pertains to the prohibition against carrying concealed weapons;

WHEREAS, Section 75 of the Charter should have been repealed effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days’ advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 145 and, therefore, it did not effect the amendment of the Charter intended by its terms, i.e., the repeal of Section 75;

WHEREAS, the prohibition against carrying concealed weapons is set forth in state law (Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland, as amended from time to time);

WHEREAS, the prohibitions and penalties provided for in Section 75 of the Charter are preempted by the aforesaid state law and should be removed from the Charter as was intended by the passage of Charter Amendment Resolution No. 145.

NOW THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 145 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is _____, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on _____, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until _____, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is _____, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a

certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS ____ DAY OF _____, 2022.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

The Charter Amendment enacted by the foregoing Resolution became effective this ____ day of _____, 2022.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the ____ day of _____, 2022, with ____ votes in affirmation and ____ votes in the negative.

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the ____ day of _____, 2022, and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.

2. The title of this Resolution was published in the Cumberland Times-News on

_____,
_____,
_____ and
_____.

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. ____ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the ____ day of _____, 2022.

4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the ____ day of _____, 2022.

Marjorie A. Woodring, City Clerk

File Attachments for Item:

2. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 150** to rescind Charter Amendment No. 146 and to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence

CHARTER AMENDMENT RESOLUTION NO. 150

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE, ENTITLED “A RESOLUTION TO RESCIND CHARTER AMENDMENT RESOLUTION NO. 146 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL AND REENACT WITH AMENDMENTS SECTION 24 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION), PERTAINING TO THE PUBLICATION OF ORDINANCES, WHEN ORDINANCES TAKE EFFECT, AND THE ADMISSIBILITY OF CODIFICATION IN EVIDENCE.”

WHEREAS, Charter Amendment Resolution No. 146 pertained to repealing and reenacting with amendments Section 24 of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, Section 24 of the Charter pertains to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence;

WHEREAS, the amendment of Section 24 of the Charter should have become effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days’ advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 146 and, therefore, it did not effect the amendment of the Charter intended by its terms;

WHEREAS, Section 4-306 of the said Local Government Article provides that after a charter amendment resolution is proposed or adopted, it can only be rescinded by means of another charter amendment;

WHEREAS, the purpose of this Resolution is (i) to rescind Charter Amendment Resolution No. 146 and repeal any amendment to Section 24 of the Charter which may

have been effected pursuant to its passage and (ii) to repeal and reenact Section 24 of the Charter as was the intent upon the passage of Charter Amendment Resolution No. 146; and

WHEREAS, a public hearing on the subject matter of this Charter Amendment Resolution was held on the ___ day of _____, 2022, public notice of that hearing was provided by means of publication in the Cumberland Times-News on the ____ day of _____, 2022, more that twenty-one (21) days in advance of that hearing, and by posting on the North Centre Street entrance of City Hall, Cumberland, Maryland starting on the ____ day of _____, 2022, and continuing through the date of the said hearing.

NOW, THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 146 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED: that Section 24 of the Charter of the City of Cumberland is repealed and reenacted with amendments to read as follows:

Section 24. - Publication of summary of ordinances in newspaper; posting ordinances on city web site required; when ordinances to take effect.

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

A summary of every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in a newspaper of general circulation in the city for two (2) consecutive days. The summary shall include the effective date of the ordinance, its subject matter and reference to the fact that its entire text is posted on the city's web site. The entire text of all ordinances shall, as soon as practicable after their passage, be posted on the city's web site until such time as the text is incorporated into the city code, as maintained on-line. Ordinances passed by the mayor and city council shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when posted on the city's web site and bearing in their terms the words "be it ordained by the Mayor and City Council of Cumberland," or words of like import, shall be

prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]

SECTION 3: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is _____, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on _____, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until _____, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four (4) times, at weekly intervals, before the aforesaid date.

SECTION 4: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 3 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is _____, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a

certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS ____ DAY OF _____, 2022.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

The Charter Amendment enacted by the foregoing Resolution became effective this ____ day of _____, 2022.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the ____ day of _____, 2022, with ____ votes in affirmation and ____ votes in the negative.

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the ____ day of _____, 2019 and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.

2. The title of this Resolution was published in the Cumberland Times-News on

_____,
_____,
_____ and
_____.

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. ____ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the ____ day of _____, 2022.

4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the ____ day of _____, 2022.

Marjorie A. Woodring, City Clerk

EXHIBIT A

[Note: Additions to the Charter are capitalized and in bold print and deletions are stricken through.]

Section 24. Publication OF SUMMARY of ordinances in newspapers; POSTING OF ORDINANCES ON CITY WEB SITE required; ~~exceptions; when ordinances to take effect; admissibility of codification in evidence.~~

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

~~Every~~ **A SUMMARY OF EVERY** ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in ~~every issue of each of two newspapers published in said city for three (3) days successively (excluding Sundays), providing the amendments and corrections made in digesting and revision for publication in book form need not be so published.~~ **A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO (2) CONSECUTIVE DAYS. THE SUMMARY SHALL INCLUDE THE EFFECTIVE DATE OF THE ORDINANCE, ITS SUBJECT MATTER AND REFERENCE TO THE FACT THAT ITS ENTIRE TEXT IS POSTED ON THE CITY'S WEB SITE. THE ENTIRE TEXT OF ALL ORDINANCES SHALL, AS SOON AS PRACTICABLE AFTER THEIR PASSAGE, BE POSTED ON THE CITY'S WEB SITE UNTIL SUCH TIME AS THE TEXT IS INCORPORATED INTO THE CITY CODE, AS MAINTAINED ON-LINE.** Ordinances passed by the mayor and city council ~~and requiring publication~~ shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when ~~printed and published,~~ **POSTED ON THE CITY'S WEB SITE** and bearing on the title page **PAGES** thereof the words "~~Ordained and published~~ **BE IT ORDAINED** by the Mayor and City Council of Cumberland," or words of like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

File Attachments for Item:

3. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 151** to rescind Charter Amendment No. 147 and to repeal Charter Sections 192-203 pertaining to the Mayor and City Council's authority over the Memorial Hospital

CHARTER AMENDMENT RESOLUTION NO. 151

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED "A RESOLUTION TO RESCIND CHARTER AMENDMENT 147 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL THE FOLLOWING SECTIONS OF THE CHARTER OF THE CITY OF CUMBERLAND (1991 EDITION): SECTION 192 PERTAINING TO THE MEMORIAL HOSPITAL BOARD OF GOVERNORS; SECTION 193 OF THE SAID CHARTER PERTAINING TO SELECTION OF LAND AND PREPARATION OF PLANS; CONTRACTS FOR CONSTRUCTION; SALE OF BONDS; EXPENDITURE OF PROCEEDS FROM BONDS; SECTION 194 PERTAINING TO THE DEDICATION OF THE HOSPITAL; SECTION 195 PERTAINING TO RULES AND REGULATIONS FOR THE OPERATION OF THE HOSPITAL; SECTION 196 PERTAINING TO CHARGES FOR HOSPITALIZATION; SALARIES OF EMPLOYEES; RULES AND REGULATIONS GOVERNING CONDUCT OF PHYSICIANS, NURSES, EMPLOYEES; SECTION 197 PERTAINING TO FISCAL AFFAIRS OF THE HOSPITAL; SECTION 198 PERTAINING TO THE SUBMISSION OF SEMIANNUAL FINANCIAL REPORTS; SECTION 199 PERTAINING TO LIMITATION OF LIABILITY OF BOARD OF GOVERNORS AND OF CITY; SECTION 200 PERTAINING TO THE ACCEPTANCE OF GIFTS AND BEQUESTS BENEFITTING THE HOSPITAL; SECTION 201 PERTAINING TO THE REPEAL OF INCONSISTENT ACTS; SECTION 202 PERTAINING TO THE ABOLITION OF THE AFORESAID BOARD OF GOVERNORS UPON THE LEASING OF THE HOSPITAL; AND SECTION 203 PERTAINING TO THE LEASING OF THE HOSPITAL."

WHEREAS, Charter Amendment Resolution No. 147 pertaining to the repeal of Sections 192-203, inclusive, of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, those sections of the City Charter pertained to the subject matter identified in the title to this Resolution:

WHEREAS, those sections of the Charter should have been repealed effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days' advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 147 and, therefore, it did not effect the amendment of the Charter intended by its terms, i.e., the repeal of Sections 192-203; and

WHEREAS, Memorial Hospital has been demolished and, as a practical result, Sections 192-203 of the City Charter have no practical application.

NOW THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 147 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is _____, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on _____, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until _____, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section

2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is _____, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS ____ DAY OF _____, 2022.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

The Charter Amendment enacted by the foregoing Resolution became effective this ____ day of _____, 2019.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the ____ day of _____, 2022, with ____ votes in affirmation and ____ votes in the negative.

Marjorie A. Woodring, City Clerk

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the ____ day of _____, 2022 and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.
2. The title of this Resolution was published in the Cumberland Times-News on

_____,
 _____,
 _____ and
 _____,

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. _____ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the ____ day of _____, 2022.
4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the ____ day of _____, 2022.

Marjorie A. Woodring, City Clerk

File Attachments for Item:

1. Ordinance No. 3925 (*2nd and 3rd readings*) - to authorize the transfer of City-owned property at 728 Baker Street to Floyd F. Gregory, Jr. for the purchase price of \$500

ORDINANCE NO. 3925

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 728 BAKER STREET AND TO AUTHORIZE THE CONVEYANCE OF THIS PROPERTY TO FLOYD F. GREGORY, JR., 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 728 Baker Street, 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 "2021 Request for Bids Surplus Properties Round II" 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 "Ongoing Surplus Property Sale" and staff is recommending that the Mayor and City Council award the bid for the property known as 728 Baker Street to Floyd F. Gregory, Jr. ("Purchaser") for the amount of \$500.00 (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 Floyd F. Gregory, Jr. for the sum of \$500.00 (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, which is set forth in the Exhibit A 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 _____, 2022.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

EXHIBIT A

NO TITLE SEARCH PERFORMED

THIS DEED, made this _____ day of _____, 2022, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND** (the “City”), a Maryland municipal corporation, and **FLOYD F. GREGORY, JR.** (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of Five Hundred Dollars (\$500.00) and for other good and valuable consideration, the receipt of all of which is hereby acknowledged, the City does hereby quitclaim to the Grantee, his personal representatives, heirs and assigns, all of the City’s right, title, interest and estate in and to the following-described piece or parcel of real estate lying and being in the City of Cumberland, Allegany County, Maryland, to wit:

All that certain parcel of land situate in Election District 4, on the Southeasterly side of Baker Street in Cumberland, Allegany County, State of Maryland, being known and designated as (Magnetic Meridian as of Original Plat, Liber 104, Folio 748, stated in Vernier Readings and Horizontal Measurements being used), as metes and bounds property, as set forth in Deed Book 597 Page 808, recorded 10/17/91, Allegany County Records.

The improvements thereon being known as 728 Baker Street.

IT BEING the same property that was conveyed from Wells Fargo Bank, N.A. to the City by deed dated April 9, 2018, and recorded among the Land Records of Allegany County, Maryland in Book 2050, Page 473.

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, his personal representatives, heirs and assigns, in fee simple forever.

WITNESS the hand and seal of the City the day and year first above written.

WITNESS:

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 _____, 2022, 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 \$500.00; 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 a title search was not performed in connection with its preparation.

MICHAEL SCOTT COHEN

File Attachments for Item:

. Ordinance 3926 (*1st reading*) - approving the transfer of 471 Baltimore Avenue to Bechance, LLC for the purchase price of \$100 and authorizing execution of a deed to effect the transfer

ORDINANCE NO. 3926

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 471 BALTIMORE AVENUE AND TO AUTHORIZE THE CONVEYANCE OF THIS PROPERTY TO BECHANCE LLC, 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 471 Baltimore Avenue, 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 I" 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 "Ongoing Surplus Property Sale" and staff is recommending that the Mayor and City Council award the bid for the property known as 471 Baltimore Avenue to Bechance LLC ("Purchaser") for the amount of \$100.00 (One 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 Bechance LLC for the sum of \$100.00 (One 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 A 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 _____, 2022.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2022, 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 _____, 2022, 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:

. **Order 27,074** - authorizing the Chief of Police to accept a FY23 Sex Offender Compliance Grant in the amount of \$18,071.00 for Cumberland Police Department and Allegany County Sheriff's Office overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency

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

ORDER NO. 27,074

DATE: September 6, 2022

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

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Grant for FY23 entitled "Sex Offender Compliance and Enforcement" in the amount of Eighteen Thousand, Seventy-one Dollars and No Cents (\$18,071.00) for the period 07/01/2022 to 06/30/2023 for Cumberland Police Department and Allegany County Sheriff's office overtime support to perform compliance checks by conducting home visits of registered sex offenders to confirm residency.

Raymond M. Morriss, Mayor

Grant: SOCM-2023-0007



GOVERNOR'S COORDINATING OFFICES

Community Initiatives · Service & Volunteerism · Performance Improvement
Crime Prevention, Youth, & Victim Services · Small, Minority, & Women Business Affairs
Banneker-Douglass Museum · Volunteer Maryland · Deaf & Hard of Hearing

August 15, 2022

Chief Chuck Ternent
Chief of Police
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: SOCM-2023-0007

Dear Chief Ternent:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled "**Sex Offender Compliance and Enforcement in Maryland**," in the amount of \$18,071.00 has received approval under the Sex Offender Compliance and Enforcement in Maryland program. Enclosed is the grant award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

The Cumberland Police Department Sex Offender Compliance and Enforcement program assists in developing and implementing strategies specifically intended to provide assistance complying with the laws surrounding the Sex Offender Registry. The program tracks the compliance of local sex offenders who are required to maintain registry with the Maryland Sex Offender Registry. Grant funding supports personnel and contractual services.

Please pay particular attention to the instructions included on the grant award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by our office are also located online, at www.goccp.maryland.gov. The chief elected official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the grant award, must sign the original Grant Award & Acceptance Form, initial each page of the Special Conditions document, and upload them in the Grants Management System within **twenty-one (21) calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the grant award, Notification of Project Commencement, and individual project reports has also been sent to the project director. The project director is responsible for completing these and other required forms now and at the end of each reporting period. If the project director changes, we must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the grant award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this grant award, please contact **Quentin Jones**, your program manager, or **Dorothy Lee**, fiscal specialist. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our state.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kunle Adeyemo".

Kunle Adeyemo, Esq.
Executive Director

cc: Lieutenant Eric Bonner



8/15/2022

Governor's Office of Crime Control and Prevention



Control Number:

43490

Regional Monitor:

Jones, Quentin

Fiscal Specialist:

Lee, Dorothy

Grant Award & Acceptance Form

Grant Award Number:	SOCM-2023-0007	
Sub-recipient:	Cumberland Police Department	
Project Title:	Sex Offender Compliance and Enforcement in Maryland	
Implementing Agency:	Cumberland Police Department	
Award Period:	07/01/2022 - 06/30/2023	CFDA: State General Funds

Funding Summary	Grant Funds	100.0 %	\$18,071.00
	Cash Match	0.0 %	\$0.00
	In-Kind Match	0.0 %	\$0.00
	Total Project Funds		\$18,071.00

This Grant Award is hereby made for financial assistance by the Governor's Office of Crime Control and Prevention in accordance with the

Sex Offender Compliance and Enforcement in Maryland

This Grant Award is subject to the General Conditions and any Special Conditions attached to this award, as well as all statutes and requirements of the State of Maryland.

This Grant Award incorporates all the information, conditions, representations and Certified Assurances contained in the grantee's application.

The Grant Award shall become effective as of the start date of the award, unless otherwise specified, and upon submission to the Grants Management System, within twenty-one (21) calendar days, of a fully executed original of this document signed by the duly authorized official of the sub-recipient unit of government or sub-recipient agency receiving this Grant Award. Copies and faxes are not acceptable.

FOR THE STATE OF MARYLAND:



Executive Director

Governor's Office of Crime Control and Prevention

SUB-RECIPIENT ACCEPTANCE:



Signature of Authorized Official

TERMENT

Typed Name And Title

8/15/22

Date

To submit, sign in blue ink and scan and upload the document to the grant award Documents section in the Grants Management System.



Regional Monitor:
Fiscal Specialist:

Jones, Quentin
Lee, Dorothy

Governor's Office of Crime Control and Prevention

Budget Notice

Grant Award Number:	SOCM-2023-0007		
Sub-recipient:	Cumberland Police Department		
Project Title:	Sex Offender Compliance and Enforcement in Maryland		
Implementing Agency:	Cumberland Police Department		
Award Period:	07/01/2022 - 06/30/2023	CFDA: State General Funds	

Funding Summary	Grant Funds	100.0 %	\$18,071.00
	Cash Match	0.0 %	\$0.00
	In-Kind Match	0.0 %	\$0.00
	Total Project Funds		\$18,071.00

Personnel

Description of Position	Salary Type	Funding	Total Budget
Sworn Officers	Overtime	Grant Funds	\$9,111.00
Personnel Total:			\$9,111.00

Contractual Services

Description	Funding	Quantity	Unit Cost	Total Budget
Allegany County Sheriff's Office	Grant Funds	224	\$40.00	\$8,960.00
Contractual Services Total:				\$8,960.00

Approved: 

 Governor's Office of Crime Control and Prevention Authorized Representative

Effective Date: 8/14/2022

Council Agenda Summary

Meeting Date: September 6, 2022

Key Staff Contact: Chief John “Chuck” Ternent/Lt. Eric Bonner

Item Title: FY23 Sex Offender Compliance Grant

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

Authorize the Chief of Police to accept the FY23 Sex Offender Compliance grant in the amount of \$18,071.00 for Cumberland Police Department and Allegany County Sheriff’s Office overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency.

Amount of Award: \$18,071.00

Budget number:

Grant, bond, etc. reference:

File Attachments for Item:

. **Order 27,075** - authorizing the Chief of Police to accept a FY23 Maryland Center for School Safety (MCSS) SRO grant in the amount of \$49,245.00 to provide adequate police coverage in and around city schools, pay officers' overtime to supplement school resource activities, and provide additional officers to patrol during school time and extracurricular activities

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

ORDER NO. 27,075

DATE: September 6, 2022

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

THAT, the Chief of Police be and is hereby authorized to accept a FY23 SRO/Adequate Coverage Grant made available through the Maryland Center for School Safety (MCSS), in the amount of Forty-nine Thousand, Two Hundred Forty-five Dollars and No Cents (\$49,245.00) to cover overtime salaries for School Resource Officers (SROs) to provide adequate coverage in and around the assigned schools within the jurisdiction of the Cumberland Police Department for the period July 1, 2022 – June 30, 2023.

Mayor Raymond M. Morriss

Grant: FY23 MCSS SRO Program Grant

Council Agenda Summary

Meeting Date: August 18, 2022

Key Staff Contact: Chief Chuck Ternent/Lt. Eric Bonner

Item Title: FY23 MCSS SRO Grant

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

Authorize the Chief of Police to accept the FY23 Maryland Center for School Safety SRO grant in the amount of \$49,245.00. These funds will be used to provide adequate police coverage in and around our city's schools. The grant will pay officers overtime to supplement our school resource activities which include providing additional officers to patrol our schools and interact with the children during school days as well as extra-curricular activities.

Amount of Award: \$49,245.00

Budget number:

Grant, bond, etc. reference: FY23 MCSS SRO Grant

MARYLAND CENTER for SCHOOL SAFETY

8/17/2022

GRANT APPROVAL NOTICE

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

**Chief John "Chuck" Ternent
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502**

RE: FY2023 SRO Program

Dear Chief Ternent,

This letter is to notify you that the application for your FY2023 SRO Program has been **fully approved** in the amount of **Forty-Nine Thousand, Two Hundred Forty-Five Dollars [\$49,245]**. This funding is to cover overtime salaries for SROs to provide adequate coverage in the assigned schools within the jurisdiction of the Cumberland Police Department. The effective date for the FY2023 SRO Grant is from July 1, 2022 to June 30, 2023.

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

You will be required to submit detailed quarterly progress reports as well as a final project report at the end of the performance period. Please visit the [MCSS website](#) to access the Reimbursement Form and other Post Award grant forms. Please contact the MCSS Grants Unit at mcss.mcass@maryland.gov with any questions.

Sincerely,

MCSS Grants Review Team
Maryland Center for School Safety
Email: mcss.mcass@maryland.gov

cc: Eric Bonner



410-281-2335 | schoolsafety.maryland.gov | school.safety@maryland.gov

File Attachments for Item:

. **Order 27,076** - accepting the State bid from Hertrich Fleet Services Inc. for five (5) police vehicles at a total not-to-exceed cost of \$247,140.00

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

ORDER NO. 27,076

DATE: September 6, 2022

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

THAT, the State Bid proposal from Hertrich Fleet Services, Inc. 1427 Bay Road, Milford, DE 19963 to supply five (5) 2023 Ford Police Interceptor Utility vehicles for the not-to-exceed amount of Two Hundred Forty-seven Thousand, One Hundred Forty Dollars and No Cents (\$247,140.00) is hereby accepted; and

BE IT FURTHER ORDERED, that all equipment shall be purchased as part of the State of Maryland Contract for police equipment, pursuant to Section 2-171(b) of the City Code.

Raymond M. Morriss, Mayor

Budgeted: 001.040.64000

HERTRICH FLEET SERVICES, INC

1427 Bay Road Milford, DE 19963

Ford - Chevrolet - Dodge - Jeep
Lincoln - Honda - Buick - GMC - Toyota - Nissan

(800) 698-9825

(302) 422-3300

Fax: (302) 839-0555

August 24, 2022

Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

Cpt. James Burt,

We are pleased to provide this quote for a 2023 Ford Police Interceptor Utility, K8A, priced per **Maryland BPO# 001B2600312**, and equipped as follows: 3.3L V6 TI-VCT Engine, 10 Speed Automatic Transmission, Rear Door Locks / Windows In-operable, Remote Keyless Entry, Daytime Running Lamps, **Rear View Camera Display in Rear View Mirror.**

✓	Code	Description	Amount
	Vehicle	2023 Ford Police Interceptor Utility AWD ; 3.3L V6 DI Engine	\$45,750
	UM/96	Agate Black Exterior – Cloth Front Buckets & Rear Vinyl Bench	N/C
	500A	All Standard Equipment per PEP 500A	N/C
	BLT	Bluetooth Connectivity	STD
	153	Front License Plate Bracket	N/C
	63B	Side Marker LED – Sideview Mirrors (Driver – Red / Passenger – Blue) • Located on the exterior mirror housing	\$290
	51T	Drivers Side LED Spotlight – Whelen	\$420
	43D	Dark Car Feature – Courtesy Lamp Disabled when any door is opened	\$25
	17T	Cargo Area Dome Lamp – Red / White	\$50
	67H	Ready for the Road Package: All-in Complete Package – Includes Police Interceptor Packages: 66A, 66B, 66C, plus – Whelen Cencom Light Controller Head with dimmable backlight – Whelen Cencom Relay Center / Siren / Amp w/Traffic Advisor (mounted behind 2 nd row seat) – Light Controller / Relay Cencom Wiring (wiring harness) w/additional input/output pigtails – High current pigtail – Whelen Specific WECAN Cable (console to cargo area) connects Cencom to Control Head – Pre-wiring for grille LED lights, siren and speaker (60A) – Rear console plate (85R) – contours through 2 nd row; channel for wiring – Grille linear LED Lights (Red / Blue) and harness – 100-Watt Siren / Speaker – Hidden Door-Lock Plunger / Rear-Door Handles Inoperable (52P) Note: Not available with options: 66A, 66B, 66C, 67G, 67U and 65U	\$3595
		Total per Vehicle	\$49,428
		Total for 5 Vehicles	\$247,140

Council Agenda Summary

Meeting Date: September 6, 2022

Key Staff Contact: Chief Chuck Ternent/Lt. Eric Bonner

Item Title: FY23 Hertrich Fleet Services Quote for Police Vehicles

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

Request to accept the State bid from Hertrich Fleet Services Inc. for five (5) police vehicles at a total cost of \$247,140.00.

Amount of Award:

Budget number: 001.040.64000

Grant, bond, etc. reference:

File Attachments for Item:

. Order 27,077 - rescinding Order No. 27,055 because of a misstated purchase amount and accepting the sole source proposal from L/B Water Service, Inc. to provide water meters and smartpoints for FY23 in the amount not-to-exceed \$335,000

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

ORDER NO. 27,077

DATE: September 6, 2022

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

THAT, Order No. 27,055 approved on August 16, 2022, be and is hereby rescinded because of a misstated purchase amount; and

BE IT FURTHER ORDERED THAT, the sole source proposal from L/B Water Service, Inc., 550 S. High Street, Selinsgrove, PA, 17870 to provide water meters and smartpoints for FY23 be and is hereby accepted in the amount not-to-exceed Three Hundred Thirty-Five Thousand Dollars (\$335,000.00).

Raymond M. Morriss, Mayor

Budget: 002.220.39300 Water Meters and Fittings

Council Agenda Summary

Meeting Date: August 16, 2022

Key Staff Contact: Marty Watts, Water Distribution Superintendent

Item Title:

Order to Allow the Sole Source Purchases of Water Meters and Smartpoints from L/B Water Service, Inc. Selinsgrove, PA, 17870. In the amount not to exceed \$335,000 for an Entire Fiscal Year.

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

Requesting an order to allow sole source purchases of water meters and smartpoints from L/B Water Service in the amount not to exceed \$335,000 for the entire fiscal year. L/B Water Service is the only distributor that is allowed through Sensus to sell us any water meter, smartpoints or meter reading equipment. On average over the last two years we have spent \$300,000 on water meters of various sizes and the corresponding reading devices. The industry has changed so much since the start of COVID some of these water meters and smartpoint have a 20-45 week lead time. In the past we have placed multiple orders spread across the fiscal year. I would like to be able to make larger purchases, because of the long lead times we can keep our place in line so to speak as the products are being produced. Water meters are a large part of our City's revenue. Without being able to have them on hand or the availability to get them quickly could play a role in our monthly revenue.

Amount of Award:

\$335,000

Budget number:

002.220 39300

002.299XI

Grant, bond, etc. reference:

Rescinded

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

ORDER NO. 27,055

DATE: August 16, 2022

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

THAT, L/B Water Service, Inc., 550 S. High Street, Selinsgrove, PA, 17870 is hereby approved as the sole source vendor for the purchase of water meters and smartpoints for FY23; and

BE IT FURTHER ORDERED, that FY23 purchases from L/B Water Service, Inc. for water meters and smartpoints shall not exceed One Hundred Seventy Thousand Dollars and No Cents (\$170,000.00).



Raymond M. Morriss, Mayor

Budget: 002.220.39300 Water Meters and Fittings

AUG 16 2022

File Attachments for Item:

. Order 27,078 - appointing Jeffrey F. Silka, City Administrator, as a City representative to the Enterprise Zone Advisory Committee effective this date

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

ORDER NO. 27,078

DATE: September 6, 2022

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

THAT, Jeffrey F. Silka, City Administrator, be and is hereby appointed as a City representative to the Enterprise Zone Advisory Committee effective this date.

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,079 - accepting the proposal from MuniLink to provide FY23 software hosting and support services for the City's utility billing system in the amount not-to-exceed \$43,016.62

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

ORDER NO. 27,079

DATE: September 6, 2022

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

THAT, the proposal from MuniLink to provide FY23 software hosting and support services for the City's utility billing system be and is hereby accepted in the amount not-to-exceed Forty-Three Thousand, Sixteen Dollars and Sixty-Two Cents (\$43,016.62).

Raymond M. Morriss, Mayor

Budget:
003.330.48201

Council Agenda Summary

Meeting Date:

Key Staff Contact: Johnna Byers, Director IT

Item Title:

MuniLink Utility Billing System Hosting and Support

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

IT requests an order for costs not to exceed \$43,016.62 for MuniLink Utility Billing System hosting and support. We have been using this system for over two years. We use it to generate utility bills for water, sewer, and trash service. We pay on a monthly basis.

It is budgeted in 003.330 48201



NOTICE OF ANNUAL PRICE ADJUSTMENT (Cost of Living)

June 20, 2022

City of Cumberland

This is your notice that next month's invoice will include an Annual Price Adjustment, according to Schedule A of your contract.

Note that although the CPI is 7.5%, we are capping your increase at 5.0%.

Your scheduled Cost of Living increase:

Your current monthly Muni-Link invoice amount	\$3,427.62
Scheduled increase – 5.0%	\$171.38
Your new monthly Muni-Link invoice amount	\$3,599.00

If you have any questions, please contact Kelley Massaro at 814.742.7700, ext 308, or at KMassaro@linkcorp.com.

Thank you for being a valued Muni-Link customer!

U.S. BUREAU OF LABOR STATISTICS

Mid-Atlantic Information Office

Consumer Price Index, Northeast Region – May 2022

Regional prices up 7.5 percent over the year



QUOTE

July 15, 2022

City of Cumberland
57 North Liberty Street
Cumberland MD 21501

Muni-Link Service

07/01/2022 – 07/31/2022 – 1 month @ 3,427.62

08/01/2022 – 06/30/2023 – 11 months @ 3,599.00 - 39,589.00

TOTAL FOR 07/01/2022 – 06/30/2023 - 43,016.62

File Attachments for Item:

. Order 27,080 - abating real estate and special taxing district taxes for 118 Baltimore Street, owned by the Cumberland Economic Development Corporation

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

ORDER NO. 27,080

DATE: September 6, 2022

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

THAT, the City real estate and special taxing district taxes for 118 Baltimore Street, owned by the Cumberland Economic Development Corporation, be and are hereby abated as follows:

2021 Real Property	\$ 5,527.41
2021 Special Taxing District	2,378.95
2021 Total	\$ 7,906.36
2022 Real Property	\$ 460.62
2022 Special Taxing District	198.25
2022 Total	\$ 658.87

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,081 - approving a residential exemption from the Special Taxing District Levy for the 2022-2023 tax year for 33 N. Centre Street in the amount of \$600.72

City of Cumberland
SPECIAL TAXING DISTRICT REQUEST FOR EXEMPTION

Tax Year 2022

I, ERNEST BUSILLA / TONYO SASAKI request an exemption from the Special Taxing District Levy for property owned by me at: 33 N. Centre St.

My request is based upon the fact that:

- Residential** - this property, or portion thereof, is occupied and used by the owner for his or her residence;
- Industrial** - this property, or portion thereof, is used solely for light manufacturing purposes, and qualifies for a similar exemption according to the tax provisions of Allegany County, Maryland.

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

Residential 66% %
Industrial _____ %

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

Signed: Tonyo Sasaki

Date: 07/21/22

For City use

Tax Account No: 14002847 4P

	Assessed Amount	Tax Amount
Original	199600	910.18
Exempt	131736	600.72
Billable	67864	309.46

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

ORDER NO. 27,053

DATE: August 16, 2022

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

THAT, the following Residential Exemption from the Special Taxing District Levy for the 2022-2023 tax year be and is hereby granted:

Property / Owner	Tax Year / Account No.	Exemption Amt.
45 N. Centre St./ Daniel Rhee	2022-2023/14-003207	\$681.87
43-45 N. Liberty St./Wm. Humbertson	2022-2023/14 005773	\$203.99
50-52 N. Centre St./Wm. Humbertson	2022-2023/14 005781	\$300.73
107 S. Centre St./JoAnn Circosta	2022-2023/04 031601	\$668.21
47 Baltimore St./Robert Chevez	2022-2023/04 023226	\$372.59

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

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,082 - reappointing Dan Bowser to the Downtown Development Commission and Harold Hipsley to the Shade Tree Commission

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

ORDER NO. 27,082

DATE: September 6, 2022

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

THAT, the following board and commission appointments be and are hereby approved:

Board/Commissions	Seat	Member	Term
Downtown Dev. Comm.	Secondary – Seat 2	Dan Bowser	9/6/22 – 9/1/25
Shade Tree Commission	Seat 2	Harold Hipsley	9/6/22 – 9/6/26

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,083 - accepting the proposal from KONE, Inc. to rehabilitate two (2) elevators in the Public Safety Building for the amount not-to-exceed \$440,000

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

ORDER NO. 27,083

DATE: September 6, 2022

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

THAT, the proposal from KONE, Inc., 517 Progress Drive, Suite Q, Linthicum, Maryland, 21090, to rehabilitate two (2) elevators in the Public Safety Building be and is hereby accepted for the amount not-to-exceed Four Hundred Forty Thousand Dollars (\$440,000.00).

Raymond M. Morriss, Mayor

Budget: 115.048B.62000

Council Agenda Summary

Meeting Date: 8/16/2022

Key Staff Contact: Robert Smith, PE

Item Title:

Public Safety Building Elevator Rehabilitation

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

Order accepting the proposal from Kone, Inc. to rehabilitate two elevators in the Public Safety Building. This purchase was procured through the Omnia Partners purchasing Cooperative in compliance with the City Purchasing policy 2-171 (c). The City has selected 3 alternative bids from the proposal to replace the elevator cab floors, waterproof the elevator pits and installation of an elevator pit sump. At the conclusion of this project, the elevators will in compliance with ASME 2019.

Due to material inflation, funds from the project to repair the City Hall elevator and Public Safety Building elevators have been combined into a single project. The City Hall elevator upgrades will happen in a future year. Per an email from the City Administrator and Director of Administrative services, the project funding has been combined and the project budget increased to \$440,000 to account for unexpected site conditions.

Amount of Award: \$430,808.00

Budget number: 115.048B.62000

Grant, bond, etc. reference: City Funds

Option or Add Alt	Public Safety Building Elevator 1	Public Safety Building Elevator 2	Comments
Base	\$205,844.00	\$203,364.00	
1		\$3,694.00	Not Selected
2		\$5,690.00	Selected
3		\$3,978.00	Selected
6		\$11,932.00	Selected
Total	\$205,844.00	\$228,658.00	

Selected Alternatives	\$205,844.00	\$224,964.00
Total Project	\$430,808.00	

Option 1	Elevator Machine Room Painting
Option 2	Replace Elevator Cab Floors
Option 3	Elevator Pit Waterproofing
Option 6	Elevator Pit Sump Pump

Option or Add Alt	City Hall Elevator	Public Safety Building Elevator 1	Public Safety Building Elevator 2
Base	\$178,440.00	\$192,401.00	\$190,303.00
1	\$2,558.00	\$1,847.00	\$1,847.00
2	\$2,845.00	\$2,845.00	\$2,845.00
3	\$1,990.00	\$1,989.00	\$1,989.00
4	\$11,932.00	\$5,966.00	\$5,966.00
5	\$16,550.00	\$16,550.00	\$16,550.00
Total	\$214,315.00	\$221,598.00	\$219,500.00

Selected Alternatives		\$219,751.00	\$217,653.00
Total Project		\$437,404.00	

Option 1	Elevator Machine Room Painting
Option 2	Replace Elevator Cab Floors
Option 3	Elevator Pit Waterproofing
Option 4	Elevator Pit Sump Pump
Option 5	ASME 2019 Upgrades

Dedicated to People Flow™



KONE MODERNIZATION PROPOSAL

Proposal:
Proposal Date:

City of Cumberland
08/31/2022



08/31/2022

KONE Inc.
Elevators & Escalators

517 Progress Drive

Suite Q
Linthicum, Maryland, 21090
Mobile +1 12026175979
Work +14107662100
jason.speicher@kone.com
www.kone.us

Dear Robert Smith,

We are pleased to enclose, for your review and consideration, KONE's proposal to modernize your equipment located at the following address for the amount of **\$409,208.00** (excluding tax – tax exempt certificate to be provided to KONE prior to contract):

20 Bedford Street, Cumberland, Maryland 21502

- This proposal is per terms and conditions as set forth in Omnia Partners Contract No. GENRL - EV2516 - City of Kansas City.
- This proposal is based on 2023 installation.
- This proposal is valid for (30) days.
- Anticipated downtime: **6** weeks per unit for modernization + **1-2** weeks for inspection.

Should you have any questions or require additional information, please feel free to contact me directly.

We look forward to hearing from you and working together on this project.

Yours sincerely,



Jason Speicher
Senior Sales Executive - Modernization
Kone Inc



Table of Contents

Appendix 1: KONE 24/7 Connected Services

Appendix 2: Clarifications

Appendix 3: Bid Attachment "A" / KONE Inc. General Terms and Conditions (Modernization)

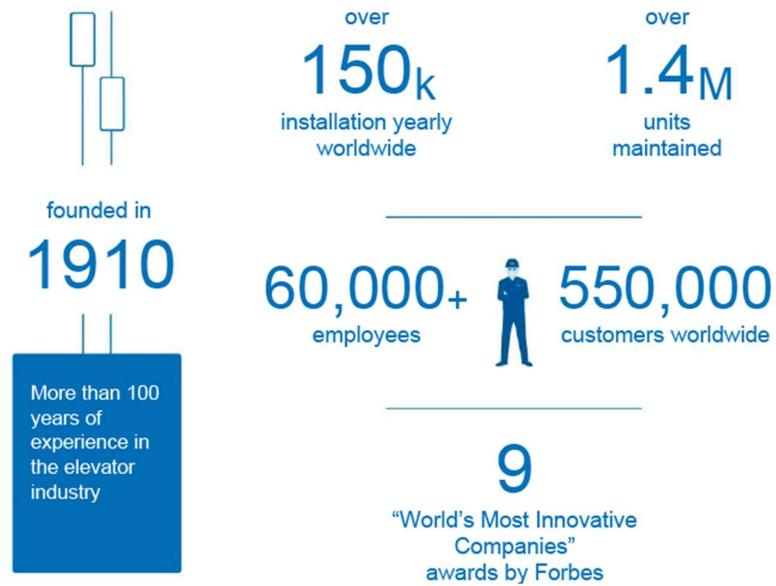
Appendix 4: Bid Attachment "B" / Site Requirements & Work by Other Trades

1. Why KONE?

KONE in brief

KONE is a global leader in the elevator and escalator industry. Our mission is to make cities better places to live.

Our versatile product portfolio features a wide range of innovative products including elevators, escalators, autowalks, monitoring, access and destination control systems.



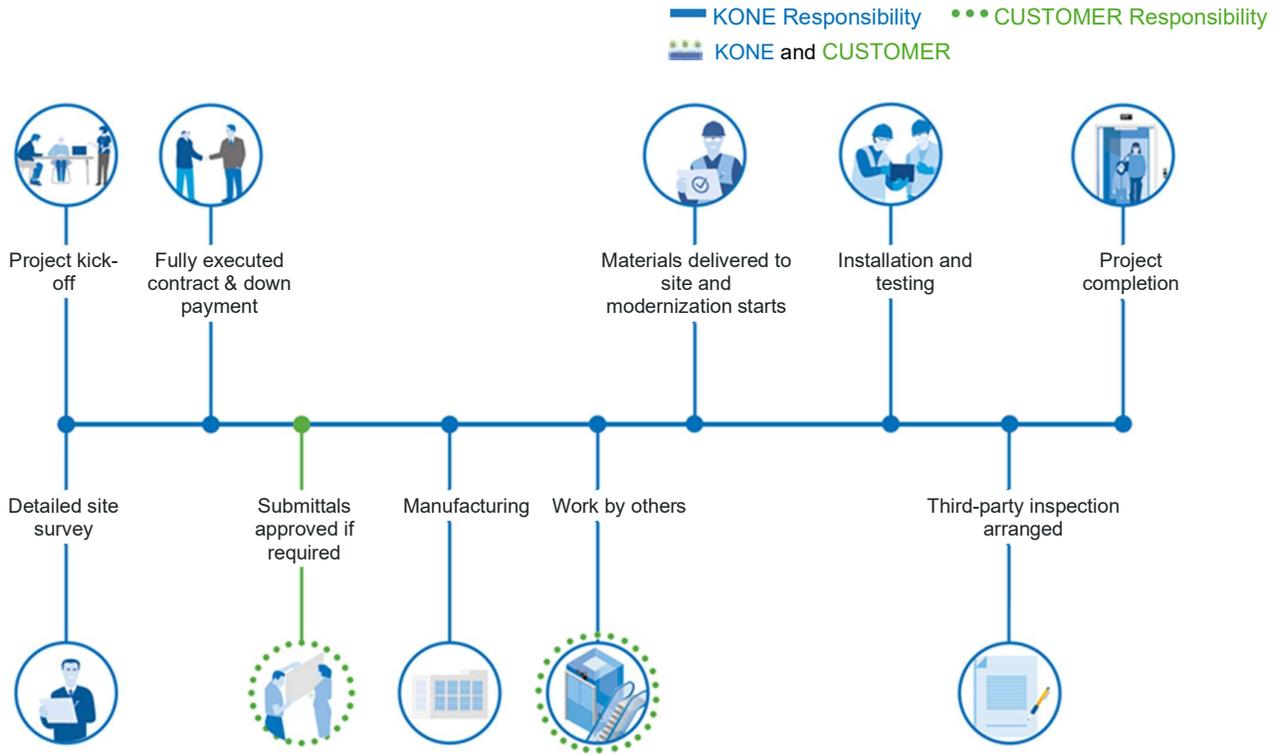
Value for your project

KONE helps you to reduce operational costs, increase end-user satisfaction and value of your building by providing accessible and safe equipment through a professional and trouble-free modernization project.

- ✓ Increased user satisfaction/minimal disturbance to end-users
- ✓ Improved eco-efficiency, reduced energy consumption
- ✓ Improved safety according to latest standards

2. Ensuring your project success

Project Overview



Site Cornerstones

By ensuring that these cornerstones are in place you can ensure that your modernization project stays on schedule and that KONE technicians can perform their work quickly, safely, and with minimum disruption to building operations.

1 Site preparation requirements before materials arrive

- Loading and storage area of suitable size for materials, waste and waste storage, and tools
- Safe access route for new materials and materials being removed
- Access permissions and cards or other access devices for KONE technicians

2 Other works as agreed in the project plan, if not managed by KONE

- Please refer to Appendix 4: Bid Attachment “B” / Site Requirements & Work by Other Trades

3. Your solution

Equipment # 20359561 / Car #1
Address 20 BEDFORD ST, 21502, CUMBERLAND
Rated load 3000 lbs
Rated speed 125 fpm
Travel height 41 ft 0 in
Number of floors 4 floors / 4 front openings / 0 rear opening

Equipment # 20359562 / Car #2
Address 20 BEDFORD ST, 21502, CUMBERLAND
Rated load 3000 lbs
Rated speed 125 fpm
Travel height 41 ft 0 in
Number of floors 4 floors / 4 front openings / 0 rear opening

Electrification

KONE HydroMod DX

KONE HydroMod DX is a modular modernization solution for elevator control and electrical systems, based on the latest in control technology. This replaces outdated technology such as relays and older electronic systems, improving the levels of performance, reliability, safety and energy efficiency of your elevator. The modular structure of KONE HydroMod DX is designed to correctly interface with many types of existing elevator components, thus ensuring a swift, trouble-free installation for the building users.



A new microprocessor-based control system shall be provided to perform the functions of safe elevator motion. Included shall be all of the hardware required to connect, transfer and interrupt power, and to protect the motor against overloading. Each controller cabinet containing memory equipment shall be properly shielded from line pollution. The microcomputer system shall be designed to accept reprogramming with minimum system down time. All high voltage (110V or above) contact points inside the controller cabinet shall be protected from accidental contact in a situation where the controller doors are open. The microprocessor-based control system shall utilize on-board diagnostics for servicing, troubleshooting, and adjusting without requiring the use of an outside service tool.

KONE 24/7 Emergency Video Communications

This proposal includes provisions for KONE 24/7 Emergency Video Communications, which meets the intent of IBC 2018 and ASME A17.1 2019 code. In addition to the two-way audio communication, it allows for text based two-way communication between the elevator cab and the KONE Customer Care Center as well as means to visually verify if the cab is occupied when an emergency call is placed. The following is included for the duration of the warranty maintenance period:

- Hardware that enables audio and text-based two-way communication and video into the elevator cab, including touchscreen mounted in the car operating panel, camera, and all related wiring
- Wireless communication to KONE Customer Care Center is provided by KONE. No additional data and voice network or phone line is required to be provided by others
- 4-hour battery backup of both of in-car communication devices, wireless data, and voice network
- 24 hour-a-day, 7-day-a-week monitoring of elevator by KONE Customer Care Center

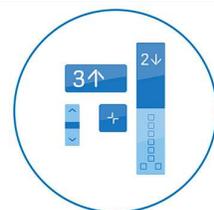
Sufficient AT&T cellular connectivity in the control space and a dedicated 110V disconnect are required to be provided by others to enable KONE 24/7 Emergency Video Communications. For elevators with 60' (18m) of travel or more, a data connection next to the remote communication panel and a windows-based computer (PC) capable of running the latest version of Google Chrome internet browser is required to be provided by others.

The KONE 24/7 Emergency Video Communications contract addendum and General Terms and Conditions for KONE Digital Services must be signed by the Building Owner. This contract addendum requires the Building Owner to pay a fee for audio, video, and data connectivity. This payment obligation, among other provisions, survives termination of any maintenance agreement.

Fixtures

Custom Fixtures

New signalization shall be provided as required.



Doors

Door Panel(s)

New door panel(s) shall be provided where applicable. New door(s) shall be UL fire rated 1 1/2 hour.

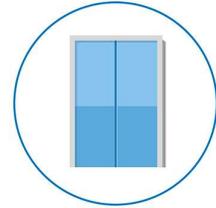
KONE ReNova Door Operator

A KONE ReNova closed loop permanent magnet PWM high-performance door operator shall be provided to open and close the car and hoistway doors simultaneously. Door movement shall be cushioned at both limits of travel. An electric contact shall be provided on the car at each car entrance to prevent the operation of the elevator unless the car door is closed. The door operator shall be arranged so that, in case of interruption or failure of electric power, the doors can be readily opened by hand from within the car, in accordance with applicable code.

Emergency devices and keys for opening doors from the landing shall be provided as required by the local code. Doors shall open automatically when the car has arrived at or is leveling at the respective landings. Door shall close after a predetermined time interval or immediately upon pressing of a car button. A door open button shall be provided in the car. Momentary pressing of this button shall reopen the doors and reset the time interval. Door hangers and tracks shall be provided for each car door. Tracks shall be contoured to match the hanger sheaves. The hangers shall be designed for power operation with provisions for vertical and lateral adjustment. Hanger sheaves shall have polyurethane tires and pre-lubricated sealed-for-life bearings.

Curtain of Light

The elevator car shall be equipped with an electronic protective device extending the full height of the car. When activated, this sensor shall prevent the doors from closing or cause them to stop and reopen if they are in the process of closing. The doors shall remain open as long as the flow of traffic continues and shall close shortly after the last person passes through the door opening.



Shaft equipment

Guide Shoes

New roller guide assemblies shall be provided.



Hydraulic equipment

Field Pipe & Accessories

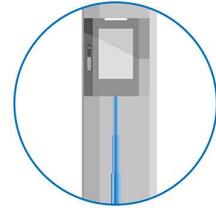
New field pipe and or accessories shall be provided as required.

Power Unit

A hydraulic power unit, especially designed and manufactured for this service, will be furnished. The motor and pump will be submersed under the oil inside the tank in order to provide for sound isolation. A muffler, designed to reduce pulsation and noise which may be present in the flow of hydraulic oil, will be provided in the oil line at the top of the pump.

Control valves, including safety check valve, up direction valve with high pressure relief including up leveling and soft stop features, lowering valve including down leveling and manual leveling feature, will be mounted in a compact unit assembly. A valve, designed to shut off the flow of oil between the cylinder and the Power Unit, will be provided in the oil line in the machine room. Automatic two-way leveling will be provided to automatically stop and maintain the car approximately level with the landing, regardless of change in load.

An up traveling car will automatically descend to the lower terminal landing if the hydraulic system does not have a sufficient reservoir of oil. Power operated car and hoistway doors will automatically open at the lowest terminal landing permitting passenger egress. The doors will then automatically close and all control buttons, except the Door Open Button in the car operating panel, will be made ineffective.



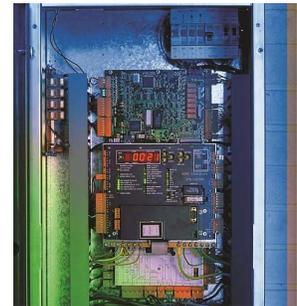
Solution details

Elevator 20359561 / HydroMod ASME 2019

Electrification

Product name **KONE HydroMod DX**

Elevator group size	Duplex
Code year	2019
NEMA rating (HW)	Hoistway rating is NEMA 1.
NEMA rating (MR)	Machine room rating is NEMA 1.
Power supply voltage [v]	480
Type of power unit	Submersible
Machine room duct	KONE will remove all existing wiring, conduit and duct from the machine room. New conduit and duct properly sized and constructed for the job requirements will be installed (in accordance with applicable codes).
New motor size (hp)	30
Motor Starts per Hour	80 Standard
Card reader provisions	Controller will be equipped with card reader interface logic.
Type of curtain of light	This curtain of light is an electronic sensing device that operates across the car entrance. When activated, the curtain of light will prevent the doors from closing or cause them to stop and reopen if they are in the process of closing. The doors will remain open as long as the flow of traffic continues and will close shortly after the last person passes through the door opening. A 3-D type will be provided.
Qty of COPs	1
Qty of hall call lockout switches	4
Traveling cable(s)	Existing traveling cable(s) will be removed and replaced with new traveling cable. In addition to our standard traveling cable, a second traveling cable be provided for security and/or card reader provisions.
Battery backup	Battery backup shall be provided. Batter backup allows passengers to safely exit an elevator in the event of a power outage.
Hoistway duct	KONE will remove all existing wiring, conduit and duct from the hoistway. New conduit and duct properly sized and constructed for the job requirements will be installed (in accordance with applicable codes).



Product name **KONE 24/7 Emergency Video Communications**

Qty of COPs	1
24/7 Emergency Communications	24/7 Emergency Communications shall be provided.



Fixtures

Product name **Custom Fixtures**

Card reader provisions	Controller will be equipped with card reader interface logic.
Qty of COPs	1
Qty of new hall stations	4
Qty of hall call lockout switches	4
Qty of new hall lantern/position indicator combos	1
Qty of car direction lanterns	1
Qty of hoistway access switches	2

Doors

Product name **Door Panel(s)**

Car panel finishing material	New car door panel(s) shall be provided where applicable. New door(s) shall be UL fire rated 1 ½ hour. Finish will be #4 stainless steel.
Door type	Single speed center opening.
Hatch panel finishing material	New hatch door panel(s) shall be provided where applicable. New door(s) shall be UL fire rated 1 ½ hour. Finish will be #4 stainless steel.



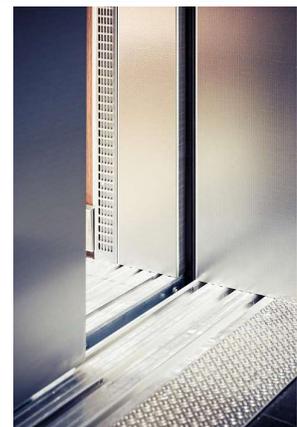
Product name **KONE ReNova Door Operator**

NEMA rating (HW)	Hoistway rating is NEMA 1.
Door type	Single speed center opening.
Door package type	KONE ReNova M3 door package includes a new door operator, restrictive clutch, car and hoistway door track, car gate switch, car and hoistway hangers, car and hoistway door panel adapters, hoistway door interlocks and closers, and hoistway pick up rollers.
Hatch headers	New hatch headers will be provided for the specified number of openings.



Product name **Curtain of Light**

Code year	2019
NEMA rating (HW)	Hoistway rating is NEMA 1.
Type of curtain of light	This curtain of light is an electronic sensing device that operates across the car entrance. When activated, the curtain of light will prevent the doors from closing or cause them to stop and reopen if they are in the process of closing. The doors will remain open as long as the flow of traffic continues and will close shortly after the last person passes through the door opening. A 3-D type will be provided.



Shaft equipment

Product name **Guide Shoes**

New car guide shoes	New spring dampened roller guide shoes will be provided.
Car guide shoes adapters	Yes
Car guide shoe type	HW #382 (Slide)

Hydraulic equipment

Product name **Field Pipe & Accessories**

Field Pipe Length (in)	120
------------------------	-----



Field Pipe Size 2"
Mainline Shutoff Valves Two manual safety valves will be supplied in the oil line at the jack unit (pit) and in the machine room.

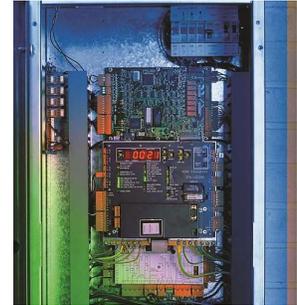
Product name	Power Unit
Type of power unit	Submersible
New motor size (hp)	30
Motor Starts per Hour	80 Standard
Control Valve OEM	Maxton
Field Pipe Length (in)	120
Field Pipe Size	2"
Jack location	Inground
Jack type	Single Stage
Load class	Passenger
Qty Jacks per Car	1

Elevator 20359562 / HydroMod ASME 2019

Electrification

Product name **KONE HydroMod DX**

Elevator group size	Duplex
Code year	2019
NEMA rating (HW)	Hoistway rating is NEMA 1.
NEMA rating (MR)	Machine room rating is NEMA 1.
Power supply voltage [v]	480
Type of power unit	Submersible
Machine room duct	KONE will remove all existing wiring, conduit and duct from the machine room. New conduit and duct properly sized and constructed for the job requirements will be installed (in accordance with applicable codes).
New motor size (hp)	30
Motor Starts per Hour	80 Standard
Card reader provisions	Controller will be equipped with card reader interface logic.
Type of curtain of light	This curtain of light is an electronic sensing device that operates across the car entrance. When activated, the curtain of light will prevent the doors from closing or cause them to stop and reopen if they are in the process of closing. The doors will remain open as long as the flow of traffic continues and will close shortly after the last person passes through the door opening. A 3-D type will be provided.
Qty of COPs	1
Qty of hall call lockout switches	4
Traveling cable(s)	Existing traveling cable(s) will be removed and replaced with new traveling cable. In addition to our standard traveling cable, a second traveling cable be provided for security and/or card reader provisions.
Battery backup	Battery backup shall be provided. Batter backup allows passengers to safely exit an elevator in the event of a power outage.
Hoistway duct	KONE will remove all existing wiring, conduit and duct from the hoistway. New conduit and duct properly sized and constructed for the job requirements will be installed (in accordance with applicable codes).



Product name **KONE 24/7 Emergency Video Communications**

Qty of COPs	1
24/7 Emergency Communications	24/7 Emergency Communications shall be provided.



Fixtures

Product name **Custom Fixtures**

Card reader provisions	Controller will be equipped with card reader interface logic.
Qty of COPs	1
Qty of new hall lantern/position indicator combos	1
Qty of car direction lanterns	1
Qty of hoistway access switches	2

Doors

Product name **Door Panel(s)**

Car panel finishing material	New car door panel(s) shall be provided where applicable. New door(s) shall be UL fire rated 1 ½ hour. Finish will be #4 stainless steel.
Door type	Single speed center opening.
Hatch panel finishing material	New hatch door panel(s) shall be provided where applicable. New door(s) shall be UL fire rated 1 ½ hour. Finish will be #4 stainless steel.



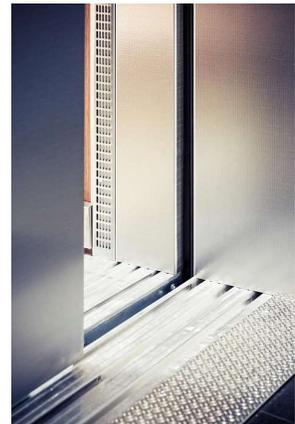
Product name **KONE ReNova Door Operator**

NEMA rating (HW)	Hoistway rating is NEMA 1.
Door type	Single speed center opening.
Door package type	KONE ReNova M3 door package includes a new door operator, restrictive clutch, car and hoistway door track, car gate switch, car and hoistway hangers, car and hoistway door panel adapters, hoistway door interlocks and closers, and hoistway pick up rollers.
Hatch headers	New hatch headers will be provided for the specified number of openings.



Product name **Curtain of Light**

Code year	2019
NEMA rating (HW)	Hoistway rating is NEMA 1.
Type of curtain of light	This curtain of light is an electronic sensing device that operates across the car entrance. When activated, the curtain of light will prevent the doors from closing or cause them to stop and reopen if they are in the process of closing. The doors will remain open as long as the flow of traffic continues and will close shortly after the last person passes through the door opening. A 3-D type will be provided.



Shaft equipment

Product name **Guide Shoes**

New car guide shoes	New spring dampened roller guide shoes will be provided.
Car guide shoes adapters	Yes
Car guide shoe type	HW #382 (Slide)

Hydraulic equipment

Product name **Field Pipe & Accessories**

Field Pipe Length (in)	120
------------------------	-----



Field Pipe Size 2"
Mainline Shutoff Valves Two manual safety valves will be supplied in the oil line at the jack unit (pit) and in the machine room.

Product name	Power Unit
Type of power unit	Submersible
New motor size (hp)	30
Motor Starts per Hour	80 Standard
Control Valve OEM	Maxton
Field Pipe Length (in)	120
Field Pipe Size	2"
Jack location	Inground
Jack type	Single Stage
Load class	Passenger
Qty Jacks per Car	1

4. Commercial Offer

Project notes

The following scope of work is also included in this proposal:

- Repacking of existing jack
- Provision of cab interior under an allowance of \$15,000.00 for all labor and material required for fabrication and installation of new interior finishes. This allowance excludes flooring and cladding if requested. (Flooring would be an additional \$2,845.00 per car. Cladding of fronts in #4 stainless steel would be an additional \$4,773.00 per car.)
- Provision of new and proper disposal of existing hydraulic oil as required.
- Cleaning of existing hatch sills
- Provision of proper code data tags
- Provision of stainless steel plates at existing jambs where current push buttons are located.

Public Safety Building Elevators #1 & 2: Two Basement Hydraulic Passenger Elevators (4 Stop – B, 1 thru 3)

Building Work – Lobbies

1. Provide lobby cutting only at the new hall station call button riser elevator fixtures. Provide on all four floors. Provide to cut lobby drywall walls at new call buttons as required to install new standard size flush mounted fixtures.
2. Provide to cut walls at new call buttons as required to install new standard sized flush mount fixtures located at 42" AFF. Provide cutting as required to install new back boxes and minor patching as required around new faceplate covers in the drywall lobby walls to relocate the existing call buttons from the entrance frames to the lobby walls.

Building Work – Hoist-way and Pit

1. Provide masonry patching and fire-stopping in the hoist-way as required to meet code.
2. Furnish and install two new pit ladders as required to meet code in the elevator pits. Provide grab bars 48" above sills, 4-½" of clearance on all sides, 4-½" of toe clearance, rungs at least 16" wide and provide rungs adjacent/flush with the existing entrance sills.

Building Work – Machine Room

1. Provide masonry patching and fire-stopping in machine room as required to meet code.
2. Furnish and install one new 1-½ hour UL rated B label hollow metal door and hardware (frame to remain) at the interior machine room entrance. Furnish and install new machine room door sign.
3. Provide to demo and remove one existing ¾ hour UL rated B label hollow metal door and hardware from the interior machine room entrance. The existing machine room door is not code compliant and won't pass the Maryland State final elevator inspection.
4. Provide painting of the new machine room door and existing frame only.

Building Work – Machine Room Ventilation Demo

1. Provide to demo one 2' x 3' return vent in the wall and infill the wall opening with CMU to match the existing wall.
2. Provide to demo and remove the existing ductwork in the machine room ceiling space. Provide to demo and remove the ductwork back to the branch line in the basement gym located above the TV in the gym.

Building Work – Machine Room Ventilation

1. Furnish and install one new 3-ton split system Mitsubishi M Series wall mounted heat pump HVAC unit fed from a normal power source in the machine room. Outdoor condenser unit to be mounted on wall brackets at the grade level of the building with electrical disconnect and GFCI for maintenance located within 3 feet. Furnish and install condensate pump with drain lines from indoor air han-

2. Furnish and install one new wireless thermostat to operate the HVAC unit and mount it in the machine room.
3. Provide O&M manuals for owners use at end of project. Provide startup of HVAC unit and training to owner building maintenance personnel. Ongoing preventative maintenance and routine service after the new HVAC system has been installed is the responsibility of the building owner.

Electrical Work – Hoist-way and Pit

1. Furnish and install three 4-foot 2 lamp vapor proof LED light fixtures in each elevator pit. Pit lighting to reach 10-foot candles as required per code.
2. Furnish and install one GFCI electrical outlet in each elevator pit.

Electrical Work – Machine Room

1. Provide to demo and remove all electrical equipment, mainline disconnects, cab light disconnects, lights, outlets, conduit, wire, etc. that is not code compliant and specifically stated to be retained.
2. Furnish and install load side conduit and wire to elevator controllers from two new Square D heavy-duty fused main line disconnects, lockable in the off position only. Final connection is by the elevator contractor.
3. Provide grounding to existing mainline power feeder as required per code.
4. Furnish and install load side conduit and wire to elevator controllers from two new heavy-duty fused cab light and exhaust fan disconnects, lockable in off position only.
5. Furnish and install four new 4-foot LED light fixtures with protective lenses in the machine room. Machine room lighting to reach 19-foot candles as required per code. Provide to demo and remove three existing light fixtures.
6. Furnish and install four GFCI electrical outlets in the machine room.
7. Provide to feed one new HVAC unit in the machine room from a normal power source. Provide electrical disconnect and GFCI outlet for maintenance located within 3 feet of the outdoor condenser unit at grade level.
8. Furnish and install 1900 box and conduit inside machine room only as required for phone line connection to the new elevator controllers or trough. Phone line/service for elevator is to be provided to the machine room by the building owner.
9. Properly label all electrical devices with source of power.

Fire Alarm Work

1. Furnish and install primary, alternate, and fire hat recall relays in the machine room. Provide to locate the new relays to within 3' of the new elevator group controller.
2. One smoke detector in the elevator machine room and one smoke detector in each of the four elevator lobbies are existing to remain.
3. Provide to demo and remove one heat detector from the elevator machine room.
4. Provide to demo and remove two smoke detectors from the top of the elevator shaft.
5. Provide programming with Johnson Controls, testing, and inspection services. Provide to pre-test the fire alarm recall and assist in two Maryland State elevator inspections.
6. Price is based upon connecting into the existing building Simplex 4010ES addressable fire alarm control panel located in the main electric room.

Electrostatic Paint Elevator Entrance Frames -

1. Provide electrostatic painting of the eight elevator entrance frames only.
 2. Includes sanding and cleaning all metal surfaces to be painted.
 3. Includes patching of holes and spot priming of damaged surfaces.
 4. We will protect all unpainted hardware and surrounding surfaces.
 5. We require the use of an elevator key to place cabs in independent mode.
- Metallic finishes excluded from pricing. Color to be selected by owner prior to painting.

Assumptions

1. Machine room access is by the owner. We have assumed that the elevator con-

- tractor will access into the machine room through the existing roof door opening.
2. Jack assembly replacement patching work in the elevator pit is excluded.
 3. Elevator lobby sills are existing to remain. Grouting work for new sills is excluded.
 4. Elevator cab floors are excluded and assumed to be existing to remain.
 5. Elevator pit waterproofing and / or painting is excluded.
 6. Cutting, patching, and painting at two existing call button hall station risers in the elevator lobbies on all four floors is included. The existing call buttons are flush mounted in the existing door frames located at 42" AFF. We have assumed the new elevator fixtures will all be flush mounted and installed in the new back boxes in the lobby walls, so we have included all cutting and patching in the elevator lobbies.
 7. Machine room CMU walls, concrete ceiling, and concrete floor painting is excluded.
 8. Electrostatic painting of existing elevator entrance doors and frames is excluded.
 9. Hoist-way vent at the top of the elevator shaft is excluded and not required per code.
 10. Sprinklers are not existing in the machine room, in the elevator pit, or at the top of the elevator shaft. All new sprinkler work is specifically excluded.
 11. There is no sump pump in the elevator pit. Sump pumps are not required by code in the State of Maryland on elevator modernization projects where the original elevators were installed on the 1989 code year or prior. This elevator was originally installed on the 1971 code year and therefore it should not be required by the State of Maryland to install one new sump pump in the elevator pit to meet code and pass the final elevator inspection. However, the State of Maryland may require a sump for compliance with 2019 ASME.
 12. Oil cooler disconnect and dedicated circuit is excluded.
 13. Lighting modifications in the elevator lobbies are excluded. Any additional lighting required by the elevator inspector to meet minimum lighting code is by the building.
 14. Emergency power work associated with these elevators is excluded. The elevators are not fed from an emergency power source. We have scoped to provide battery lowering contacts in the new mainline disconnects for these elevators.
 15. We have not included conduit from the hoist-way to the fire control room for the elevator status panel connection. There is no existing elevator status panel or FCR.
 16. Fire-fighters phones and speakers are excluded.
 17. All work with security systems for card access readers and security cameras is excluded.

Add Alternate #1 – Elevator Machine Room Painting – \$3,694.00

1. Provide painting of the machine room CMU walls only.
2. Provide one coat of primer on the drywall walls and one coat of white finish paint.

Add Alternate #2 – Replace Elevator Cab Floors – \$5,690.00

1. Furnish and install two new cab floors in the existing passenger elevator cabs.
2. Provide new sub-floors as required.
3. Includes demo and removal of existing sub-floors and elevator cab floors.
4. Floor style and color to be picked out by owner during submittal approval process.
5. Flooring lead time is typically 4-6 weeks from approval.

Add Alternate #3 – Elevator Pits Waterproofing - \$3,978.00

1. Furnish and install waterproofing of two elevator pit floors and walls up to the lowest landing sills level in the basement. Provide to clean and dry pit prior to waterproofing application. Waterproofing to be a cementitious crystalline waterproofing kit and applied to the inside of the existing elevator pit. Product suggested is Drycon or equal.
2. Provide to use a Sika Plug product to infill any cracks or holes in the concrete floor and walls specifically where the floor meets the walls.
3. This does not guarantee that water infiltration into the pit will be stopped perma-



nently.

Add Alternate #6 – Elevator Pit Sump Pump – \$11,932.00

Building Work – Elevator Pit Sump Pump

1. Furnish and install one 6,000gph high flow oil minder sump pump in the elevator pit.
2. Provide demo of existing concrete pit floor and installation of new sump crock in the elevator pit. Furnish and install one new 14-gallon plastic sump crock by ADS in the elevator pit. The size of the sump crock will need to be 24" deep by 18" in diameter to fit the new sump pump if required to meet code.
3. Furnish and install aluminum diamond plate cover in elevator pit over the new sump crock to be flush with the concrete pit floor.
4. Furnish and install one Barnes model #2SEV514L oil minder sump pump (ESA50-100HF) rated for 6,000gph capacity at 15' of head in the elevator pit.
5. Furnish and install oil smart oil water separator control switch with audible alarm inside the elevator pit.
6. Furnish and install new 2" PVC discharge piping from the sump pump and connect to the nearest storm drain piping on the basement level.

Electrical Work – Elevator Pit Sump Pump Power

Furnish and install one new dedicated 120V single phase electrical outlet located above 4' from the pit floor for the sump pump power. Furnish and install conduit, wire and one new breaker in the existing spare breaker space of a normal power electrical sub-panel in the electric room.

Handover date

Mutually agreeable project schedule will be determined at time of proposal acceptance. Current delivery lead time is **15 weeks** from when order receipt, deposit and approval of drawings have all been completed. The agreed delivery times for the project may need to be extended because of delays caused by measures undertaken to stop the spreading of the Coronavirus (2019-nCoV) epidemic, such as mandatory holiday extensions and transportation restrictions imposed by authorities in China and other countries, and the availability of personnel, logistics providers and supply chains, due to the epidemic.

Downtime period

6 weeks per unit

Warranty/maintenance

Existing maintenance billing shall be suspended during the modernization period of each unit. In addition to the current maintenance, our proposal includes KONE 24/7 Connected Services for a duration of 12 months following modernization.

Under no circumstances shall indicators or predictions from KONE 24/7 Connected Services be cause for immediate services. They shall be addressed upon the next scheduled maintenance visit, or otherwise at the sole discretion of KONE. The remote monitoring devices are provided to the Customer as part of the Services. Customer gives KONE the right to utilize 24/7 Connected Services to collect, export and use data generated by the use and operation of the equipment. Customer has no ownership or proprietary rights to such data, nor the device or software that monitors, analyzes, translates, reports or compiles such data. KONE 24/7 Connected Services, including any data collected, the device(s) to perform the service, and any software related thereto shall be the exclusive property of KONE. KONE MAKES NO WARRANTY THAT SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. KONE IS NOT LIABLE FOR ANY DAMAGES RELATING TO LACK OF NETWORK COVERAGE AT THE SITE OF THE EQUIPMENT, DUE TO TAMPERING WITH THE REMOTE MONITORING DEVICE, INTEROPERABILITY, SERVICE DEFECTS, SERVICE LEVELS, DELAYS, SERVICE ERRORS, INTERRUPTIONS OR ANY OTHER REASON OUTSIDE OF KONE'S REASONABLE CONTROL. KONE DISCLAIMS ANY LIABILITY FOR DAMAGES OR INJURIES (INCLUDING DEATH) ARISING FROM OR IN CONNECTION WITH THE OPERATION OR USE OF THE SERVICES SET FORTH HEREIN.

The Product Warranty is specified in Bid Attachment A. Installation by KONE of any parts covered under the Product Warranty on parts will only occur while KONE maintains an active maintenance contract. The Product Warranty and Warranty Maintenance

commences on the date of acceptance set forth in the Uniform Final Acceptance Form. For long-term reliability, a continuing maintenance agreement is necessary. This Proposal is conditioned upon KONE receiving a ten (10) year KONE Extended Warranty maintenance contract from ownership prior to the date of acceptance set forth in the Uniform Final Acceptance Form.

Pricing

Equipment	Shaft equipment	Fixtures	Doors	Electrification	Hydraulic equipment	Price (\$)
Elevator 1: HydroMod ASME 2019	•	•	•	•	•	\$ 205,844.00
Elevator 2: HydroMod ASME 2019	•	•	•	•	•	\$ 203,364.00

Total Sales Price, net excluding TAX \$409,208.00

Additional Options for your Consideration

Alternates

Price excl. tax

ADD Alternate 1: Replacement of jack and buffers with phase 1 clean out for one unit at Public Safety Building. (No re-drilling included)

ADD \$61,456.00 (EA)

ADD Alternate 2: Installation of sump pump per scope as listed above in associated building work. This may be required under new 2019 ASME code.

ADD \$11,932.00

Proposal pricing is based on the scope of work as defined herein. Any additional work required will be performed only upon purchaser's approval of a mutually agreeable change proposal. Any other deficiencies revealed in the progress of the work will be promptly reported to the purchaser with recommendations and cost for corrective action.

5. Services included

KONE 24/7 Connected Services

KONE 24/7 Connected Services is a round-the-clock diagnostics service that gathers data on your equipment's condition. We analyze this data and use it to make intelligent and proactive decisions on how to solve any potential problems – even before they occur. KONE 24/7 Connected Services helps you to optimize the lifetime value of your assets from day one and gives you peace of mind by keeping you fully informed about the condition of your equipment and any maintenance activities we carry out. This service has been included for a duration of 12 months following modernization.



KONE 24/7 Emergency Video Communications



KONE 24/7 Emergency Video Communications service, which includes a wireless phone line and monitoring by the KONE Customer Care Center, will be provided during the 12 month period following modernization.

KONE Care - Emergency Phone Monitoring

Phone monitoring by the KONE Customer Care Center during the 12 month period following modernization.

KONE Care - Wireless Phone Provider Service

A wireless phone line will be provided during the 12 month period following modernization.



6. Tender Approval

KONE

Jason Speicher
517 Progress Drive
Suite Q
Linthicum, Maryland, 21090
jason.speicher@kone.com

Owner/Representative

Robert Smith
CITY OF CUMBERLAND
57 North Liberty Street
CUMBERLAND, Maryland, 21502

Submitted by:

Jason Speicher
Senior Sales Executive - Modernization
08/01/2022

We accept the offer constituted by this proposal (total sales price of \$ 409,208.00, excluding tax) and agree to the conditions contained therein.

Approved by Customer

Printed name: _____
Title:
Company name:
Date:

Appendix 1: KONE 24/7 Connected Services

KONE 24/7 Connected Services – improved safety, full transparency, and peace of mind



In addition to a quality modernization project, we would be excited to discuss KONE 24/7 Connected Services with you and the continuing benefits KONE could bring to your business. KONE is leading the industry with KONE 24/7 Connected Services using the latest intelligent elevator technology allowing us to predict issues and take action before a shutdown occurs. Predictive maintenance allows fewer shutdowns, less call-outs, and improved up-time of equipment - all leading to a better user experience!



Read more at
kone.us/connected

Appendix 2: Clarifications

1. Contract terms between KONE Inc. and Purchaser shall be based on our Proposal and Attachments "A" and "B".
2. All new elevator equipment provided shall meet applicable ASME A17.1 code requirements. Any provisions of codes applicable to out-of-scope items shall be the Purchaser's responsibility. Cost of any future code changes adopted prior to permitting and completion are excluded.
3. Existing cab and entrance dimensions, which may not meet current ADA or stretcher access rules, will be retained as is.
4. Our proposal includes inspections and testing as required by the AHJ. However, any re-testing required due to other trades' failures to complete their work or tests in a timely manner will be billed at our regular billing rates.
5. The ASME code limits changes to the empty car weight + capacity of each elevator to 5% of the originally installed value. If past or proposed changes result in a change to the weight or system pressure (for hydraulic) greater than 5% above the original design values, the cost of any engineering and of any required modifications to the elevator system or structure shall be extra to this proposal scope and pricing. If this situation is discovered during the engineering process, KONE will notify purchaser and recommend an alternate design or other changes.
6. In order to provide best pricing, proposal excludes any extra demobilizations and remobilizations. If we must demobilize from the jobsite for any reason outside our control, we shall be compensated at our regular billing rates.
7. Proposal pricing is based on the scope of work as defined herein. Any additional work required will be performed only upon Purchaser's approval of a mutually agreeable change proposal. Any other deficiencies revealed in the progress of the work will be promptly reported to purchaser with recommendations and cost for corrective action.
8. Asbestos: Notwithstanding anything contained to the contrary within this bid or contract, KONE's work shall not include any abatement or disturbance of asbestos containing material (ACM) or presumed asbestos containing materials (PACM). Any work in a regulated area as defined by Section 1910 or 1926 of the Federal OSHA regulations is excluded from KONE's scope of work without an applicable change order to reflect the additional costs and time. In accordance with OSHA requirements, the Customer shall inform KONE and its employees who will perform work activities in areas which contain ACM and/ or PACM of the presence and location of ACM and/or PACM in such areas which may be contacted during work before entering the area. Other than as expressly disclosed in writing, Customer warrants that KONE's work area at all times meets applicable OSHA permissible exposure limits (PELs). KONE shall have the right to discontinue its work in any location where suspected ACM or PACM is encountered or disturbed. Any asbestos removal or abatement, or delays caused by such, required in order for KONE to perform its work shall be the Customer's sole responsibility and expense. After any removal or abatement, customer shall provide documentation that the asbestos has been abated from the KONE work area and air clearance reports shall be made available upon request prior to the start of KONE's work.
9. Purchaser shall provide any security, escort or other building service support personnel required during demolition, installation, testing, and inspections.
10. For hydraulic elevators, we can assume no responsibility for unusual conditions such as hole cave in and complete hydraulic cylinder assembly embedded in concrete. The excavation of the hole to accommodate the new hydraulic cylinder assembly is based on encountering soil free of oil, rocks, boulders, building construction members, sand, water, quicksand, underground caves and/or any other obstructions or unusual conditions. Should such obstructions or unusual conditions be encountered, additional time above or beyond the working days estimated to complete this project may be required. We will proceed with this portion of the project on a time and material basis, based on our normal billing rates.
11. Proposed solution is subject to a complete engineering review by KONE engineering team to confirm feasibility of products proposed. Additional charges may apply for work not included, but required to meet system requirements. Additional charges for this work (if applicable) shall be mutually agreed upon.



Appendix 3: Bid Attachment “A” / KONE Inc. General Terms and Conditions (Modernization)

1. APPLICATION OF THESE TERMS

The parties agree to be bound by the terms and conditions contained in the Bid Letter, this Bid Attachment A and Bid Attachment B, including the documents incorporated herein by reference (collectively, the “Proposal”).

2. SPECIAL PURCHASING REQUIREMENTS

This Proposal is made without regard to compliance with any special sourcing and/or manufacturing requirements including, but not limited to, Buy America, Buy American, U.S. Steel, FAR clauses, minority / disadvantaged supplier requirements or similar federal and/or state procurement laws. Should such requirements be applicable to this Project, KONE reserves the right to modify and/or withdraw its Proposal.

3. PROPOSAL CONDITIONS

The Proposal shall be open for acceptance within the period stated in the Bid Letter or, when no period is stated, for a period of 30 days from the date of the Bid Letter. Prior to commencing manufacture of the equipment described in the Bid Letter (“Equipment”), KONE must have (i) a fully executed contract; (ii) a schedule acceptable to KONE identifying the Equipment installation start date, or alternatively, KONE’s letter specifying the ship date (“Ship Date Letter”) signed by Customer, which, as applicable, is incorporated by reference herein; (iii) the first payment in Section 4 herein; and (iv) fully approved KONE layouts.

4. PAYMENT TERMS

Payment of the total Price is due within 30 days from invoice date, as follows:

- 30% of the Price for engineering, site management, and overhead, billable and due upon execution of this Proposal or receipt of the subcontract;
- 50% of the Price for material and shipping, billable and due upon delivery of material to the jobsite or KONE Distribution Center;
- 20% of the Price for Equipment installation, billable and due at the billing cycle following the start of installation.

KONE imposes a surcharge for payments made via credit card that is not greater than our cost of acceptance. The surcharge that we impose for this type of transaction is a percentage of the amount paid via credit card, which will be notified to the Customer at the payment portal. KONE reserves the right to delay, suspend, or stop the work, including manufacturing, delivery, installation and/or Equipment turnover, for non-payment, without liability to KONE or being held in default. Simple interest at 1.5% per month shall be charged on amounts not paid when due. Payments to KONE are not contingent on any third-party payments to Customer. Customer shall reimburse KONE for all costs of collection, including courts costs and reasonable attorneys’ fees.

Prior to turnover, KONE must be paid in full, less 10% maximum retention, the Price including all change orders. Retention shall be due and payable within 30 days of execution of the Uniform Final Acceptance or Equipment turnover, whichever occurs first. If certified payroll reporting is required, KONE will submit the requested reporting in the format of the U.S. Department of Labor form WH 347 & WH 348. The Price does not include Textura or any other special billing requirements, which can be added via change order at a rate of 0.3% of the Price.

5. INSTALLATION

Customer shall be responsible for procurement and cost of all permits, except permits related to installation of the Equipment. Where KONE’s scope of work or other responsibilities include the obligation to utilize materials and/or finishes resembling or identical to those pre-existing in the building, KONE shall use reasonable efforts to procure such materials and Customer acknowledges and accepts that the materials and/or finishes reasonably available may not be in all respects identical to those pre-existing in the building. This Proposal is conditioned upon KONE using its standard installation method. The installation of the Equipment shall start after Customer has completed all work set forth in Bid Attachment B and any other documents describing site requirements (“Site Requirements”), all of which are incorporated by reference herein. Within two (2) weeks prior to the scheduled delivery date for KONE’s materials, KONE shall conduct a standard visual site survey to verify that the Site Requirements are complete and notify Customer if there are outstanding deficiencies preventing KONE from beginning installation.

KONE’s site survey may include, but is not limited to, inspection of site access, working and safety conditions on site, wear and tear of any existing structures or surfaces, and planning of any dismantling or removal of existing equipment, components and materials, where applicable. KONE shall not be deemed to have surveyed any hidden structures, latent defects, subsurface conditions, or other non-visible matters, including but not limited to searching for hazardous substances and/or materials, which shall be subject to Section 16. If KONE’s site survey reveals any deficiencies, KONE shall be entitled to delay the start of installation and Customer shall be responsible for all additional costs incurred by KONE, including without limitation, costs associated with: labor reallocation, re-directing materials to and storage in a KONE Distribution Center, additional labor for double handling of materials, and additional trucking, freight and insurance. Once the Site Requirements are completed, the start of installation shall be subject to the availability of labor and the delivery of material, if applicable.

KONE’s work shall be performed during regular union working hours of regular working days, Monday to Friday, statutory holidays excluded. If overtime is mutually agreed upon and performed, the additional costs for such work shall be added to the Price at KONE’s standard overtime rates. If the installation cannot be performed in an uninterrupted manner for any reason beyond KONE’s control, Customer shall store the Equipment at Customer’s cost and compensate KONE for any costs caused by such delay including, but not limited to, double handling of Equipment and demobilization. KONE shall not be required to perform overtime or any Customer directed change to its work (“Extra Work”) without an executed change order. No action by KONE, including but not limited to, performing Extra Work without an executed change order, shall be a waiver of KONE’s right to seek payment for Extra Work performed.

KONE shall be entitled to an extension of time and an equitable adjustment in the Price, including but not limited to, any increased costs of labor, including overtime, resulting from any change of schedule, re-direction of KONE personnel to another work area, acceleration, or out of sequence work.

KONE shall take reasonable methods to protect its work-in-place while KONE is actively on site and until execution of a KONE Uniform Final Acceptance, which is incorporated by reference herein. Should damage occur to KONE property, material or work-in-place by fire, water, theft or vandalism, Customer shall compensate KONE for said damages.

Additionally, the Customer is solely responsible for ensuring that the equipment maintenance contractor, if not KONE, does not disturb, delay or interfere with KONE's work. KONE shall abide by Customer's safety policies and procedures to the extent such policies and procedures are not in conflict with KONE's Safety Policy. Testing and/or security features of Equipment must be completed before Equipment turnover. KONE is not responsible for damages, either to Equipment or the building, or for any personal injury or death, arising out of or resulting from any code required safety tests performed on Equipment or hoistway access granted by Customer to other trades.

6. TEMPORARY USE

Temporary use of certain types of Equipment may be permitted, provided the use period allows adequate time for Equipment restoration for final turnover and Customer executes KONE's Temporary Use Agreement. Temporary use shall be invoiced separately and subject to payment terms in Section 4 herein. At the end of temporary use, Customer shall return the Equipment to KONE in "like new" condition.

7. HAZARDOUS MATERIALS

KONE's work shall not include any abatement or disturbance of asbestos containing material ("ACM"), presumed asbestos containing materials ("PACM"), or other hazardous materials (i.e. lead, PCBs) (collectively "HazMat"). KONE shall have the right to discontinue its work in any location where suspected HazMat is encountered or disturbed. Any HazMat removal or abatement, or delays caused by such, required in order for KONE to perform its work shall be Customer's sole responsibility and expense. Should any HazMat abatement occur within the shaft or machine room, Customer shall execute KONE's Hoistway or Pit Access Request. If any HazMat is known to be present on site before the start of work, HazMat removal or abatement shall be completed prior to KONE scheduling installation and delivering material.

8. TITLE AND RISK TO EQUIPMENT

Title to and ownership of all Equipment intended for incorporation in KONE's work, whether installed or stored on or off site, shall remain with KONE until final payment is made. Risk of loss in KONE's work and Equipment passes to Customer upon delivery to the site or off-site storage.

Any tools, devices, or other equipment that KONE uses to perform its work or monitor the Equipment remains the sole property of KONE. If this Proposal terminates or expires for any reason, Customer will give KONE access to the premises to remove such tools, devices or equipment at KONE's expense.

9. TURNOVER

Prior to turnover, KONE must receive a final punch list. Upon turnover, KONE requires a signed Uniform Final Acceptance. KONE shall provide its standard electronic O&M manuals with CD-ROMs in electronic format, if applicable, upon execution of the Uniform Final Acceptance. Standard KONE samples shall be provided upon request. No mock-ups or video training are included in the Price.

10. DELAY

KONE shall not be liable for any loss, damage, claim, or delay due to any cause beyond KONE's control, including, but not limited to, acts of domestic or foreign government (including a change in law), strikes, lockouts, work interruption or other labor disturbance, delays caused by others, fire, explosion, theft, floods, inclement weather, riot, civil commotion, war, malicious mischief, infectious diseases, epidemic, pandemic, quarantine, border or port of entry and exit restrictions or acts of God.

In the event of such delays, KONE shall be entitled to an extension in time equal to the length of such delay affecting KONE and an equitable adjustment in the Price. Customer shall compensate KONE for labor and material cost escalations resulting from Project delays not caused by KONE, which extend completion of KONE's work beyond the end of the current calendar year. Customer is on notice that IUEC labor rates increase annually.

11. LIMITED WARRANTY

For one (1) year after the acceptance date set forth in the signed Uniform Final Acceptance, date of Equipment turnover, or date of Customer's use of Equipment (unless such use is pursuant to the Temporary Use Agreement), whichever occurs first, KONE warrants Equipment against defect in workmanship and material. The warranty excludes remedy for damage or defect caused by abuse, misuse, vandalism, neglect; repairs, alteration or modifications not executed by KONE; improper or insufficient maintenance, improper operation, characteristics of the building such as electrical power or security features, natural or other catastrophe such as flood, fire, or storm, or normal wear and tear and normal usage. The warranty excludes training or instruction in the proper operation or maintenance of Equipment. Specific noise ratings and energy efficiencies cannot be guaranteed due to different building characteristics and ambient noise levels. Customer's remedy is limited to repair or replacement of a defective part, in KONE's sole discretion, and excludes labor.

12. INDEMNIFICATION

KONE shall only indemnify and hold Customer harmless for claims, damages, losses or expenses, but excluding loss of use ("Claims") due to bodily injury, including death, or tangible property damage (other than the Project or KONE's work itself) to the extent caused by KONE's negligent acts or omissions. KONE shall not indemnify Customer for any other Claims. Customer agrees to indemnify and hold KONE harmless from any Claim for bodily injury, including death, or tangible property damage in connection with the use or operation of the Equipment. Each party shall defend itself in the event of a Claim.

13. INTELLECTUAL PROPERTY

KONE shall retain title and ownership of all intellectual property rights relating (directly or indirectly) to the Equipment provided by KONE, including but not limited to software or firmware (whether in the form of source code, object code or other), drawings, technical documentation, or other technical information delivered under the Proposal. KONE grants Customer a non-exclusive and non-transferable license and right to use the software and firmware in connection with the use and maintenance of the Equipment. Customer shall not use any drawings, technical documentation or other technical information supplied by or on behalf of KONE for any purposes other than those directly related to the Proposal or to the use and maintenance of the Equipment. Customer shall not in any form copy, modify or reverse engineer the software, or give access to the software for such use to any third party without KONE's prior written consent.

14. INSURANCE

In lieu of any Customer insurance requirements, KONE shall provide its standard certificate of insurance, which shall be deemed to satisfy all insurance requirements for this Project. KONE shall not provide loss runs, insurance rate information, copies of its insurance policies or any other information which KONE considers confidential. KONE shall not provide coverage for professional (E&O) liability, pollution liability, data privacy/security, or no-fault medical payments. If the Project is covered by a Wrap Up Insurance Program, KONE agrees to participate provided there is no cost to KONE, no reduction in the Price, and subject to KONE's review of the proposed program. If KONE's primary limits are sufficient to satisfy insurance coverage requirements, excess/umbrella liability will not be required or if excess/umbrella is required, KONE's excess coverage does not follow form although typically provides broader coverage than KONE's primary policies. The excess coverage is not AM Best Rated nor licensed to do business within the jurisdiction although the carrier has strong Standard & Poor's and Moody's financial ratings that may be evidenced upon request.

15. LIMITATION OF LIABILITY

In no event shall either party be liable to the other party for any consequential, special, punitive, exemplary, liquidated, incidental, or indirect damages (including, but not limited to, loss of profits or revenue, loss of goodwill, loss of use, increase in financing costs) (collectively, "Consequential Damages") that arise out of or relate to this Proposal even if such party has been advised of the possibility of such Consequential Damages. The limitation set forth in this section shall apply whether the claim is based on contract, tort or other theory.

16. CONCEALED OR UNKNOWN CONDITIONS

If during the course of its work, KONE encounters conditions at the site that are subsurface, differ materially from what is represented in the contract documents, or otherwise concealed physical conditions, KONE shall be entitled to an extension of time and additional costs for the performance of its work, which shall not be subject to any payment conditions or contingencies.

17. TECHNICAL SURVEY

KONE's Price and obligations under this Proposal are subject to a technical survey to be performed on Customer's existing units within 90-days of the effective contract start date. If a safety hazard or code violation is identified during KONE's technical survey, Customer shall immediately remove the unit from service until repairs are performed. KONE is not obligated to perform tests, correct outstanding violations or deficiencies that were not addressed by the prior service provider and/or the owner, or make related necessary repairs or component replacements on the unit. If additional work is necessary, KONE shall provide a separate proposal or recommendation for such work. Customer agrees to indemnify, defend, and hold KONE harmless for any claims arising out of Customer's failure to comply with KONE's recommendations and proposal, and any obligation on the part of KONE to indemnify or defend Customer with regard to such claim shall be null and void. If Customer does not immediately approve KONE's proposal or recommendation, KONE reserves the right to terminate this Proposal/contract without penalty.

18. TERMINATION

If a party materially breaches this Proposal, the other party shall provide written notice of the breach and a reasonable time to cure the breach, but in no event less than 30 days. If the breaching party fails to cure the breach within the specified time period, the non-breaching party may terminate the Proposal upon 15 days written notice to the other party. If KONE notifies Customer of a material breach pursuant to this paragraph, KONE may temporarily suspend its work without liability.

19. GOVERNING LAW AND DISPUTE RESOLUTION

The parties agree that this Proposal shall be governed by the laws of the state where the Project is located, and venue for disputes shall be located in that state. KONE does not agree to participate in arbitration proceedings.

20. PRICE ADJUSTMENT

KONE shall be entitled to an equitable adjustment in the Price, including but not limited to, any increased costs between the time the Contract is signed and the date of manufacture for materials, labor, or shipping, as well as increased costs resulting from any change in law or tariffs.

21. 24/7 EMERGENCY VIDEO COMMUNICATIONS

Applicable only for projects where KONE 24/7 Emergency Video Communications is included: The KONE 24/7 Emergency Video Communications contract addendum and General Terms and Conditions for KONE Digital Services must be signed by the Building Owner. This contract addendum requires the Building Owner to pay a fee for audio, video, and data connectivity. This payment obligation, among other provisions, survives termination of any maintenance agreement.

22. MISCELLANEOUS

This Proposal, including the documents incorporated herein by reference, constitutes the entire agreement of the parties and supersedes all prior negotiations, understandings, and representations whether written or oral in relation to the subject matter hereof. Where a conflict or ambiguity exists between this Proposal and any other contract document (including but not limited to, Customer's drawings and specifications), the terms and conditions of this Proposal shall control. This Proposal may be amended only in writing by the duly authorized representative of both parties. This Proposal may be executed in one or more counterparts. Each counterpart shall be considered an original and all of the counterparts shall constitute a single agreement binding all the parties as if all had signed a single document. For purposes of executing this Proposal, a document signed by electronic means is to be treated as an original document. The failure of either party to insist upon performance or strict performance of any of the terms or conditions of this Proposal shall not be deemed a waiver of any rights or remedies that such party may have or a waiver of any subsequent breach or default under this Proposal. Neither party may assign or transfer the benefit or burden of this Proposal without prior written consent of the other party.

Appendix 4: Bid Attachment “B” / Site Requirements & Work by Other Trades

The work described below is a summary of work to be performed by others (“Work by Other Trades”) that may be required in conjunction with the elevator modernization performed by KONE (the “Work”). Purchaser shall provide any and all building electrical, structural and mechanical system upgrades required for code compliance, life safety, and proper equipment installation and operation. The Authorities Having Jurisdiction (AHJ) may require additional remedial or preparatory work. All required remedial or preparatory work shall be performed by properly licensed trade contractors in compliance with applicable codes and based on a schedule of performance that allows for uninterrupted progress of the Work. Under no circumstances shall KONE be responsible for any cost associated with the performance of remedial work by others. Purchaser shall provide the following unless specifically included in KONE’s Work:

1. ELECTRICAL

- A properly rated three phase fused disconnect switch, externally operable and lockable in the open position, located as required by code. Accommodate any increases in motor size or feeder loads.
- A dedicated 110 VAC fused disconnect switch, externally operable and lockable in the open position adjacent to the machine room door for cab lighting and ventilation, located as required by code.
- Shunt-trip disconnect if fire sprinklers are present in machine room or hoistway.
- GFI 120 VAC convenience outlets in machine room and pit.
- Separate outlet in the pit area if a sump pump is installed.
- Telephone line service brought to the elevator machine room for emergency communication device.
- Any required RF shielding of TV or radio transmitters, antennae and/or wave-guides.
- Conduit with pull boxes from each elevator bank to any remote fire control or communication panels specified.
- Provide a separate 15-amp, 115 VAC fused service with ground (powered by building emergency power system, when available) for KONE 24/7 Emergency Communications, when specified. Must include the means to disconnect each service and lock-off in the “open” position (NFPA 70 article 620.22 and 620.53 or CEC article 38.22 and 38.53).

If required by building code: standby/emergency power, sufficiently sized to provide power of permanent characteristics to each elevator’s disconnect, simultaneously, upon loss of regular power, including feeders, transfer switches and auxiliary contact signal outputs to elevator controllers.

2. MACHINE ROOM

- A code-compliant machine room. Provide or maintain fire rating as required by building code.
- Fire-rated door for access into the machine room. Door shall be self-closing and self-locking, operable from inside the room without the use of a key.
- Independent ventilation or an air conditioning system for the elevator machine room, to assure temperature is maintained between 65 degrees and 95 degrees Fahrenheit.
- Fire extinguisher inside machine room.
- Minimum clear machine room height of 7’-0”.
- Suitable lighting that provides a minimum of 19 ftc at floor.
- Removal of any non-elevator related equipment and materials from within the machine room and proper disposal of oil and other hazardous or non-hazardous substances and materials.

3. HOISTWAY

- A code-compliant hoistway, constructed in accordance with KONE’s requirements and specifications. Provide or maintain fire rating as required by building code.
- Patching of all holes in hoistway walls with fire rated material.
- Beveling all ledges within hoistway measuring over 4”.
- Removal of any non-elevator related equipment and materials from within the hoistway and proper disposal of oil and other hazardous or non-hazardous substances and materials.
- A guarded light fixture and light switch in pit. Switch must be located 42” above the lowest landing floor level.
- A means of displacing water located in the pit and containing and disposing of oil, chemicals, and other substances in compliance with environmental laws and regulations (KONE assumes no responsibility for discharge of oil, chemicals, and other substances into storm water systems, sanitary sewer systems, retention ponds, etc.). Elevator hoistway ventilation to the outside atmosphere as required by building code.

4. FIRE SERVICE

- Fire alarm smoke detectors with wiring and relays in the machine room terminating at elevator controller.
- Fire alarm initiating devices must be located in front of each elevator entrance as well as in the machine room and at the top of the hoistway.
- Where sprinklers exist in the machine room and/or hoistway, a fire alarm initiating device within 12” of each sprinkler head.

5. ACCESS INTEGRATION/SECURITY

- Our proposal includes KONE logic and provisions for the specified Touchscreen(s), Keypad Destination Operating Panel(s), Monitoring System(s) and Multi-Media Equipment.
- Card Readers and/or any additional required hardware & software for proper functionality of access control/security system(s) shall be furnished and installed by others.
- Any required software to ensure proper communication between KONE control system(s) and building system(s) shall be the responsibility of others.
- A designated 115V 15A circuit is required at each of the remote monitoring stations.
- KONE recommends a minimum 100 Mbit/s Ethernet for each of the following application(s): Integrated Touchscreen/Keypad Destination Operating Panels, Monitoring System, Multi-Media Equipment, and Card Readers.

6. COUNTERWEIGHTING

- Pricing is based upon the existing car to counterweight weight ratio being consistent with elevator industry standards. This is defined as the counterweight weight being equal to the empty car weight plus 40%. The actual assemblies will be weighed during the modernization process. If modifications are required to correct the existing weight balance, these modifications will be provided at additional cost.

7. RK1 FUSES AND CIRCUIT BREAKERS

- Fuses are to be current limiting class RK1 or equivalent. Circuit breakers are to have current limiting characteristics equivalent to RK1 fuses. Provisions of these fuses are the responsibility of others, not KONE.

8. GENERAL

- Access to the building to perform the Work and for deliveries with dry, protected storage adjacent to the hoistway.
- Cutting of existing walls, floors and finishes, together with all repairs made necessary by such cutting or changes, e.g. cutting of lobby walls for flush hall fixtures and removal of encroaching lobby features such as wall-mounted ashtrays. Removal, replacement, and/or repair of any mirrors, millwork, plaster, stone or other special hall finishes.
- All work of other trades must be complete and ready at time of first elevator inspection, or elevator will not be released for operation by the AHJ. If the AHJ does allow temporary operation under a Temporary Operating Inspection (TOI), any associated costs shall be Purchaser's responsibility.
- Our tender is based on suitable site conditions, material and tooling storage space, and bathroom access being available on site.
- Safe working environment must be provided and supported by provision for adequate entrance protection, means of hoisting, hoistway dividing screens, and protection of floors walls and doors etc.
- Emergency evacuation procedures to be clearly defined where required. Subject to site survey and actions agreed.
- Any portion of the Work that is subject to the permissions of local authorities beyond the elevator permits must be identified to KONE. Responsibility for permits to be agreed. Permits and appropriate signage indicating any changes to pedestrian access routes for building users must be in place prior to start of the Work.
- Elevator installation methods requires the integrity of the existing Safety Gear and Overspeed protection devices, and are therefore subject to verification of suitability prior to commencement of the work. Any remedial work required or alternative solution is not included in this tender.
- If KONE 24/7 Emergency Video Communications: For units with travel greater or equal to 60 ft (18 m), or if located in a seismic zone and the code year is 2016 or later (regardless the travel): Customer will provide a dedicated Windows-based PC or laptop with Chrome browser and 24-hour/day Internet access. This computer must be accessible by emergency personnel to communicate through voice and text with people in the elevator and to have a video display of the cab interior.

File Attachments for Item:

. Order 27,084 - authorizing execution of Change Order No. 1 to the Residential Grass Mowing Project (14-22-M) with Casey Smith, LLC dba/ ServicePro, for the increased not-to-exceed amount of \$6,300.00; bringing the total contract amount to \$59,690.00

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

ORDER NO. 27,084

DATE: September 6, 2022

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

THAT, the City Administrator be and is hereby authorized to execute Change Order No. 1 to the original contract with Casey Smith, LLC, dba ServicePro, for the "Residential Grass Mowing Project" (14-22-M) to add/remove properties recently acquired or sold by the City for the increased not-to-exceed cost of Six Thousand, Three Hundred Dollars and No Cents (\$6,300.00), bringing the new contract value to Fifty-Nine Thousand, Six Hundred Ninety Dollars and No Cents (\$59,690.00).

Raymond M. Morriss, Mayor

<i>Casey Smith LLC dba ServicePro</i>	Contract Price
Original Contract Price	\$ 53,390
Change Order No. 1	\$ 6,300
New Contract Price	\$ 59,690

Budget No. 001.078.20100

Council Agenda Summary

Meeting Date: 9/6/2022

Key Staff Contact: Derrik Grimm

Item Title:

Change Order No 1 to Residential Mowing Contract

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

This change order is to add/remove properties recently acquired/sold by the City at various locations within City Limits. These will be added to the contract to allow mowing through the end of the FY. These properties will now be part of the year 1 contract. This will increase the current contract by \$6,300.00. The new contract value will be \$59,690.00. Original contract was approved with M&CC Order No. 27,042.

Amount of Award: \$6,300.00 for project total \$59,690.00

Budget number: 001.078.20100

Grant, bond, etc. reference: City Funds

City of Cumberland

Change Order Number: 1

Project: Residential Grass Mowing Contract
City Project No.: 2022-14-M
Purchase Order No.: 2023-197
Contractor: Service Pro
Vendor No.: 239

The Change Order modifies (adds or deletes work) the contract as follows:

Add / Delete	Unit	Est # of Cuttings	Cost Per Cutting	Description	Delete	Add
Mowing of City Owned Property Throughout the City of Cumberland						
Add	1	12	\$ 90.00	13 W Clement St		\$1,080.00
Add	1	12	\$ 60.00	222 Pear St		\$720.00
Add	1	12	\$ 100.00	420 Pine Ave		\$1,200.00
Add	1	12	\$ 100.00	842 Gephart Dr		\$1,200.00
Add	1	12	\$ 100.00	846 Gephart Dr		\$1,200.00
Add	1	20	\$ 45.00	203 Baltimore Ave		\$900.00
				TOTALS	\$0.00	\$6,300.00

The Original Contract Sum was:

The Original Contract Sum was:	\$53,390.00
Previous Change Orders:	\$0.00
Contract Sum as a result of Previous Change Orders:	\$53,390.00
The Contract Sum increased/decreased by this Change Order:	\$6,300.00
The New Contract Sum as a result of this Change Order is:	\$59,690.00

Contract Time Change: No time added

Recommended by: _____
Contracts Admin Officer *Date*

Contractor: Service Pro

Date

Accepted by: _____
Director of Engineering *Date*

Approved By: _____
City Administrator *Date*

Mayor and City Council Order Number Authorizing this Change Order: _____

File Attachments for Item:

1. Report from the City Clerk advising of the official results of the 2022 Cumberland Municipal Primary Election as certified by the Maryland Board of Elections, showing that the four (4) highest vote getters and those whose names will be placed on the General Election Ballot for November 8, 2022, are Rock Cioni, Mary Conlon, James Leo Furstenberg, III, and Joseph Paul George



CITY OF CUMBERLAND MARYLAND

August 30, 2022

Mayor and City Council
City Hall
Cumberland, MD 21502

Dear Mayor and Council Members,

Attached are the results of the Cumberland Municipal Primary Election held July 19, 2022, as officially certified by the State Board of Canvassers on August 1, 2022.

According to the results of the election, Rock Cioni, Mary Conlon, James Leo Furstenberg, III, and Joseph Paul George, having received the four (4) highest number of votes for the office of Council, shall have their names placed on the ballot for the general election that will be held November 8, 2022.

The general election ballot will also list Raymond M. Morriss as the sole candidate for Mayor.

MAYOR
RAYMOND M. MORRISS

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

CITY ADMINISTRATOR
JEFFREY F. SILKA

CITY SOLICITOR
MICHAEL SCOTT COHEN

CITY CLERK
MARJORIE A. WOODRING

Sincerely,

Marjorie A. Woodring
City Clerk



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)722-2000 • FAX (301)759-6438 • TDD (800)735-2258

PRIMARY ELECTION RETURNS

RETURN OF THE ALLEGANY COUNTY BOARD OF ELECTIONS FOR THE CITY OF CUMBERLAND, MARYLAND

PRIMARY ELECTION FOR CUMBERLAND HELD JULY 19, 2022

FOR COUNCIL

I HEREBY CERTIFY, that Allegany County Board of Elections, assembled in the office of Diane Loibel, Allegany County Elections Administrator, on July 19, 2022, upon the closing of the poles, and on July 21, July 27, and July 29, 2022 for the purpose of acting as a Board of Canvassers of Elections for the Primary Election.

The Board of Canvassers of Election, upon being duly organized, did receive the count of votes at each precinct of all the original reports and tally sheets delivered or transmitted to them of the votes cast at the Primary Election held on Tuesday, July 19, 2022. The Board of Canvassers of Election did also witness and receive the count of votes delivered or transmitted to them from each designated voting place for Early Voting on Tuesday, July 19, 2022, at 10:00 AM. Canvassing of Mail-in Ballot 1 was held on Thursday, July 21, 2022 at 10:00 AM, canvassing of Provisional Ballots was held on Wednesday, July 27, 2022 at 10:00 AM, and canvassing of Mail-in Ballot 2 was held on Friday, July 29, 2022, at 10:00 AM.

The Allegany County Board of Election did conduct the final tabulation and officially certify the results on Friday, July 29, 2022, which were reported to the Maryland State Board of Elections. The Maryland State Board of Elections did meet on Monday, August 1, 2022, to provide State Certification of all elections and did on that date certify and state that the whole number of votes cast in the City of Cumberland for the office of Council were as follows:

COUNCIL:

(Votes received)

Brett Thomas Joseph Bean	238 votes
Rock Cioni	1,637 votes
Mary Conlon	877 votes
James Leo Furstenberg, III	813 votes
Joseph Paul George	783 votes
Angela McCuan	220 votes
William Kevin Patch	394 votes
TOTAL	4,962 votes

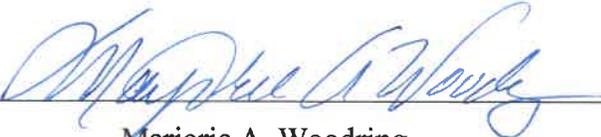
PURSUANT to Section 11(e) of the City Charter, the four (4) candidates receiving the highest number of votes for Council in the primary election shall be the candidates whose names shall be placed upon the ballots at the municipal general election.

ACCORDINGLY, it is declared that:

ROCK CIONI
MARY CONLON
JAMES LEO FURSTENBERG, III
and
JOSEPH PAUL GEORGE

having received the four (4) highest number of votes for the office of **COUNCIL**, shall have their names placed on the ballot for the general election to be held November 8, 2022.

CITY CLERK
CITY OF CUMBERLAND, MD



Marjorie A. Woodring