



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 Meeting
3 Pershing Street, Cumberland, MD

DATE: June 04, 2024

OPEN SESSION – 6:15 PM

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

Approval of Minutes

1. Approval of the Work and Regular Session minutes of May 7, 2024.

Public Comments – FOR AGENDA ITEMS ONLY

All public comments are limited to 5 minutes per person

Unfinished Business

(A) Ordinances

1. Ordinance 3978 (*2nd and 3rd readings*) - authorizing the transfer of a parcel of real property located at 461 Goethe Street, to Tyler Thompson for the purchase price of \$100
2. Ordinance 3979 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 General Fund
3. Ordinance 3980 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Special Purpose Funds
4. Ordinance 3981 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Water Fund
5. Ordinance 3982 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Sewer Fund
6. Ordinance 3983 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY25

- [7.](#) Ordinance 3984 (*2nd and 3rd readings*) - providing for an increase in water rates effective July 1,2024

New Business

(B) Orders (Consent Agenda)

- [1.](#) Order 27,471 - authorizing appointments to the Human Relations Commission, Parks and Recreation Board and Shade Tree Commission
- [2.](#) Order 27,472 - accepting the State bid from Hertrich Fleet Services Inc. for one (1) road ready 2023 RAM SSV Crew Cab 4 x 4 vehicle at a cost not to exceed \$42,131
- [3.](#) Order 27,473 - accepting the bid from Belt Paving, Inc. to provide mill, patch, and paving work on New Hampshire Avenue, Gleason Street, Church Street, and Massachusetts Avenue (City Project 2024-11-PVG) in the amount not to exceed \$342,070.80
- [4.](#) Order 27,474 - accepting the proposal from Gwin, Dobson & Foreman for the final design of the Evitts Creek Phase IV - Interceptor Sewer to Pump Station Contract (City Project 06-08-S), to include site survey, engineering design, permitting and preparation of construction bidding documents, in the not to exceed amount of \$382,500

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

1. Approval of the Work and Regular Session minutes of May 7, 2024.



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

Mayor and City Council of Cumberland

WORK SESSION

2nd Floor Conference Room
Allegany Museum
3 Pershing Street
Cumberland, MD 21502

Tuesday, May 7, 2024, 4:00 p.m.

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

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael Scott Cohen, City Solicitor; Bobby Smith, Director of Engineering and Utilities; Chuck Terner, Chief of Police; Shannon Adams, Fire Chief; Ken Tressler, Director of Administrative Services; and Mark Gandolfi, Comptroller

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

I. INITIAL FY25 BUDGET PRESENTATION

Mr. Gandolfi began his update to the Mayor and Council for the FY25 budget by stating the assessable base is increasing by 6.5%, which is the highest increase since 2012. This budget maintains the current tax rate and will yield a \$212,000 surplus. In addition, this budget will also allow an increase of \$330,000 to the non-spendable fund balance.

Mr. Gandolfi continued that while they are recommending a water rate increase, there are no sewer, trash or property tax rate increases being recommended. The Municipal Parking Authority (MPA) revenue includes general fund assistance in excess of \$200,000 as the MPA and Downtown Development Commission (DDC) continually need assistance. Mr. Gandolfi continued that the recommendation for the personnel cost-of-living increase was 3.5%, which is in line with inflation to ensure wages do not fall too far behind.

Mr. Gandolfi stated the Health Insurance claims have been favorable. Last year, there was a 5% reduction in health insurance rates and this year is a 3.5% increase due to some high-cost claimants that have affected the plan.

Mr. Gandolfi expressed that the ARPA funds are in good shape and we are targeted to spend it all, however, we are still facing issues with rising costs. In FY 2025, we will be spending the last \$4.4M of ARPA funds on the South end project, which consists of the Virginia Avenue and Industrial BLVD water main project, including paving and water line replacement. The City Hall HVAC system is the other larger piece and we have made good progress. The Assessable base has been trending and the constant yield rate is just under 1% so we will be keeping the current tax rate.

Mr. Gandolfi continued by explaining that the state of Maryland changed the law and only requires the Public Notice and the Public Hearing if we are increasing above the existing rate, so there will be no ad or hearing required this year.

He stated that the Health Insurance maximum cost is \$5M, and our actual expected cost is \$4.5M, which is a 3% increase. In FY 2025, the Health Insurance was originally expected to increase by 6.7%. To help combat the increase, the maximum out-of-pocket changed from \$1,300 to \$2,400, along with the encouragement of the use of generic brands. This puts us on par with where the other participants in our group are, and we analyzed what others were doing with their members. The biggest change will be changing the prescription benefit provider to Liviniti, which will provide improved costs for the participants and the City.

Gandolfi indicated that a recommendation was being made for Personnel costs to increase 3.5% for union and non-union. He shared that there are currently 8 vacant positions and no new positions are being proposed. Two of our full-time grant positions have been removed due to the funds being exhausted, however, the employees have been absorbed into the general fund. We budget for 249 employees, retaining our staff level and are at 247 currently. Part time and seasonal positions have fluctuations coming in with the expected number of hours.

Mr. Gandolfi discussed capital equipment indicating that we are still working on patrol vehicles - which will provide 5 vehicles; a fire truck is also on order and is expected to be delivered. The street department is also putting together a street paving program and has included in the budget a \$400,000 paver/roller and \$350,000 to put into the street fund to cover things we will not contract out, mainly residential roads. We expect to have it started between August-October of this year.

Mr. Gandolfi explained we will incur new debt for our Capital projects with significant multi-year projects that are planned or in process. Significant financial assistance is expected as we have a total of \$92M in grants, which is a funding source associated with \$185M in projects. It is important to be aware if we take on the debt, there will be a huge impact on water rates.

He continued that the General fund was used for the Baltimore Street project, and the start of Fayette Street bridge and will be finished in 2026-2027.

With the water fund, the largest thing is the new water filter which will be all debt and will significantly impact the budget. With the sewer fund, the CSO pipelines are looking at sources, with \$51,000 of the estimated \$81,000 project in grant funding secured – that's a good start, but more is needed. Mr. Tressler mentioned that the pipeline has been in the works for years, the cost goes up every year and the grant participation goes down.

Mr. Gandolfi stated that debt services continue to be fairly stable. In 2026 we have a spike which is for the HVAC system at the Public Safety building, an estimated \$4M project. Overall, it is

manageable and the city is maintaining its debt. We stand at a A+ rating with potential for even more improvement, and have kept borrowing low for the last two years.

Mr. Gandolfi explained the proprietary funds and that the most important thing is what it does to cash flow. If there is no rate increase this year for the water fund and you're looking at a \$1.8M cash deficit and an ending balance of \$1.1M in cash, that is about a month and a half of cash reserved, which is too low. In order to get back to 25%, we will need an increase of 15% which changes that negative \$1.8M by \$1M and brings us to \$800k. Which gives us a cash balance of \$2.1M, but is still a \$800k cash deficit, however, that is 25% of next years operating budget.

Mr. Gandolfi continued that if we raise the water rate by 15% this year, next year will require about a 22% increase, but a lot could change between now and then. He continued that if we would raise it by 20% this year, we are looking at roughly 15% next year. Its either 15% now & 20% later or 20% now and 15% later. 15% will be the minimum which would leave us with 3 months of operating cash.

Mayor Morriss responded with that is the biggest deficit he's seen since he's been Mayor. Last year, we had projected a potential 10% increase. Now we are looking at 15% this year and 22% next year. He was concerned that if we were wrong and the 22% goes to 25% or 30% next year, that's a big hit to the customers. He felt it was better to do the 20% increase this year and the reason it's above the 10% is because the closing of Warrior Run, which is our biggest customer who has gone out of business. As we convert to green energy, consumers are paying more money for their utilities because of it. It makes direct correlation and we are better off biting the bullet now and increasing by the 20%.

Mr. Gandolfi interjected and said to not lose any cash in FY 2025 it needed to be 20%. He said the average household water bill, on 3,000 gallons of usage, inside resident is \$21, so with a 15% increase, we're at \$24.32 - only a \$3.17 increase. If we do the 20% the \$24.32 becomes \$25.37 which will add an additional \$1.

Mr. Gandolfi expressed that Warrior Run was about 15% of our water revenue. Mayor Morriss continued stating that with every year, the cost is going up for the water filtration system. The estimated costs now will be more next year and more the year after that and if we do not hit 20% this year, we are going to be hitting bigger numbers later.

Mayor Morriss stated if he was wrong and prices and cost go down, instead of having a 15% increase next year, we can take it down to 10%. Mr. Gandolfi pointed out if they did the 20% increase, it was still under what the market is in the surrounding areas even with a rate increase. Frostburg will not be increasing their rates this year for water and trash.

Ms. Marchini stated we pay more taxes in the city than people in the county do. We have the double tax over the county, what would it look like if we increased outside residential? We have a lot of outside residential customers that does not pay the city tax. Mr. Tressler said there is not enough, you would have to make a substantial increase to move the needle.

Mr. Gandolfi explained we have water companies like Lavale and Mexico Farms, buying large amounts a month, which will affect the outside areas. Our water rates are less expensive as you buy more, so we could look at changing that structure, doing so is not advantageous when it comes to your water companies. The water fund actually serves the population, property tax does not affect what your water rate is neither does how much you pay in property taxes. The revenue

of the water fund provides water. Mr. Tressler stated to change the rate structure for water customers is a bigger deal.

Mr. Gandolfi spoke on the Sewer fund, stating that it is also experiencing an \$800k deficit, however, it has \$13M cash funds, so we are not concerned at this time. The trash fund is generating a cash surplus of \$6,000 and we were fortunate that our vendor elected to not increase rates for FY2025. The forecast for FY 2026 and 2027 will potentially have an increase.

He continued that for the MPA fund, there is no cash because general fund pumps the extra money into it. We have increased parking rates this year, however, the expenses still exceed revenues.

Mr. Gandolfi stated we have good fiscal management. At the end of FY 2025, we are looking at a \$4.6M remaining balance and we will use some of those funds this year. We have programmed \$2.2M into the FY2025 budget. The unassigned funds are fluid, with the Comptroller moving them amongst each other within the assigned fund balance. The general fund is projecting surpluses all the way through the five-year period.

Mr. Gandolfi moved on to the DDC fund. The fund relies heavily on general fund transfers. For the current year we are looking at \$349k in expenses, however, in those expenses there are \$57k in ARPA funds and \$25k in grants. ARPA funds will not continue into FY 2026 and the grant may or may not. Melinda Kelleher, the DDC Executive Director is currently looking into other sources for funding to fill the gaps.

Mr. Gandolfi questioned Council's thoughts on the water rate increase. Councilman Frazier stated he was good with 20%, as was Mayor Morriss and Councilwoman Marchini. Mr. Silka shared that we've been wrestling with this, you don't want to minimize any cost increase, I would agree with the 20%. It gets us closer to breaking even and can minimize what needs to be done next year.

Mr. Gandolfi stated we would plan for the 20% increase now, to help mitigate surprises for next year. Mr. Gandolfi asked about questions and concerns. Mr. Silka mentioned that for healthcare, we are the only municipality within the trust that has been allowed to separate from our prescription benefits manager. We are trying to fight for a best business practice and more say in how we fund our insurance. They created a health care committee which Mr. Silka served on. They're doing things you can't see on the outside, but are shaking up systems to provide the best price for our municipality. Ms. Marchini questioned about moving to the other provider. Will that be through a certain pharmacy, or mail order? Mr. Silka answered it is everything. The cost they charge the pharmacy does not change and it does not restrict who we can use.

II. REVITALIZATION DISCUSSION – SURPLUS PROPERTY SALE AND HOME REHAB GRANT

Mr. Tressler provided an update on revitalization by stating we are going into round 7 of our surplus property sale for which there will be nine properties available for sale. We have money left in our budget, so since the housing rehab program we did using the APRA funds was successful, we are going to release five more \$15k grants, totaling in \$75k.

He continued that for the Central Avenue initiative, Mayor and City Council are being asked to approve \$200k to put into a fund with the County match to purchase the properties from the owners on the Central Avenue corridor. There was a meeting where property owners were invited to gauge their interest in selling. There are 14 properties remaining, 9 of them have structures on them, 4 of them are occupied. We think there is enough interest and the County is supportive of the project. Our idea is to put in \$200k along with the County's \$200k to acquire properties and put us in a better place for strategic demolition funds to clean that area up as you come into the City.

III. UPDATE FROM RICH REINHARDT, PERCY PUBLIC AFFAIRS

Mr. Reinhardt stated that we are a month out of the legislative session, which has been one of the longest sessions. He said that there are fiscal issues ahead for the state of Maryland, and are now having to deal with the imminent problems stemming from the collapse of the Key Bridge. Looking at Cumberland, this is the 2nd year that the City has had a presence in Annapolis. Last year the focus was primarily legislative policies around the tax sale revisions spearheaded by Michael Cohen, the City, Mayor Raymond and other surrounding cities in Western Maryland. We were successful in passing major bills last year. This past year pivoted a bit in focusing on our financial needs. We worked closely planning for needs for infrastructure capital needs, and input from Robert Smith, City Engineer, was instrumental in providing the message to the Governor's office to Annapolis where we needed to prioritize our state funding dollars. Through the time in the Fall and leading into session, we were successful in working closely with the Governor's office to see some funding dollars coming into our priorities.

Mr. Reinhardt explained there is a write-up on Evitts Creek Phase 4 project and we were able to successfully see half a million dollars come to the City for this project. He continued that while the project has roughly about \$3.5M, this is a really nice shot in the arm to see this project forward. The fiscal constraints we are currently seeing are tough and to see this support for Cumberland is a great victory. There is still a lot of work that needs to be done and several projects remain and we cannot rest solely on the State to fund these projects. Mr. Reinhardt said he has engaged the Governor's office to work through how we can navigate the federal partnerships and leverage federal dollars to offset the infrastructure projects, and there is notable achievement for Cumberland, especially in the last two budget cycles. If you look at the City of Cumberland, the Allegany Museum and the Western Maryland Scenic Railroad, there has been \$3M of state funds coming to those projects.

Mr. Reinhardt continued with the State budget, indicating that there are some controversies throughout the state between what the Governor proposed, what the Senate indorsed vs. what the House wanted to institute and propose. The Governor's budget does not increase taxes, it's a \$63B fiscal proposed budget which was passed. The Senate adopted what came out of the Governor's proposal. However, mid-way during the budget process, the House leadership introduced a robust tax proposal which included increase taxes, fee increases and was about a total of \$1.3B.

Mr. Reinhardt stated in addition to the taxes and fees, there was also a discussion about expanding gaming with internet gaming. That was a large spearhead attempt and was really championed by the House chamber but stalled in the Senate. In the coming session, we will see these conversations coming back.

Mr. Reinhardt explained how we had a presence in Annapolis and throughout the hallways of Annapolis - we monitored a hand full of bills, supported some and opposed some. One of the primary bills that we saw Cumberland collaborate with the Maryland Municipal League was Senate bill 14. Mayor Ray came down to Annapolis, along with Mayor Bob from Frostburg, Western Maryland Scenic Railroad, cross section of other Mayors and the Secretary of Commerce was in attendance to testify on the bill. We were able to see the bill pass and sign into law last week by the Governor. This will support Allegany County and benefit our neighbors as well.

Mr. Reinhardt expressed an opportunity for the City of Cumberland to extend their cultivation in Annapolis by building new relationships and enhancing existing relationships with the Governor's administration. He said Governor Moore made a nice statement to Mayor Ray, Mayor Bob and Wes Heinz during the Board of Public Works meeting in late February.

Mr. Reinhardt stated there are a handful of Bills they're watching very closely or took positions on. There were over 3,400 bills introduced which is a milestone in Annapolis this year. We look at every single Bill to see if there was an impact on Cumberland in its self, to the region, or to the County. In the Bill report, there are certain Bills we closely watched related to tourism, infrastructure, tax sale property issues and public safety. Looking at the 90-day session, Cumberland should pat itself on the back due to having a wonderful and successful two years under this administration.

Mr. Reinhardt continued that regardless of the outcome or whomever is in the Senate seats, having a good relationship with both candidates and certainly from a congressional standpoint, we have positioned ourselves where we could leverage our relationships.

Mayor Morriss expressed it was an active year and Mr. Reinhardt was able to keep it into perspective and up to speed. He was shocked how much was in the legislative session this year and the number of Bbills they were working on. Looking forward to continue to develop our plan and need to plan working on those relationships.

IV. REVIEW OF THE PUBLIC MEETING AGENDA OF MAY 7, 2024

Mr. Silka stated that there was nothing to share that wasn't self-explanatory.

V. MAYOR AND CITY COUNCIL UPDATES

Mr. Furstenberg stated June 8th will be the 76th Annual Battie Mixon Kid's Fishing Rodeo. Registration starts at 8AM. Casting for kids contest (ages 3-15) starts at 8AM. Main event time is 10AM. Location is C & O Canal, Lock 70 in Oldtown, MD. All proceeds go directly to the WMHS Dialysis Center.

Mr. Cioni moved on to the Parks & Rec update and indicated that the swimming pool is about 85% clean. Lifeguards have been difficult to find previously, but this year looks good. The day camp will be starting this summer, Ryan put more money in the budget so maybe 40-50 kids can get trips to Delgrosso's and over to the YMCA. The skatepark is getting closer. Mr. Silka stated

we are close to authorizing the contract. Mr. Cioni continued June 1st and 2nd, is the big national road yard sale in the Times-News parking lot. Day of Caring and Sharing is on May 10th. There are 50 projects with 500 volunteers. We're hearing about the fundraising for the clock, the goal is \$40k and the clock itself is around \$25k.

Ms. Marchini discussed starting to work out details for the Baltimore Street ribbon cutting ceremony. She and Councilman Frazier attended the Wills Creek Museum ribbon cutting. It blew them away with how nice it is. It starts with the French and Indian War and goes through the Revolution. It also goes through personal stories dating back several generations. The Mayor and Marchini met with a group for the Washington St. bridge meeting and she attended the Habitat for Humanity fundraiser at 1812 Brewery and the Health Fair for Mountain Ridge High School. She also attended the awards ceremony for top 100 women in Maryland which is a big deal because we don't get much recognition from the Allegany County area.

Mayor Morriss stated in addition to the Washington Street meeting, he attended a meeting with Bobby Smith (City Engineer), the Senator and CSX - it was a good conversation about where we are with some of the projects and what they want to do including the raising of Greene Street bridge. He and Councilman Frazier went to Earth/Arbor Day and the Fair Housing event at Allegany College of Maryland. Councilpersons Cioni, Marchini, Frazier and Mayor Morriss went to the National Day of Prayer. The Farmers Market is now on Thursdays down at Canal Place. The fundraising is going well for the clock tower, they have a write-up in the newspaper. The MML dinner will be upcoming, attended their board meeting two weeks ago and discussed new rate structure.

Mr. Fraizer continued he was at the Maryland Court ribbon cutting at the old sheriff's office where a lot of attorneys are located and can go there for help and assistance.

Mayor Morriss stated there is another business opening, Sabroso Tacos on N. Centre Street. And the Baltimore St. revitalization is moving along, with more trees and bricks on the streets, and he is looking forward to the sidewalk pavers coming down.

Ms. Marchini finished with asking if anyone knew of someone who would like to sponsor Friday after Five or Farmers Market as the budget showed we don't have the money for this year.

VI. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:06 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 Public Meeting
3 Pershing St., Cumberland, MD

DATE: May 07, 2024

I. OPEN SESSION – 6:15

II. Pledge of Allegiance- Pledge of Allegiance was not recited due to there not being a flag present

III. Roll Call

PRESENT:

Council Member Richard J. “Rock” Cioni
Council Member Eugene T. Frazier
Council Member James L. Furstenberg, III
Council Member Laurie P. Marchini
President Raymond M. Morriss, President

Also Present: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; Chuck Ternent, Chief of Police; Shannon Adams, Fire Chief;

Presentations

1. Presentation of awards given in recognition of employee career milestones.

Robert Smith spoke about John Reckley – he graduated from WVU. We are very privileged to have someone like John on our staff. We rely on people who are experts. He was presented with a gift of appreciation.

2. Presentation of Employee Retirement Awards

Allison spoke about Sherri's retirement and her employment - Sherri came to the city in 2013. When Allison was appointed as the City Clerk, Sherri helped to get her acclimated in her new position. Sherri was presented a gift of appreciation.

Proclamations

1. Proclaiming May 2024 as Historic Preservation Month in Cumberland

Mayor Morriss read the Historic Preservation Month Proclamation, recognizing the contributions and efforts made by all organizations that are involved in Historic Preservation in Cumberland, and thanked them for being present. Photographed the group in attendance afterwards.

2. Proclaiming May 2024 as General Aviation Appreciation Month in Cumberland

Mayor Morriss read the General Aviation Month Proclamation and discussed the Greater Cumberland Regional Airport and the significant economic impact it brings to the City of Cumberland. The State of MD has 35 public use airports serving almost 9,400 pilots and almost 2,200 registered aircraft. A 2018 economic study showed that general aviation airports in the state of MD, supports annual business revenues of \$867 million dollars, more than 9,900 jobs and a payroll of \$582 million dollars and a local economic impact of \$9 million dollars. – No one present to accept, so no photo was taken.

Director's Reports

Motion to accept the reports was made by Council Member Furstenberg, seconded by Council Member Cioni, and was passed on a vote of 5-0.

(A) Engineering

1. Engineering Division Monthly Report for April 2024

(B) Police

1. Police Department monthly report for March 2024

(C) Utilities - Flood, Water, Sewer

1. Utilities Division Water/Sewer/Flood Monthly Report for April 2024

Approval of Minutes

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

1. Approval of the Closed Session minutes of April 9, 2024, and the Work and Regular Session minutes of April 16, 2024

Public Comments - FOR AGENDA ITEMS ONLY

No public comments

All public comments are limited to 5 minutes per person

New Business

(A) Ordinances

1. Ordinance 3977 (*1st reading*) - authorizing the transfer of a parcel of real property located at Rear Greene Street, Lots Nos. 33 and 34 of Block 33 of the Cumberland Development Company's Ridgedale Addition, to Betsy and Thomas Harrison for the purchase price of \$600

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

(B) Orders (Consent Agenda)

Mr. Silka reviewed each item on the Consent Agenda for orders 27,451-27,464 and Mayor Morriss called for questions or comments. **Motion** to approve Orders 1-13 was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

1. Order 27,451 - authorizing the abatement of taxes and interest for three City-owned properties at Youngs Terrace, Blk. 21, 454-456 Goethe St. and 0 Sperry Terrace
2. Order 27,452 - authorizing the City Solicitor to notify the City's opioid case attorneys that the City wishes to amend the Complaint filed in the opioids case to include claims against pharmacy benefits managers and to authorize the City Solicitor to take such actions on the City's behalf that are in furtherance of that action
3. Order 27,453 - authorizing the proposal from Coccia Ford for one new Ford F250 Regular Cab Pickup in an amount not to exceed \$47,530 utilizing COSTARS Cooperative Pricing, which is in accordance with City Code Sec. 2-171 (c)
4. Order 27,454 - accepting the proposal from J&J Truck Equipment (Somerset Welding) for a Service Body and Installation on a new Ford F250 in an amount not to exceed

\$34,550 utilizing COSTARS Cooperative Pricing, which is in accordance with the City Code Sec.2-171 (c)

5. Order 27,455 - authorizing a budget not to exceed \$200,000 to be used for the acquisition, demolition and/or site preparation for the Central Avenue City/County Initiative, contingent upon Allegany County's approval of matching funds
6. Order 27,456 - accepting certain bids received for the "2024 GovDeals Sale 4 of Surplus Vehicles and Equipment" and rejecting all other bids
7. Order 27,457 - approving a \$10,000 Micro-Revolving loan for Chris Myers, Liberty Street Sandwich Shop and General Store at 11 S. Liberty Street for the term of a 60-month amortization period, 3% interest, first payment due January 2025, and no interest charged until January 1, 2025
8. Order 27,458 - authorizing the execution of an updated Allegany County Mutual Aid Agreement for Fire and EMS Protection
9. Order 27,459 - authorizing the City Administrator to execute Change Order No. 1, with Harbel, Inc. due to the need for additional concrete repair discovered after the project began, for the repair of Bridge A-C-01 McMullen Bridge (City Project 18-16-BR), in an increased amount of \$2,376.61, bringing the total contract price not to exceed \$502,954.53
10. Order 27,460 - authorizing the execution of a Cost Share Agreement between the Maryland Department of Transportation, State Highway Administration (MDOT-SHA) and the City of Cumberland relative to City Project 2022-24-BR, Replacement of Bridge A-C-08 Fayette Street Over CSXT Railway, with the City's cost share portion estimated at \$121,880.52, which is 20% of the total estimated cost of \$609,402.58
11. Order 27,461 - accepting a donation from Queen City Motors in the amount of \$2,000.00 for the purpose of purchasing various fire prevention material and fire prevention items to support the mission of Fire Prevention in the City of Cumberland
12. Order 27,462 - authorizing the acceptance of a FY25 Program Open Space Local Share Grant, administered by the Maryland Department of Natural Resources Board of Public Works, in the amount of \$97,000 with a City match requirement of \$9,700 for Constitution Park Playground Equipment
13. Order 27,463 - authorizing the acceptance of a FY25 Program Open Space Local Share Grant, administered by the Maryland Department of Natural Resources Board of Public Works, in the amount of \$153,760 with a City match requirement of \$15,376 for Gene Mason Recreation Complex Playground Safety Surfacing
14. Order 27,464 - authorizing the execution of a Memorandum of Understanding by and between the Carver Community Center, Inc. and the Mayor and City Council of Cumberland for funding to help cover operational costs until the building is ready for occupancy

Mayor Morriss called for questions or comments. Mayor Morriss advised that in reference to Order 27,464, because he and Council Member Frazier are on the board of the Carver Community Center, they are going to abstain themselves from that vote.

Mayor Morriss called for questions or comments.

Motion to approve Order 27,464 was made by Council Member Furstenburg, seconded by Council Member Cioni, and was passed on a vote of 3-0.

Public Comments

No public comments

All public comments are limited to 5 minutes per person

Adjournment

With no further business at hand, the meeting adjourned at 6:43 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Allison K. Layton, City Clerk _____

File Attachments for Item:

1. Ordinance 3978 (*2nd and 3rd readings*) - authorizing the transfer of a parcel of real property located at 461 Goethe Street, to Tyler Thompson for the purchase price of \$100

ORDINANCE NO. 3978

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF TYLER THOMPSON FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 461 GOETHE STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 461 Goethe Street, Cumberland, MD 21502 (the "Property");

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

WHEREAS, the Property was included in the solicitation for bids known as the "2021 Request for Bids Surplus Properties Round II" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Tyler Thompson (the "Purchaser") for the sum of One Hundred Dollars (\$100.00), and staff is recommending that the Mayor and City Council accept the bid; and

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

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council shall accept the bid of the Purchaser for the purchase of the Property for the sum of One Hundred Dollars (\$100.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties

or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;

- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashier's check or money order. A total of three (3) personal checks/cashier's checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said deadline is extended by the City Administrator or City Solicitor for good cause shown.

G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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

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

Passed this _____ day of _____, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

EXHIBIT A

NO TITLE SEARCH PERFORMED

THIS DEED, made this _____ day of _____, 2024, by and between
Mayor and City Council of Cumberland (the “City”), a Maryland municipal corporation, and
Tyler Thompson (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of One Hundred Dollars (\$100.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the City does hereby grant, bargain and sell, release, confirm and convey unto the Grantee, his personal representatives, heirs and assigns, the following described property, to wit:

ALL that lot or parcel of ground situate, lying and being on the easterly side of Goethe Street in the City of Cumberland, Allegany County, Maryland, and being known and designated as Part of Lot No. 45 of Henderson And Pearre’s Addition To Cumberland (also known as dwelling No. 461 Goethe Street), and which said parcel is more particularly described as follows, to-wit:

BEGINNING for the same at a point standing on the easterly side of Goethe Street at the end of the first line of Lot No. 44 in said addition, and running thence with said street, North 26 degrees 45 minutes East 25 feet, thence South 63 degrees 15 minutes East 77 feet, thence crossing said whole Lot No. 45, South 26 degrees 45 minutes West 25 feet to Lot No. 44, thence North 63 degrees 15 minutes West 77 feet to the beginning.

IT BEING the same property which was conveyed from Judith L. Sarver, Personal Representative of the Estate of Milton L. Sarver to Mayor and City Council of Cumberland, by deed dated June 28, 2016 and recorded among the Land Records of Allegany County, Maryland in Book 2237, Page 134.

SUBJECT TO all outconveyances, use and occupancy restrictions, privately or governmentally imposed and generally applicable to properties in the immediate neighborhood of the property conveyed hereby, reservations, agreements, rights of way, easements and other

matters of record, and to easements or other matters which can be observed by a careful inspection of the property.

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

TO HAVE AND TO HOLD the above-described property unto the Grantee, his personal representatives, heirs and assigns, in fee simple forever.

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

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison Layton, City Clerk

By: _____(SEAL)
Raymond M. Morriss, Mayor

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

I HEREBY CERTIFY, that on this _____ day of _____, 2024, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$100.00; and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that a title search was not performed in connection with its preparation.

MICHAEL SCOTT COHEN

File Attachments for Item:

2. Ordinance 3979 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 General Fund

ORDINANCE NO. 3979

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE ANNUAL APPROPRIATION FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and they are hereby appropriated for the respective purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, to-wit:

General Government	\$ 2,327,303
Public Safety	15,664,822
Public Works	3,462,776
Recreation	926,938
Community Development	2,259,585
Debt Service	3,734,332
Transfer Out	5,612,645
Total General Fund Appropriation	\$ 33,988,401

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the fiscal year (June 30, 2025) if legally encumbered but shall continue in full force and effect until the encumbrance has been completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

3. Ordinance 3980 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Special Purpose Funds

ORDINANCE NO. 3980

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE APPROPRIATIONS FOR VARIOUS SPECIAL PURPOSE FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective funds and purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, to-wit:

Housing Assistance	\$ 2,320,300
Downtown Development Commission	348,978
Community Development Block Grant	882,674
Police Grants	596,858
Community Legacy	1,250,000
Special Projects	200,000
Capital Projects	13,103,655
Street Improvements	1,815,526
Municipal Parking Authority	727,486
Trash Removal	1,938,575
Total	\$ 23,184,052

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the Fiscal Year (June 30, 2025) but shall continue in full force and effect until the project for which the appropriation has been made is completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

4. Ordinance 3981 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Water Fund

ORDINANCE NO. 3981

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE WATER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following operating budget is hereby appropriated for the respective departments and purposes of the City of Cumberland Water Fund for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, to-wit:

Water Administration	\$ 1,309,161
Water Distribution	3,442,600
Water Filtration	2,501,353
Interest Expense	324,372
Principal Payments	1,392,440
Capital Expenditure	4,972,225
Total	\$ 13,942,151

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 24-86 of the Code of the City of Cumberland, and as the same may be from time to time amended, to produce sufficient revenue to enable the City of Cumberland to defray the cost of operating, maintaining, repairing and otherwise improving the Water System, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2025.

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

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

5. Ordinance 3982 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY25 Sewer Fund

ORDINANCE NO. 3982

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MD, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE SEWER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective departments and purposes of the City of Cumberland Sewer Fund for the Fiscal Year beginning July 1, 2024, and ending June 30, 2025, to-wit:

Wastewater Treatment Plant	\$ 7,643,112
Sanitary & Storm Sewer	1,953,968
Flood Control	700,718
Interest Expense	244,602
Principal Payments	785,583
Capital Expenditures	3,715,928
Total	\$ 15,043,911

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 27-9 of the code of the City of Cumberland to defray the cost of operating, maintaining, and repairing and otherwise improving the Sanitary and Storm Sewer system, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2025.

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

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

6. Ordinance 3983 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY25

ORDINANCE NO. 3983

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE CITY TAX LEVY FOR THE FISCAL YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the levy for the Fiscal Year 2025 for the City of Cumberland shall be as follows:

		Net Assessable	Tax Rate Per	
		Base	\$100	Tax Levy
Property Taxes				
Real Estate		\$ 948,369,248	1.0595	\$ 10,047,972
Personal Property				
	Individual	1,472,810		
	Corporation	119,070,997		
		120,543,807	2.648	3,192,000
	Penalties and Interest			543,000
	Tax Credits			(100,000)
Total Tax Levy				\$ 13,682,972
Other Revenues				
Other Taxes			1,391,642	
Licenses & Permits			141,800	
Intergovernmental			5,674,503	
Charges for Services			1,999,452	
Fines, Forfeitures & Interest			978,367	
Miscellaneous			1,116,778	
Total Other Revenue				11,302,542
Total Revenue				\$ 24,985,514
Other Financing Sources				
Transfers-in				\$ 2,510,426
Capital Financing				3,588,000
(Increase) Decrease Restricted Fund Balance				792,021
Total Other Financing Sources				\$ 6,890,447
Total Revenue and Other financing Sources				\$ 31,875,961

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

7. Ordinance 3984 (*2nd and 3rd readings*) - providing for an increase in water rates effective July 1,2024

ORDINANCE NO. 3984

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT, WITH AMENDMENTS, SECTION 24-86 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION), PROVIDING FOR A SCHEDULE OF WATER RATES."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, That Section 24-86 of the Code of the City of Cumberland (1991 Edition) be and hereby repealed and reenacted, with amendments, to read as follows:

Section 24-86 Schedule

Effective July 1, 2024, the rates and charges for the use of water supplied by the Water Department shall be as follows, and no abatement or release therefrom is permitted:

(a) EQUIVALENT DWELLING UNIT (EDU). The minimum meter charges shall be determined by the Equivalent Dwelling Unit (EDU), which shall be determined by the size of the meter servicing the customer. The following table sets forth the EDU multiplier for each meter size:

Meter size (inches)	EDU
$\frac{3}{4}$ and below	1
1	2.5
1-1/2	5
2	8
3	16
4	25
6	50
8	80

(b) MINIMUM METER CHARGE FOR INSIDE CITY. The minimum charge for residential and industrial meter customers within the City shall be Six Dollars and Seventy-Seven Cents (\$ 6.77) per month per EDU, for which sum, water up to and including one hundred cubic feet may be used. If the quantity of water used exceeds one hundred cubic feet in any month, such excess shall be charged for according to the schedule of rates set forth in subsection (f) of this section.

(c) MINIMUM METER CHARGE FOR OUTSIDE CITY. The minimum charge for residential and industrial meter customers outside the City shall be Ten Dollars and Eighteen Cents (\$ 10.18)

per month per EDU for which sum, water up to and including one hundred cubic feet may be used. If the quantity of water used exceeds one hundred cubic feet in any quarter, such excess shall be charged for in accordance with the schedule of rates as set forth in subsection (f) of this section.

(d) MINIMUM METER CHARGE FOR WATER COMPANIES. The minimum charge for water companies shall be Forty-Six Dollars and Sixty Cents (\$ 46.60) per month per EDU for single Water Company accounts such water company has with the City for which sum water up to and including one hundred cubic feet may be used. If the quantity of water used exceeds the consumption in excess of capacity fee, in any month, such excess shall be charged for according to the schedule of rates set forth in subsection (f) of this section, as appropriate.

(e) Flat rates. There shall be no flat rate customers and the consumption of any customer found not to have a meter shall be estimated and such customer shall be charged double the rates set forth in subsection (b) of this section. All water customers outside the City shall be meter customers, and it shall be unlawful for the Water Department to furnish customers outside the City on a flat rate basis.

(f) CONSUMPTION RATES. The rates per month for residential and industrial water customers shall be as follows:

Class	Consumption	Rates within City Limits		Rates Outside City Limits	
		Current	New	Current	New
Tier 1	First 100 cubic feet, per EDU	\$ 5.6400	\$ 6.7700	\$ 8.4800	\$ 10.1800
Tier 2	Next 900 cubic feet, per cubic foot	\$ 0.0515	\$ 0.0618	\$ 0.0772	\$ 0.0926
Tier 3	Next 199,000 cubic feet, per cubic foot	\$ 0.0413	\$ 0.0496	\$ 0.0576	\$ 0.0691
Tier 4	Next 1,134,000 cubic feet, per cubic foot	\$ 0.0326	\$ 0.0391	\$ 0.0490	\$ 0.0588
Tier 5	Next 1,166,000 cubic feet, per cubic foot	\$ 0.0147	\$ 0.0176	\$ 0.0147	\$ 0.0176
Tier 6	Over 2,500,000 cubic fet, per cubic foot	\$ 0.0037	\$ 0.0044	\$ 0.0037	\$ 0.0044

(g) WATER COMPANIES. Companies purchasing in excess of 140,000 cubic feet of water from the City on a monthly basis and reselling that water shall pay the following monthly rates for each account such water company has with the City.

(1) Water Company. Any wholesale water company purchasing water from the City in excess of 140,000 cubic

feet per month shall pay both a capacity fee plus a charge based upon consumption in excess of the capacity fee.

(2) Capacity Fee. Each water company shall pay a fixed capacity fee based on the number of EDU's calculated multiplied times the per month per EDU charge. The EDU amount is calculated annually determined by a percentage (70%) of its highest month's usage in the previous fiscal year calculated as follows:

$$\frac{\text{PEAK MONTHLY USE} \times 0.7}{30} / 33.42$$

(3) Consumption in Excess of Capacity Fee.
Consumption in excess of the capacity fee shall be billed at the rate for customers located outside the City.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect July 1, 2024.

Passed this _____ day of June, 2024.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton
City Clerk

1st Reading:

2nd Reading:

3rd Reading:

Passed:

File Attachments for Item:

. Order 27,471 - authorizing an appointment to the Downtown Development Commission

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

ORDER NO. 27,471

DATE: June 4, 2024

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

THAT, the following appointments and reappointments to boards and commissions be and are hereby approved:

<i>Board/Commission</i>	<i>Seat</i>	<i>Member</i>	<i>Term</i>
Human Relations Commission	2	Annette Rigglesman	4/1/2024-4/1/2027
Parks and Recreation Board	5	Debrah Mullan	4/1/2024-4/1/2027
Parks and Recreation Board	6	Jarrel Daniel	4/1/2024-4/1/2027
Parks and Recreation Board	8	Reuben Lease	2/1/2024-2/1/2027
Parks and Recreation Board	9	Ruth Brantner	4/1/2024-4/1/2027
Parks and Recreation Board	10	Gregory Powell	4/2/2024-4/1/2027
Shade Tree Commission	5	Dawn Custer	6/4/2024-4/1/2027
Shade Tree Commission	5	Gary Mallow	4/1/2024-4/1/2027

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,472 - accepting the State bid from Hertrich Fleet Services Inc. for one (1) road ready 2023 RAM SSV Crew Cab 4 x 4 vehicle at a cost not to exceed \$42,131

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

ORDER NO. 27,472

DATE: June 4, 2024

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

THAT, the State Bid proposal from Hertrich Fleet Services, Inc. 1427 Bay Road, Milford, DE 19963 to supply one (1) road-ready 2023 RAM SSV Crew Cab 4X4 vehicle for the total amount not-to-exceed Forty Two Thousand One Hundred Thirty One Dollars and No Cents (\$42,131.00) be and is hereby accepted; and

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

Raymond M. Morriss, Mayor

Budget: 001.040.64000

Council Agenda Summary

Meeting Date: June 4, 2024

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

Item Title: FY24 Hertrich Fleet Services Quote for 2023 RAM SSV Crew Cab

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

Request to accept the State bid from Hertrich Fleet Services Inc. for one (1) road ready 2023 RAM SSV Crew Cab 4 x 4 vehicle at a total cost of \$42,131.00

Amount of Award:

Budget number: 001.040.64000

Grant, bond, etc. reference:

HERTRICH FLEET SERVICES, INC.

1427 Bay Road Milford, DE 19963

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

(800) 698-9825

(302) 422-3300

Fax: (302) 839-0555

CUMBERLAND MD POLICE

MARYLAND STATEWIDE CONTRACT 2024 POLICE – BPO# 001B4600229

TYPE 4-6-P: RAM SSV CREW CAB 4X4

D24120

Includes Standard Equipment - Front Bench Seat w/Center Fold Down console,
5.7L V8 Hemi Engine, Power Windows/Locks, Vinyl Floor/Vinyl Rear Seat, Bluetooth, Rear Camera, Daytime
Running Lights

✓	Code	Description	Amount
	DS6T98	2023 Ram SSV Crew Cab 4x4	\$ 39,996
	ADB	Protection Group – Front Tow Hooks, Skid Plates	\$ 395
	DSA	Anti-Spin Differential	\$ 495
	AM8	Utility Group	\$ 100
	XHC	Trailer Brake Control	\$ 300
	XF9	Trailer Hitch	\$ 195
	XM8	Spray In Bedliner	\$ 450
	Interior	Jet Black Premium Cloth	
	Colors	PXJ – Diamond Black-\$200	\$ 200
		Total for Vehicle	\$ 42,131

Please contact us with any questions or to place an order.

Susan Hickey - shickey@hertrichfleet.com - or call 800-698-9825

File Attachments for Item:

. Order 27,473 - accepting the bid from Belt Paving, Inc. to provide mill, patch, and paving work on New Hampshire Avenue, Gleason Street, Church Street, and Massachusetts Avenue (City Project 2024-11-PVG) in the amount not to exceed \$342,070.80

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

ORDER NO. 27,473

DATE: June 4, 2024

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

THAT, the bid from Belt Paving, Inc., 11521 Milnor Avenue, Cumberland, MD 21502, to provide mill, patch, and paving work on New Hampshire Avenue, Gleason Street, Church Street, and Massachusetts Avenue (City Project 2024-11-PVG) be and is hereby accepted in the amount not-to-exceed Three Hundred Forty Two Thousand Seventy Dollars and Eighty Cents (\$342,070.80); and

BE IT FURTHER ORDERED THAT, pursuant to Section 2-171(c) of the City Code, this shall be awarded in accordance with the terms of the Maryland State Highway Administration's (SHA) existing contract with Belt Paving, Inc.

Raymond M. Morriss, Mayor

Budget:
127.101.63000

Council Agenda Summary

Meeting Date: 6/4/2024

Key Staff Contact: Robert Smith, PE

Item Title:

New Hampshire Ave, Gleason St, Church St, Massachusetts Ave Street Paving (2024-11-PVG)

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

THAT, the award to Belt Paving, Inc. to provide mill, patch and paving work on New Hampshire Ave, Gleason St, Church St, Massachusetts Ave be and is hereby approved in the estimated unit price amount of \$342,070.80; and BE IT FURTHER ORDERED, that, pursuant to Section 2- 171(c) of the City Code, this shall be awarded in accordance with the terms of the Maryland State Highway Administration's (SHA) existing contract with Belt Paving.

This project involves paving approximately 20,796 SY on the listed streets.

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

Amount of Award: \$342,070.80

Budget number: 127.101.63000

Grant, bond, etc. reference: City Funds

Cumberland Streets

BP84056

	Width	Length	SF	Sq Yds	TONS 2"
New Hampshire(Kentucky to Oldtown)	28	540	15,120	1,680	186.7
	31.5	23	724.5	80.5	8.9
New Hampshire(Oldtown to Church)	29	1,891	54,839	6,093.20	677
Sanford(New Hampshire)	28	28	784	87.1	9.7
Sanford(Massachusetts)	29	14	406	45.1	5
Massachusetts(Church to Oldtown)	23	34	782	86.9	9.65
	25	1,682	42,050	4,672.20	519.1
Massachusetts(Kentucky to Oldtown)	29.5	13	383.5	42.6	4.7
	28	538	15,064	1,673.80	186
Church(New Hampshire to Gleason)	29	278	8,062	895.8	99.5
Gleason (Church to Grant)	30	600	18,000	2,000	222.2
Gleason (Grant to New Hampshire)	29	985	28,565	3,173.90	352.7
	79.5	30	2,385	265	29.4
TOTAL					2301.55 Tons
				20796.1 Sq Yds	

City of Cumberland General City Paving, FY25 - South End
City Project #2024-11-PVC
New Hampshire Ave., Gleason St., Church St., Massachusetts Ave.
Belt Paving, Inc. (Unit Prices per MSHA Contract XY8015177R)

5/17/2024

Item #	Description	Qty	Unit	Unit Price	Extension
1004	Maintenance of Traffic	7	UD	\$ 1,500.00	\$ 10,500.00
1008	Flagger	210	HRS	\$ 102.00	\$ 21,420.00
1009	Drums for MOT	10	EA	\$ 100.00	\$ 1,000.00
1012	Mobilization/Demobilization	1	LS	\$ 2,300.00	\$ 2,300.00
1013	Cones for MOT	10	EA	\$ 55.00	\$ 550.00
5001	9.5 mm for Surface, PG64S-22, Lvl-2 (2")	2,302	TN	\$ 110.00	\$ 253,220.00
5011	Fine Milling Asphalt Pvmnt 1"-2.5" Depth (2")	20,797	SY	\$ 2.40	\$ 49,912.80
5019	24" White Thermo (Stop Bar & Crosswalk)	144	LF	\$ 22.00	\$ 3,168.00
					\$ 342,070.80

File Attachments for Item:

. Order 27,474 - accepting the proposal from Gwin, Dobson & Foreman for the final design of the Evitts Creek Phase IV - Interceptor Sewer to Pump Station Contract (City Project 06-08-S), to include site survey, engineering design, permitting and preparation of construction bidding documents, in the not to exceed amount of \$382,500

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

ORDER NO. 27,474

DATE: June 4, 2024

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

THAT, the proposal from Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA 16602, to provide Final Design Services for the Evitts Creek Phase IV – Interceptor Sewer to Pump Station Contract (City Project 06-08-S) be and is hereby accepted in the amount not to exceed Three Hundred Eighty Two Thousand Five Hundred Dollars and No Cents (\$382,500.00).

Raymond M. Morriss, Mayor

Budget:
003.399.SS4.63000

Council Agenda Summary

Meeting Date: 6/4/2024

Key Staff Contact: Matt Idleman, PE

Item Title:

Award Final Engineering of Evitts Creek Phase IV – Interceptor Sewer to Pump Station Contract

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

Award Final Design of Evitts Creek Phase IV – Interceptor Sewer to Pump Station Contract to Gwin, Dobson & Foreman, Inc., in the lump sum cost of \$382,500.00.

Final Design services include site survey, engineering design, permitting, and preparation of construction bidding documents. In addition, Gwin, Dobson & Foreman, Inc. will be providing construction bidding phase support services and construction phase services.

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

Amount of Award: \$382,500.00

Budget number: 003.399.SS4.63000

Grant, bond, etc. reference: City Funds & MDE Funds



Maryland
Department of
the Environment

Wes Moore, Governor
Aruna Miller, Lt. Governor

Serena McIlwain, Secretary
Suzanne E. Dorsey, Deputy Secretary

May 17, 2024

Mr. Jeffrey F. Silka, City Administrator
City of Cumberland
57 N. Liberty St.
Cumberland, Maryland 21502

Re: WQBL/PF-1086-01L
Evitts Creek CSO Upgrades Phase IV
Interceptor Sewer to the PS
A/E Design, Construction Management & Inspection
Allegany County

Dear Mr. Silka:

This office has reviewed the proposed Architectural and Engineering (A/E) dated March 1, 2024, with Gwin, Dobson & Foreman (GD&F) for the design, construction management and inspection services for the above referenced project in the amount of \$382,500.00.

Based on our review, a cost-plus fixed fee form of agreement is approved for \$345,820.00. Please note, the proposed design phase amount of \$170,000 is greater than the calculated allowance of \$133,320.00. Therefore, the design phase is capped at \$133,320.00 and is eligible for WQ SRF loan funding.

We have completed our review of the Minority Business Enterprise/Women's Business Enterprise (MBE/WBE) information submitted on the above referenced contract. We acknowledge the application of the Six Good Faith Efforts on this federal financially-assisted project.

Changes or additions to the contract's proposed subcontractor list must be reported to Bambi Turner, M/WBE Coordinator, WIFA at Bambi.Turner1@Maryland.gov.

If you have any questions regarding this A/E approval, please contact Arjun Singh, Project Engineer at 410-537-3727 or Olubukola Adeyemi, Project Administrator at 410-537-3243.

Sincerely,

Tonya Randall, Chief
Capital Program Contract Division
Water Infrastructure Financing Administration

cc: Arjun Singh / Rajiv Chawla – ECPP
Robert Smith, P.E / Derrik Grimm - City of Cumberland w/encl.



March 1, 2024

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

Attn: Matt Idleman, P.E., Deputy Director of Engineering

**RE: Evitts Creek Phase IV - Interceptor Sewer to Pump Station
Professional Engineering Service Proposal (Updated March 2024)**

Dear Matt:

Based on our familiarity with the site and numerous discussions about the project we are offering this proposal for engineering services as requested.

Background

In January 2022, Gwin, Dobson & Foreman (GD&F) completed a Preliminary Engineering Report (PER) for the Upgrades Evaluation of Evitts Creek Phase IV - Interceptor Sewer to Pump Station for City of Cumberland/ Funding Agency review and approval. The report provided a complete assessment of the current infrastructure condition, defined the impact of wet-weather flow on the system and developed viable options for rehabilitation or replacement of the interceptor sewer. Detailed inspections were conducted in Fall/Winter 2021 for all components including closed circuit television (CCTV) of existing sewerlines, manholes and miscellaneous appurtenances. The report also evaluated the infrastructure condition, review of flow monitoring data, an interceptor sewer capacity analysis and the development of conceptional plans and cost estimates for the assessed alternatives.

From the condition assessment and evaluation, four (4) viable options were developed for rehabilitation/replacement of the interceptor network, including a comprehensive set of preliminary alignment drawings and size assessment. An alternatives analysis justified the most feasible and preferred repair and/or replacement alternative as a combination of sections with cured-in-place-pipe (CIPP)/fold-in-place-pipe (FIPP) rehabilitation and conventional dig and replacement of interceptor sewers. Based on the evaluation, the most cost-effective option was "Alternative No. 2 - Combination CIPP/FIPP and Dig and Replace Interceptor Sewer" at an estimated total project cost of \$2,865,000.

The City of Cumberland (City) has been recently notified that they are to receive grant funding for the construction phase of the interceptor sewer project. Therein, the City has requested a cost proposal for the final engineering, construction bidding support and construction phase services. The engineering proposal is priced for approval in Spring, the tentative beginning timeframe for final engineering. Anticipated project bidding is Summer 2024.

Scope of Proposed Work/Engineering Services

Final design services include site survey, engineering design, permitting and preparation of construction bidding documents in accordance with the Engineering Deliverables section for Alternative No. 2 - Combination CIPP/FIPP and Dig and Replace Interceptor Sewer. GD&F is planning to team/subcontract with Shelly, Witter & Fox (Fox & Associates, Inc.) of Greencastle, PA for the land surveying work on this project. GD&F will submit 90% drawings and specifications for review prior to final submission. GD&F will also identify and prepare construction easement plats/descriptions along the sewer alignment. The City will be responsible for construction easement agreement negotiations and signatures from property owners and legal recording. The entire alignment shall have a 25-foot utility easement and a 50-foot construction easement. GD&F will identify and obtain any and all permits required for the work, on behalf of the City. The City will be responsible for the respective permit application fees. To implement the selected alternative the following permits are anticipated:

- MDE Joint Federal/State Application for Alternation of any Floodplain, Waterway, Tidal or Nontidal Wetland in Maryland
- MDE General Permit Application for Discharges of Stormwater Associated with Construction Activity
- MDE Sewerage Construction Permit Application
- Allegany County Erosion and Sediment Control Plan Approval

Construction bidding phase support services include generation of a minimum of two (2) addenda, attend and support mandatory pre-bid meeting, review bids and generate the certified bid tabulation and provide a Recommendation to Award.

Construction phase services include review and approval of all equipment submittals and shop drawings, attendance at all construction meetings including the pre-construction meeting and progress meetings, full-time construction inspection for a maximum of forty (40) hours per week until completion of construction and a maximum of eighty (80) hours of Professional Engineer availability to answer contractor-related inquiries related to the project.

Proposed Cost

The estimated cost for the above-described scope of work is as follows:

Final Design Services (Survey, Final Design, Specifications, Drawings):	\$ 95,000
Final Design Services (Construction Easement Plats/Descriptions):	\$ 25,000
Final Design Services (Permit Applications):	\$ 35,000
Construction Bidding Phase Support:	\$ 15,000
Construction Phase Services (Submittals, Meetings, RFI's, Punch List):	\$ 25,000
Construction Phase Services (Full-Time Inspection - 40 Hours Per Week Maximum Until Construction Completion, Anticipated 10 Months, \$17,500 Per Month Including Wages, Overhead/Profit, Per Diem, Travel Expenses):	\$175,000
Construction Phase Services (PE Engineer Support - 80 Hours Maximum):	\$ 10,000
Post-Construction Phase Services (Record Drawings):	\$ 2,500

City of Cumberland
March 1, 2024
Page 3

The estimated cost for the above-described Final Design Services is \$155,000 (1,250 hours), Construction Bidding Phase Support is \$15,000 (125 hours), Construction Phase Services - Engineering is \$35,000 (280 hours), Construction Phase Services - Inspection is \$175,000 (1,700 hours) and Post-Construction Phase Services - Record Drawings is \$2,500 (25 hours) and will be invoiced based on actual incurred expenses on a monthly basis. The total project scope is not-to-exceed the amount of \$382,500.

As always, we appreciate the opportunity to submit this proposal for your consideration. If you have any questions, please contact me at your convenience.

Respectfully submitted,
GWIN, DOBSON & FOREMAN, INC.

A handwritten signature in blue ink, appearing to read "Stu J. Gibson".

Steven J. Gibson, P.E.
Senior Project Engineer

Enclosures: Engineering Services - Scope of Work
SJG/amk
Prop/2024/Cumberland_EvittsCrPhIV_ESP_3-1-24.doc
cc: File

ENGINEERING SERVICES – SCOPE OF WORK

DESCRIPTION

The engineering services contract comprises the following items:

1. Final Design Services:
 - a. Prepare construction bidding documents, in accordance with the Engineering Deliverables section, for Alternative No.2 – Combination CIPP/FIPP and Dig and Replace Interceptor Sewer.
 - i. Consultant shall submit 90% drawings and specifications for review prior to final submission.
 - b. Identify and obtain construction easements along sewer alignment.
 - i. Entire alignment shall have a 25' utility easement and a 50' construction easement.
 - c. Identify and obtain any permits required for the work, on behalf of the city.
2. Construction Bidding Phase Support:
 - a. Generate a minimum of two (2) addenda.
 - b. Attend and support mandatory pre-bid meeting.
 - c. Review bids and generate the certified bid tabulation.
 - d. Provide a Recommendation to Award.
3. Construction Phase Services:
 - a. Reviewal and approval of all equipment submittals and shop drawings.
 - b. Attendance at all construction meetings, including the pre-construction meeting and any progress meetings.
 - c. Full-time construction inspection, for a maximum of forty (40) hours per week, until completion of construction.
 - d. A maximum of eighty (80) hours of Professional Engineer availability to answer contractor-related inquiries related to the project.

FINAL ENGINEERING DELIVERABLES

1. Construction specifications in Microsoft Word and Adobe PDF formats. The PDF documents shall be created from the Word document and be searchable.
2. Construction drawings, prepared per City of Cumberland AutoCAD standards.
3. An Engineer's Construction Cost Estimate.

CONSTRUCTION PHASE DELIVERABLES

1. Written "Recommendation to Award," upon review of bids.
2. Written Approvals/Rejections of all contractor's equipment submittals and shop drawings.
3. Written responses to all of contractor's Requests for Information (RFI's).
4. Written "Construction Punch List," developed prior to final completion of construction.

CITY PROVISIONS

The City of Cumberland will provide any documents or drawings that may be beneficial to the development of the construction documents. The following is a list of general documents to be provided by the City. More documents will be made available to the consultant after award.

1. City Specification Template
2. City Drawing Templates

MEASUREMENT OF PAYMENT

All invoices shall be paid on a monthly basis within 30 days of receipt of invoice. All work described in the Request for Proposal and contract documents is to be paid as a lump sum fee. A maximum of 85% of the design fee will be paid up to the submission to the City. The final 15% of the design fee will be paid when the City has approved the plans and specifications, and approval has been received from agencies and entities referred to in the CONTRACT. The Firm shall be responsible for submitting invoices for all work performed under this contract. All invoices must include the contract number, Federal Identification or Social Security number, date/dates the work was performed. All invoices must include a description of the work performed.