



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

AGENDA

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

DATE: November 21, 2023

OPEN SESSION – 6:15 PM

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

Presentations

1. Presentation from the Safe, Green & Clean Committee regarding EV Chargers for Vehicles

Proclamations

1. Proclaiming November 25, 2023 as Small Business Saturday in the City of Cumberland

Director's Reports

(A) Administrative Services

1. Administrative Services Monthly Report for October 2023

(B) Public Works

1. Maintenance Division Monthly Report for October 2023

(C) Fire

1. Fire Department Monthly Report for October 2023

(D) Police

1. Police Department Monthly Report for October 2023

Approval of Minutes

1. Approval of the Closed, Work, and Regular Session Minutes of November 7, 2023

Public Comments – FOR AGENDA ITEMS ONLY

All public comments are limited to 5 minutes per person

New Business

(A) Orders (Consent Agenda)

1. Order 27,362 - authorizing execution of a Three-Year Salt and Aggregate Utilization Agreement with MD State Highway Administration for the distribution of salt and/or aggregate during winter storm events, for a three (3) year period effective September 1, 2023 through August 31, 2026
2. Order 27,363 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at Orlando Street, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation
3. Order 27,364 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at the Unnamed Alley, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation
4. Order 27,365 - authorizing the forgivable loan provided to Nick Dearcangelis in the amount of \$30,000 from the City of Cumberland Revolving Loan Fund to supplement Allegany County funding for a renovation project at 432 N. Centre Street to be forgiven as the project has been completed and has met all requirements set forth
5. Order 27,366 - approval of the Micro-Revolving Loan Fund in the amount of \$100,000 to provide low-interest loans between \$2,000 and \$10,000 for small businesses in the City of Cumberland meeting the requirements for a term of 24 to 60 months at an interest rate of 3%
6. Order 27,367 - authorizing the Sole Source purchase of the City's annual amount of Meter Setters, Meter Boxes and Frost Free Lids from Ferguson Waterworks in the amount not to exceed \$62,533 for the entire fiscal year
7. Order 27,368 - authorizing the abatement of certain non-collectable personal property taxes for tax years 2010-2022 totaling \$72,589.69
8. Order 27,369 - authorizing the renewal of the contract with Denali Water Solutions for the "WFP Residuals Management Transportation, Storage, Beneficial Use and/or Disposal" Project (33-20-WFP) in variable amounts based on material generated for a term of February 1, 2024 through January 31, 2025
9. Order 27,370 - accepting the proposal from Triad Engineering for the Municipal Service Center Fuel Tank Replacement Project (2023-14-PBLD) for the demolition and removal of existing fuel tank and fuel island sites, environmental testing and the construction of proposed fuel tank and fuel island sites in the not to exceed amount of \$564,594

- [10.](#) Order 27,371 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Browning Street between Oak Street and Virginia Avenue for a lump sum payment to the City of \$89,133

Letters / Petitions

- [1.](#) Letter from City Clerk advising Mayor and City Council that Charter Amendment Resolution 152 has passed the referendum period and became effective as of November 8, 2023

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

1. Proclaiming November 25, 2023 as Small Business Saturday in the City of Cumberland

City of Cumberland
- MARYLAND -

Proclamation

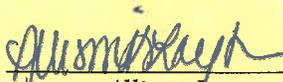
- WHEREAS,** *on Small Business Saturday, as well as every day, the government of Cumberland, Maryland, celebrates our local small businesses and the contributions they make to our local economy and community; and*
- WHEREAS,** *according to the United States Chamber of Commerce, small businesses employ nearly half of the entire American workforce and represent 46.8% of American's GDP; and*
- WHEREAS,** *12.9 million jobs were created by small businesses between 1996 – 2021, and all small businesses that employ between 10-19 employees collectively add more than 500,000 jobs to the US economy over 10 years; and*
- WHEREAS,** *Small Business Saturday has become an important part of small businesses' busiest shopping season, and historically, reported projected spending among US consumers who shopped independent retailers and restaurants on Small Business Saturday reached an estimated \$17.9 billion according to the 2022 Small Business Saturday Consumer Insights survey; and*
- WHEREAS,** *advocacy groups, as well as public and private organizations across the country, have endorsed the Saturday after Thanksgiving as Small Business Saturday, and Cumberland, Maryland supports our local businesses that create jobs, boost our local economy, and preserve our communities.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim November 25, 2023 to be

"Small Business Saturday"
and do urge all citizens to "Shop Small and Support Big."

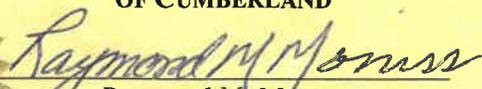
Given under our Hands and Seals this 21st day of November, in the Year 2023,
with the Corporate Seal of the City of Cumberland hereto attached,
duly attested by the City Clerk.

ATTEST:


Allison Layton
City Clerk



**MAYOR AND CITY COUNCIL
OF CUMBERLAND**


Raymond M. Morriss
Mayor

File Attachments for Item:

. Administrative Services Monthly Report for October 2023

Administrative Services Monthly Report for October 2023

November 21, 2023

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of October, 2023.

Information Technology Department

October 2023

Johnna Byers, Director

Statistics

115 new help desk requests
107 help desk requests resolved

Activities

Major department initiatives in the past month include:

- Assist with police mobile data terminal issues
- Assist with performing billings, etc. in new tax software
- Continue to assist police with body cam project including implementation
- Assist with Time and Attendance HR Project
- Work with MuniLink on migration from work orders to service orders

Parks and Recreation

October 2023

Ryan Mackey, Director

Baseball/ Softball League

Soccer/Football League play and practices for October:

The City of Cumberland provides fields for the following leagues:

Girls Softball, Fall Instructional League
Dapper Dan Fall League
JCP Soccer League
AVID Soccer Club
Renegades Pee Wee Football

Note – October concluded regular field usage for the fall season with the exception of only special event practices.

Pavilion Reservations and usage for the month of October - **8 reservations**

Pavilion reservations closed October 31, for the season to resume in the spring.

Seasonal Employees – October concluded the staffing of seasonal employees of the park watchmen at Constitution Park. Mason Sports has additional weeks in November for playoff and Travel Football team practices. Restrooms will be open on a daily basis only until Winterization of these facilities begins in Mid to Late November.

Afterschool Program Christmas Event – Planning for students with the Afterschool Program from four local Elementary Schools to visit City Hall and Downtown Cumberland Christmas Tree in December. Mr. Brad Ditto, Director of the Afterschool Program will organize the groups transportation to City Hall to view the decorations, visit with Santa, treats and more.

Meetings attended:

- Monthly Recreation Advisory Board Meeting – October 2
- Parks & Recreation Maintenance Meeting
- Bike trail construction company – Global Action Sports Construction

Upcoming:

- Recreation Advisory Board Meeting – Monday November 6
- Afterschool Program – Students visit City Hall Christmas Party
- New Year’s Eve Fireworks
- Proposals for July 4, 2024 Fireworks
- 2025 budget preparation
- Begin Planning for 2024 Season

Community Development Report

October 2023

Kevin Thacker, Code Compliance Manager

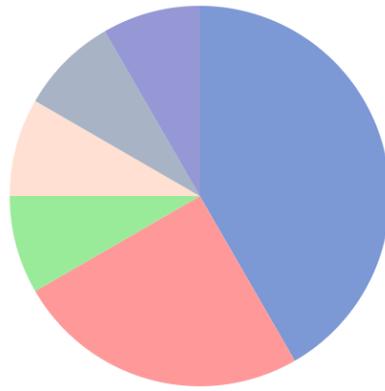
CODE COMPLIANCE

Noted Activity:

- Street Sweep of Virginia Ave. included 120 properties and verified 63 nuisance violations. 57 properties had no issues.

Code Enforcement Activity:

47 new cases received – 21 of those are still open
21 violations were found
12 cases have been resolved



Violations by Violation Type		
■	Dwellings, yards and lots to be kept clean	5 41.7%
■	Cutting of weeds	3 25.0%
■	Duties of owner and operator	1 8.3%
■	Good repair and safe condition	1 8.3%
■	Order to vacate	1 8.3%
■	Sanitary maintenance	1 8.3%

Permits/Reviews & Rental Licenses:

33 Total Permits/Reviews were issued
 32 Rental Inspections were completed

Building

Residential..... 2
 Commercial..... 0

Miscellaneous

Residential3
 Commercial1

Occupancy

Residential0
 Commercial3

Signage

Commercial2

Electrical

Residential..... 3
 Commercial..... 3

Plumbing

Residential1
 Commercial1

Utility

Residential0
 Commercial0

Demolition

Residential 1
 Commercial 0

Public ROW

..... 6

Rental Licenses

Residential30

Rental Inspections

Passed47
 Failed4

Plans, Reviews, Amendments and Appeals

(ZA, RPR, SR, ZMA, ZTA, SRA)

(Zoning Board Appeal) Issued0.00

Certificates of Appropriateness

Issued.....7

Request for Change/Amendment

Issued.....0

Revenue from 'Issued' Permits/Reviews:

Building Permits.....	\$549.12
Miscellaneous Permits.....	61.00
Occupancy Permits.....	92.00
Sign Permits.....	93.81
Utility Permits.....	452.30
Plan reviews, Amendments & appeals.....	0.00
Zoning Classification Détermination (info request).....	0.00
Municipal Infractions (citations).....	.00
Certificates of appropriateness.....	151.00
Rental Licenses (new & renewals).....	4025.00
Paid Rental Inspection Requests.....	<u>0.00</u>
TOTAL	\$5424.23
Demolition Bonds Collected.....	\$1500.00

Community Development Programs

October 2023

Lee Borrer, Senior Community Development Specialist

Regular CDBG-total of \$1,495,235; our HUD grant agreement is completed, new funds are in our line of credit, and new funds have begun being expended. BS Redesign is holding a significant amount of funds and we have a couple large projects underway (Constitution Park Trails/Playground) which span both CDBG and CDBG-CV funds. We are on track to meet our timeliness test in May of 2024. Administrative costs have switched over to the 2023 grant year as of Nov 1, 2023.

CDBG CARES ACT funds-total of \$164,900; we are on track to expend all CV as of January 2024 except our own (not sub recipient grants) within the parks which were only recently developed by Amendments with the funds that were otherwise able to be expended by original grantees (sub recipients).

ARPA funds for Jane's Place, Inc are being expended and invoiced monthly per the contract.

Community Development Block Grant (CDBG) Monthly Activity	Oct 2023 Report	Original Budget	Lifetime Funds Exp	Remaining Balance	Reallocate	ERR
Baltimore Street Redesign	2020	\$402,700.00	\$0.00	\$402,700.00		
Const Pk Inclu Playground Ph 2 guard station	2020	\$37,184.62	\$37,184.62	\$0.00		
AYEPS Youth Center Facil Rehab	2020	\$4,753.75	\$814.59	\$3,939.16		
2020 Grant Totals		\$444,638.37	\$37,999.21	\$406,639.16		
(May 2 amend) incr. Long Term Prescript	2021	\$2,068.98		\$2,068.98		
(May 2 amend) YMCA Trans Shelter 3 fl floor	2021	\$56,642.48		\$56,642.48		
2021 Grant Totals		\$58,711.46	\$0.00	\$58,711.46		
Balt Street Redesign	2022	\$188,384.50	\$0.00	\$188,384.50		
AYEP Youth Center Rehab	2022	\$10,000.00	\$8,426.54	\$1,573.46		
Admin	2022	\$101,000.00	\$82,914.92	\$18,085.08	\$26,496.25	
Ind Cost	2022	\$16,000.00	\$11,184.60	\$4,815.40		
FH	2022	\$13,000.00	\$9,404.23	\$3,595.77		
Gilchrist Security for Transi Housing	2022	\$30,820.00	\$17,379.00	\$13,441.00		
2022 Grant Totals	2022	\$359,204.50	\$129,309.29	\$229,895.21		
JFV Pavillion Basktbl Ct Install	2023	\$44,000.00		\$44,000.00	failed	na
AYEPS Youth Center Facil Rehab	2023	\$20,000.00		\$20,000.00		approved
Admin	2023	\$117,000.00	\$47.76	\$116,952.24		x
Ind Cost	2023	\$12,000.00		\$12,000.00		x
FH	2023	\$11,000.00		\$11,000.00		x
YMCA Gil Trans Shelter Ext Elect/Safe/Cam	2023	\$124,935.00		\$124,935.00		u
FAI ALU Roof	2023	\$18,026.00		\$18,026.00		u
FAI Water Tank Imps	2023	\$60,000.00		\$60,000.00		u
FAI Gen Installation LEC	2023	\$18,000.00		\$18,000.00		u
Assoc Char Short Term	2023	\$11,435.00		\$11,435.00		x
PHA JFV Sidewalk Imps	2023	\$27,126.00		\$27,126.00		approved
FCRC Domestic Violence IPV classes	2023	\$20,500.00		\$20,500.00		x
Targ City Foot/Bike Patrols	2023	\$4,960.00		\$4,960.00		x
YMCA Food Trans Shelter	2023	\$8,000.00		\$8,000.00		x
Constitution Park Trails	2023	\$303,000.00		\$303,000.00		u
2023 Grant Totals		\$799,982.00		\$799,934.24		
			Total All Yrs	\$1,495,180.07		
October CDBG 2023 Report 10/16/23						
Balances:	Year	IDIS grant rpt				
\$406,639.16	2020					
\$58,711.46	2021					
\$229,895.21	2022					
\$55.04	2022 PI					
\$799,934.24	2023					
\$164,900.67	2020 cv	*change each month				
\$465,350.62	OLD 20 21					
\$1,660,135.78 Total All	20,21,22,23, PI, CV					

\$1,495,235.11 Total Reg CDBG

Post Sept draw (10/16/23)

Historic Planning/Preservation

October 2023

Ruth Davis-Rogers, Historic Planner/Preservation Coordinator

In addition to serving the public and answering daily questions and inquires I did the following:

Historic Preservation Commission Meeting (HPC)

- Prepared COA's for HPC Meeting which was held Oct. 12th.
- Reviewed and administered Certificate of Appropriateness permits.
- Consulted with building owners regarding projects requiring COA permits.

Meetings & Events

- Attended DDC Meeting
- Attended meeting about the Carver building
- Attended Allegany College of Lifelong Learning meeting
- Attended various dept. meetings
- Assisted AHS Historical Research Methods Class with most current project
- Met with representative from HRDC
- Met with representative from Gilchrist Museum
- Participated in MHT archeological dig to locate buildings Thomas Cresap.

Grants, Tax Credits and Section 106 reviews

Administered/managed funding/grants for:

- Residential Accessibility Improvement Program
- Roof Replacement Program
- Executed Grant Reports
- Conducted Section 106 Reviews (as needed) for various projects.
- Answered questions (as needed) regarding tax incentives from both current and potential building owners.

Other

- Worked on draft to establish City of Cumberland Arts Commission

Comptroller's Office

Financial Activity Report

October 2023

Mark Gandolfi, City Comptroller

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of October 2023.

On October 1, 2023, the City had a cash balance of \$14.2 million (\$11.5 million invested in a value money market program and \$2.7 million participating in a sweep program at First United Bank. Receipts exceeded disbursements by \$613 thousand resulting in a cash balance of \$14.8 million at October 31, 2023

(\$12 million invested in a value money market program and \$2.8 million participating in a sweep program at First United Bank).

As of October 31st, the significant tax receivable balances are reflected in the table below.

Taxes receivable (General Fund)						\$ 3,928,822
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2024	\$ 3,892,285	\$ 53,071	\$ -	1,148,993	\$ -	\$ 2,796,363
FY 2023	737,040	-	-	87,011	-	650,029
FY 2022	286,388	-	-	14,368	-	272,020
FY 2021	43,023	-	-	1,275	-	41,748
FY 2020	55,462	-	-	174	-	55,288
FY 2019	24,594	-	-	174	-	24,420
FY 2018	34,774	-	-	174	-	34,600
FY 2017	14,074	-	-	115	-	13,959
FY 2016	11,437	-	-	201	-	11,236
FY 2015	10,982	-	-	138	-	10,844
FY 2014	7,270	-	-	138	-	7,132
FY 2013	2,980	-	-	-	-	2,980
FY 2012	2,538	-	-	-	-	2,538
Prior FY's	5,665	-	-	-	-	5,665
	<u>\$ 2,149,431</u>	<u>\$ 53,071</u>	<u>\$ -</u>	<u>\$ 1,252,761</u>	<u>\$ -</u>	<u>\$ 3,928,822</u>

The current year tax receivable balance is comprised of the following:

Real property (non-owner occupied)	\$1,236,996
Personal Property	358,894
Real Property (semiannual payments)	1,200,473
Real Property (Half Year)	-
	<u>\$2,796,363</u>

The City's liquidity position continues to be strong as illustrated in the following cash and investments table. Restricted cash and investments are comprised primarily of invested American Rescue Plan Act (ARPA) funds received in advance and bond proceeds restricted to associated capital projects and expenditures.

Cash and Investment Summary
October 31, 2023

	Cash	Investments
Beginning Balance	\$ 14,191,641	\$ 29,466,375
Add:		
Cash Receipts	7,978,517	130,483
Investment Transfer	-	-
Less:		
Disbursements	7,365,124	-
Investment Transfer	-	-
Ending Balance	\$ 14,805,034	\$ 29,596,858
Restricted	\$ 2,190,803	\$ 10,303,237

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects.

Restricted Cash	10/1/2023	Increase	Utilization	10/31/2023
Police Seizures	\$ 79,590	\$ -	\$ -	\$ 79,590
Bowers Trust	80,625	357	-	80,982
National Opioid Settlement	44,739	-	-	44,739
GOB 21	720,949	4,329	355,159	370,119
ARPA	132,729	800	-	133,529
Capital Projects	1,369,538	6,053	-	1,375,591
Demolition & Fiscal Agent Bonds	106,253	-	-	106,253
	\$ 2,534,423	\$ 11,539	\$ 355,159	\$ 2,190,803
Restricted Investments	10/1/2023	Increase	Utilization	10/31/2023
DDC	\$ 4,525	\$ 20	\$ -	\$ 4,545
GOB 21	3,658	16	-	\$ 3,674
ARPA	10,249,630	45,388	-	\$ 10,295,018
	\$ 10,257,813	\$ 45,424	\$ -	\$ 10,303,237

Increases to GOB21, ARPA, Capital Projects, Bowers Trust and DDC are interest earnings.

Capital Projects are CSX funding for Fayette St. and Cumberland St. bridge replacements.

DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain.

GOB21 is the FY21 general obligation bond issuance restricted for scheduled capital projects and equipment.

National Opioid Settlement is for opioid intervention in Cumberland.

Capital Projects and Associated Debt:

The tables below illustrate undrawn Maryland CDA bond proceeds and unused general obligation bond proceeds (GOB21) as well as the accumulated debt and grant proceeds for the Decatur Street waterline and the Combined Sewer Overflow (CSO) projects.

Available Bond Proceeds

	10/1/2023	Increase	Utilization	10/31/2023
CDA 2019	\$ 29,651	\$ -	\$ -	\$ 29,651
CDA 2021	4,166,588	-	251,571	3,915,016
CDA 2023	2,345,718	-	113,148	2,232,570
GOB 21	724,607	-	350,813	373,794
	\$ 7,266,563	\$ -	\$ 715,533	\$ 6,551,030

CSO Projects

	10/1/2023	Increase	Utilization	10/31/2023
Evitts Creek Phase 3 Debt	\$ 2,297,851	\$ -	\$ -	\$ 2,297,851
Evitts Creek Phase 3 Grant	5,418,560	-	-	5,418,560
Evitts Creek Phase 4 Debt	3,550,900	-	-	3,550,900
Grit Removal and UV Disinfection	4,445,000	-	-	4,445,000
78" Pipeline Debt	19,941,232	-	-	19,941,232
78" Pipeline Grant	46,338,060	-	-	46,338,060
	\$ 81,991,603	\$ -	\$ -	\$ 81,991,603

CDA 2021 utilization of \$252K includes \$2K toward the McMullen Street bridge design, \$37K toward the Baltimore Street Access project, and \$213K toward the Fort Hill Reservoir cover replacement. CDA 2023 utilization of \$113K includes \$15K toward anthracite and sand filter media at the filtration plant, \$68K toward the Fort Hill Reservoir cover replacement, and \$30K toward the Wastewater Treatment Plant

influent screen. GOB21 utilization of \$351K includes \$78K toward the Baltimore Street bridge and \$276K toward the Baltimore Street Access project; reduced by \$3K interest earned.

Remaining CDA 2019 funds are allocated to SCADA upgrades (\$30K). Remaining CDA 2021 funds are primarily allocated to the Baltimore Street Access project (\$1.8M), fuel pump replacement (\$350K), elevator modifications (\$220K), cross connections/hydrants valves (\$211K), 5-ton dump truck (\$160K), and Constitution Park infrastructure (\$105K). Remaining GOB21 funds are primarily allocated to the Baltimore Street bridge replacement (251K) and the Cole Street Valve Equipment (\$50K). Remaining CDA 2023 funds consist primarily of an ambulance (\$385K), 5-ton dump truck (\$190K), water filtration building design (\$500K), influent screen construction (\$147K), and wastewater plant roof replacements (\$242K).

The following four projects are major upgrades to the combined sewer collection system. Evitts Creek Phase 3 is in the engineering phase with the necessary funding in place. Phase 3 project cost is estimated at \$7.5 million and is funded with \$5.4 million in grants and \$2.3 million in loan with \$1.1 million of the loan amount being forgivable. Phase 3 is on hold pending site access being granted by CSX. Evitts Creek Phase 4 is in the planning phase and has most of the funding in place. Phase 4 project cost is estimated at \$4 million and is funded with \$3.6 million in loan with \$1.5 million of the loan amount being forgivable. A water reclamation facility grit removal and UV disinfection project is in the planning phase with the necessary funding in place. The grit removal and UV disinfection project is projected to begin during FY25 at an estimated cost of \$4.4 million and is funded with \$4.4 million in loan with \$1.5 million of the loan amount being forgivable. The 78" pipeline project is pending Army Corp of Engineers approval and private property easement or acquisition and anticipated to begin construction during FY25 or FY26. The total estimated project cost is \$67 million and is substantially funded with \$46.3 million in grants and \$20.0 million in loan with \$3.0 million of the loan amount being forgivable.

COVID-19:

The City received \$19,595,850 from the American Rescue Plan Act (ARPA). The U.S. Treasury guidance provides greater details on the eligible uses and priority of these funds. These are:

- Support public health expenditures
- Address negative economic impacts caused by the public health emergency
- Replace lost public sector revenue
- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure

Available Funding (*as of October 31, 2023*):

Purpose	Awarded	Allocation				
		Budgeted	Allocated Interest Earned	Utilized Interest Earned	Utilized ARPA Budget	Remaining
American Rescue Plan Act (ARPA)	\$ 19,595,850					
Premium Pay		\$ 833,952			\$ 833,952	\$ -
Respond to the health emergency						
Community Programs						
Amphitheatre and Pavilion 1&2		\$ 174,350	\$ 1,824	\$ 1,824	\$ 174,350	\$ -
Pool Area		\$ 71,250	\$ 73,228	\$ 73,228	\$ 71,250	\$ -
Union Rescue Mission		\$ 749,000			\$ 749,000	\$ -
YMCA Bus Replacement		\$ 216,000			\$ 216,000	\$ -
DDC Assistance to Small Businesses		\$ 183,500			\$ 52,750	\$ 130,750
Promoting the Community		\$ 33,563			\$ 32,386	\$ 1,177
Janes Place for Abused Children		\$ 40,778			\$ 36,414	\$ 4,363
Community Development Property Improvement		\$ 264,960			\$ 103,618	\$ 161,342
Affordable Housing Assistance		\$ 410,516			\$ 122,589	\$ 287,927
Skate Park - Mason Rec Complex		\$ -	\$ -	\$ -	\$ -	\$ -
Duck Pond Remediation		\$ 16,844	\$ 11,621	\$ -	\$ -	\$ 16,844
City of Cumberland Signage		\$ -	\$ 69,676	\$ -	\$ -	\$ 69,676
PPE						
General		\$ 29,269			\$ 29,269	\$ -
Facilities and Equipment		\$ 22,216			\$ 22,216	\$ -
Prisoner Processing Improvements		\$ 176,200			\$ -	\$ 176,200
HVAC improvement at City Hall & Public Safety		\$ 1,300,000			\$ 4,950	\$ 1,295,050
Revenue Loss		\$ 10,000,000			\$ 7,074,957	\$ 2,925,043
Infrastructure Investments						
South End Water Main Replacement		\$ 2,000,000			\$ 116,326	\$ 1,883,674
Industrial Blvd Water Main		\$ 2,000,000			\$ -	\$ 2,000,000
Replace 4" Water Lines with 6" (City-Wide)		\$ 1,073,452			\$ 60,040	\$ 1,013,412
Unallocated		\$ -			\$ -	\$ -
Unallocated Interest Earned						\$ 463,089
Total:	\$ 19,595,850	\$ 19,595,850	\$ 156,347	\$ 75,051	\$ 9,700,068	\$ 10,428,547

Fiscal Year 2023 Budget Review
June 30, 2023

General Fund:

The table below illustrates the differences between the unaudited FY23 results and the unofficial revised budget with an explanation for the most significant variances.

City of Cumberland
FY 2023 Actual Results to Revised Budget Comparison

	FY 2023		
	YTD Thru June 30	Revised Budget	%age
Revenues			
Taxes	\$ 13,483,965	\$ 13,288,530	101.5%
Licenses & Permits	114,463	118,700	96.4%
Intergovernmental	8,595,891	8,751,602	98.2%
Charges for Services	2,032,639	1,830,684	111.0%
Fines, Forfeitures & Interest	1,026,285	1,044,496	98.3%
Miscellaneous	1,228,356	1,143,998	107.4%
Financing Proceeds	1,287,848	1,067,326	120.7%
Original Issue Premium	-	138,889	0.0%
Interfund Transfers	2,465,523	2,465,523	100.0%
Total Revenue and other financing sources	30,234,971	29,849,748	101.3%
Expenditures			
General Government	1,979,181	2,180,656	90.8%
Public Safety	14,340,452	15,060,424	95.2%
Public Works	2,711,204	2,828,122	95.9%
Recreation	801,252	724,933	110.5%
Community Dev & Housing	3,111,418	3,335,619	93.3%
Debt Service	3,515,779	3,461,497	101.6%
Operating Transfers	1,511,904	2,830,664	53.4%
Total Expenditures and other financing uses	27,971,191	30,421,915	91.9%
Surplus (Deficit)	\$ 2,263,781	\$ (572,167)	
(Creation) or utilization			
Restricted/nonspendable fund balance	1,854,275	2,330,328	
(Creation) or utilization Assigned fund balance	(2,771,183)	1,230,507	
Increase in unassigned Fund balance	\$ 1,346,873	\$ 2,988,668	

Revenue – Overall the actual FY23 revenue is \$0.4 million (1.0%) above the unofficial revised budget. Actual year-to-date results through June 2023 indicate an improvement in tax, charges for services and miscellaneous revenues. The overall revenue increase is driven by four main changes:

- Tax revenue experienced a net increase of \$0.2 million due to improved real and corporate personal property taxes.
- Intergovernmental revenue experienced a net decrease of \$0.2 million primarily due to a \$0.2 million decrease in ARPA revenue resulting from timing differences of when project expenditures are incurred.
- Charges for services increased \$0.2 million primarily due to improved ambulance service revenue.
- Miscellaneous revenues increased \$0.1 million resulting primarily from improved sale of surplus property and greater fire donations.

Expenditures – The actual FY23 expenditure is \$2.4 million below the revised budget. This decrease is primarily due to:

- \$0.2 million reduction in general government expenditures resulting primarily for capital equipment delayed to FY24.
- \$0.7 million reduction in public safety expenditures resulting primarily from an ambulance purchase and building improvements that have been delayed to FY24.
- \$0.1 million reduction in public works expenditures resulting primarily from Street Department capital equipment that has been delayed to FY24.
- \$0.1 million increase in recreation expenditures primarily resulting from compensated absence payout for the retired Director of Parks and Recreation and increased capital equipment expenditure for an FY22 order received in FY23.
- \$0.2 million reduction in community development resulting from ARPA community projects and neighborhood revitalization delayed into FY24.
- \$1.3 million reduction in operating transfers for capital projects that have been postponed or delayed to FY24

Unassigned Fund Balance - The actual FY23 results reflect a decrease to the City's unassigned fund balance of \$1.6 million over the revised budget. This result is due to assigning \$3.5 million for capital projects and equipment.

Assigned Fund Balance - The actual FY23 results reflect an increase to the City's assigned fund balance of \$2.8 million over the revised budget. This result is the net effect of an assigned fund balance increase of \$3.5 million reduced by assigned fund balance utilization of \$0.7 million for a fire rescue truck.

The table below depicts the General Fund FY23 budget status through June 30, 2023 and its comparison to the prior year.

City of Cumberland
FY 2023 Comparison to FY 2022 General Fund

	FY 2023			FY 2022		
	YTD Thru June 30	Adopted Budget	%age	YTD Thru June 30	Adopted Budget	%age
Revenues						
Taxes	\$ 13,483,965	\$ 13,276,255	101.6%	\$ 13,347,415	\$ 12,611,449	105.8%
Licenses & Permits	114,463	113,700	100.7%	153,661	102,700	149.6%
Intergovernmental	8,595,891	9,537,394	90.1%	7,191,985	3,625,797	198.4%
Charges for Services	2,032,639	1,729,840	117.5%	1,837,384	1,624,700	113.1%
Fines, Forfeitures & Interest	1,026,285	31,720	3235.5%	45,727	40,400	113.2%
Miscellaneous	1,228,356	1,057,349	116.2%	1,298,131	1,254,100	103.5%
Financing Proceeds	1,287,848	1,179,870	109.2%	4,813,592	4,718,304	102.0%
Interfund Transfers	2,465,523	2,473,409	99.7%	2,497,145	2,546,849	98.0%
Total Revenue and other financing sources	30,234,971	29,399,537	102.8%	31,185,040	26,524,299	117.6%
Expenditures						
General Government	1,979,181	2,118,551	93.4%	1,996,416	1,776,048	112.4%
Public Safety	14,340,452	13,038,414	110.0%	13,712,345	13,678,259	100.2%
Public Works	2,711,204	2,883,624	94.0%	2,327,534	2,737,782	85.0%
Recreation	801,252	861,734	93.0%	848,366	878,527	96.6%
Community Dev & Housing	3,111,418	2,868,141	108.5%	1,432,923	1,373,059	104.4%
Debt Service	3,515,779	3,534,384	99.5%	3,428,576	3,179,707	107.8%
Operating Transfers	1,511,904	5,458,491	27.7%	490,157	4,498,922	10.9%
Total Expenditures and other financing uses	27,971,191	30,763,339	90.9%	24,236,316	28,122,304	86.2%
Surplus (Deficit)	\$ 2,263,781	\$ (1,363,802)		\$ 6,948,724	\$ (1,598,005)	
(Creation) utilization Restricted/nonspendable fund balance	1,854,275	3,710,556		(2,730,179)	1,599,047	
(Creation) or utilization Assigned fund balance	(2,771,183)	-		(3,000,000)	-	
Increase (Decrease) in unassigned Fund balance	\$ 1,346,873	\$ 2,346,754		\$ 1,218,545	\$ 1,042	

Revenue

- Tax revenue is up \$136K compared to the same period last year.
 - Property tax revenue is up by \$285K.
 - Personal property corporate personal tax revenue is up by \$169K.
 - Hotel/Motel Tax is up by \$37K.
 - Property tax credits increased year-over-year by \$80K (\$18K CPD).
 - Enterprise Zone reimbursement declined by \$14K.
 - Personal property local tax revenue is down by \$8K.
 - Penalties and Interest are down by \$60K.
 - Deferred Revenue is up by \$205K.
- Intergovernmental revenue is greater by \$1.4 million primarily due to FY23 non-recurring revenue for ARPA projects, greater MORE COPS grant revenue, police protection revenue, and income tax revenue.
 - ARPA revenue is \$0.8 million greater.
 - Police protection revenue is \$0.3 million greater.
 - More COPS revenue is \$0.1 million greater.
 - Income tax revenue is \$0.2 million greater.
- Service revenue is \$195K greater primarily due to improved ambulance service and a one-time police grant for tasers.
- Fines, Forfeitures & Interest revenue is \$980K greater due to higher interest rates.

- Financing proceeds – new FY23 debt issuance closed on April 20, 2023 which required less general fund bond issuance than the prior year.
- Interfund transfers –Sewer Fund PILOT is down by \$34K over the prior year due to reduced net book value resulting from an additional year of depreciation. New asset additions during FY22 did not exceed the value of depreciation.

Expenditures

- Public Safety expenditures are greater by \$628K in FY23 over FY22 primarily due to being fully staffed in the police department in addition to timing differences among police department capital purchases.
- Public Works expenditures are greater by \$384K primarily due to timing differences of capital expenditures and increased personnel costs in Department 56/Street Maintenance.
- Community and economic development expenditures are greater by \$1.7M primarily due to:
 - Union Rescue Mission \$749K ARPA project.
 - Jane’s Place and YMCA \$231K ARPA sub-recipient disbursements.
 - CEDC \$420K project disbursement.
 - \$201K increased neighborhood revitalization project activity.
- Debt Service is \$87K greater than the prior year due to increased principal and interest expenditures for existing debt.
- Operating transfer expenditures are \$1.0 million greater in FY23 compared to FY22 due to the general fund capital project activity level and the timing of debt draws.

Assigned Fund Balance - The actual FY23 results reflect an increase to the City’s assigned fund balance of \$1.8 million. This result is the net effect of an assigned fund balance increase of \$3.5 million reduced by assigned fund balance utilization of \$0.7 million for a fire rescue truck.

Unassigned Fund Balance - The actual FY23 results reflect an increase to the City’s unassigned fund balance of \$1.3 million. This result is the net effect of the above discussion. This represents a \$0.1 million improvement over the FY22 increase in unassigned fund balance.

Health Care Claims Analysis

The table below compares our FY23 health care plan status to FY22. The claims status can fluctuate widely from month to month. It is something we monitor closely and FY23 produced a \$214K greater surplus. Key points are as follows:

- Through June 30th, we have a \$906K surplus compared to \$692K in FY22 and a performance ratio of 86.90% compared to 94.24% in FY22.
- A key figure to watch is our performance ratio. The annual rates are established by estimating claims and adding a 15% “corridor” as a cushion for overages. A performance ratio of 100% indicates that we are at the expected claims rate.
- Members of the group pledge a “cross-share” that can be used to cover deficits of other members.
- Our “potential refund” is the balance after cross share which is the surplus less any anticipated cross-share.

Month	Total Deposits	Reinsurance		Net Monthly Claims Paid	CIGNA Refunds	Surplus (Deficit)	Performance Ratio	Pledged Cross		Anticipated Cross Share Needed	Balance After Cross Share
		Received	Pending					%age	Dollars		
Jun-22	3,865,057	527,227	30,203	3,792,106	67,395	697,777	94.24%	10.0%	(69,778)	(5,994)	691,784
Jun-23	3,822,539	173,880	282,086	3,388,670	44,269	934,104	86.90%	10.0%	(93,410)	(28,282)	905,822

**Fiscal Year 2024 General Fund Quarterly Budget Review
September 30, 2023**

General Fund:

The table below depicts the General Fund FY 2024 budget status through Sept 30, 2023 and its comparison to the prior year.

City of Cumberland
FY 2024 Comparison to FY 2023 General Fund

	FY 2024			FY 2023		
	YTD Thru September 30	Adopted Budget	%age	YTD Thru September 30	Adopted Budget	%age
Revenues						
Taxes	\$ 10,933,675	\$ 13,785,995	79.3%	\$ 10,289,281	\$ 13,276,255	77.5%
Licenses & Permits	11,191	120,000	9.3%	11,956	113,700	10.5%
Intergovernmental	632,308	8,519,973	7.4%	642,088	9,537,394	6.7%
Charges for Services	293,263	1,829,765	16.0%	324,666	1,729,840	18.8%
Fines, Forfeitures & Interest	406,937	1,269,076	32.1%	102,826	31,720	324.2%
Miscellaneous	395,916	1,395,357	28.4%	145,188	1,057,349	13.7%
Financing Proceeds	-	1,925,686	0.0%	-	1,179,870	0.0%
Interfund Transfers	2,488,051	2,520,154	98.7%	2,465,523	2,473,409	99.7%
Total Revenue and other financing sources	15,161,341	31,366,006	48.3%	13,981,527	29,399,537	47.6%
Expenditures						
General Government	432,698	2,582,281	16.8%	341,062	2,118,551	16.1%
Public Safety	3,506,938	14,820,339	23.7%	3,067,704	13,038,414	23.5%
Public Works	514,144	2,898,900	17.7%	631,060	2,883,624	21.9%
Recreation	281,005	766,679	36.7%	278,386	861,734	32.3%
Community Dev & Housing	449,758	2,215,305	20.3%	311,540	2,868,141	10.9%
Debt Service	180,392	3,665,941	4.9%	158,238	3,534,384	4.5%
Operating Transfers	919,363	7,385,780	12.4%	64,695	5,458,491	1.2%
Total Expenditures and other financing uses	6,284,298	34,335,225	18.3%	4,852,686	30,763,339	15.8%
Surplus (Deficit)	\$ 8,877,042	\$ (2,969,219)		\$ 9,128,842	\$ (1,363,802)	
(Creation) utilization Restricted/nonspendable fund balance	-	3,864,020		-	3,710,556	
(Creation) or utilization Assigned fund balance	716,838	1,719,493		-	-	
Increase (Decrease) in unassigned Fund balance	\$ 9,593,880	\$ 2,614,294		\$ 9,128,842	\$ 2,346,754	

Due to the timing of most real estate taxes being invoiced once per year in July, a large surplus is typical in the first quarter. We are not overly concerned about any of the actual to budget or actual to prior year variances at this point, but we are noting the following in FY24 when compared to FY23:

Revenue

- Overall, tax revenue is up \$644K compared to the same period last year primarily due to improved real property tax billings and timing differences among corporate personal property tax billings. Timing differences result from personal property assessments being received at different times of the year from the State of Maryland.
 - Real estate tax revenue is up year-over-year by \$347K.
 - Personal property corporate tax revenue is up year-over-year by \$237K.
- Fines, Forfeitures & Interest are \$300K greater than the prior year due to substantially higher interest rates applied to sustained investment balances.
- Financing proceeds – new FY24 debt issuance is expected for April 2024.
- Interfund transfers –Sewer Fund Pilot is down by \$22K over the prior year due to reduced net book value resulting from an additional year of depreciation. New asset additions during FY23 did not exceed the value of depreciation.

Expenditures

- General government expenditures are higher in FY24 than during the same period last year by \$92K. This increase is due to timing differences among year-to-date expenditures.
 - Department 32/City Hall –contributions are \$41K in FY24 vs \$10K in FY23.

- Department 33/IT –equipment purchases of \$31K vs \$0 in FY23 and \$26K greater FY24 software maintenance and software as a service.
- Public Safety is greater by \$439K in FY24 over FY23 primarily due to the difference in capital expenditures in the fire department. During FY24, the fire department received a \$716K fire truck whereas during FY23 they received a \$262K ambulance.
- Public Works expenditures are \$117K lower than during the same period last year primarily due to the difference in capital expenditures in Department 56/Street Maintenance. During FY23, a \$160K dump truck was received whereas in FY24, no capital equipment purchases took place in the first quarter.
- Community and economic development expenditures are greater by \$138K primarily due to:
 - Department 080P/Community Development Special Projects increased level of parks expenditures for signage and grant funded picnic tables.
 - Department 80/Community Development timing of software as a service annual subscription payment and increased payroll resulting from an additional code enforcement officer.
- Operating transfer expenditures are greater in the first quarter of FY24 compared to FY23 due to the general fund capital project activity level.

Health Care Claims Analysis

The table below compares our FY24 health care plan status to FY23. The claims status can fluctuate widely from month to month. It is something we monitor closely, but the earlier in the year the less concerned we are about variances. Key points are as follows:

- Through September 30th, we have a \$234K surplus compared to \$298K in FY23 and a performance ratio of 83.99% compared to 76.10% in FY23.
- A key figure to watch is our performance ratio. The annual rates are established by estimating claims and adding a 15% “corridor” as a cushion for overages. A performance ratio of 100% indicates that we are at the expected claims rate.
- Members of the group pledge a “cross-share” that can be used to cover deficits of other members.
- Our “potential refund” is the balance after cross share which is the surplus less any anticipated cross-share.

Month	Total Deposits	Reinsurance		Net Monthly Claims Paid	CIGNA Refunds	Surplus (Deficit)	Performance Ratio	Pledged Cross		Anticipated Cross Share Needed	Balance After Cross Share
		Received	Pending					%age	Dollars		
Sep-22	978,348	-	-	659,954	12,542	330,937	76.10%	10.0%	(33,094)	(33,094)	297,843
Sep-23	894,788	-	38,198	710,676	18,957	241,267	83.99%	5.0%	(12,063)	(7,655)	233,613

Respectfully submitted,

Jeffrey F. Silka
City Administrator

sln

File Attachments for Item:

. Maintenance Division Monthly Report for October 2023

**MAINTENANCE DIVISION REPORT
OCTOBER 2023**

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

Central Services Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
OCTOBER 2023**

- Potholes and Citizen Reports
 - 24 service requests completed
 - 21 streets and 3 alleys repaired

- Utility Hole Repairs
 - 32 water repairs
 - 7 sewer repairs
 - Material totals:
 - 24 CY concrete
 - 125 Tons asphalt

- Tree Removal and Pruning
 - 12 hazard trees were removed.
 - 39 trees were trimmed.
 - 20 loads of brush taken to compost.
 - Tree Complaints and tree issues
 - Resolved and/or addressed 43 tree complaints and tree issues.
 - Began trimming and cleaning brush from alleys at various locations.

- Street Cleaning Operations
 - 39 loads collected
 - 33 tons of debris to landfill
 - 542 miles of streets swept

- Sign Work
 - 25 traffic control signs repaired / installed
 - 8 street name signs repaired / installed
 - 7 handicap signs removed / installed

- Miscellaneous
 - Traffic set for 3 events
 - Baltimore Street underpass cleaned 4x
 - Leaf pickup began on the 30th

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
OCTOBER 2023**

- Parks & Parklets Mowing
 - Parklets
 - Mowed 8 days
 - Park
 - Mowed 10 days
 - Mason Sports Complex
 - Mowed 15 days

- Ball Fields

Location	Mowed	Drug	Lined
Flynn	2	0	2
Northcraft	1		
Nonneman	1		
Cavanaugh	4	1	2
Abrams	1		
Long	2		
JC	2		
Galaxy	4		4
Bowers	3		2

Miscellaneous

- Duck pond renovation completed
- Park and field winterization began
- Bathroom renovation at Masons Complex Began
- Met with Sports Turf Co. to explore turf field options at Mason's Complex
- New traffic gates ordered for Mason's Complex and the Park

**FLEET MAINTENANCE
MONTHLY REPORT
OCTOBER 2023**

DEPARTMENT	REPAIRS
Central Services	5
Community Development	5
DDC	3
Engineering	1
Fire	9
Fleet Maintenance	1
Flood	1
MPA	0
P & R Maintenance	10
Police	36
Public Works	0
Sewer	13
Snow Removal	2
Street Maintenance	29
Water Distribution	25
WFP	1
WWTP	5
In House Fleet Maintenance Projects	15
Scheduled Preventative Maintenance	25
Field Service Calls	13
Total Fleet Maintenance Projects	199
Total Repair Orders Submitted	22
Fleet Maintenance Risk Management Claims	0

**CENTRAL SERVICES
MONTHLY REPORT
OCTOBER 2023**

- **City Hall**: Meet with East Hills Engineering about the new HVAC systems. Changed the HVAC system over to heat, drained the chiller for the winter and bleed the system for air. Repaired the toilet on the first floor public bathroom. Hung the newly framed picture of the former Mayor Grimm in the City Council Chambers. Remounted the soap dispenser in the IT department's kitchen area.
- **Municipal Service Center**: Quarterly sprinkler inspection. Hung new drywall, painted, moved the data jack and added an outlet in the Street Superintendent office. Replaced the generator block heater.
- **Public Safety Building**: Quarterly sprinkler inspection. Replaced a heating control valve for the hot water baseboard for the north side third floor area. Repaired the garage door on the Police side and replaced two rollers. The garage door contractor replaced two cable that where frayed and a broken roller mount on door #3 in the Fire Department garage. Replaced the thermocouple in the water heater. Painted the hallway in side of the Police Department.
- **Fire Stations #2**: Maintenance on the garage door. Checked on the sump pump in the basement that stopped working. Cleaned the boiler and oiled the circulating pumps.
- **Downtown Area & Mall**: Set up and took down the stage on N. Centre St for Friday After Five. Removed the light poles for Liberty St. before the new construction started.
- **Traffic and Street Lights**: Reported 21 street lights for the power company to repair. Placed the Baltimore St and Mechanic St traffic lights in flash for the Baltimore St Bridge closing. Repaired lights that where not working on the

Valley St Bridge. Placed the traffic lights in flash for the tree contractor at Maryland Ave. and Virginia Ave. Reset the traffic lights at Maryland Ave. and William St for NPL. Repaired the street lights that were out on the North end of Queen City Dr.

- **Parks areas:** Winterized the Big pool filter building, Baby pool filter building and main pool building.
- **Other:** Christmas tree meeting at the Western Maryland Railroad station for the location of the tree. Replaced the top on a picnic table.
- Load tested generators. October 26, 2023
- Monthly Safety Meeting – October 17, 2023
- PM's on all the pumps and motors at PSB, City Hall and MSC

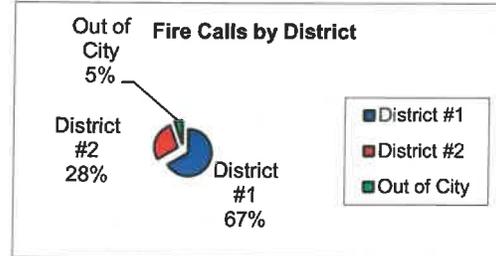
File Attachments for Item:

. Fire Department Monthly Report for October 2023

REPORT OF THE FIRE CHIEF FOR THE MONTH OF OCTOBER, 2023
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 147 Fire Alarms:

Responses by District:	
District #1	98
District #2	41
Out of City	<u>8</u>
	147



Number of Alarms:	
First Alarms Answered	146
Working Alarms Answered	<u>1</u>
	147

Calls Listed Below:

Property Use:	
Public Assembly	4
Educational	2
Institutional	10
Residential	77
Stores and Offices	6
Industrial, Utility	0
Special Properties	<u>48</u>
	147

Type of Situation:

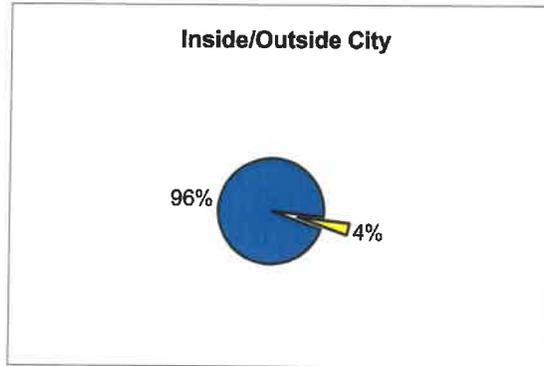
Fire	5
Overpressure	1
Rescue Calls	86
Hazardous Conditions	11
Service Calls	8
Good Intent Calls	18
False Calls	<u>18</u>
	147

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in October:	\$1,650.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$2,630.00
Fire Service Fees for Fire Calls Paid in October:	\$515.00
FY2024 Fire Service Fees Paid in FY2024:	\$160.00
All Fire Service Fees Paid in FY2024:	\$1,260.00

Fire Service Fees for Inspections and Permits Billed in October:	\$400.00
Fire Service Fees for Inspections and Permits Paid in October:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$450.00

Cumberland Fire Department Responded to 539 Emergency Medical Calls:

In City Calls	518
Out of City Calls	<u>21</u>
Total	539



Total Ambulance Fees Billed by Medical Claim-Aid for October:	\$173,385.64
Ambulance Fees Billed Fiscal Year to Date:	\$531,966.27
Ambulance Fees Paid:	
Revenue Received in October:	\$107,578.43
FY2024 Ambulance Fees Paid in FY2024:	\$239,280.36
Total Ambulance Fees Paid in FY2024:	\$439,960.50
(includes all ambulance fees, current and previous fiscal years, paid in FY2024)	

Cumberland Fire Department provided 2 Paramedic Assist Calls:

0 Paramedic Assist Call within Allegany County	
<u>2 Paramedic Assist Calls outside of Allegany County</u>	
2	

Ridgeley, WV VFD	1
Romney, WV VFD	<u>1</u>
	2

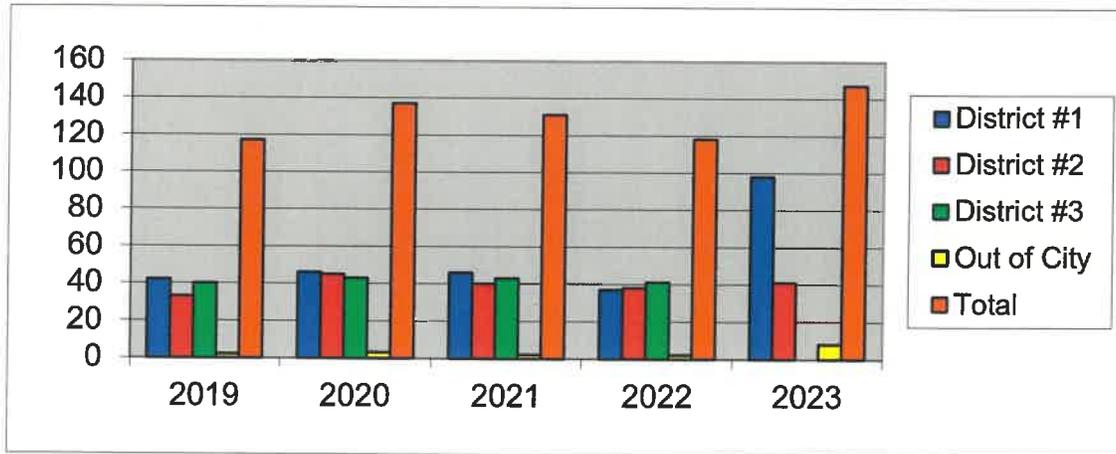
Cumberland Fire Department provided 19 Mutual Aid Calls:

15 Mutual Aid Calls within Allegany County	
<u>4 Mutual Aid Calls outside of Allegany County</u>	
19	

Allegany County Dept. EMS	1
Bowman's Addition VFD	11
Cresaptown VFD	<u>3</u>
	15
Ridgeley, WV VFD	3
Wiley Ford, WV VFD	<u>1</u>
	4

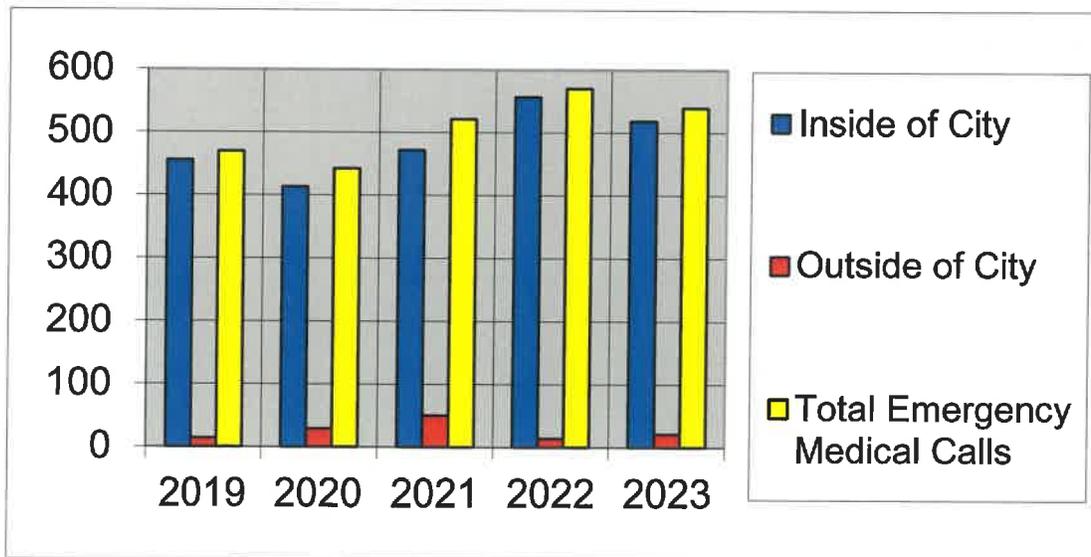
Fire Calls in the Month of October for a Five-Year Period

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
District #1	42	46	46	37	98
District #2	33	45	40	38	41
District #3	40	43	43	41	0
Out of City	<u>2</u>	<u>3</u>	<u>2</u>	<u>2</u>	<u>8</u>
Total	117	137	131	118	147



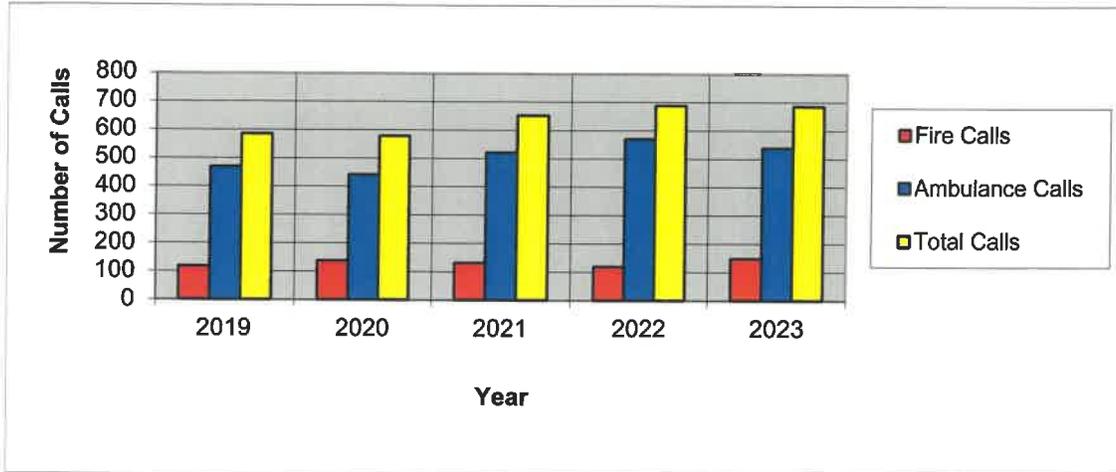
Ambulance Calls in the Month of October for a Five-Year Period

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Inside of City	455	413	471	556	518
Outside of City	<u>14</u>	<u>29</u>	<u>50</u>	<u>14</u>	<u>21</u>
Total Emergency Medical Calls	469	442	521	570	539



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

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
Fire Calls	117	137	131	118	147
Ambulance Calls	469	442	521	570	539
Total Calls	586	579	652	688	686



Training

Training Hours:

1242.5 man hours
444 course hours

- Driver Training
- Ropes
- CFD Rescue #1
- CFD Engine #1
- Fire Safety
- CFD Medic #344
- Weekly Maintenance
- Foam
- SCBA Rescue Breathing
- Fertilizer Plant
- Rapid Intervention Team
- Haz-Mat Operations
- Emergency Vehicle Operators Course
- Paramedic Training
- Fire Officer I
- Instructor Workshop

Fire Prevention Bureau

Complaints Received	4
Conferences Held	15
Correspondence	75
Inspections Performed	10
Investigations Conducted	0
Plan Reviews	6
Burning Permits	7
Public Education	4

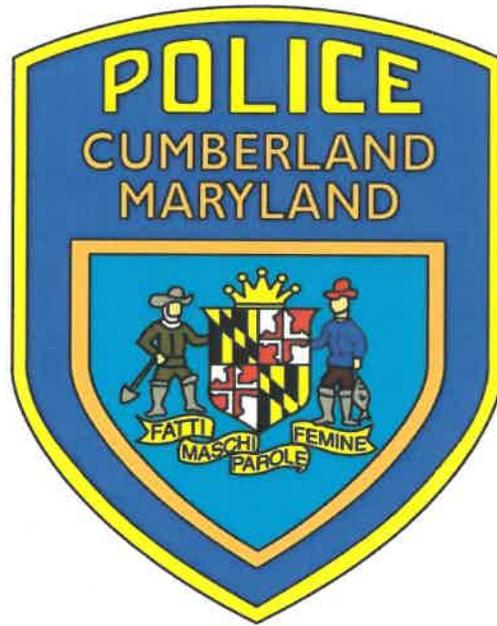
Personnel

Fire Equipment Operator/EMT-B Gerald I. Myers retired on October 31, 2023 with 28 years of loyal and dedicated service.

Statistics Compiled by Julie Davis, Fire Administrative Officer

File Attachments for Item:

. Police Department Monthly Report for October 2023



City of Cumberland Department of Police

Monthly Report

October 2023



City of Cumberland Department of Police

Monthly Report

October 2023

Part 1 Crimes for the Month

	2022		2023			2022		2023			2022		2023	
Aggravated Assaults	3	5	B & E (All)	15	13	Murder	0	1	Rape	0	1			
Robbery	5	1	Theft - Felony	0	1	Theft - Vehicle	3	4						

Selected Criminal Complaints for the Month

	2022		2023			2022		2023			2022		2023	
Theft - Misdemeanor	17	30	Theft - Petty	27	38	Domestic Assaults	20	18	CDS	39	25			
Disturbances	135	167	DOP/Vandalism	27	31	Indecent Exposure	1	1	Sex Off - Other	3	2			
Suicide	0	0	Suicide - Attmp.	2	0	Tampering M/V	0	0	Abuse - Child	2	0			
Trespassing	29	49	Assault on Police	6	0	Assault Other	30	46						

Selected Miscellenous Incidents for the Month

	2022		2023			2022		2023			2022		2023	
Alcohol Volations	0	2	Juvenile Compl.	27	19	Missing Persons	9	7	School Resource	216	188			
School Threat	0	0	Sex Off. Regist.	3	0	Truancy	0	0	Death Investigation	9	3			

Selected Traffic Incidents for the Month

	2022		2023			2022		2023			2022		2023	
DWI	10	11	Hit & Run	23	20	M/V Crash	58	65	Traffic Stop	371	465			

Selected Service Calls for the Month

	2022		2023			2022		2023			2022		2023	
Alarms	26	29	Assist Motorist	37	30	Check Well-Being	106	112	Foot Patrol	51	106			
Assist Other Agency	108	69	Bike Patrol	0	0	Special Events	15	13	Suspicious Activity	60	118			

Current Incident Status for the Month

	2022		2023			2022		2023			2022		2023	
Open	32	81	Arrest	280	257	Closed	2209	2668	Suspended	58	44			

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

October 2023

SWORN PERSONNEL: 50 SWON OFFICERS

Administration	6 officers
Squad D1	8 officers
Squad N1	8 officers
Squad D2	8 officers
Squad N2	7 officers
C3I/C3IN	4 officers
School Resource	2 officers
Academy	7 recruits
Medical/Modified Duty	0 officers

CIVILIAN EMPLOYEES: 7 full time, 8 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
CPD Records Clerk	0 part time OPEN
MCIN Coordinator	1 full time*
CPD Patrol Assistant	1 full time
CPD Crime Analyst	1 full time*
CPD Maintenance	1 part time
C3IN Office Associate	1 part time**
C3I Office Associate	1 full time
C3I Office Associate	1 part time**
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
Code Enforcement	2 part time

*=Grant funded

**=Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 739.5
COMP TIME USED: 113.25
SICK TIME USED: 164.5

YEAR TO DATE (beginning 07/01/23): 3,232.75
YEAR TO DATE (beginning 07/01/23): 719.75
YEAR TO DATE (beginning 07/01/23): 335

OVERTIME REPORT

OVERTIME WORKED: 147
HOSPITAL SECURITY: 99
COURT TIME WORKED: 404

YEAR TO DATE (beginning 07/01/23): 541.25
YEAR TO DATE (beginning 07/01/23): 494
YEAR TO DATE (beginning 07/01/23): 1,624

File Attachments for Item:

1. Approval of the Closed, Work, and Regular Session Minutes of November 7, 2023

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, November 7, 2023; 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)(4) and (7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice from the City Solicitor regarding a contract with the CEDC, and to discuss a proposal for a developer to develop various locations within the City.

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

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni (by phone), Eugene Frazier, Jimmy Furstenberg, and Laurie Marchini

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



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. “Rock” Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael S. Cohen
City Clerk Allison K. Layton

Mayor and City Council of Cumberland

WORK SESSION

City Hall 2nd Floor Conference Room
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, November 7, 2023, 5:00 p.m.

PRESENT: Mayor Raymond M. Morriss; Council Members: Eugene Frazier, Jimmy Furstenberg, and Laurie Marchini. Council Member Cioni was absent.

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael Cohen, City Solicitor; Ruth Davis-Rogers, Historic Preservation Planner and Grants Management; Chuck Ternent, Chief of Police

Media: Teresa McMinn, Cumberland Times-News
Kathy Cornwell, WCBC Radio

I. REVOLVING LOAN FUND DISCUSSION

Mr. Silka discussed formalizing the micro revolving loan fund. He advised that there’s \$100K in the fund for small business loans for \$2K to \$10K, for businesses under 100 employees, at an interest rate of 3%. He explained that this is not a grant program nor a forgivable loan program. He provided an information sheet with more details.

Mr. Silka discussed the application procedures, specifics, and went over the different applicable uses for the loan, such as for working capital, building upgrades and improvements, machinery and equipment, and business disruption, saying it cannot be used to purchase real property. He stated that applicants will be urged to contact and work with the Small Business Development Center (SBDC) at Frostburg State to develop a business plan and financial information.

Mr. Silka discussed using the loan for business disruption funding (re: Baltimore Street), and went over what needs to be met to be eligible for the funding – first and foremost, the business has to be located within the footprint of the Baltimore Street Redevelopment Project. He also mentioned the applicant has to be in good standing with the City regarding taxes, utilities and code violations, as well as in good standing with the State.

Mr. Silka explained that there will be a Loan Review Committee (LRC) established to review and recommend approval, denial, or additional information, and discussed who the members of the committee will need to be. He noted that the Director of Administrative Services, will receive the applications and present them to the LRC, and the final approval of a loan will be by an Order of the Mayor and City Council.

Mr. Silka advised that a loan, if approved, will be disbursed within 30 days to the applicant, who shall make annual reports to the City detailing use of the funds, with a final report when the project is complete. He added that loans between \$2K and \$5K will be approved at a 24-month term, while loans between \$5K and \$10K will be approved at a 60-month term.

II. ARTS COMMISSION DISCUSSION

Ms. Davis-Rogers talked about the creation of a City of Cumberland Arts Commission, covering visual arts, painting, drawing, sculpture, performing arts, and literature. She explained that studies show that the presence of an arts district is important to a community, and creates jobs, investments, tax revenue, and stimulates the economy. She said the City is fortunate to have an Arts Council.

Ms. Davis-Rogers advised that the Arts and Entertainment district was created in 1972. She also mentioned that the City incorporated arts into the overall plan for Baltimore Street. She said having a City Arts Commission will be a sign the City is thriving. She also explained the difference between the Arts Council, and having an Arts Commission, with the commission being an advisory body to the council. She discussed who commission members would be and from what area, backgrounds, and said representation from arts-related fields would be encouraged. She advised M&CC that there was a packet they can review, and said they could meet in a few weeks to discuss further. She added that the commission will not be created until M&CC votes on it.

III. OPIOID RESTITUTION FUND UPDATE

Chief Ternent advised that they began getting distributions from the opioid restitution funds, and said he has some proposals for what to do with them, as it has become quite complicated. He explained out of the \$26B overall, the State of Maryland will receive \$529M, with there being 3 different pots of money. He explained some goes directly to municipalities, and said Comptroller Mark Gandolfi advised the City has \$44K right now in disbursements. He explained that the next pot of money is targeted abatement funds, which goes to the State, which then goes to the DHMH, which in turn distributes some portion to municipalities. He advised the City is supposed to get \$59K in 2023 from that, and around \$21K in 2024. He mentioned that the County and Frostburg are in on the agreement as well, and said the County is getting the biggest chunk of the money.

The Chief advised that the DHMH and the State put out a document explaining that it wants committees set up to say how these funds will be used, and said there are a lot of very specific parameters of how the money should be spent, kind of like how it worked with the ARPA funds. He said during a meeting with the County, the County offered to write the plan for the City for 5 years out, with the City staying in possession of their funds, and advised that a Council Member

and the Chief himself will sit on the committee. Chief Ternent asked for permission to do the plan jointly with the County, and said their deadline date is December 12, 2023.

Mr. Silka advised that this is the Administration's recommendation as well, as it's burdensome to get these funds in small chunks, what with all the administration work that has to be done.

Mayor Morriss stated this gives the City some input into the County plan, and said the County understands that the biggest issues are within the municipalities.

There was discussion on ideas of how to spend the funds. Chief Ternent mentioned Narcan; peer support; access to medications, heroin coordinator, crisis beds, mobile crisis teams as well as hotlines, education, enforcement, research, etc.

Mr. Silka stated that he would like this put on the next meeting and officially do it as an Order. Mayor Morriss advised to get a planned document in place, and said as they work through it, M&CC will update as necessary.

IV. CITY ADMINISTRATOR UPDATE

Mr. Silka discussed the new Parkmobile app, saying it is now fully deployed. He said he will wait 2 months and come up with a use report. He said there's been a soft opening and a hard opening, and said he hopes everybody uses it.

Mr. Silka discussed the Skatepark, saying he's had a couple of calls with the designer Rampage, and said after looking at the skatepark in Hagerstown, most people give a low ranking on the "bowl" for Cumberland users, which is a lot of money and will get minimal use. He stated that street features, steps, railings, and a pump track are priorities. He explained that the designer is trying to fit it in to the City's budget and space, and then we will commission a rendering. He added that the design is in progress, along with preliminary engineering, and they are on track for a Spring build, pending contractor availability.

V. AGENDA REVIEW NOVEMBER 7, 2023

Mr. Silka reviewed tonight's public agenda. He called for any questions or comments. Mr. Silka stated that items are mostly housekeeping, but mentioned the purchase of 2 pickup trucks for the CPD, which are unbudgeted, but is coming out of proceeds from 2 totaled vehicles.

IV. MAYOR AND CITY COUNCIL UPDATES

Council Member Furstenberg advised that he did the Toys for Happiness Bingo with Mayor Morriss and Council Member Frazier.

Council Member Frazier also mentioned the Toys for Happiness Bingo, which was at the Fire Department, to raise money for the organization. He stated that they raised \$6700, plus received toy donations.

Council Member Frazier also mentioned attending the HRDC Annual Meeting at Rocky Gap, and said City Administrator Jeff Silka was the Keynote Speaker.

Council Member Marchini advised that they will have another Town Hall Meeting regarding Baltimore Street in December to iron out some issues. He mentioned that construction has started on the water feature on Liberty Plaza. The Councilwoman also noted that they are looking for volunteers for the 2-weekend Winter Festival in December, and reminded everyone of the tree lighting Friday after Thanksgiving – this year at Canal Place. She added that this is syncing with the Polar Express trains. She also mentioned the HPC article in last Saturday’s newspaper regarding urban renewal, and she said she met twice with the Local Government Advisory Workgroup with Ms. Kelleher, DDC, and the MD Comptroller. She said they discussed B filing coming out for businesses, with the hopes to go live in January 2024, and advised they are working on a webpage which will be more interactive. She said they also discussed tax differentials, and advised everyone to go online to see if you’re owed any money.

Mr. Cohen stated that it’s frustrating dealing with the Comptroller regarding trying to find phone numbers and email addresses, and said filling out an inquiry form and waiting for a call back is not helpful. Council Member Marchini said she will make mention of it.

Mayor Morriss also mentioned the Winter Festival on 12/2 and 12/9, and encouraged people to see Ms. Kelleher to sign up to volunteer. The Mayor discussed Shop Small Saturday and asked people to support local businesses. He also mentioned Veterans Day this Saturday the 11th, and said he and some of Council will be attending programs at the Legion and at Rocky Gap

The Mayor noted that tomorrow night is the MML ALGAR Chapter Dinner/Meeting at The Toasted Goat, which he and Council Member Frazier signed up for. He also advised that he will be going to Annapolis on 11/16 to meet with the Governor, during the National Guard’s State Partnership Reception. He added that the WMSR is in discussion with the Governor’s office to bring the Governor up for the Polar Express in December, and did mention that these train rides sell out quickly. He said if all rides sell out, that is 79K riders.

V. ADJOURNMENT

With no further business at hand, the meeting adjourned at 5:58 p.m.

Respectfully Submitted,

Allison K. Layton
City Clerk

Minutes approved on: _____



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

MINUTES

M&CC Regular Meeting
57 N. Liberty Street

DATE: November 07, 2023

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

PRESENT:

Council Member Eugene T. Frazier
Council Member James L. Furstenberg, III
Council Member Laurie P. Marchini
President Raymond M. Morriss

Council Member Richard J. "Rock" Cioni was absent

Also Present: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; Media Representatives

IV. Statement of Closed Meeting

Mayor Morriss announced that a closed session had been held at 4:00 p.m. on November 7, 2023 and read into the record a summary of that meeting which is attached hereto and made a part of these minutes as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

V. Proclamations

1. Proclaiming the month of November, 2023 as Municipal Government Month in the City of Cumberland

Mayor Morriss read the proclamation.

2. Proclaiming the month of November, 2023 as Family Court Awareness Month in the City of Cumberland

Mayor Morriss read the proclamation.

VI. Director's Reports

Motion to approve the report was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 4-0.

(A) Utilities - Flood, Water, Sewer

1. Utilities Division Water/Sewer/Flood Monthly Reports September and October 2023

VII. Approval of Minutes

Motion to approve the minutes was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

1. Approval of the Work Session and Regular Session Minutes of October 17, 2023, and the Council Retreat Open Work Session Minutes of October 19, 2023

VIII. Public Comments

No Comments

All public comments are limited to 5 minutes per person

IX. Unfinished Business

(A) Ordinances

1. **Ordinance 3967** (*2nd and 3rd Readings*) - providing for the closure of an unnamed alley in the City of Cumberland running from Garden View Drive, bounded on both sides by property owned by Jimmie C. O'Neal.

SECOND READING: The Ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 4-0.

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 4-0.

2. **Ordinance 3968** (*2nd and 3rd Readings*) - providing for the closure of a right of way by the name of Orlando Street in the City of Cumberland which runs between Wiley Street and Garden View Drive and is bounded on both sides by property owned by Jimmie C. O'Neal.

SECOND READING: The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment was made by Council

Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

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 4-0.

3. **Ordinance 3969** (*2nd and 3rd Readings*) - to enact Section 22-12 of the Cumberland City Code pertaining to the prohibition of habitation in vehicles parked on public property and to amend Section 13-48(a) of the said code for the purpose of authorizing the towing of vehicles parked on public property for more than 24 hours after having been cited.

SECOND READING: The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment was made by Council Member Marchini, seconded by Council Member Frazier, and was passed on a vote of 4-0.

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 4-0.

X. New Business

(A) Orders (Consent Agenda)

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **Motion** to approve each item was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

Order 27,351 - accepting the proposal from North East Technical Sales for the purchase and installation of a phosphate analyzer for the Water Reclamation Facility in the not to exceed amount of \$27,211.

Order 27,352 - accepting the State bid from Hertrich Fleet Services Inc. for two (2) road ready 2023 RAM Special Service Vehicle (SSV) Crew Cab 4 x 4 vehicles at a total cost of \$79,678.

Order 27,353 - rescinding Order No. 27,271, passed July 18, 2023, authorizing the purchase of four (4) 2024 Police Interceptor Utility Vehicles from Hertrich Fleet Services Inc. due to supply issues and accepting the bid from Laurel Auto Group Inc. for four (4) 2023 Ford Interceptor SUV vehicles at a total cost of \$168,000.00.

Order 27,354 - declaring vehicles and equipment to be surplus and authorizing them for sale, trade in or scrap.

Mr. Silka advised that this surplus is a 2001 Chevrolet Van from the CPD.

Order 27,355 - executing a Donation Agreement between the Mayor and City Council of Cumberland and Joseph L. Bates and Karen Bates for the donation of a parcel of real property to the City at 252 Elder Street (Tax ID No. 04-003888).

Order 27,356 - abating taxes on fourteen (14) City-owned properties obtained through property donation.

Order 27,357 - abating taxes and utilities on City-owned properties obtained through tax sale foreclosure: 222 N. Lee Street, 469 Goethe Street and 217 Knox Street.

Order 27,358 - lifting Section 11-113 of the City Code for the following events: “Tree Lighting“ event to be held November 24th, 2023 from 5:00 PM until 10:00 PM, “Winter Festival and Market” events to be held December 2nd and 9th, 2023 from 5:00 PM until 10:00 PM and “New Years Eve” event to be held on December 31st, 2023 – January 1, 2024 from 7:00 PM until 1:00 AM, to allow for the use of open containers of alcohol within certain areas of the downtown; notwithstanding that open glass containers shall not be permitted.

Mr. Silka noted that the updated map now includes the Canal Place area, due to the ongoing construction on Baltimore Street.

Order 27,359 - authorizing a 1-year extension to Burgmeier's Hauling, Inc. Municipal Curbside Solid Waste and Recycling contract (22-18-M) at the same rate not to exceed \$111,751.79 per month for the term July 1, 2024 through June 30, 2025.

Order 27,360 - authorizing the extension of the Noble Environmental - Mountainview Landfill contract by one year at a rate not to exceed \$40.87 per ton tipping fee for the term July 1, 2024 through June 30, 2025.

Order 27,361 - approving the proposal from Link Computer Corporation for the renewal of the Cisco WebEx cloud-based phone system for a one-year term from November 28, 2023 to November 28, 2024, in the amount not to exceed \$30,135.

XI. Public Comments

No Comments

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, the meeting adjourned at 6:35 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Allison K. Layton, City Clerk _____

File Attachments for Item:

. Order 27,362 - authorizing execution of a Three-Year Salt and Aggregate Utilization Agreement with MD State Highway Administration for the distribution of salt and/or aggregate during winter storm events, for a three (3) year period effective September 1, 2023 through August 31, 2026

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

ORDER NO. 27,362

DATE: November 21, 2023

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

THAT, the City Administrator be and is hereby authorized to execute a Three-Year Salt and Aggregate Utilization Agreement by and between the Mayor and City Council of Cumberland and the MD State Highway Administration for the distribution of salt and/or aggregate for winter storm events for a three (3) year period, effective September 1, 2023 through August 31, 2023.

Raymond M. Morriss, Mayor

THREE (3) YEAR SALT UTILIZATION AGREEMENT

by and between

State Highway Administration
of the Maryland Department of Transportation

and

City of Cumberland, Maryland

This AGREEMENT (“**Agreement**”) is made as of the 1st day of September 2023, executed in duplicate, by and between the State Highway Administration of the Maryland Department of Transportation (“**SHA**”) acting for, and on the behalf of the State of Maryland and the City of Cumberland, located in Allegany County, Maryland, a political subdivision of the State of Maryland and a body politic and corporate (“**CITY**”), sometimes collectively referred to as “the **Parties**”.

WHEREAS, during certain winter snow emergency operations (“**Snow Event**”) the **CITY** may have a need to obtain additional salt (“**Salt**”) and/or stone dust abrasives or aggregate (“**Aggregate**”), to effectively complete their winter snow operations; and

WHEREAS, the **CITY** has requested, and **SHA** has agreed, to allow the **CITY** to obtain Salt and/or Aggregate from **SHA** stockpiles during a Snow Event in accordance with the terms and conditions contained herein; and

WHEREAS the **CITY** shall reimburse **SHA** for the cost of Salt and/or Aggregate plus other related expenses; and

WHEREAS **SHA** and the **CITY** agree that this Agreement will benefit both parties of this Agreement and will promote the safety, health and general welfare of the citizens of the State.

NOW, THEREFORE, in consideration of the premises and of the mutual promises between **SHA** and the **CITY**, as set forth herein, the adequacy of which is hereby acknowledged, the Parties hereby agree to the following:

I. TERM & BUDGET

The term of this Agreement is three (3) years, beginning the first (1st) day of September 2023 and ending on the thirty first (31st) day of August 2026, both dates inclusive, unless sooner terminated as set forth herein (the “**Term**”). For budgeting and planning purposes only, during the Term of this Agreement the total cost for: i) Salt shall not exceed Seventy Five Thousand Dollars (\$75,000), and ii) Aggregate shall not exceed One Thousand Dollars (\$1,000).). The **CITY** shall be responsible for actual costs incurred at the time of delivery.

II. SALT AND AGGREGATE COSTS

- A. The cost of Salt, at the execution of this Agreement is One Hundred Five Dollars and Eleven Cents (\$105.11) per ton, which includes the price of the Salt, a delivery charge and an overhead charge.
- B. The cost of Aggregate, at the execution of this Agreement is Forty Dollars and Fifty Seven Cents (\$40.57) per ton, which includes the price of the Aggregate, a delivery charge and an overhead charge
- C. The Salt and/or Aggregate price listed herein is subject to change.
- D. The “**Delivery Charge**” includes the cost of fuel and mileage to transport the Salt and/or Aggregate to a SHA Salt dome. The “**Overhead Charge**” is determined by the federally approved Overhead Rate that may be adjusted on October 1st of each year. The current Overhead Rate is eight and twenty two hundredths percent (8.22%).
- E. The cost of the Salt and/or Aggregate may be adjusted weekly to account for Delivery Charge variances.

III. CHARGE NUMBER

SHA has established a charge number for the CITY which will be used to document Salt and/or Aggregate withdrawals from SHA’s inventory system. The current charge number for the CITY is BY **BY254M84**.

IV. PROCEDURES

- A. Salt and Aggregate Loading
 - 1. SHA Shop Locations: For purposes of this Agreement, the SHA shops to be used for Salt for the CITY, as determined by SHA, are:
 - Rocky Gap
 - Oldtown
 - Frostburg
 - Franklin
 - La Vale
 - Town Hill
 - 2. Prior to a Snow Event: The CITY will contact Eric Minnich, SHA’s Resident Maintenance Engineer (RME), or designee, of the LaVale Shop at 301-729-8433 to arrange for the CITY’s trucks to be loaded with the Salt and/or Aggregate at the designated location the day before a local forecasted snow if time permits; otherwise SHA and the CITY will

determine which SHA salt storage site is appropriate to use to load the Salt and/or Aggregate onto the trucks and SHA will provide an operator to facilitate the loading of the Salt and or/Aggregate.

3. During the Snow Event: The CITY will contact the appropriate SHA Shop nearest to that truck and request to be loaded at an approximate preferred time of arrival. SHA will then arrange for an operator to meet the CITY truck at that location as close to the preferred time as possible without negatively affecting SHA operations. In addition, if a CITY truck is in the vicinity of a specific dome during a Snow Event and a SHA operator is present, the CITY truck may then be topped off, if desired. In situations where the SHA Snow Event operations are already active when the CITY operations begin, the CITY can notify SHA as far in advance as possible and SHA will make every effort to provide an operator at all the locations requested to begin loading CITY trucks with Salt and/or Aggregate.
4. Post Snow Event: The CITY can contact the appropriate SHA shop to request re-loading after a Snow Event, and SHA will schedule the re-loading at the Parties' convenience.
5. The CITY shall not return any unused Salt and/or Aggregate to any SHA shop.

B. Load Records

1. The CITY shall ensure all vehicles picking up Salt and or Aggregate on their behalf are identified by a sticker or placard indicating the CITY's name.
2. Only a SHA authorized loader operator shall load the CITY trucks.
3. SHA shall create a written loading record that must be signed by the CITY driver. A copy shall be given to the CITY driver to account for every load of Salt and/or Aggregate that the CITY receives from SHA. Each load record shall contain the following information:
 - a. truck number or license tag number,
 - b. the number of scoops/ buckets loaded,
 - c. the number of tons loaded based on the scoops / bucket size value multiplied by the number of scoops /buckets.

V. PAYMENT

- A. SHA shall provide a detailed invoice to the CITY by May 31st of each year for all actual costs incurred to provide Salt and/or Aggregate to the CITY. The invoice shall be accompanied by normal documentation from SHA to evidence actual costs incurred.
- B. Upon request by the CITY, SHA may provide information to include the number of buckets and estimated tonnage provided to the CITY for each date of delivery.
- C. The estimated cost of the Salt and/or Aggregate is based on the average amount of Salt used during the previous three (3) years at the prevailing rate at the time of execution of this Agreement and will be subject to future adjustments during the Term according to costs for Salt, delivery and overhead in effect at that time.
- D. Reimbursement to SHA for the Salt during the Term, including SHA overhead, is estimated to be Six Thousand Dollars (\$75,000) and is based on quantities from the previous term, however, actual costs and tonnage may vary and the CITY shall reimburse SHA for all actual tonnage (which includes the delivery charge) and overhead costs.
- E. Reimbursement to SHA for the Aggregate during the Term, including SHA overhead, is estimated to be One Thousand Five Hundred Dollars (\$1,000) and is based on quantities from the previous term, however, actual costs and tonnage may vary and the CITY shall reimburse SHA for all actual tonnage (which includes the delivery charge) and overhead costs.
- F. In the event of extremely heavy Salt and/or Aggregate usage, SHA reserves the right to submit progress billings to the CITY in lieu of an annual invoice.
- F. Invoices for Salt and/or Aggregate are due within thirty (30) days of receipt.
- G. In the event SHA does not receive payment of an invoice within thirty (30) days of the CITY's receipt, SHA will notify the CITY of the overdue payment and provide the CITY the opportunity to pay such overdue amounts. If payment of the overdue amount is not received within thirty (30) days following notification, SHA will then notify the CITY in writing, and the parties hereby agree that SHA may make a deduction from the CITY's share of Highway User Revenue equal to the overdue invoice amount(s) or SHA may refer the overdue amount to the Central Collection Unit, at 300 West Preston Street, Room 500, Baltimore MD 21201-2365 for collection of any overdue amount.

VI. GENERAL

- A. SHA does not supply brine, a pretreatment salt-based mixture.
- B. Title VI Assurances. All parties to this Agreement shall comply with the requirements of **APPENDIX A** (2 pages) and **APPENDIX E** (1 page) of SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discrimination regulations and other civil rights related regulations. **APPENDIX A** and **APPENDIX E** are attached hereto and incorporated herein as substantive parts of this Agreement. The term "Acts" in Appendix A refers to 49 C.F.R. Part 21 and 28 C.F.R. Section 50.3. The term "Recipient" in Appendix refers to MDOT SHA.
- C. SHA and the CITY agree to cooperate with each other to accomplish the terms and conditions of this Agreement.
- D. The provisions contained in this Agreement shall be binding upon the parties until the earlier to occur of; (i) three (3) years from the date first written above, (ii) thirty (30) days after written notice has been given by either party to the other that they elect to no longer be bound by the terms and conditions of this Agreement, or (iii) August 31, 2026. However, termination of this Agreement, and any Amendments thereto, is contingent on all outstanding invoices being paid by the CITY.
- E. The CITY shall indemnify, hold harmless and defend, at SHA's option, the State of Maryland, SHA and the Maryland Department of Transportation, from and against any and all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, incurred in connection with the loss of life, personal injury and/or property damage arising from or in connection with the activities performed pursuant to this Agreement by the CITY or its contractors, agents or assigns.
- F. SHA reserves the right to limit or deny Salt and/or Aggregate to the CITY to avoid jeopardizing SHA's snow remediation operations.
- G. This Agreement shall inure to and be binding upon the Parties, their agents, successors and assigns.
- H. This Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland law and in Maryland courts.
- I. The recitals (WHEREAS clauses) at the beginning of this Agreement are incorporated as substantive provisions of this Agreement.

J. All notices and/or invoices, if to the CITY, shall be addressed to:

Devin Burke
Street Superintendent
57 N. Liberty Street
Cumberland, MD 21502
Phone: 301-759-6622
E-mail: brooke.cassell@cumberlandmd.gov

And if to SHA:

Eric Minnich
Resident Maintenance Engineer D-6
Maryland State Highway Administration
1221 W. Braddock Road
LaVale, MD 21502
Phone: 301-729-8434
E-mail: eminnich@mdot.maryland.gov

With copies to:

Linda Puffenbarger
District Engineer, D-6
State Highway Administration
1251 Vocke Road
LaVale, MD 21502
Phone: 301-729-8444
Email: LZerbee@mdot.maryland.gov

And,

SHA Agreements Team
Office of Procurement and Contract Management
State Highway Administration
707 N. Calvert Street
Mailstop C-405
Baltimore, MD 21202
Phone: (410) 545-5547
E-mail: shaagreementsteam@mdot.maryland.gov

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their respective duly authorized officers on the day, month and year first above written.

**MARYLAND DEPARTMENT OF TRANSPORTATION
STATE HIGHWAY ADMINISTRATION**

WITNESS

By: _____ (SEAL)

Andre Futrell
Deputy Administrator for
District Operations

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

RECOMMENDED FOR APPROVAL:

Assistant Attorney General

Eric Minnich
Resident Maintenance Engineer D-6

William J. Bertrand
Director
Office of Finance

CITY OF CUMBERLAND, MARYLAND
a body corporate and politic

WITNESS

BY: _____ (Seal)
Jeff Silka
City Administrator

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

City of Cumberland Attorney

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient

or the Federal Highway Administration may direct as a means of enforcing such. provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction; the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. § 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 741 00);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

File Attachments for Item:

. Order 27,363 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at Orlando Street, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation

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

ORDER NO. 27,363

DATE: November 21, 2023

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

THAT, the report of the City Administrator, dated November 9, 2023, be and is hereby accepted, advising that, with regard to the public right of way closure for a street known as Orlando Street, approved by Ordinance No. 3968 and initiated by Jimmie C. O'Neal, there were no damages caused to the adjacent property owners, property all owned by Jimmie C. O'Neal, and that any apparent added benefit to the property owners would be determined by the MD Department of Assessments and Taxation.

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND MARYLAND

November 9, 2023

Allison Layton
City Clerk
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

Dear Ms. Layton,

Regarding Ordinance No. 3968, passed November 7, 2023, providing for the closure of a right of way by the name of Orlando Street in the City of Cumberland which runs between Wiley Street and Garden View Drive, please be advised that on November 8, 2023, I did personally visit the site for the purpose of assessing damages and awarding benefits to abutting property owners resulting from the aforesaid closing.

The only abutting property owner on either side of the portion of closed right of way is Jimmie C. O'Neal. As a result of my assessment, I have determined that there are no damages caused to Mr. O'Neal as a result of this closure. Furthermore, there is no apparent added benefit to Mr. O'Neal, but any added value to the property will be formally determined by the Maryland Department of Assessments and Taxation.

MAYOR

RAYMOND M. MORRIS

COUNCIL

RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
JAMES L. FURSTENBERG, III
LAURIE P. MARCHINI

CITY ADMINISTRATOR

JEFFREY F. SILKA, ICMA-CM

Respectfully,


Jeffrey F. Silka
City Administrator

CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

ALLISON LAYTON



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

File Attachments for Item:

. Order 27,364 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at the Unnamed Alley, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation

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

ORDER NO. 27,364

DATE: November 21, 2023

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

THAT, the report of the City Administrator, dated November 9, 2023, be and is hereby accepted, advising that, with regard to the public right of way closure for an unnamed alley in the City of Cumberland running from Garden View Drive, approved by Ordinance No. 3967 and initiated by Jimmie C. O'Neal, there were no damages caused to the adjacent property owners, property all owned by Jimmie C. O'Neal, and that any apparent added benefit to the property owners would be determined by the MD Department of Assessments and Taxation.

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND MARYLAND

November 9, 2023

Allison Layton
City Clerk
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

Dear Ms. Layton,

Regarding Ordinance No. 3967, passed November 7, 2023, providing for the closure of an unnamed alley in the City of Cumberland running from Garden View Drive, please be advised that on November 8, 2023, I did personally visit the site for the purpose of assessing damages and awarding benefits to abutting property owners resulting from the aforesaid closing.

The only abutting property owner on either side of the portion of closed alley is Jimmie C. O'Neal. As a result of my assessment, I have determined that there are no damages caused to Mr. O'Neal as a result of this closure. Furthermore, there is no apparent added benefit to Mr. O'Neal, but any added value to the property will be formally determined by the Maryland Department of Assessments and Taxation.

MAYOR

RAYMOND M. MORRIS

COUNCIL

RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
JAMES L. FURSTENBERG, III
LAURIE P. MARCHINI

CITY ADMINISTRATOR

JEFFREY F. SILKA, ICMA-CM

CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

ALLISON LAYTON

Respectfully,

Jeffrey F. Silka
City Administrator



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

File Attachments for Item:

. Order 27,365 - authorizing the forgivable loan provided to Nick Dearcangelis in the amount of \$30,000 from the City of Cumberland Revolving Loan Fund to supplement Allegany County funding for a renovation project at 432 N. Centre Street to be forgiven as the project has been completed and has met all requirements set forth

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

ORDER NO. 27,365

DATE: November 21, 2023

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

THAT, the forgivable loan provided to Nick Dearcangelis in the amount of Thirty Thousand Dollars (\$30,000.00) from the City of Cumberland Revolving Loan Fund to supplement Allegany County funding for a renovation project at 432 N. Centre Street, Cumberland be and is hereby forgiven as the project has been completed and has met all requirements set forth.

Raymond M. Morriss, Mayor



Allison Layton <allison.layton@cumberlandmd.gov>

Fwd: Dearcangelis Forgivable Loan

1 message

Ken Tressler <ken.tressler@cumberlandmd.gov>

Thu, Nov 16, 2023 at 8:23 AM

To: Michael Scott Cohen <mike@msclawllc.com>, Allison Layton <allison.layton@cumberlandmd.gov>, Jeff Silka <jeff.silka@cumberlandmd.gov>

Cc: Kevin Thacker <kevin.thacker@cumberlandmd.gov>, Matt Miller <matt.miller@choosecumberland.org>

Hello All,

Please note that Kevin inspected the Dearcangelis property and has confirmed the project is completed. We never recorded the promissory note or deed of trust. I am not sure of the process, but I assume it just takes an M&CC order acknowledging the completion of the project and loan forgiveness.

Allison - please add that to the November 21st agenda.

Thanks,

----- Forwarded message -----

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

Date: Fri, Sep 23, 2022 at 9:40 AM

Subject: Dearcangelis Forgivable Loan

To: Michael Scott Cohen <mike@msclawllc.com>

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

Hello Mike,

I have the original documents (copies attached). I am assuming you need the deed of trust.

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

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

3 attachments **Dearcangelis Promissory Note.pdf**
700K

 **Dearcangelis Deed of Trust.pdf**
1410K

 **Dearcangelis Forgiable loan extension.pdf**
141K

File Attachments for Item:

. Order 27,366 - approval of the Micro-Revolving Loan Fund in the amount of \$100,000 to provide low-interest loans between \$2,000 and \$10,000 for small businesses in the City of Cumberland meeting the requirements for a term of 24 to 60 months at an interest rate of 3%

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

ORDER NO. 27,366

DATE: November 21, 2023

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

THAT, the Micro-Revolving Loan Fund be and is hereby approved in the amount of One Hundred Thousand Dollars and No Cents (\$100,000) to provide low-interest loans between Two Thousand Dollars and No Cents (\$2,000) and Ten Thousand Dollars and No Cents (\$10,000) for small businesses in the City of Cumberland meeting the requirements specified in the attached document for a term of twenty four (24) to sixty (60) months at an interest rate of three (3) percent.

Raymond M. Morriss, Mayor

Micro-Revolving Loan Fund
November 21, 2023

PURPOSE

The City of Cumberland currently has \$100,000 that is remaining from a loan program that was administered in the past. It is our recommendation that this loan program be formalized and marketed to current and new small businesses that are or will be in the City of Cumberland. The proposal is to create a formal Micro-Revolving Loan Fund (MRLF) to assist small businesses with funding that may not be attractive to traditional lenders.

This fund is not a grant fund and is intended to continue to provide funding by the revolving payments of principal and interest of prior borrowers.

SCOPE

The MRLF will target businesses within the City limits of Cumberland that employ less than 100 employees. The program will offer low interest loans of \$2000 - \$10,000 for a term of twenty-four (24) to sixty (60) months. The current interest rate is recommended at three percent (3%).

This fund will be open to accepting more risk than a traditional lender, but will be diligent in requiring applicants to be invested in the project and understand the financial commitment.

The loan uses:

- a. Working Capital
- b. Building Improvements
- c. Building Upgrades
- d. Business Relocation
- e. Machinery Purchase
- f. Furniture, Fixtures and Equipment (FF&E) Purchase
- g. Business Disruption Funding (Baltimore Street Project) *

(The MRLF cannot be used to purchase real property)

Application

For projects in the categories a-f, the following information must be submitted:

1. Completed formal application.
2. Current Business Plan (Including a clear use of funds)
3. Prior years business financials. If a new business a twelve (12) month Pro Forma.
4. A complete project budget and scope of work to include a complete sources and uses of funds. If not included on the Business Plan)

5. A Certificate of Good Standing with the State of Maryland.
6. Proof that you are current with all City of Cumberland taxes, utilities, and Code violations.
7. Completed Credit Check application and payment of fee. (A Release Form to access bank credit analysis may be substituted if you are applying for bank financing for this project)

Applicants are urged to contact and work with the Small Business Development Center (SBDC) at Frostburg State University to develop a Business Plan and Financial information.

Business Disruption Funding (Baltimore Street Project)

This category is a specific and temporary use of the funds to provide business owners within the Baltimore Street Improvement project footprint. To be eligible for this funding the business needs to meet the following:

1. Located within the footprint of the Baltimore Street Improvement project
2. Have been in operation on or before October 1, 2022.
3. Currently in operation at least forty (40) hours per week.
4. Provide financials for 2023 and the same period the previous year. Prefer to have quarterly financials (balance sheet and income statement) for calendar year 2022 and the first 9 months of 2023. That would enable us to compare the same periods (6 months ended Sept 30) for the two years and remove any potential seasonal affect.
5. Completed formal application.
6. A Certificate of Good Standing with the State of Maryland.
7. Proof that you are current with all City of Cumberland taxes, utilities, and Code violations.

Loan Review Committee

A Loan Review Committee (LRC) shall be established to review and recommend approval, denial or request additional information.

The Director of Administrative Services will receive the applications and present them to the LRC.

The LRC shall be comprised of the following:

1. City Comptroller
2. Representative of the CEDC
3. Representative of the DDC
4. Member of City Council
5. Member of the banking community.

The LRC will determine if collateral more than a personal guaranty will be required of the applicant. Any fees associated with collateral shall be the responsibility of the applicant.

The final approval of a loan will be through Order of the Mayor/City Council.

Disbursement

Once a loan is approved it will be dispersed within thirty days to the applicant. The applicant shall make annual reports to the City detailing the use of funds. A final report shall be made when the funded project is complete.

Loans between \$2,000 and \$5,000 shall be approved at a twenty-four (24) month term. Loans between \$5,000 and 10,000 shall be approved at a sixty (60) month term.

There shall be no penalty for early payment.

File Attachments for Item:

. Order 27,367 - authorizing the Sole Source purchase of the City's annual amount of Meter Setters, Meter Boxes and Frost Free Lids from Ferguson Waterworks in the amount not to exceed \$62,533 for the entire fiscal year

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

ORDER NO. 27,367

DATE: November 21, 2023

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

THAT, Ferguson Waterworks, 295 Interstate Circle, Frederick, MD 21704, is hereby approved as a sole source vendor for the purchase of Meter Setters, Meter Boxes and Frost Free Lids for FY24; and

BE IT FURTHER ORDERED, that FY24 purchases from Ferguson Waterworks for Meter Setters, Meter Boxes and Frost Free Lids shall not exceed Sixty Two Thousand Five Hundred Thirty Three Dollars and No Cents (\$62,533.00).

Raymond M. Morriss, Mayor

Budget: 002.220.39300 Water Meters and Fittings

Council Agenda Summary

Meeting Date: October 17, 2023

Key Staff Contact: Marty Watts, Water Distribution Superintendent

Item Title:

Order to Allow the Sole Source Purchases of Meter Setter's, Meter Boxes and Frost Free Lids from Ferguson Waterworks 295 Interstate Circle Frederick, MD 21704. In the amount not to exceed \$62,533 for an Entire Fiscal Year.

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

Requesting an order to allow sole source purchases of water meter setter's, meter boxes and frost-free lids from Ferguson Waterworks in the amount not to exceed \$62,533 for the entire fiscal year. With the market still in flux from COVID, the water meter setter's, meter boxes and frost-free lids that the city must use have a very long lead time. We as the city have to stay in the proverbial "line" so we have a steady flow of materials coming in. These items are a standing order with all of our suppliers. These items are used not only for our mandated cross connection program, but for any water meter replacement that is outside of the home. Water meters are a large part of our city's revenue, without being able to have the materials on hand or the availability to get them quickly could play a role in our monthly revenue.

Amount of Award:

\$62,533

Budget number:

002.220 39300 Water Meters and Fittings

Grant, bond, etc. reference:



Allison Layton <allison.layton@cumberlandmd.gov>

Re: Sole Source Approval

1 message

Jeff Silka <jeff.silka@cumberlandmd.gov>
To: Marty Watts <marty.watts@cumberlandmd.gov>
Cc: Allison Layton <allison.layton@cumberlandmd.gov>

Thu, Nov 16, 2023 at 3:55 PM

Yes, I approve.

Jeffrey F. Silka, ICMA-CM
City Administrator
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502
Office (301) 759-6424
Cell (240) 609-9303

On Thu, Nov 16, 2023 at 3:55 PM Marty Watts <marty.watts@cumberlandmd.gov> wrote:

Good Afternoon Jeff,

Could you please approve the addition of Ferguson Water Supply to the M&CC agenda for a sole source for our water meter boxes, valve boxes and meter setters. I'm really sorry to ask you to do this twice. I forgot to add Ferguson to the list with the previous sole source approvals.

--

Marty Watts
Water Superintendent
[City of Cumberland](#)
215 Bowen St.
Cumberland, MD 21502
301-759-6621 (Office)
240-362-8017 (Cell Phone)
marty.watts@cumberlandmd.gov

File Attachments for Item:

. Order 27,368 - authorizing the abatement of certain non-collectable personal property taxes for tax years 2010-2022 totaling \$72,589.69

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

ORDER NO. 27,368

DATE: November 21, 2023

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

THAT, the amounts due on the non-collectable Personal Property Tax Accounts specified on the attached list for the tax years 2010-2022 and totaling Seventy Two Thousand Five Hundred Eighty Nine Dollars and Sixty Nine Cents (\$72,589.69) be and are hereby abated.

Raymond M. Morriss, Mayor

PIDN	Name	TranCode	Normal
L15854953	STANLEY J MATYSIK,,,	10PERS2	662.00
	Total 2010		662.00
L15854953	STANLEY J MATYSIK,,,	11PERS2	529.60
	Total 2011		529.60
L15854953	STANLEY J MATYSIK,,,	12PERS2	482.47
	Total 2012		482.47
L13816368	LAYTON, BRYAN K	13PERS2	1,324.00
W14349559	A-ABOVE ALL BAIL BONDS, LLC	13PERS3	33.36
	Total 2013		1,357.36
D14911804	STANLEY J. MATYASIK, DO P.C.	14PERS3	17.48
L13816368	LAYTON, BRYAN K	14PERS2	1,655.00
W07553878	NATURE'S ART, LLC	14PERS3	493.59
W14349559	A-ABOVE ALL BAIL BONDS, LLC	14PERS3	26.48
Z13733290	DIVERSIFIED MAINTENANCE SYSTEM	14PERS3	38.40
Z15243355	TEAM MARRIOTT LLC	14PERS3	485.11
	Total 2014		2,716.06
D14911804	STANLEY J. MATYASIK, DO P.C.	15PERS3	31.78
W07553878	NATURE'S ART, LLC	15PERS3	685.57
W14349559	A-ABOVE ALL BAIL BONDS, LLC	15PERS3	19.60
W15515307	WESTERN MARYLAND PAIN & REHABI	15PERS3	159.67
Z13733290	DIVERSIFIED MAINTENANCE SYSTEM	15PERS3	99.56
Z15243355	TEAM MARRIOTT LLC	15PERS3	970.23
	Total 2015		1,966.41
D03116019	CUMBERLAND MONUMENTS, INC.	16PERS3	530.66
D14911804	STANLEY J. MATYASIK, DO P.C.	16PERS3	25.69
F15340896	PRISTINE PRE-OWNED AUTO, INC.	16PERS3	1,722.79
W07553878	NATURE'S ART, LLC	16PERS3	646.64
W14349559	A-ABOVE ALL BAIL BONDS, LLC	16PERS3	16.95
W14678494	SUMMIT PHYSICAL THERAPY, LLC	16PERS3	314.34
W15515307	WESTERN MARYLAND PAIN & REHABI	16PERS3	141.93
Z13605845	LTP AARON'S, LLC	16PERS3	134.25
Z13733290	DIVERSIFIED MAINTENANCE SYSTEM	16PERS3	199.13
	Total 2016		3,732.38
D03116019	CUMBERLAND MONUMENTS, INC.	17PERS3	1,061.32
D06164156	PAGE'S ICE CREAM, INC.	17PERS3	1,119.57
D14911804	STANLEY J. MATYASIK, DO P.C.	17PERS3	57.46
D15390123	TWO HONEST GUYS, INC.	17PERS3	3,058.44
L06711980	EBY, DONALD	17PERS2	3,168.07
L16426793	WINTERS HEATHER E	17PERS2	127.10

W06110977	FRIEND & ROZAS, LLC	17PERS3	711.25
W07553878	NATURE'S ART, LLC	17PERS3	610.63
W11718046	THE BRUCE HOUSE INN LLC	17PERS3	273.27
W11884954	WOODCHUX, LLC	17PERS3	794.93
W13685326	WADE READY PIZZA, LLC	17PERS3	4,452.88
W14349559	A-ABOVE ALL BAIL BONDS, LLC	17PERS3	14.30
W14678494	SUMMIT PHYSICAL THERAPY, LLC	17PERS3	667.30
W15515307	WESTERN MARYLAND PAIN & REHABI	17PERS3	283.87
W15787955	PIZZA ARE US LLC	17PERS3	4,480.95
W16353641	SNURR'S MEAT COMPANY, LLC	17PERS3	838.36
Z12506663	MOUNTAIN CARE LLC	17PERS3	284.92
Z13605845	LTP AARON'S, LLC	17PERS3	268.51
Z13733290	DIVERSIFIED MAINTENANCE SYSTEM	17PERS3	167.35
Total 2017			22,440.48

D03488434	DIAMOND SHINE, INC.	18PERS3	5,445.88
D06164156	PAGE'S ICE CREAM, INC.	18PERS3	2,239.15
D06251318	ALLIANCE PUBLISHING & MARKETIN	18PERS3	19.10
D07419104	BANK PHARMACEUTICALS, INC.	18PERS3	425.53
D07927122	MARK'S DAILY GRIND, INC.	18PERS3	1,576.09
F16597536	TUSCARORA STRUCTURES, INC.	18PERS3	63.55
L13993506	INGRAM WHORTON PARTN,,,	18PERS2	23.57
L14097026	ALEXANDER PATRICIA D	18PERS2	283.87
L16426793	WINTERS HEATHER E	18PERS2	111.22
W14349559	A-ABOVE ALL BAIL BONDS, LLC	18PERS3	11.92
W14678494	SUMMIT PHYSICAL THERAPY, LLC	18PERS3	547.34
W16353641	SNURR'S MEAT COMPANY, LLC	18PERS3	737.73
W17769241	K & Z AUTOMOTIVE, LLC	18PERS3	762.62
Total 2018			12,247.57

D04711321	PETER N. BRIELOFF, D.P.M., P.A	19PERS3	1,858.63
D06251318	ALLIANCE PUBLISHING & MARKETIN	19PERS3	945.07
D14699763	JNP PETROLEUM INC.	19PERS3	3,209.38
F11617115	FRANCOTYP POSTALIA, INC.	19PERS3	57.46
L07931611	KERR, JEFFREY M.	19PERS2	13.24
L13993506	INGRAM WHORTON PARTN,,,	19PERS2	45.81
L14097026	ALEXANDER PATRICIA D	19PERS2	354.83
W13712633	DIANE TRUONG, LLC	19PERS3	187.21
W14195861	EARLY RISE FLIES LLC	19PERS3	110.42
W14678494	SUMMIT PHYSICAL THERAPY, LLC	19PERS3	1,094.68
W16353641	SNURR'S MEAT COMPANY, LLC	19PERS3	1,475.47
W17769241	K & Z AUTOMOTIVE, LLC	19PERS3	1,525.25
Total 2019			10,877.45

D04711321	PETER N. BRIELOFF, D.P.M., P.A	20PERS3	1,682.01
D06251318	ALLIANCE PUBLISHING & MARKETIN	20PERS3	1,890.14
F07205875	DANSCO, INC.	20PERS3	735.61

W13712633	DIANE TRUONG, LLC	20PERS3	187.21
W16316002	ADRIAN PROJECT SOLUTIONS, LLC	20PERS3	556.08
W18869743	TOMORROW'S PEOPLE LLC	20PERS3	953.28
	Total 2020		6,004.33
D04711321	PETER N. BRIELOFF, D.P.M., P.A	21PERS3	1,553.32
F07205875	DANSCO, INC.	21PERS3	1,471.23
W13712633	DIANE TRUONG, LLC	21PERS3	374.43
W16316002	ADRIAN PROJECT SOLUTIONS, LLC	21PERS3	198.60
W18869743	TOMORROW'S PEOPLE LLC	21PERS3	1,906.56
Z13545470	WHITE OAKS LAUNDROMAT, LLC	21PERS3	962.81
	Total 2021		6,466.95
D04711322	PETER N. BRIELOFF, D.P.M., P.A	22PERS	3,106.63
	Total 2022		3,106.63
	Total Amount of Write Off		72,589.69

Write Off Recommendation Approved

2 messages

Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>
To: Lisa Terrell <lisa.terrell@cumberlandmd.gov>

Thu, Oct 19, 2023 at 12:36 PM

Hi Lisa,

Please add the write off items to a council order for inclusion in one of the upcoming meetings. In the agenda summary, we need to point out that these have been researched, pursued for collection, and have been reviewed with the City Solicitor and are deemed uncollectable.

Best regards,

Mark

Mark Gandolfi, CPA
Comptroller
57 N. Liberty Street
Cumberland, MD 21502
Office (301) 759-6404



Personal Property Tax Accounts, Write Off, Continued Pursuit, and Legal Action - October 19, 2023.xlsx

56K

Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>
To: Lisa Terrell <lisa.terrell@cumberlandmd.gov>

Thu, Oct 19, 2023 at 12:40 PM

Hi Lisa,

Also add to the agenda summary or email you send to Allison that a list of these vendors will be maintained in an effort to ensure the City does not do business with any of them until we collect, should any become reestablished.

Best regards,

Mark

[Quoted text hidden]

File Attachments for Item:

. Order 27,369 - authorizing the renewal of the contract with Denali Water Solutions for the "WFP Residuals Management Transportation, Storage, Beneficial Use and/or Disposal" Project (33-20-WFP) in variable amounts based on material generated for a term of February 1, 2024 through January 31, 2025

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

ORDER NO. 27,369

DATE: November 21, 2023

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

THAT, the renewal of the contract with Denali Water Solutions, 3308 Bernice Avenue, Russellville, Arkansas, 72802 for the “WFP Residuals Management-Transportation, Storage, Beneficial Use and/or Disposal” Project (33-20-WFP) for a one year term effective February 1, 2024 to January 31, 2024 be and is hereby accepted in the “per load” or “per ton” cost as follows:

Job Description	Amount
Per Load for Transportation	\$ 621.50
Per Ton Storage & Land Application	\$ 22.60
Per Load for Transportation	\$ 649.75
Per Ton to Landfill	\$ 101.70

Raymond M. Morriss, Mayor

Budget: 002.230.20100

Council Agenda Summary

Meeting Date: 11/21/23

Key Staff Contact: Raquel Ketterman

Item Title:

Water Filtration Plant Residuals Management Transportation, Storage, Beneficial Use and/or Disposal Contract Extension

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

Denali Water Solutions currently performs the contracted service to remove, transport, and land apply water treatment residuals and would like to extend their contract effective February 1, 2024 to January 31, 2025 per the original M&CC 26,749 which allows an option for two one-year renewals in their contract. This will be the first of two potential contract renewals.

Adjusted pricing as follows per a 13% CPI adjustment:

Per Load Transportation (Lan Application):.....	\$621.50
Per Ton Storage & Land Application:	\$22.60
Per Load Transportation (Landfill):	\$649.75
Per ton Landfill Disposal:	\$101.70

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

Amount of Award: Variable (see table above)

Budget number: 002.230.20100

Grant, bond, etc. reference: City Funds



250-B Lucius Gordon Drive, Suite 8
West Henrietta, NY 14586
518-222-5452

November 14, 22023

Via email delivery
Raquel Ketterman
City of Cumberland
57 N. Liberty St.
Cumberland, MD 21502

Dear Raquel,

Denali Water Solutions LLC (“Denali”) is pleased to continue serving the City of Cumberland WTP with service to remove, transport and land apply water treatment residuals. We appreciate the opportunity to partner with the City and look forward to continuing.

As we discussed, we would like to exercise the option for a one-year renewal and include a CPI rate adjustment effective February 1, 2024.

As per the index (All items less food and energy in Middle Atlantic, all urban consumers, not seasonally adjusted) (<https://data.bls.gov/pdq/SurveyOutputServlet>), the CPI adjustment since the beginning of our agreement is 13%. Adjusted pricing as follows.

Per Load Transportation (Lan Application):	\$621.50
Per Ton Storage & Land Application:.....	\$22.60
Per Load Transportation (Landfill):	\$649.75
Per ton Landfill Disposal:	\$101.70

If an extension under these terms is acceptable, please sign and return this notice and we will make the adjustments for February.

Sincerely,


Glen Knecht
Vice President, Sales & Development

CITY OF CUMBERLAND

NAME: _____

TITLE: _____

SIGNATURE: _____

DATE: _____

File Attachments for Item:

. Order 27,370 - accepting the proposal from Triad Engineering for the Municipal Service Center Fuel Tank Replacement Project (2023-14-PBLD) for the demolition and removal of existing fuel tank and fuel island sites, environmental testing and the construction of proposed fuel tank and fuel island sites in the not to exceed amount of \$564,594

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

ORDER NO. 27,370

DATE: November 21, 2023

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

THAT, the proposal from Triad Engineering, 1075-D Sherman Avenue, Hagerstown, MD 21740, for the "MSC Fuel Tank Replacement" Project (2023-14-PBLD) for the demolition and removal of existing fuel tank and fuel island sites, environmental testing and the construction of proposed fuel tank and fuel island sites at the Municipal Service Center be and is hereby approved in the not to exceed amount of Five Hundred Sixty Four Thousand Five Hundred Ninety Four Dollars and No Cents (\$564,594.00).

Raymond M. Morriss, Mayor

Order of Bids:

Company	Bid Amount
Triad Engineering	\$564,594.00
Total Environmental Concepts, Inc.	\$784,100.00

Budget: 115.071F.63000

Council Agenda Summary

Meeting Date: 11/21/2023

Key Staff Contact: Matt Idleman, P.E.

Item Title:

Award MSC Fuel Tank Replacement Contract, City Project # 2023-14-PBLD

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

Award MSC Fuel Tank Replacement Contract to low responsive bidder, Triad Engineering, Inc., in the lump sum cost of \$564,594.00.

This project will include the demolition and removal of existing fuel tank and fuel island sites; environmental testing after removal; and the construction of proposed fuel tank and fuel island sites including all foundations, dispensers, tanks, lines, conduit, fencing, bollards, guardrail, and canopy.

This project was advertised for bid on 10/23/23. Bids closed on 11/15/23, with two qualified bids being received. The low bidder was Triad Engineering, Inc., with an acceptable bid of \$564,594.00. The other acceptable bids \$784,100.00.

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

Amount of Award: \$564,594.00

Budget number: 115.071F.63000

Grant, bond, etc. reference: City Funds

CITY OF
CUMBERLAND
MARYLAND

PROJECT INFORMATION	
Project Title:	MSC Fuel Tank Replacement
City Project:	2023-14-PBLD
Contract Length:	90 Calendar Days
BID OPENING	
Date & Time:	11/15/2023 2:30 PM EDT
Location:	Virtual - Beacon Bid Solicitation Website

CERTIFIED BID TABULATION	
BIDDER	BIDDER
Total Environmental Concepts, Inc.	Triad Engineering, Inc.
15 Park Avenue Gaithersburg, MD 20877	1075-D Sherman Avenue Hagerstown, MD 21740

Total Environmental Concepts, Inc.	Triad Engineering, Inc.
------------------------------------	-------------------------

BID ITEMS							
ITEM NO.	DESCRIPTION OF BID	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1001	Demolition and Removal of Existing Structures	LS	1	\$ 100,000.00	\$ 100,000.00	\$ 96,350.00	\$ 96,350.00
2001	AST Foundation	LS	1	\$ 85,000.00	\$ 85,000.00	\$ 57,770.00	\$ 57,770.00
2002	10,000 Gallon Fuel Tank and Lines	LS	1	\$ 190,000.00	\$ 190,000.00	\$ 102,730.00	\$ 102,730.00
3001	Fuel Island and Pad Concrete	LS	1	\$ 65,000.00	\$ 65,000.00	\$ 40,900.00	\$ 40,900.00
3002	Fuel Lines	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 38,050.00	\$ 38,050.00
3003	Electrical Conduit	LS	1	\$ 45,000.00	\$ 45,000.00	\$ 40,590.00	\$ 40,590.00
3004	DEF Tank	LS	1	\$ 45,000.00	\$ 45,000.00	\$ 15,220.00	\$ 15,220.00
3005	Dispensers	LS	1	\$ 60,000.00	\$ 60,000.00	\$ 29,680.00	\$ 29,680.00
3006	Fuel Tank Completion	LS	1	\$ 59,000.00	\$ 59,000.00	\$ 12,680.00	\$ 12,680.00
4001	Canopy Footers	LS	1	\$ 8,500.00	\$ 8,500.00	\$ 30,440.00	\$ 30,440.00
4002	Canopy	LS	1	\$ 51,500.00	\$ 51,500.00	\$ 57,070.00	\$ 57,070.00
5001	Chain Link Fence	LF	72	\$ 250.00	\$ 18,000.00	\$ 264.00	\$ 19,008.00
5002	48"-Wide Chain Link Pedestrian Swing Gates	EA	2	\$ 1,500.00	\$ 3,000.00	\$ 3,170.00	\$ 6,340.00
5003	Guardrail	LF	47	\$ 300.00	\$ 14,100.00	\$ 378.00	\$ 17,766.00

Total Environmental Concepts, Inc.		Triad Engineering, Inc.	
Bid	✓	Bid	✓
AoQtB	✓	AoQtB	✓
LPC	N/A	LPC	N/A
ARVF	✓	ARVF	✓
TOTAL BID:	\$ 784,100.00	\$ 564,594.00	

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


Matt Idleman, PE

Deputy Director of Engineering

File Attachments for Item:

. Order 27,371 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Browning Street between Oak Street and Virginia Avenue for a lump sum payment to the City of \$89,133

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

ORDER NO. 27,371

DATE: November 21, 2023

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

THAT, the Mayor be and is hereby authorized to execute a Reimbursement and Release Agreement by and between the Mayor and City Council of Cumberland and Columbia Gas of Maryland outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system on streets listed below in exchange for a lump sum payment to the City of Eighty Nine Thousand One Hundred Thirty Three Dollars and No Cents (\$89,133.00).

- Browning Street from Oak Street to Virginia Avenue

Raymond M. Morriss, Mayor

Budget: N/A – City receiving reimbursement

Council Agenda Summary

Meeting Date: 11/21/2023

Key Staff Contact: Robert Smith, PE

Item Title:

Columbia Gas Reimbursement and Release Agreement for Browning Street

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

The Mayor & City Council of Cumberland (M&CC) is entering into a reimbursement and release agreement with Columbia Gas of Maryland (Columbia). Columbia has undertaken certain renovations to its pipeline system located within the M&CC's public rights-of-way and in doing so has disturbed the said rights-of-way. The M&CC has agreed to perform the restoration and paving of the public rights-of-way disturbed by Columbia's project in exchange for a lump sum amount of \$89,133.00.

This mill and overlay paving would be done for the following streets:

<u>Street Name</u>	<u>Intersecting Streets or House Numbers</u>
Browning Street	Oak Street to Virginia Avenue

This agreement relieves Columbia of any liability regarding the restoration work and places it on the M&CC. Once the above mill and overlay paving has been accomplished, any remaining funds will be able to be used by the discretion of the M&CC for further paving restoration work.

Amount of Award: \$89,133.00

Budget number: N/A

Grant, bond, etc. reference: City receiving reimbursement

REIMBURSEMENT AND RELEASE AGREEMENT

THIS REIMBURSEMENT AND RELEASE AGREEMENT (“Agreement”) is made and entered into as of the 16th day of November, 2023, by and between Columbia Gas of Maryland, Inc., a Delaware corporation (“Columbia”), and The City of Cumberland, a Maryland political subdivision (“Municipality”).

- A. The Municipality and Columbia are entering into this Agreement to achieve economic and operational efficiencies;
- B. Columbia has undertaken certain renovations and/or upgrades to its pipeline system located within the Municipality’s public rights-of-way along Browning Street (the “Project”), and Municipality agrees to perform the restoration and paving of the public rights-of-way disturbed by the Project;
- C. as a one-time benefit, Columbia agrees to reimburse Municipality for the actual and reasonable expenses incurred by the Municipality for such restoration and paving work under the terms of this Agreement;
- D. Municipality agrees to use the full amount of the Payment solely for the Work as defined in this Agreement: and
- E. Municipality agrees to be solely responsible for the Work and is willing to release and indemnify Columbia for any and all claims and costs associated with such Work.

In exchange the promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, the parties agree as follows:

1. **Recitals.** The above recitals are made a part of this Agreement.

2. **Work:** Municipality agrees to be solely responsible for and perform the work described below: (i) through its own employees and/or its contractors, and (ii) in accordance with all applicable rules and regulations including, but not limited to, Municipality’s paving and restoration standards (the “Work”):

(a) Asphalt mill and overlay, as per Municipality’s street opening ordinance, of the roadway surfaces of Browning Street. Items 10, 20, 30, 35, 40, and 50 referenced in BP 23-097 are included in this agreement.

3. **Payment:** Municipality has provided an estimated cost for the Work of \$89,133. Within thirty (30) days execution of this Agreement, Columbia shall pay the estimated cost in the form of a check made payable to the Municipality (the “Payment”). The receipt and sufficiency of the Payment as compensation in full for any and all costs and damages associated with the Project, is acknowledged by the Municipality. Municipality waives all permit fees, street opening fees, or right of way costs associated with the Project and Columbia shall not be

responsible to pay for or reimburse Municipality for any costs associated with any restoration of roads that were not disturbed by Columbia during the Project.

4. **Release and Waiver:** Municipality represents and covenants that Columbia shall not be held liable or responsible for any costs, damages, defects, defaults or failures, including but not limited to any type of pavement failure (e.g., settlement, development of potholes, fatiguing cracks, reflection cracks, seam cracks, etc.) or failure to comply with any federal, state or local laws, rules or regulations, arising from or related to the Work.

To the extent allowed by law, Municipality releases and forever discharges Columbia and its parent company, affiliates and/or subsidiaries, and all of their respective employees, officers, directors, agents and shareholders (collectively, "Released Parties"), from all claims, suits or actions related to or arising from Municipality's performance of the Work and or the granting of waivers contained in this Agreement which Municipality or any third party has or may hereafter have for loss, damage, expenses or injuries of any kind including, but not limited to, damage or injury to any Municipality roadway, property, employee, agent, representative or contractor. To the extent allowed by law, Municipality shall indemnify and defend the Released Parties from all such claims, demands, suits or causes of action at its own costs and expense without reimbursement from Columbia or any other of the Released Parties.

5. **Governing Law:** This document is subject to and governed by the substantive law of the Commonwealth of Maryland. This document shall be construed to provide the broadest possible protection to the Released Parties.

6. **Miscellaneous:** This Agreement is unique and applies to this Project only and shall have no effect on any future work done by Columbia within the Municipality. This Agreement shall be construed to provide the broadest possible protection to the Released Parties. In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, then it shall be construed as reformed to the extent necessary to render such provision valid, and this Agreement shall remain fully enforceable and in effect as reformed. This Agreement contains the entire agreement between the Municipality and Columbia, and all of the terms of this Agreement are contractual and not mere recital. The captions and heading used in this Agreement are convenience only and shall not affect the interpretation or meaning of the Agreement. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original but all of which shall be deemed one and the same instrument. A facsimile or pdf signature to this Agreement shall be legally binding and considered in all manner and respects as an original signature. This Agreement may only be modified by a written instrument signed by authorized representatives of the Municipality and Columbia.

[Signature pages to follow.]

The parties have executed this Agreement as of the date first written above.

BY SIGNING BELOW, I REPRESENT THAT I HAVE FULL AUTHORITY TO EXECUTE THIS AGREEMENT ON BEHALF OF _____, Maryland.

[_____]

Title: _____

Date: _____

COLUMBIA GAS OF Maryland, INC.

Title: _____

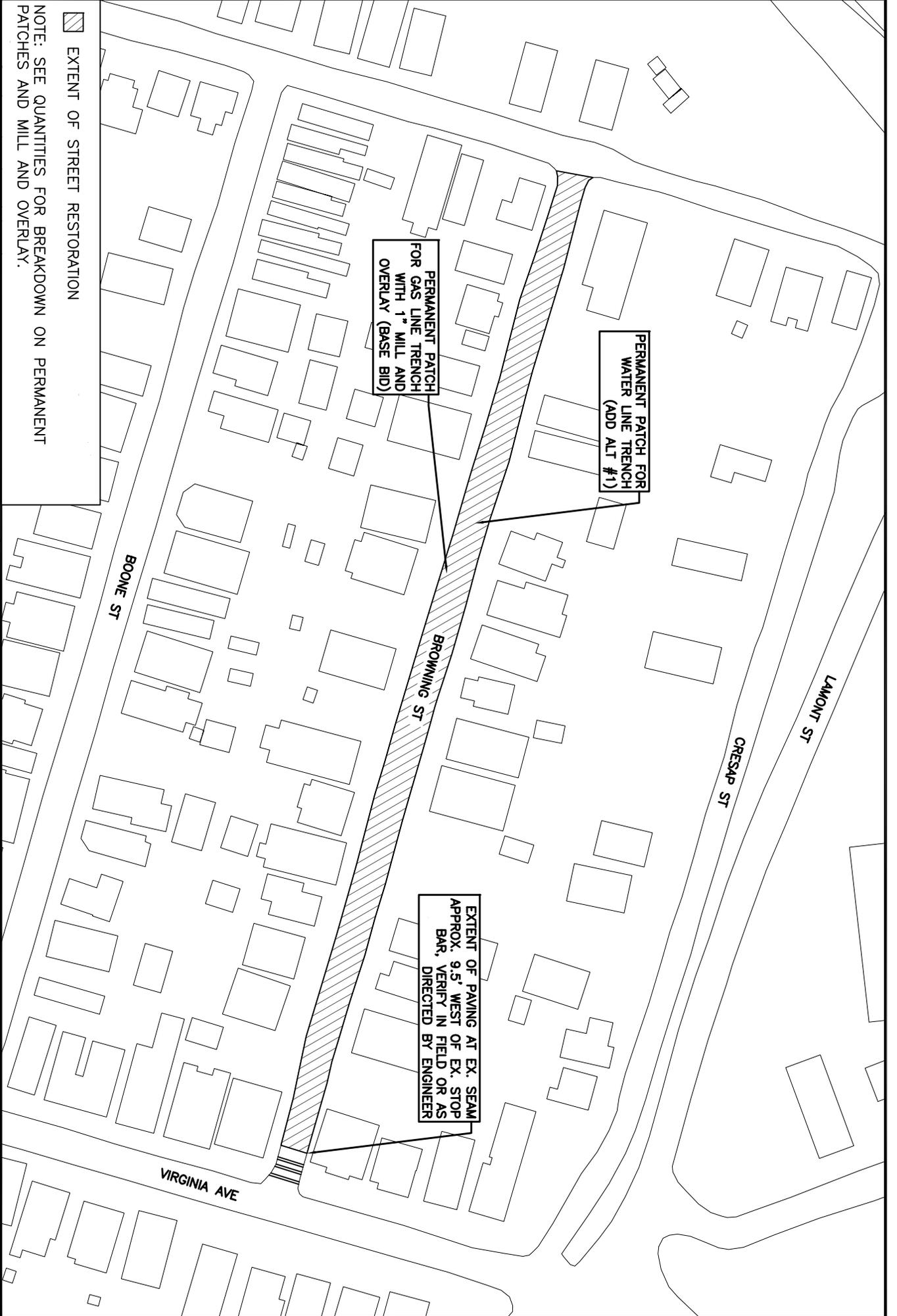
Date: _____



CITY OF CUMBERLAND, MARYLAND
ENGINEERING DEPARTMENT

NOTE: SEE QUANTITIES FOR BREAKDOWN ON PERMANENT PATCHES AND MILL AND OVERLAY.

EXTENT OF STREET RESTORATION



TITLE:

BROWNING STREET PAVING LOCATION MAP

SCALE: 1" = 100'

DATE:

10/25/2023

DRAWING NO.:

C-2748

PROJECT NO.:

2023-07-PVG

SHEET NO.:

1 OF 1

File Attachments for Item:

1. Letter from City Clerk advising Mayor and City Council that Charter Amendment Resolution 152 has passed the referendum period and became effective as of November 8, 2023



CITY OF CUMBERLAND MARYLAND

November 8, 2023

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

Dear Mayor and City Council,

The deadline has passed for receiving a petition calling for a referendum on Charter Amendment Resolution No. 152 to repeal and re-enact with amendments Charter Section 13 pertaining to the compensation of the Mayor and City Council.

As no petition was received, Charter Amendment Resolution No. 152 became effective November 8, 2023.

Sincerely,

MAYOR
RAYMOND M. MORRISS

Allison Layton
City Clerk

COUNCIL
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
JAMES L. FURSTENBERG, III
LAURIE P. MARCHINI

cc: Jeff Silka, City Administrator
Michael S. Cohen, City Solicitor

CITY ADMINISTRATOR
JEFFREY F. SILKA, ICMA-CM

CITY SOLICITOR
MICHAEL SCOTT COHEN

CITY CLERK
ALLISON LAYTON



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