



**MAYOR**

Brian K. Grim

**CITY ADMINISTRATOR**

Jeff Rhodes

**CITY SOLICITOR**

Michael Scott Cohen

**COUNCIL**

Nicole Alt-Myers

Seth D. Bernard

David Caporale

Richard J. "Rock" Cioni

**CITY CLERK**

Marjorie A. Woodring

## **AGENDA**

**Mayor and City Council of Cumberland  
City Hall Council Chambers  
Room 212  
6:15 P.M.**

DATE 8/16/2016

**\*Pledge of Allegiance**

**I. ROLL CALL**

**II. PROCLAMATIONS**

- (A) Proclamation to declare September, 2016 as Childhood Cancer Awareness Month and promote the "Go Gold Challenge" sponsored by the Holding Hands for Haley Foundation
- (B) Proclamation honoring the Allegany Soil Conservation District on their 75th Anniversary

**III. CERTIFICATES, AWARDS AND PRESENTATIONS**

- (A) Presentation of the 2016 Mary Susan Cerutti Historic Preservation Award to Jason Wolford and Wolford Rentals LLC for rehabilitation of 168-170 N. Centre Street
- (B) Certificate of Recognition presented to Dr. Henry Bullamore in appreciation of over 20 years of service to the Cumberland Historic Preservation Commission

**IV. DIRECTOR'S REPORT**

- (A) Police
  - 1. Police Department monthly report for July, 2016
- (B) Fire
  - 1. Fire Department monthly report for July, 2016
- (C) Public Works
  - 1. Maintenance Division monthly report for July, 2016

**V. APPROVAL OF MINUTES**

**(A) Routine**

1. Approval of the regular session minutes of June 21 and July 5, 2016
2. Approval of the Traffic Group minutes of July 21, 2016

**VI. NEW BUSINESS**

**(A) Orders (Consent Agenda)**

1. Order declaring 0.49 of a mile +/- on US 220 McMullen Highway near the southwest corporate limits of the city, north of the Upper Potomac Industrial Park, as surplus property and authorizing its transfer to the MD State Highway Administration per terms of a Road Transfer Agreement approved by Order No. 25,035
2. Order authorizing Special Taxing District Residential Exemptions for the 2015-2016 tax year in the amount of \$1,074.91, and the 2016-2017 tax year in the amount of \$1074.91 for property at 55 Baltimore Street; for the 2016-2017 tax year in the amount of \$320.70 for property at 107 S. Centre Street, and for the 2016-2017 tax year in the amount of \$413.59 for property at 27 N. Centre Street
3. Order authorizing the City Administrator to sign and submit a Transportation Grant Application to the MD Department of Transportation for local government funding provided through a Chapter 143 Special Fund Appropriation and committing to use the funds only for transportation projects
4. Order declaring a 1991 Ford Truck (VIN: 1FDNK64P3MVA13467) as surplus and authorizing it for sale or trade-in
5. Order accepting the sole source proposal from KONE, Inc., to provide elevator maintenance services under the US Communities Program, with the agreement being effective for a three (3) year term commencing July 1, 2016, in the amount of \$10,020.00 per year, for a total contract amount not to exceed \$30,060
6. Order accepting the Total Base Bid of Protection Services, Inc. for the Bike Improvements on Bedford and Frederick Streets Project (11-13-M) in the estimated unit price of \$88,165.75
7. Order accepting the bid of Protection Services, Inc. for the project Bike Improvements on Mechanic and Centre Street (10-12-M) in the estimated unit price of \$14,942.50
8. Order declaring City-owned property at 424 Goethe Street to be surplus and authorizing its donation to Friends Aware, Inc.

**VII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

**VIII. ADJOURNMENT**



Regular Council Agenda  
August 16, 2016

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**Description**

Proclamation to declare September, 2016 as Childhood Cancer Awareness Month and promote the "Go Gold Challenge" sponsored by the Holding Hands for Haley Foundation

**Approval, Acceptance / Recommendation**

- Budgeted
  
- 1st Reading
- 2nd Reading
- 3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
August 16, 2016

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**Description**

Proclamation honoring the Allegany Soil Conservation District on their 75th Anniversary

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

City of Cumberland  
- MARYLAND -

# Proclamation

- WHEREAS,** *This year marks the seventy-fifth anniversary of the establishment of the Allegany Soil Conservation District, and;*
- WHEREAS,** *since its establishment, the Allegany Soil Conservation District has worked to control runoff and erosion issues in Cumberland and Allegany County, Maryland - a region full of unique challenges due to its narrow mountain ridges and steep valleys; and*
- WHEREAS,** *the Allegany Soil Conservation District cooperates with other federal, state and local agricultural agencies to protect and conserve natural resources and promote agriculture by providing educational, financial and technical assistance, and assisting with regulatory programs; and*
- WHEREAS,** *the Allegany Soil Conservation District diligently works with farmers to meet Maryland's nonpoint-source pollution control goals, implements stream restoration project in the Braddock Run, Jennings Run and George's Creek watersheds, assists the MD Bureau of Mines in the implementation of erosion and sediment control practices, and promotes programs designed to help farmers pay for best management practice strategies that will protect the environment; and*
- WHEREAS,** *the Allegany Soil Conservation District provides these and many other valuable services to our citizens by addressing the sustainable use and sound management of our treasured resources.*

**Now, Therefore, the Mayor and City Council of Cumberland**

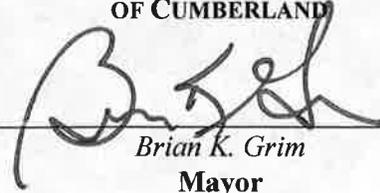
*do hereby congratulate the*  
**Allegany Soil Conservation District**  
*on this occasion of their*  
**Seventy-Fifth Anniversary**

Given under our hands and seals this 16th day of August, in the year 2016, with the corporate seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

**ATTEST:**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
*Marjorie A. Woodring*  
**City Clerk**

  
\_\_\_\_\_  
*Brian K. Grim*  
**Mayor**



Regular Council Agenda  
August 16, 2016

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**Description**

Presentation of the 2016 Mary Susan Cerutti Historic Preservation Award to Jason Wolford and Wolford Rentals LLC for rehabilitation of 168-170 N. Centre Street

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
August 16, 2016

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**Description**

Certificate of Recognition presented to Dr. Henry Bullamore in appreciation of over 20 years of service to the Cumberland Historic Preservation Commission

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
August 16, 2016

---

**Description**

Police Department monthly report for July, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



# **City of Cumberland Department of Police**

**Monthly Report**  
**July 2016**



# City of Cumberland Department of Police

## Monthly Report

### July 2016

#### Part 1 Crimes for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Aggravated Assaults	2	4	B & E (All)	24	22	Murder	0	0	Rape	2	1
Robbery	7	7	Theft - Felony	8	1	Theft - Vehicle	6	3			

#### Selected Criminal Complaints for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Theft - Misdemeanor	40	33	Theft - Petty	62	47	Domestic Assaults	32	35	CDS	54	69
Disturbances	181	193	DOP/Vandalism	46	41	Indecent Exposure	2	2	Sex Off - Other	4	5
Suicide	0	0	Suicide - Atmpt.	1	5	Tampering M/V	0	0	Abuse - Child	5	2
Trespassing	14	18	Assault on Police	5	2	Assault Other	43	48			

#### Selected Miscellaneous Incidents for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Alcohol Volations	5	6	Juvenile Compl.	27	27	Missing Persons	24	11	School Resource	0	0
School Threat	0	0	Sex Off. Regist.	36	30	Truancy	0	0	Death Investigation	4	4

#### Selected Traffic Incidents for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
DWI	7	6	Hit & Run	28	31	M/V Crash	61	63	Traffic Stop	253	358

#### Selected Service Calls for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Alarms	73	50	Assist Motorist	36	43	Check Well-Being	115	128	Foot Patrol	10	22
Assist Other Agency	80	66	Bike Patrol	0	2	Special Events	15	10	Suspicious Activity	84	80

#### Arrests Totals for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
M/V Citations	57	44	M/V Warnings	196	291	Adult Crim	140	165	Juvenile Crim	25	23

**Total Incidents Reported :**                      **2015**              **2016**  
**2,064**    **2,162**

  
**Charles H. Hinnant - Chief of Police**

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

JULY 2016

### SWORN PERSONNEL: 50 SWORN OFFICERS

Administration	6 officers
Squad 1A	8 officers
Squad 1B	8 officers
Squad 2A	8 officers
Squad 2B	9 officers
C3I/C3IN	5 officers
School Resource	2 officers
Academy	4 officers

### CIVILIAN EMPLOYEES: 6 full time, 6 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
Safe Streets Coordinator	1 full time
CPD Crime Analyst	1 full time
CPD Maintenance	1 part time
C3I Office Associate	1 full time
C3IN Office Associate	1 part time
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
MPA Garage Attendants	2 part time
Code Enforcement	2 part time

### LEAVE REPORT

VACATION TAKEN: 1511 HOURS

YEAR TO DATE (beginning 7/1/16): 1511 HOURS

COMP TIME USED: 246 HOURS

YEAR TO DATE (beginning 7/1/16): 246 HOURS

SICK TIME USED: 30 HOURS

YEAR TO DATE (beginning 7/1/16): 30 HOURS

### OVERTIME REPORT

OVERTIME WORKED: 304 HOURS

YEAR TO DATE (beginning 7/1/16): 304 HOURS

HOSPITAL SECURITY: 112 HOURS

YEAR TO DATE (beginning 7/1/16): 112 HOURS

COURT TIME WORKED: 78 HOURS

YEAR TO DATE (beginning 7/1/16): 78 HOURS

### TRAINING REPORT

16 OFFICERS TRAINED FOR 130 HOURS

YEAR TO DATE (beginning 7/1/15) 130 HOURS

Item # 5

**CPD ACTIVITY**  
**OUTSIDE CPD JURISDICTION**  
**JULY 2016**

On 7/30/16 a CPD canine team responded to the route 220 area outside of the City Limits to assist a Sheriff's Deputy with a traffic stop. The CPD officers assisted with weighing CDS.

On 7/28/16 CERT assisted MSP with the execution of a search warrant on Church Street in Lonaconing. As a result, a large number of illegal weapons and a significant amount of illegal drugs were seized. This search was done in conjunction with several others across the state as part of a state-wide investigation by the Maryland State Police.

On 7/20/16 a CPD canine team responded to I-68 at Jefferies Road to assist the Maryland State Police with the search of a vehicle. The canine checked the vehicle; however, he did not alert to the presence of drugs and no search was conducted.

On 7/16/16 CPD officers responded to Brehm Road to assist the Sheriff's Office with the investigation of a B&E in progress. CPD units assisted Deputies with searching the scene and discovered gloves and shotgun shells that the suspect dropped as he fled. No suspect was identified and the case is still open.

On 7/7/16 a CPD Canine team responded to Woodcock Hollow in the Mt. Savage area to assist Sheriff's Deputies with the search of CDS in a wooded area. As a result, no contraband was recovered.

## ***CUMBERLAND POLICE DEPARTMENT***

### Warrant Fugitive Initiative

July 2016 totals for warrant initiative, broken down by agency:

CPD	8 arrests	9 warrants served	
ACSO	9 arrests	10 warrants served	
MSP	0 arrests	0 warrants served	
FPD	0 arrests	0 warrants served	
C3I	4 arrests	4 warrants served	
C3IN	0 arrests	0 warrants served	
OTHER	0 arrests	0 warrants served	4 subpoenas served (ACSAO)

**TOTALS      21 arrests      23 warrants served      4 subpoenas served**

Of these, Detective David Broadwater arrested 21 people, served 23 warrants, and served 4 subpoenas on behalf of the Allegany County State's Attorney's Office.

He opened 20 "Fugitive" investigation, 1 Assist Other Agency investigation, and made arrests in 7 existing cases, for a total of 28 cases generated for the month.

#### **SIGNIFICANT CASES:**

1.) On 07/06/2016 Detective Broadwater was contacted by the Allegany County State's Attorney's Office with a request to locate and serve subpoenas on four individuals who were witnesses in an attempted murder prosecution. The witnesses were reluctant to testify out of concern for their own safety, and were avoiding service of the subpoenas. After unsuccessful attempts by the Sheriff's Office to serve the witnesses, the ACSAO contacted Detective Broadwater. Within 36 hours Detective Broadwater had located all the witnesses and served them, including convincing one of the witnesses to return to Cumberland from Hagerstown.

2.) On 07/13/2016 Detective Broadwater was once again contacted by the Allegany County State's Attorney's Office requesting that he locate and apprehend a suspect who was wanted for Violation of Probation (original charge - Burglary and Theft) and had been avoiding arrest. Detective Broadwater was able to learn of a possible location where the suspect may be staying. He responded to that location and located the suspect, placing them under arrest, all within two hours of being notified.

3.) On 07/27/2016 Detective Broadwater arrested a suspect who had been wanted since 2013 on two warrants for FTA and VOP, both as a result of CDS charges related to possession and distribution. The suspect had fled the State of Maryland at that time to avoid apprehension. With the assistance of the Allegany County State's Attorney's Office, Detective Broadwater was able to convince the suspect to return to Maryland and surrender.

4.) During the week of July 25-29, 2016, a warrant sweep was conducted in Allegany County as part of the "Safe Streets" initiative. Detective Broadwater was personally responsible for arresting 16 suspects and serving 18 warrants.



Regular Council Agenda  
August 16, 2016

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**Description**

Fire Department monthly report for July, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

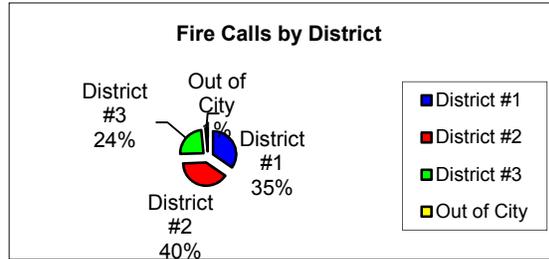
**Source of Funding (if applicable)**

**REPORT OF THE FIRE CHIEF FOR THE MONTH OF JULY, 2016**  
**Prepared for the Honorable Mayor and City Council and City Administrator**

**Cumberland Fire Department Responded to 133 Fire Alarms:**

Responses by District:

District #1	46
District #2	53
District #3	32
Out of City	<u>2</u>
	133



Number of Alarms:

First Alarms Answered	132
Working Alarms Answered	<u>1</u>
	133

Calls Listed Below:

Property Use:

Public Assembly	4
Educational	2
Institutional	7
Residential	64
Stores and Offices	9
None	1
Basic Industry, Utility	2
Special Properties	<u>44</u>
	133

Type of Situation:

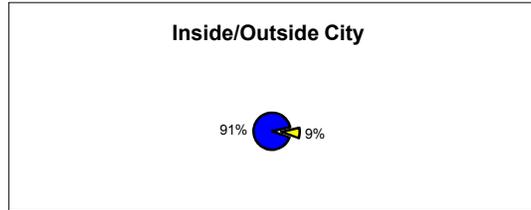
Fire or Explosion	9
Overpressure, Rupture	1
Rescue Calls	68
Hazardous Conditions	15
Service Calls	7
Good Intent Calls	13
Severe Weather	4
False Calls	<u>16</u>
	133

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in July:	\$6,120.00
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date:	\$6,120.00
Total Fire Service Fees for Fire Calls Paid in July:	\$25.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	\$25.00

Fire Service Fees for Inspections and Permits Billed in July:	\$50.00
Fire Service Fees for Inspections and Permits Paid in July:	\$300.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$300.00

**Cumberland Fire Department Responded to 484 Emergency Medical Calls:**

In City Calls	440
Out of City Calls	<u>44</u>
Total	484



Total Ambulance Fees Billed by Medical Claim-Aid for July, 2016:	\$127,135.72
Ambulance Fees Billed Fiscal Year to Date:	\$43,077.50
Ambulance Fees Paid:	
Revenue Received in July 2016:	\$96,497.17
FY2017 Ambulance Fees Paid in FY2017:	\$0.00
Total Ambulance Fees Paid in FY2017:	\$96,497.17

(Includes all ambulance fees, previous and current fiscal years, p in FY2017.)

**Cumberland Fire Department provided 23 Paramedic Assist Calls:**

16 Paramedic assist calls within Allegany County

7 Paramedic assist calls outside of Allegany County

23

Bowman's Addition VFD	4
Corriganville VFD	2
Cresaptown VFD	8
LaVale Rescue Squad	1
Tri-Towns Rescue	<u>1</u>
	16
Cumberland Valley EMS	1
Fountain EMS	1
Springfield Area Rescue	1
Ridgeley VFD	<u>4</u>
	23

**Cumberland Fire Department provided 21 Mutual Aid Calls:**

19 Mutual Aid calls within Allegany County

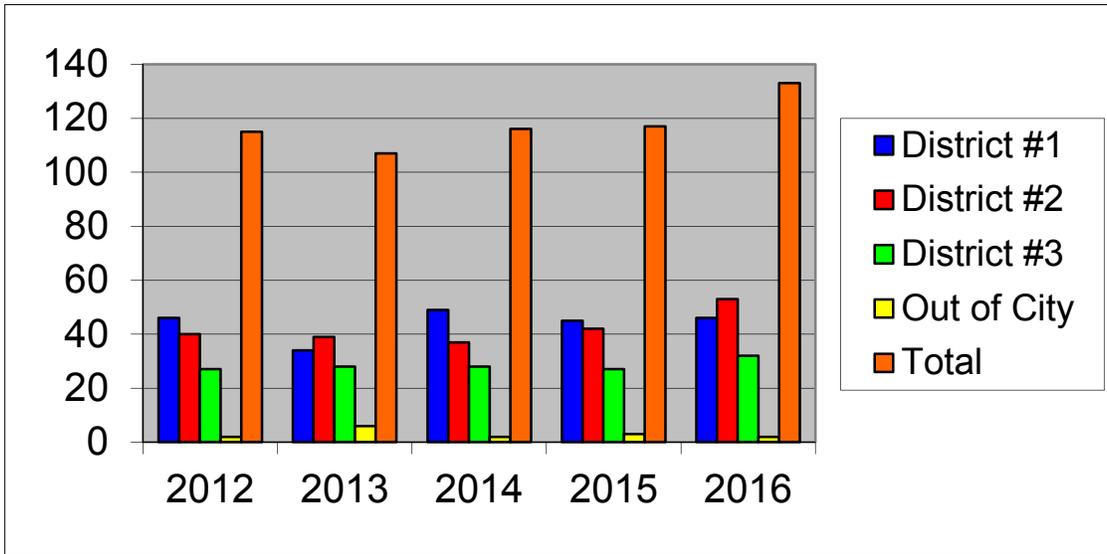
2 Mutual Aid calls outside of Allegany County

21

Bowman's Addition VFD	5
Cresaptown VFD	5
District #16 VFD	1
Flintstone VFD	4
LaVale Rescue Squad	<u>4</u>
	19
New Creek Ambulance	1
Ridgeley VFD	<u>1</u>
	21

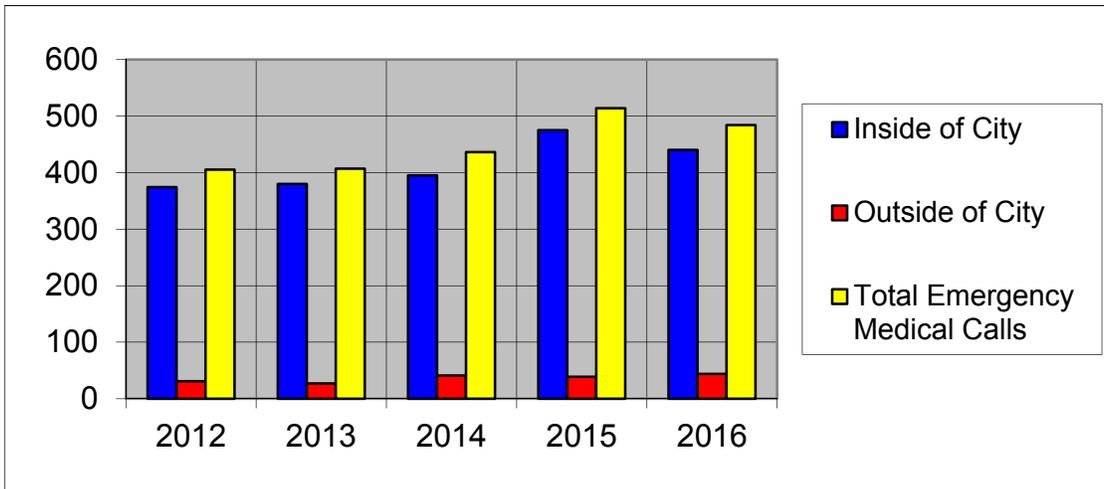
**Fire Calls in the Month of July for a Five-Year Period**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
District #1	46	34	49	45	46
District #2	40	39	37	42	53
District #3	27	28	28	27	32
Out of City	<u>2</u>	<u>6</u>	<u>2</u>	<u>3</u>	<u>2</u>
Total	115	107	116	117	133



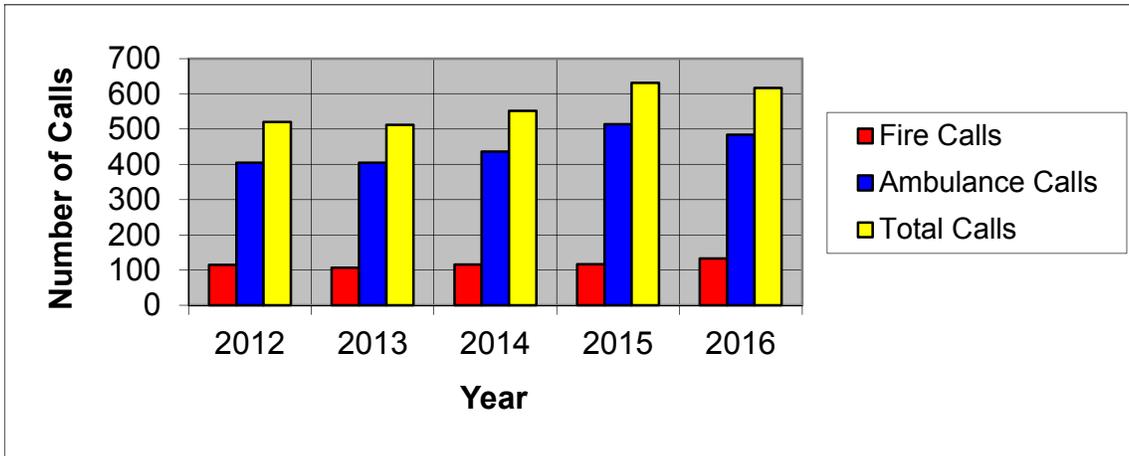
**Ambulance Calls in the Month of July for a Five-Year Period**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Inside of City	374	380	395	475	440
Outside of City	<u>31</u>	<u>27</u>	<u>41</u>	<u>39</u>	<u>44</u>
Total Emergency Medical Calls	405	407	436	514	484



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

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>
Fire Calls	115	107	116	117	133
Ambulance Calls	405	405	436	514	484
Total Calls	520	512	552	631	617

**Training**

Training Man Hours:		141.00
Administrative Policy & Procedures	11.00	
Hose Operations	10.00	
Apparatus Check Procedures	27.50	
Inservice Inspections	17.75	
Plan Review	11.00	
General Driver Training	3.00	
Environmental Emergencies	13.75	
Heat-Related Emergencies	4.00	
Burn Injuries	11.00	
Strategic and Tactical Operations	11.00	
Street Locations	11.00	
Physical Fitness	10.00	
	<u>141.00</u>	

**Fire Prevention Bureau**

Complaints Received	0
Conferences Held	55
Correspondence	14
Inspections Performed	5
Investigations Conducted	2
Plan Reviews	3

**Personnel**

Firefighter/Paramedic Dennis L. Steiding was promoted to Lieutenant/Paramedic on July 3, 2016.

Statistics Compiled by Julie A. Davis, Fire Administrative Officer





Regular Council Agenda  
August 16, 2016

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**Description**

Maintenance Division monthly report for July, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**MAINTENANCE DIVISION REPORT**  
**July 2016**

**Street Maintenance Report**

**Parks & Recreation Maintenance Report**

**Fleet Maintenance Report**

**PUBLIC WORKS/MAINTENANCE  
STREET BRANCH  
MONTHLY REPORT  
JULY 2016**

- POTHoles AND COMPLAINTS
  - Potholed 7 Streets and 1 Alley using approximately 7 tons of HMA.
  - Installed 1 berm on White Ave using 2 ton of HMA.
  
- IN HOUSE PAVING
  - Installed underdrain and paved Rayne Drive using approximately 20 tons of 57 stone and 120 tons of HMA.
  
- UTILITY HOLE REPAIR
  - Completed 12 Water Utility Hole Repairs and 8 Sewer Utility Hole Repairs using 42 tons of HMA.
  
- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 19 Traffic Control Signs.
  - Installed 1 and Removed 4 HC Signs.
  - Began painting curbs and refreshing cross walks in school zones.
  
- STREET SWEEPING
  - Swept 307curb miles (approx. 100 cubic yards of debris).
  - Hauled 5 tons to Landfill.
  
- MISCELLANEOUS
  - Completed 17 Service Request.
  - Traffic control for Fire Works in the Park.
  - Cleaned Baltimore Street Underpass 3 times.
  - Brush work 7 days.
  - Worked with LBC at the Viaduct 7/7 & 7/8.
  - Ditch work on Forester and Rosewood.
  - Installed pre-cast curbing on Byrd Ave.

<b>STREET MAINTENANCE - JULY 2016</b>		7/1-7/2	7/3-7/9	7/10-7/16	7/17-7/23	7/24-7/30	TOTAL
SERVICE REQUEST COMPLETED			4		10	3	17
PAVING PERFORMED	TONS					120	120
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER		4	3	2	3	12
	SEWER			1	4	3	8
	CY		0.50			0.75	1
	TONS		4.5	17.0	13.0	7.5	42
POTHoles FILLED	STREETS		1		6		7
	ALLEYS		1				1
	DAYS						0
	Cold Mix						0
	TONS		1.0		6.0		7
PERMANENT PATCH	CY						0
	TONS		10		4		14
COMPLAINTS COMPLETED						1	1
	CY						0
	TONS					2	2
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED			11		8		19
STREET NAME SIGNS REPAIRED/INSTALLED							0
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED							0
			1				1
			1		3		4
PAINTING PERFORMED	BLUE		1				1
	YELLOW		1		1		2
	RED		1		4		5
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	1	7	7	10		25
	MILES	32	107	57	111		307
SWEEPER DUMPS HAULED TO LANDFILL	TONS					4.8	5
SALT BARRELLS - PICK UP	DAYS						0
CLEANED BALTIMORE ST. UNDERPASS		1	1	1			3
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Days		3		3	1	7
Check Drains/Clean Debris	DAYS		1				1
LEAF PICK UP	Loads						0

Set out Traffic Control for Fire Works 7/1/2016

Work @ Viaduct with LBC 7/7-7/8

Ditch repair on Forester and Rosewood 7/11-7/15

Install pre-cast curbing on Byrd 7/18/16

Underdrain installed on Rayne Drive 7/26-7/27

Paving Rayne Drive - 120 tons

**PUBLIC WORKS/MAINTENANCE  
PARKS & RECREATION  
MONTHLY REPORT  
JULY 2016**

- **Constitution Park**
  - Cleaned up garbage, bathrooms and pavilions 3 time/week.
  - Cut grass in Park and Long Field.
  - Maintained pool and pumps.
  - Trimmed trees and shrubs.
  
- **Mason Complex**
  - Cleaned up garbage 3 time/week.
  - Lined Fields as per schedule.
  - Installed soccer fields and football fields.
  - Installed 2 new soccer goal nets
  - Installed a pickle ball court.
  - Cut grass.
  
- **Abrams, Cavanaugh and JC**
  - Cleaned up garbage and bathrooms 3 time/week.
  - Cut grass.
  - Maintained and lined Abrams, JC and Cavanaugh Fields as per schedule.
  - Girls' softball and Dapper Dan baseball ended this month.
  
- **Miscellaneous Work**
  - Continue to maintain, cut grass and pick up garbage at Parklets and other areas.
  - Tree and brush work at Smith Park, JC Fields and Springdale Playground.

Parks and Recreation						
Field Work						
July 2016						
		Line		Spike		Drag
Flynn		6				1
Nonnennmann		6				2
Northcraft		6				1
Bowers						
Galaxy		2				
United		1				
Nonnennmann SF		1				
Bowers FB		1				
United FB		1				
Long		4		1		1
Cavanaugh		2				1
JC						
Abrams		3				





**Fleet Maintenance  
July 2016**

<b>Total Fleet Maintenance Projects</b>	<b>90</b>
<b>Street Maintenance</b>	<b>18</b>
<b>Snow Removal</b>	<b>0</b>
<b>DDC</b>	<b>0</b>
<b>CPD</b>	<b>12</b>
<b>Water Distribution</b>	<b>8</b>
<b>P &amp; R Maintenance</b>	<b>5</b>
<b>CFD</b>	<b>5</b>
<b>Sewer</b>	<b>8</b>
<b>Code Enforcement</b>	<b>3</b>
<b>Flood</b>	<b>1</b>
<b>PIP</b>	<b>0</b>
<b>WWTP</b>	<b>0</b>
<b>Engineering</b>	<b>0</b>
<b>Facility Maintenance</b>	<b>0</b>
<b>Fleet Maintenance</b>	<b>3</b>
<b>Central Services</b>	<b>0</b>
<b>Municipal Parking</b>	<b>0</b>
<b>Public Works</b>	<b>3</b>
<b>Water Filtration</b>	<b>0</b>
<b>Small Engine Repairs</b>	<b>0</b>
<b>Scheduled Preventive Maintenance</b>	<b>17</b>
<b>Field Service Calls</b>	<b>7</b>
<b>Total Work Orders Submitted</b>	<b>28</b>
<b>Risk Management Claims</b>	<b>0</b>
<b>Fork Lift Inspections</b>	<b>0</b>



Regular Council Agenda  
August 16, 2016

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**Description**

Approval of the regular session minutes of June 21 and July 5, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



**MAYOR**  
Brian K. Grim

**CITY ADMINISTRATOR**  
Jeffrey D. Rhodes

**CITY SOLICITOR**  
Michael Scott Cohen

**COUNCIL**  
Nicole Alt-Myers  
Seth D. Bernard  
David J. Caporale  
Richard J. Cioni, Jr.

**CITY CLERK**  
Marjorie A. Woodring

# MINUTES

**MAYOR AND CITY COUNCIL OF CUMBERLAND**  
**City Hall Council Chambers**  
**Room 212**  
**6:15 p.m.**

DATE: 6/21/16

## \*Pledge of Allegiance

### I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, David Caporale, Richard J. Cioni, Jr.

ABSENT: Council Member Seth Bernard

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Donald Dunn, Fire Chief; Marjorie Woodring, City Clerk

### II. CERTIFICATES, AWARDS AND PRESENTATIONS

#### **Item Action:**Approved

Mayor Grim recognized visitors from Cumberland's Sister City of Vilijandi, Estonia, Mr. Peep Aru, Chairman of the Town Council, and Mr. Kris Suld, Town Council Member. Councilman Aru spoke on behalf of the visiting delegation to thank the Mayor and Council for hosting their visit and discuss some of the cultural differences between the two towns. Chairman Aru welcomed all to visit Vilijani and Mayor Grim commented that he looked forward to continuing the Sister City relationship between the two towns.

- (A) Presentation from Sandi Saville, Chairwoman of the Downtown Development Commission, on the various murals and signage proposed for the downtown area

Sandi Saville and Jennifer Light spoke on behalf of the Downtown Development Commission the Allegany Arts Council. Mr. Al Feldstein participated as the historical accuracy consultant. Ms. Saville stated that grant money had been received for the project and progress had begun. Details were provided regarding the mural project planned for the Canal Street area, the mural signs to identify Historic Downtown Cumberland, wayfinding signage to direct visitors into the downtown, and new banners to identify the Historic Downtown area.

- (B) Presentation of recommended projects identified for submission to the State's 2016 Community Legacy funding process provided by Jennifer Light, Executive Director of the Downtown Development Commission

Mr. Rhodes reviewed the recommended project list that would be submitted for Community Legacy funding for Fiscal Year 2017 and reviewed program requirements. The list included the following projects: Upper Story Redevelopment, Commercial Property Facade Improvement Program, Gordon Roberts Accessibility Project, Centre Street Parklet, and Maryland Avenue Code Compliance. The total amount of funding requested for these projects would be \$405,000.

- (C) Presentation from Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation, regarding the opportunity site recommendations from Sage Policy Group

Mr. Hershberger reviewed the findings of the study that was generated by the team of Sage Policy Group and McCormick Taylor to provide an economic impact analysis and transportation-connectivity study of four (4) of the seven (7) identified Strategic Opportunity Sites. The four sites targeted for further study were Baltimore Street, Cumberland Plaza, Willowbrook Road, and Rolling Mill and were selected based on the fact that all converge at one central point, being the middle of the city, and touch a gateway into Cumberland.

Regarding the downtown site, Mr. Hershberger discussed the opportunities for development, including the recommendation to open the mall to traffic. He discussed details of the preferred alternative, Baltimore Street Option 3a.1, that was recommended by the study and which called for one-way traffic on both ends of the pedestrian mall with on-street parking options. He stated that the DDC had voiced support of a "flexible" 3a.1 alternative with the request that 1) the DDC would be active partners in the design process; 2) bollards would be installed at the Baltimore St. intersection so sections could be turned back into pedestrian areas as needed; 3) the design allows the bollards, streets, etc. to seamlessly blend with no blacktop used; 4) the schedule for closure to vehicular traffic would be determined by the DDC, the City, or other managing downtown entity.

Mr. Hershberger reported that there were extensive findings on the Cumberland Plaza area (Rose's Plaza) and the recommendation was for it to be completely redefined to compliment the downtown and serve as a prominent gateway. Hershberger had spoken with the property owners in Pittsburgh and could report that they were willing to work with the City to make the area a better gateway to the community.

Sandi Saville, Chairwoman of the DDC, advised the DDC had unanimously voted to enter into a partnership for redesign of the mall. She noted that there was dissension among the stakeholders as not all business/property owners were in agreement to open the mall to traffic; thus the recommendation of the 3a.1 design would allow for future flexibility.

Mr. Hershberger advised that the Cumberland Economic Development Corporation (CEDC) had voted unanimously to support the recommendation from the Sage Policy Group and McCormick and Taylor.

- (D) Update on economic development issues provided by Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation

Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation (CEDC) provided an update on the activities of the CEDC. He provided a recap of the first year of operation by discussing market and asset development goals, marketing and outreach activities, and work towards activating the existing business community,

expanding information sharing, and enhancing the economic development "toolbox." He discussed the Opportunity Sites Report prepared by the team of Sage Policy Group and McCormick Taylor which provided recommendations for 7 sites identified in the 2014 Economic Development Strategic Plan. The design work provided for city-wide data collection in relation to the high level concepts of the Opportunity Sites, preliminary connectivity concepts among the sites, and in-depth examination of the redesign of the sites in the Central Business District. Hershberger reviewed recommendations for Rolling Mill and Willowbrook Road bicycle and pedestrian accommodations, and recommendations for opening Baltimore Street to one-way vehicular traffic

### **III. DIRECTOR'S REPORT**

#### **(A) Police**

1. Police Department monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

#### **(B) Fire**

1. Fire Department monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

#### **(C) Public Works**

1. Maintenance Division monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

2. Engineering Division monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

### **IV. APPROVAL OF MINUTES**

#### **(A) Routine**

1. Approval of the Regular Session Minutes of June 7, 2016

**Item Action:** Approved

Motion to approve the minutes was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

#### **(B) Administrative / Executive**

1. Approval of the Closed Session Minutes of May 17, 2016

Motion to approve the minutes was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

CLOSED MEETING - May 17, 2016

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. Cioni, Jr.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss personnel issues was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

AUTHORITY to close the session provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1)

TOPICS: Personnel issues

**V. UNFINISHED BUSINESS**

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - providing for the FY17 City Tax Levy (Real Estate tax rate = \$0.9654 per \$100 of assessed value) (Personal Property tax rate = \$2.648 per \$100 of assessed value), expected revenues and utilization of restricted fund balance

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3797

2. Ordinance (*2nd and 3rd readings*) - providing for the annual appropriate for the FY17 General Fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3798

3. Ordinance (*2nd and 3rd readings*) - providing for the annual appropriations for the FY17 Special Purpose Funds

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3799

4. Ordinance (*2nd and 3rd readings*) - providing for the annual appropriations for the FY17 Water Fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3800

5. Ordinance (*2nd and 3rd readings*) - providing for the annual appropriations for the FY17 sewer fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3801

6. Ordinance (*2nd and 3rd readings*) - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY17 at the rate of \$0.10 per \$100 of real property assessable base

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3802

7. Ordinance (*2nd and 3rd readings*) - modifying Section 11-94 of the City Code entitled "Airguns, Slingshots, etc." to modernize the prohibitions pertaining to such and implement a permitting process for work performed in relation to wildlife damage control

Mr. Rhodes reviewed details of the Ordinance. He stated the Ordinance authorized changes in the prohibitions, just clarifications and modernization of the language of the Code to more clearly target firearms replicas and to allow for wildlife pest control.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3803

8. Ordinance (*2nd and 3rd readings*) - authorizing the City Administrator to execute a deed conveying 25 properties on Baltimore Avenue and Waverly Terrace to Cumberland Neighborhood Housing Services

Mr. Rhodes reviewed details of the Ordinance. He stated all parcels being transferred to Cumberland Neighborhood Housing Services (CNHS) were unimproved and CNHS had offered to take title and assume responsibility of the land. There was little potential for development, but there was an option included for the City to repurchase the land for assessed value if need be.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 3-0 with Mayor Grim abstaining from vote due to his position of Executive Director of the Cumberland Neighborhood Housing Authority.

## ORDINANCE NO. 3804

VI. NEW BUSINESS

## (A) Ordinances

1. Ordinance (*1st reading*) - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Mr. Rhodes reviewed details of the Ordinance and showed a map of the area of public right-of-way requested to be closed. He stated the closure would allow Mr. D'Atri the ability to expand his restaurant at this location.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Councilwoman Alt-Myers, seconded by Councilman Cioni, and was passed on a vote of 4-0.

2. Ordinance (*1st reading*) - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of \$1,500

Mr. Rhodes reviewed details of the Ordinance. He advised that the property had been blighted and had been torn down. The purchase price of \$1,500 represented the current assessment amount for the land.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Councilwoman Alt-Myers, seconded by Councilman Cioni, and was passed on a vote of 4-0.

3. Ordinance (*1st reading*) - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

Mr. Rhodes reviewed details of the Ordinance. He advised that a Charter Amendment Resolution had been recently passed to set the maximum limits allowable for local preference awards. This Ordinance would increase the city percentage from 7% to 8% while leaving the county percentage at its current 5%. Additionally, language would be added to the Code to allow for cleaner interpretation of application of the local preference.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Councilman Cioni, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

## (B) Resolutions

1. Resolution granting the Cumberland Outdoor Club a property tax credit for the tax year 2016-2017

Mr. Rhodes provided background on the Resolution.

The Resolution was presented in Title only. Motion to approve the Resolution was made by Councilman Cioni, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

RESOLUTION R2016-06

## (C) Orders (Consent Agenda)

**Item Action:** Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments prior to vote. Motion to approve Consent Agenda Item Nos. 1-9 was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

1. Order accepting the proposal of Casey Smith, LLC, dba Service Pro for City Project "2016 Grass Mowing - City Owned Residential Properties" (8-16-M) in the estimated unit cost of \$38,280.00 to include 34 City-owned properties, with the option to add 10 properties as needed throughout the fiscal year

ORDER NO. 25,990

2. Order accepting the bid of Casey Smith LLC DBA Service Pro, for City Project "2016 Grass Mowing - Non Residential City-Owned Properties (9-16-M), in the estimated unit price of \$36,640.00, to include the mowing of 15 non-residential City-owned properties.

ORDER NO. 25,991

3. Order authorizing the execution of a Grant Agreement with Maryland Smart Energy Communities under the Maryland Energy Administration to provide the City an award of \$43,100 for energy efficiency improvements and project preparation costs (up to 30%)

ORDER NO. 25,992

4. Order authorizing the Chief of Police to accept a GOCCP School Bus Safety Grant entitled Overtime Patrol for FY17 in the amount of \$5,000 for police overtime and fringe benefits to enforce school bus safety laws, provide educational material for students and air public safety announcements

ORDER NO. 25,993

5. Order authorizing the Chief of Police to accept a GOCCP Sex Offender Compliance Grant titled "Monitoring Support" for FY17 in the amount of \$21,000 for police overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency and to purchase digital cameras.

ORDER NO. 25,994

6. Order authorizing the execution of a Consultant Services Agreement with CBIZ Benefits and Insurance Services for the provision of a comprehensive Other Post-Employment Benefits (OPEB) report, for a cost not to exceed \$5,000

ORDER NO. 25,995

7. Order authorizing the Chief of Police to execute a letter to Mr. Jason Layman setting forth terms and conditions pertaining to services he will provide as a volunteer nurse practitioner in connection with the deployment of the CERT Team

ORDER NO. 25,996

8. Order authorizing the execution of a Second Amendment to Parking Lease with EII Cumberland Associates, LLC as successor to S&N Realty, LLC, to extend the end date of the current lease at One Frederick Street Garage through April 9, 2026

ORDER NO. 25,997

9. Order authorizing a one (1) year extension to the proposal from Erie Insurance to provide fleet

insurance and building/liability insurance for two parking garages for the total amount of \$96,124.00

ORDER NO. 25,998

(D) Letters, Petitions

1. Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate the B&O Caboose in Constitution Park to the WMSRR to be relocated to WMSRR property, properly restored to original B&O livery, and renamed "The Pride of Cumberland"

The letter was acknowledged and entered into public record.

The Mayor and Council were in agreement to work through the process of donating the caboose to the WMSRR. Mr. Rhodes advised that the property would need to be declared surplus before transfer, and the WMSRR had requested time to work out the costs needed for transfer of the caboose to their property.

2. Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate four unused bus stop shelters to the WMSRR to be used as covered shelters in newly designed picnic and rest areas along the railway route

The letter was acknowledged and entered into public record.

Upon questioning from Mayor Grim, Mr. Rhodes advised that the bus shelters were planned to be used in Cumberland, but in a less visible location and further from the core of the city. The use of police monitoring of the shelters had not yet been discussed, but locating the shelters away from the core of the city may help with that situation.

The Mayor and Council were in agreement to work through the process of donating the bus shelters to the WMSRR. Mr. Rhodes advised that the property would need to be declared surplus before transfer.

3. Letter from the City Clerk advising that Ordinance No. 3795, passed May 17, 2016 to amend and supplement Ordinance No. 3793, passed December 15, 2015, to increase the amount of the General Obligation Bonds and Bond Anticipation Notes to finance, reimburse, or refinance costs of the Maryland Avenue Redevelopment Project from \$2,500,000 to an aggregate principal amount not to exceed \$3,500,000 each, became effective June 16, 2016 as no petition for referendum was filed

The letter was acknowledged and entered into public record.

**VII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Janet Wunderlick, 15 Prospect Square, spoke regarding the redevelopment of the downtown mall. She stated she was familiar with the Sage Policy Group and they were highly regarded in the State of Maryland. She expressed caution to stay abreast of the project, to beware of modifications to the original plan, and to be protective of the businesses and take into consideration the impact the modifications will have on them and property owners. She further discussed that the first mall had been built at the expense of the property owners and the downtown special taxing district and hoped that the Mayor and Council did not plan to look again to that funding to carry the weight of this project.

John Wunderlick, 15 Prospect Square, spoke regarding the redevelopment of the downtown mall. He stated he had recently moved back to the area and owns the WCBC building. He stated concern over tearing up the mall as he had worked on committees to build it, but expressed that the plans he heard this evening would be positive if the project was done right. He suggested doing a trial run to allowing cars

on the mall with rubber cones designating permitted areas, before actually changing the bricks.

Al Feldstein, LaVale, stated that in 1977, before the mall was built, the City had closed off the street for a couple weeks to see how traffic flowed. He further stated that Mrs. Wunderlick had been instrumental in establishing the Rock Gap Conference Center and suggested that the City work with the WMSRR to come up with a more interesting and historical name for the caboose that would be transferred to the WMSRR.

**VIII. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 7:43 p.m.

Minutes approved on \_\_\_\_\_

Mayor Brian K. Grim \_\_\_\_\_

ATTEST: Marjorie A. Woodring, City Clerk \_\_\_\_\_



**MAYOR**  
Brian K. Grim

**CITY ADMINISTRATOR**  
Jeffrey D. Rhodes

**CITY SOLICITOR**  
Michael Scott Cohen

**COUNCIL**  
Nicole Alt-Myers  
Seth D. Bernard  
David J. Caporale  
Richard J. Cioni, Jr.

**CITY CLERK**  
Marjorie A. Woodring

# MINUTES

**MAYOR AND CITY COUNCIL OF CUMBERLAND**  
**City Hall Council Chambers**  
**Room 212**  
**6:15 p.m.**

DATE: 7/5/16

## \*Pledge of Allegiance

### I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, and Richard J. Cioni, Jr.

ABSENT: Councilwoman Nicole Alt-Myers

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk

### II. DIRECTOR'S REPORT

#### (A) Administrative Services

1. Administrative Services monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

#### (B) Public Works

1. Utilities Division & Central Services monthly report for May, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

### III. APPROVAL OF MINUTES

#### (A) Routine

1. Approval of the Work Session Minutes of May 17, 2016

**Item Action:** Approved

Motion to approve the minutes was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of June 7, 2016

**Item Action:** Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

Closed Meeting - June 7, 2016

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. Cioni, Jr.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss personnel issues and union negotiations was made by Councilman Cioni, seconded by Councilman Bernard, and was passed on a vote of 5-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Section 10-508 (a) (1) and (9).

TOPICS: Personnel issues and union negotiations

**IV. UNFINISHED BUSINESS**

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Mr. Rhodes reviewed details of the Ordinance. He advised that the requestor, Mr. Sean D'Atri, owns both sides of the public right-of-way in consideration, therefore, once the closure is complete, the entire portion will be deeded to Mr. D'Atri.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

2. Ordinance (*2nd and 3rd readings*) - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of \$1,500

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

3. Ordinance (*2nd and 3rd readings*) - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

Mr. Rhodes reviewed details of the Ordinance. He stated that a recent Charter Amendment Resolution had raised the maximum limits allowable for local preferences, and this Ordinance would set the actual rates that will be given to city and county businesses. Both the Ordinance and the Charter Amendment will become effective July 6, 2016.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

## V. NEW BUSINESS

### (A) Ordinances

1. Ordinance (*1st reading*) - authorizing the issuance and sale of 1) General Obligation Bonds and General Bond Anticipation Notes each in an aggregate principal amount not to exceed \$5,388,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA), to finance costs of the Combined Sewer Overflow (CSO) Storage Facility Project and related costs

Mr. Rhodes advised that bond amount represented the maximum portion of funding the City may be responsible for in the construction of an underground CSO storage facility. The State would also be providing an estimated \$24 million in a Bay Restoration Fund grant. The bonds would be sold through private sale to the Maryland Water Quality Financing Administration (MWQFA).

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

2. Ordinance (*1st reading*) - authorizing the issuance and sale of 1) General Obligation Bonds and General Obligation Bond Anticipation Notes, each in an aggregate principal amount not to exceed

\$477,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA) to finance costs of Phase III of the Evitts Creek CSO Upgrade Project and related costs

Mr. Rhodes advised that this bond funding would finance pre-construction costs associated with the City's combined sewer overflow (CSO) efforts. The bonds would be sold through private sale to the Maryland Water Quality Financing Administration (MWQFA). Project specifics involved engineering work on the large interceptor line that runs under CSX property.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

(B) Resolutions

1. Resolution approving the form and execution of written post-issuance continuing disclosure undertaking compliance procedures

Mr. Rhodes discussed details of the Resolution and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-07

2. Resolution approving the application and receipt of funding for 2016 Community Legacy Projects in the amount of \$405,000 from the MD Department of Housing and Community Development

Mr. Rhodes reviewed the Community Legacy project recommendations for 2016 and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-08

3. Resolution supporting the YMCA's application to the Maryland Community Investment Tax Credit Program for funding support for the YMCA Young Adult Center

Mr. Rhodes discussed details of the Resolution and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-09

(C) Orders (Consent Agenda)

**Item Action:** Approved

Mr. Rhodes discussed details of each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-4 was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

1. Order accepting the sole source proposal of System Integration Technologies, Inc. to provide programming and hardware upgrades to Combined Sewer Overflow (CSO) and Water Filtration Plant (WFP) sites for the not-to-exceed amount of \$24,541.73

## ORDER NO. 25,999

2. Order authorizing the Chief of Police to accept a GOCCP New Body Armor Grant for FY17 in the amount of \$2,175 requiring 50% match money from the City for the replacement of outdated body armor vests

## ORDER NO. 26,000

3. Order authorizing the Chief of Police to accept a GOCCP STOP Gun Violence Reduction Grant titled "Gun Violence Reduction Initiative" for FY17 in the amount of \$4,000 to be used for overtime to perform gun-related investigations and specialized gun interdiction patrols and to assist in the execution of search warrants to proactively combat street-level violent crime

## ORDER NO. 26,001

4. Order authorizing Change Order No. 1 to the sole source proposal from Marshall Ruby & Sons to provide replacement doors for the Mill Race Pump Station for the increased amount of \$6,680, bringing the revised total proposal amount to \$51,680

## ORDER NO. 26,002

## (D) Letters, Petitions

1. Letter from Lt. Chuck Ternent, Cumberland Police Department (CPD), advising of the CPD's intent to use Edward Byrne Memorial Justice Assistant Grant Funds to purchase tasers or conducted electrical weapons for use by the CPD and the Allegany County Sheriff's Office. The public will be offered the opportunity to comment on the proposed use of these funds.

The letter was acknowledged and entered into public record. The Mayor and Council expressed no concerns with the proposed use of funding.

**VI. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Cory Kuhn, 237 Gleason Street, submitted a petition from concerned residents of Gleason Street and New Hampshire Avenue to take aggressive action to rid the neighborhood of blighted and environmentally hazardous property at 233 Gleason Street, owned by Gary Hartell. Mr. Kuhn discussed past interaction with the City regarding the nuisance property. Mayor Grim stated he had knowledge of the situation and discussed several attempts that had been made to get a dumpster to the site and offers from neighbors to help.

Stacy Mackereth, 232 Gleason Street, also discussed the conditions of 233 Gleason Street, owned by Gary Hartell. Ms. Mackereth stated that, as a nurse, she was concerned with the possible health hazards breeding at the property. Offers to help from the neighbors have not been accepted by Mr. Hartell. Mayor Grim encouraged staff to take steps to involve the Health Department and animal control.

**VII. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 6:58 p.m.

Minutes approved on \_\_\_\_\_

Mayor Brian K. Grim \_\_\_\_\_

ATTEST: Marjorie A. Woodring, City Clerk \_\_\_\_\_



Regular Council Agenda  
August 16, 2016

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**Description**

Approval of the Traffic Group minutes of July 21, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# City of Cumberland Traffic Group

## MINUTES

JULY 21, 2016

10:00AM

ATTENDEES	<ol style="list-style-type: none"> <li>1. Chris Gay</li> <li>2. John DiFonzo</li> <li>3. Harold Hipsley</li> <li>4. Kim Root</li> <li>5. Brooke Cassell</li> <li>6. Capt Leake</li> </ol>
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### Agenda topics

1.DISCUSSION	<b>Removal of parking lines in the area of Ed Taylor residence</b>	
	Kevin Kelly would like the white ticks removed from the area of his home to allow the ability to squeeze in an additional vehicle.	
CONCLUSIONS	The group does not feel that the white ticks should be removed to allow for the ability to squeeze in an extra vehicle.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
No Action		
2. DISCUSSION	<b>Request for installation of signs to direct people toward the Capt. David Lynn grave site.</b>	
	Ed Taylor is requesting that directional signs guiding people to the Capt. David Lynn grave site in four locations. The following locations that the request are being made for are 1) Greene Street below Getz's sign near Parkview Liquor, 2) Greene Street and Allegany Street on the back of the truck sign for traffic going up Greene Street. 3) Greene Street and Allegany Street below the "truck Route" sign for traffic coming down Greene Street, 4) Allegany and Beall Street below "Truck Route" sign facing Beall Street.	
CONCLUSIONS	The SHA TAC program has been accepted by the City of Cumberland. To have signs added within the City an application would need to be submitted through the SHA TAC program.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
No Action		

<b>3. DISCUSSION</b>	<b>Home getting hit at Franklin Street and Henderson Avenue</b>	
Home Owner Lori Brown is requesting installation of guardrail to protect her home against being hit. The group feels that the guardrail may be more of an obstruction to turning vehicles. The group feels that they could possibly install a balyard instead.		
<b>CONCLUSIONS</b>	To be discussed at next meeting.	
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>
Harold and Brooke were going to make contact with Lori Brown to discuss this matter and also check to see id there would be any issues digging that close to the foundation.	Street Dept.	after M&CC approval

<b>4. DISCUSSION</b>	<b>Traffic during the installation of the mural on CBiz building.</b>	
A request to close Mechanic Street at the Parklet in late August to install the mural on the CBiz building.		
<b>CONCLUSIONS</b>		
The group approves the closure and change in a traffic for two days while the mural is being installed on the building. The contractor will have to provide the traffic control during this time.		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>
Contractor is to provide traffic control during the two-day closure of Mechanic Street at the parklet area.	Contractor	after M&CC approval

<b>5. DISCUSSION</b>	<b>Pearl and Pine Street</b>	
A request to install an additional no Parking sign at the intersection of Pearl and Pine Street has been made. Harold does request that an officer is present when this action takes place.		
<b>CONCLUSIONS</b>		
The "stop" sign will be removed and a "No Parking" sign will be installed in it's place		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>
Remove "Stop" sign and replace with "No Parking" Sign	Harold Hipsley	after M&CC approval

<b>6. DISCUSSION</b>	<b>15-30-minute parking space in the alley behind Firs Peoples</b>	
Stacey Bingman is requesting a 15 to 30-minute parking space be added behind First Peoples		
<b>CONCLUSIONS</b>		

The group Denies this request due to the fact that there is already parking located behind First Peoples		
ACTION ITEMS		DEADLINE
Greg will e-mail Jeff and Stacey in reference to this request		after M&CC approval

## Additional Information:

Minutes Approved: \_\_\_\_\_

Brian K. Grim, Mayor: \_\_\_\_\_



Regular Council Agenda  
August 16, 2016

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**Description**

Order declaring 0.49 of a mile +/- on US 220 McMullen Highway near the southwest corporate limits of the city, north of the Upper Potomac Industrial Park, as surplus property and authorizing its transfer to the MD State Highway Administration per terms of a Road Transfer Agreement approved by Order No. 25,035

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016

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

**WHEREAS**, the Mayor and City Council of Cumberland (hereinafter referred to as the "City") is the record owner of 2600 linear feet or 0.49 of a mile, more or less, of land/roadway and appurtenances thereto known and designated as US 220 – McMullen Highway in Cumberland, Maryland, 21502 (hereinafter referred to as the "Roadway"), the Roadway being more particularly described on the attached Exhibit A; and

**WHEREAS**, the City has agreed to convey unto the MD State Highway Administration the portion of land/roadway herein described, and the MD State Highway Administration has agreed to accept title to, jurisdiction over, and responsibility for the maintenance of said roadway; and

**WHEREAS**, the City executed a Road Transfer Agreement by and between the City and the MD State Highway Administration on November 24, 2009 by Order No. 25,035 outlining the terms of conveyance.

**IT IS, THEREFORE, ORDERED BY THE MAYOR AND CITY COUNCIL OF  
CUMBERLAND THAT:**

1. The Roadway as described on the attached Exhibit A is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland.

2. **BE IT FURTHER ORDERED**, that after passage of twenty (20) days from the date of this Order and the passage of an Ordinance authorizing the execution of the Deed effecting the conveyance of the Roadway, formal transfer of the Roadway to the MD State Highway Administration may proceed.

---

**Mayor Brian K. Grim**

**EXHIBIT "A"**

**AREA TO BE CONVEYED  
BY  
THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND  
TO  
STATE HIGHWAY ADMINISTRATION  
OF THE MARYLAND DEPARTMENT OF TRANSPORTATION  
ACTING FOR AND ON BEHALF OF THE  
STATE OF MARYLAND**

**Right Of Way Project No.:** A 152-1-68, A 452-15-620

**Right of Way Project:** US220 – (McMullen Highway)

**Conveyance Item No.:** 91117

**Length:** 2600 linear feet or 0.49 of a mile, more or less

.....

**THE GRANTORS DO HEREBY GRANT, CONVEY AND QUITCLAIM** unto the State Highway Administration of the Maryland Department of Transportation acting for and on behalf of the State of Maryland, all right, title and interest in and to a part of the roadbed and right of way of US 220 (McMullen Highway), together with the appurtenances thereto belonging or in anywise appertaining, for a distance of 2600 linear feet or 0.49 of a mile, more or less.

**BEGINNING** for the same at the intersection of the southwestern corporate limits of the City of Cumberland with the baseline of right of way of US 220 (McMullen Highway) as shown on State Roads Commission of Maryland Plat No. 1746, filed for record with and electronically recorded by the Maryland State Archives, (herein after referred to as SHA Plat No. 1746), said intersection being located approximately at station 43+50, shown thereon, thence running northeasterly along the centerline of a heretofore unplatted portion of MD 220's roadway, 60 feet wide, to the baseline of right of way station 23+65 shown on State Roads Commission of Maryland Plat No. 33537, revised 6-16-66, filed for record with and electronically recorded by the Maryland State Archives, (herein after referred to as SHA Plat No. 33537), then # 10

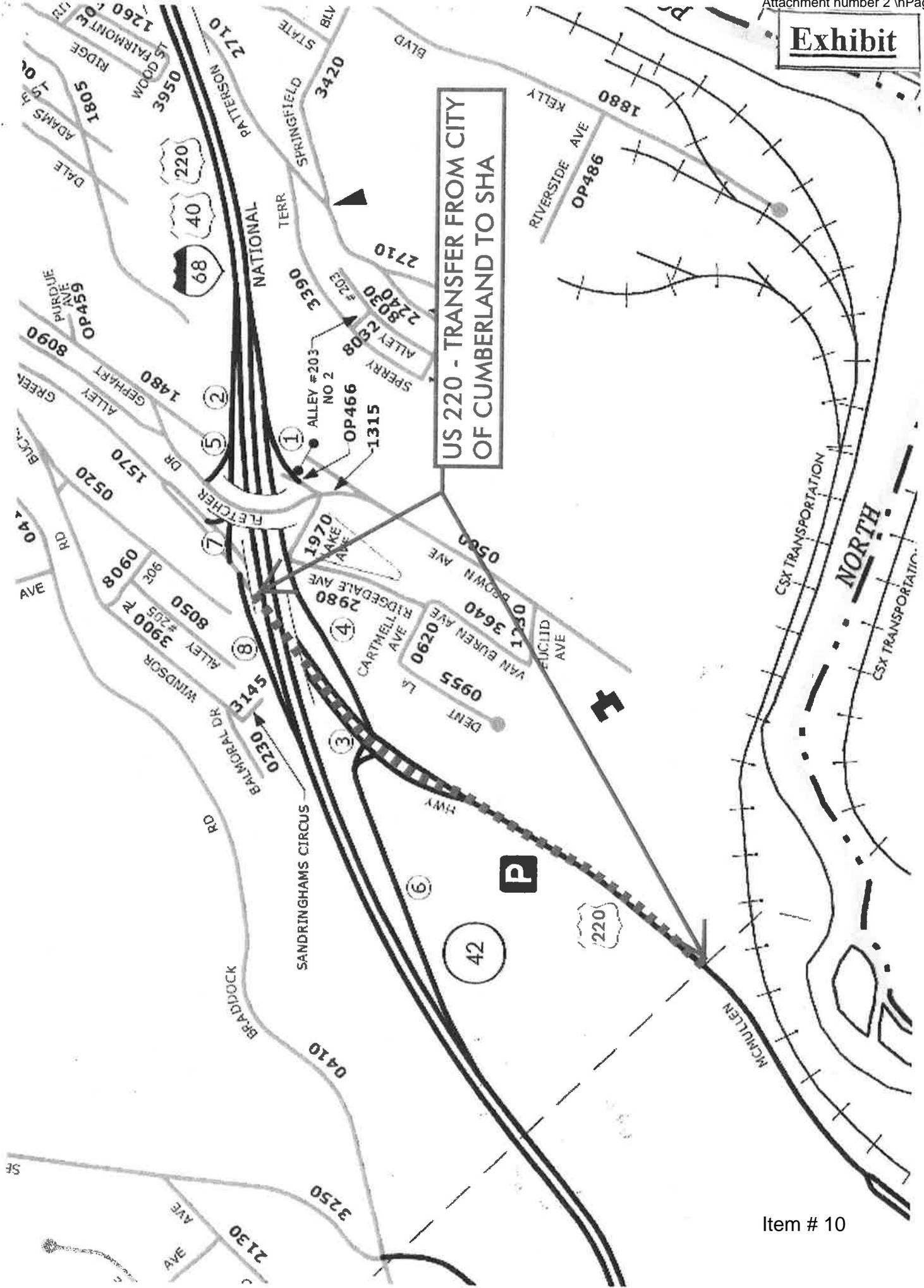
continuing to run northeasterly along the approximate center of US 220, between the northeast bound roadway and southwest bound roadway split, to the north side of the I-68 overpass bridge, said bridge being designated as SHA Bridge Structure #0110500, which represents the current (2016) end of the municipal maintenance of the City of Cumberland.

**TOGETHER WITH** the appurtenances thereto belonging or in anywise appertaining and any road dedication areas of record.

**BEING** a portion of the land shown on the following State Roads Commission of Maryland Plats No. 33532, revised 5-31-66, 33533, revised 6-16-66, 33534, revised 5-31-66, 33535, revised 9-30-66, 33537, revised 6-16-66, and 1746 all of which were filed for record with and electronically recorded by the Maryland State Archives; and that portion of US 220 (60 feet wide) lying between Plat No. 1746 and Plat No. 33537.



**Exhibit**





Regular Council Agenda  
August 16, 2016

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**Description**

Order authorizing Special Taxing District Residential Exemptions for the 2015-2016 tax year in the amount of \$1,074.91, and the 2016-2017 tax year in the amount of \$1074.91 for property at 55 Baltimore Street; for the 2016-2017 tax year in the amount of \$320.70 for property at 107 S. Centre Street, and for the 2016-2017 tax year in the amount of \$413.59 for property at 27 N. Centre Street

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

**THAT**, the following Residential Exemptions from the Special Taxing District Levy for 2015-2016 and 2016-2017 tax years be and are hereby granted:

Property Owner	Property Location	Total Tax Due	Exemption Amt.
2015-2016 David F. Romero	55 Baltimore Street	\$ 358.30	\$ 1,074.91
2016-2017 David F. Romero	Tax No. 04-010671	\$ 358.30	\$ 1,074.91
2016-2017 JoAnn Circosta	107 S. Centre Street	\$ 273.19	\$ 320.70
	Tax No. 04-031601		
2016-2017 Sandra Saville	27 N. Centre Street	\$ 413.59	\$ 413.59
	Tax No. 14-002618		

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

---

**Brian K. Grim, Mayor**

# City of Cumberland

57 N Liberty Street  
Cumberland, MD 21502  
301 722 2000

## SPECIAL TAXING DISTRICT

### REQUEST FOR EXEMPTION

Tax Year 2017  
2016 - 2017

I DAVID ROMERO request an exemption from the Special Taxing District Levy for property owned by me at:

55 BALTIMORE ST.  
CUMBERLAND MD 21502

My request is based upon the fact that this property is used for:

Industrial 25%  
Residential 75%

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

Industrial % 25%  
Residential % 75%

04 010671

Original	314300	1433.21
exempt	<u>2235725</u>	<u>41074.91</u>
Billable	78575	358.30

Signed 

Date 27 July 2016

# City of Cumberland

57 N Liberty Street  
Cumberland, MD 21502  
301 722 2000

## SPECIAL TAXING DISTRICT

### REQUEST FOR EXEMPTION

Tax Year 2016  
2015 - 2016

I DAVID ROMERO request an exemption from the Special Taxing District Levy for property owned by me at:

55 BALTIMORE ST.  
CUMBERLAND MD 21502

My request is based upon the fact that this property is used for:

Industrial 25%  
Residential 75%

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

Industrial % 25%  
Residential % 75%

04 010671

Original 314300  
exempt <235725>  
Billable 78575

1433 21  
<1074.91>  
358.30

Signed 

Date 27 July 2016

# City of Cumberland

57 N Liberty Street  
Cumberland, MD 21502  
301 722 2000

## SPECIAL TAXING DISTRICT

### REQUEST FOR EXEMPTION

Tax Year 16/17

I SANDRA SAVILLE request an exemption from the Special Taxing District Levy for property owned by me at:

27 n Conble  
14-002618

My request is based upon the fact that this property is used for:

Industrial \_\_\_\_\_

Residential 50% ✓

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

Industrial % \_\_\_\_\_

Residential % 50%

14-002618

original	181 400	827.18
exempt	<u>190700</u>	<u>413 597</u>
Billable	90700	413 59

Signed Sandra Saville

Date July 18, 2016

**JO ANN CIRCOSTA PH D  
107 S CENTRE ST.  
CUMBERLAND, MD 21502-3022**

July 18, 2016

Ms. Margie Eirich  
City of Cumberland  
57 North Liberty St.  
Cumberland, MD 21502

Re: Special Tax: Acct. #04031601

Dear Ms. Eirich:

Please find enclosed a request of partial exemption from the "special tax" for the tax year 2016-2017 on our property at 107 S. Centre Street, Cumberland, MD.

I can be reached at (502) 797-0881 or [bakertrade31@gmail.com](mailto:bakertrade31@gmail.com) should any questions arise.

Thank you and best regards,

  
Jo Ann Circosta

RCVD

CLERK'S OFFICE

2016JUL22 AM8:47

Item # 11

SPECIAL TAXING DISTRICT

REQUEST FOR EXEMPTION

Tax Year 2016-17

RCVD

CLERK'S OFFICE

2016 JUL 22 AM 9:25

I JoAnn Circosta request an exemption from the Special Taxing District Levy for property owned by me at:

107 S. Centre St.  
Cumberland, MD 21502

My request is based upon the fact that this property is used for:

Industrial \_\_\_\_\_

Residential

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

Industrial % \_\_\_\_\_

Residential % 54%

Signed [Signature]  
Date 07/18/2016

	<u>04 031601</u>	
	<u>Assesd</u>	<u>Tax</u>
original	221600	593.89
exempt	<u>219664</u>	<u>4320.70</u>
billable	101936	273.19



Regular Council Agenda  
August 16, 2016

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**Description**

Order authorizing the City Administrator to sign and submit a Transportation Grant Application to the MD Department of Transportation for local government funding provided through a Chapter 143 Special Fund Appropriation and committing to use the funds only for transportation projects

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016

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

THAT, the City Administrator be and is hereby authorized to submit a Transportation Grant Application to the Maryland Department of Transportation for local government funding provided through a Chapter 143 Special Fund appropriation (SB190-Budget Bill for FY17), acknowledging that the grant funds will be used and reported in accordance with Section 8-408 of the Transportation Article.

---

**Mayor Brian K. Grim**



**Maryland Department of Transportation**  
The Secretary's Office

Larry Hogan  
Governor

Boyd K. Rutherford  
Lt. Governor

Pete K. Rahn  
Secretary

## Transportation Grant Application Form

Effective July 2016 for Fiscal Year 2017

Chapter 143 of the 2016 Laws of Maryland (SB190 – Budget Bill for Fiscal Year 2017) allocated a Special Fund appropriation of \$25,000,000 to the Maryland Department of Transportation for the purpose of providing transportation grants in the amount of \$2,000,000 to Baltimore City, \$4,000,000 to county governments, and \$19,000,000 to municipal governments. It further provided that these grants are to be allocated as provided in Section 8-405 of the Transportation Article (Computation of Highway User Revenues for Counties and Municipalities).

To be eligible to participate, the local government must agree to only expend these grant funds in accordance with Section 8-408 of the Transportation Article (Permitted uses of Highway User Revenues) and to report the use of these funds in accordance with Section 8-412 of the Article.

To participate in this program, please email, fax, or mail this form back by August 30, 2016 to:

Mr. Okey Odinammadu  
Office of Finance  
State Highway Administration  
707 North Calvert Street, Mail Stop C-505  
Baltimore, Maryland 21202  
Fax Number: 410-209-5016  
Email Address: [OOdinammadu@sha.state.md.us](mailto:OOdinammadu@sha.state.md.us)

### Certification of Participation or Non-Participation in the Transportation Grant

By signing below, we certify that we will participate in the grant and that the funds will be used in accordance with Section 8-408 of the Transportation Article, will be reported in accordance with Section 8-412 of the Article, and in compliance with all applicable laws.

_____	_____ (Seal)
Date	Authorized Signature
_____	_____
County/Municipality	Print Name

**THIS FORM MUST BE RETURNED NO LATER THAN AUGUST 30, 2016**

**For Immediate Release:****HOGAN ADMINISTRATION TO PROVIDE  
\$25 MILLION IN GRANTS FOR LOCAL ROADS*****August 30 Deadline Set for Transportation Grant Application Form******August 1, 2016***

(Hanover, MD) – Transportation Secretary Pete K. Rahn today announced the Hogan Administration is making \$25 million in grants available for local roads in Baltimore City and municipalities and counties from Western Maryland to the Eastern Shore. The Maryland Department of Transportation has just released the application that needs to be submitted by August 30. The grants will be awarded to jurisdictions based on the existing formula for the distribution of Highway User Revenues.

“One of my top priorities is investing in roads and bridges across the state,” said Governor Larry Hogan. “This funding is essential for local jurisdictions that depend on them for many long-overdue local road projects.”

The \$25 million in grants are in addition to the estimated \$177 million in Highway User Revenues local jurisdictions are set to receive in fiscal year 2017. These new funds for local roads are above and beyond the \$1.97 billion investment in road and bridge projects that Governor Hogan announced in June 2015.

“We encourage you to get your applications in quickly so we can get this funding in your hands where it can make a difference for all Marylanders across the state,” said Transportation Secretary Rahn.

To accept the grant funds, county and municipal leaders will sign and return the Transportation Grant Application Form. These signed applications certify that jurisdictions will participate in the grant and use the funds only on transportation projects. Here is a link to download the application: <http://www.mdot.maryland.gov/News/1%20News%20Documents/FY17RoadGrantApplicationForm.pdf>.

The Maryland Department of Transportation is comprised of five business units and one Authority: the Secretary's Office, State Highway Administration, Maryland Transit Administration, Motor Vehicle Administration, Maryland Port Administration, Maryland Aviation Administration and the Maryland Transportation Authority. This unique approach provides the state's leadership with the ability to develop a coordinated and balanced approach to transportation. MDOT's mission is to be a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities.

8/2/2016

City of Cumberland, MD Mail - \$25 Million in Grants Available for Local Roads-Deadline August 30



Jeff Rhodes &lt;jeff.rhodes@cumberlandmd.gov&gt;

## \$25 Million in Grants Available for Local Roads-Deadline August 30

1 message

Jim Peck <mml@memberclicks-mail.net>  
 Reply-To: jimp@mdmunicipal.org  
 To: jeff.rhodes@cumberlandmd.gov

Tue, Aug 2, 2016 at 12:56 PM



August 2, 2016

Good Afternoon All,

The press release below was issued by the Maryland Department of Transportation (MDOT). For those municipalities that maintain their roads, this notice will let you know that you must fill out and send to MDOT the application in the link below to receive a portion of the \$19 million set aside for municipal governments in the \$25 million referred to in the press release. You must do so by August 30 in order to receive these funds. If you have questions, please contact me at jimp@mdmunicipal.org or Bill Jorch of MML's staff at billj@mdmunicipal.org

**For Immediate Release:**

### **HOGAN ADMINISTRATION TO PROVIDE \$25 MILLION IN GRANTS FOR LOCAL ROADS**

***August 30 Deadline Set for Transportation Grant Application Form***

***August 1, 2016***

(Hanover, MD) - Transportation Secretary Pete K. Rahn today announced the Hogan Administration is making \$25 million in grants available for local roads in Baltimore City and municipalities and counties from Western Maryland to the Eastern Shore. The Maryland Department of Transportation has just released the application that needs to be submitted by August 30. The grants will be awarded to jurisdictions based on the existing formula for the distribution of Highway User Revenues.

"One of my top priorities is investing in roads and bridges across the state," said Governor Larry Hogan. "This funding is essential for local jurisdictions that depend on them for many long-overdue local road projects."

The \$25 million in grants are in addition to the estimated \$177 million in Highway User Revenues local jurisdictions are set to receive in fiscal year 2017. These new funds for local roads are above and beyond the \$1.97 billion investment in road and bridge projects that Governor Hogan announced in June 2015.

"We encourage you to get your applications in quickly so we can get this funding in your hands where it can make a difference for all Marylanders across the state," said Transportation Secretary Rahn.

Item # 12

8/2/2016

City of Cumberland, MD Mail - \$25 Million in Grants Available for Local Roads-Deadline August 30

To accept the grant funds, county and municipal leaders will sign and return the Transportation Grant Application Form. These signed applications certify that jurisdictions will participate in the grant and use the funds only on transportation projects. Here is a link to download the application: <http://www.mdot.maryland.gov/News/1%20News%20Documents/FY17RoadGrantApplicationForm.pdf>.

The Maryland Department of Transportation is comprised of five business units and one Authority: the Secretary's Office, State Highway Administration, Maryland Transit Administration, Motor Vehicle Administration, Maryland Port Administration, Maryland Aviation Administration and the Maryland Transportation Authority. This unique approach provides the state's leadership with the ability to develop a coordinated and balanced approach to transportation.

MDOT's mission is to be a customer-driven leader that delivers safe, sustainable, intelligent, and exceptional transportation solutions in order to connect our customers to life's opportunities.

Press Release

Application Form

**Jim**

**James P. Peck**

Director, Research and Information Management

1212 West Street, Annapolis, Maryland 21401

(410) 268-5514 [jimp@mdmunicipal.org](mailto:jimp@mdmunicipal.org)

---

**Maryland Municipal League** Phone: (410) 268-5514 1212 West Street Annapolis, Maryland 21401

This email was sent to [jeff.rhodes@cumberlandmd.gov](mailto:jeff.rhodes@cumberlandmd.gov) by [jimp@mdmunicipal.org](mailto:jimp@mdmunicipal.org)

Maryland Municipal League • 1212 West St, Annapolis, Maryland 21401, United States

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Item # 12



Regular Council Agenda  
August 16, 2016

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**Description**

Order declaring a 1991 Ford Truck (VIN: 1FDNK64P3MVA13467) as surplus and authorizing it for sale or trade-in

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT the Mayor and City Council of Cumberland is the record owner of a certain vehicle which has been determined to be of no further value to the City; and

WHEREAS, the Mayor and City Council desire to dispose of said vehicle;

IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT the following vehicle is hereby declared to be surplus property and authorized for sale or trade-in:

- 1)        1991 Ford Truck        VIN: 1FDNK64P3MVA13467

\_\_\_\_\_  
**Brian K. Grim, Mayor**



Regular Council Agenda  
August 16, 2016

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**Description**

Order accepting the sole source proposal from KONE, Inc., to provide elevator maintenance services under the US Communities Program, with the agreement being effective for a three (3) year term commencing July 1, 2016, in the amount of \$10,020.00 per year, for a total contract amount not to exceed \$30,060

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$30,060.00

**Source of Funding (if applicable)**

001.032.20100 City Hall

001.048.20100 Public Safety

020.095.20100 (2) garages

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, the sole source proposal of KONE, Inc., 514 Progress Drive, Suite E, Linthicum, MD, 21090, to provide elevator maintenance services under the US Communities Program, utilizing the terms and conditions of the City and County of Denver Master Contract (Ref PC94002 Dated 10/28/08), be and is hereby accepted; and

**BE IT FURTHER ORDERED**, that this agreement shall be effective for a 3-year term, commencing on July 1, 2016 in the amount of Ten Thousand Twenty Dollars and No Cents (\$10,020.00) per year, for a total contract amount not to exceed Thirty Thousand, Sixty Dollars and No Cents (\$30,060.00).

---

**Mayor Brian K. Grim**

Source of Funding:  
001.032.20100 City Hall  
001.048.20100 Public Safety  
020.095.20100 (2) garages



Cindi Mertens <cindi.mertens@cumberlandmd.gov>

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## Elevator Service Contract

3 messages

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**Greg Snyder** <greg.snyder@cumberlandmd.gov> Thu, Aug 11, 2016 at 9:28 AM  
To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Cindi Mertens <cindi.mertens@cumberlandmd.gov>

Jeff,

Requesting a sole source approval for Kone, Inc., to provide elevator maintenance services under the US Communities Program, for a three (3) year contract at the price of \$30,060, (\$10,020 per year). This is the only company providing this discount, and they have a local technician for a much shorter down time if elevators need repaired.

Thank you,

Greg Snyder  
City Of Cumberland  
Central Services Coordinator  
400 E. Offutt St. Extended  
Cumberland, MD 21502  
301-759-6640 office  
301-268-9026 cell  
[greg.snyder@cumberlandmd.gov](mailto:greg.snyder@cumberlandmd.gov)

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**Jeff Rhodes** <jeff.rhodes@cumberlandmd.gov> Thu, Aug 11, 2016 at 10:29 AM  
To: Greg Snyder <greg.snyder@cumberlandmd.gov>  
Cc: Cindi Mertens <cindi.mertens@cumberlandmd.gov>

OK here....we will need a Council Order prepared for the M&CC to approve.

Jeff



Jeffrey D. Rhodes, ICMA-CM  
City Administrator  
City of Cumberland, Maryland

301-759-6424  
[jeff.rhodes@cumberlandmd.gov](mailto:jeff.rhodes@cumberlandmd.gov)  
[Quoted text hidden]

Item # 14



Elevators Escalators

August 8, 2016

Greg Snyder  
 City of Cumberland  
 P.O Box 1702  
 Cumberland, MD 21502

**KONE Inc.**  
 Baltimore Office  
 514 Progress Drive, Suite E  
 Linthicum, MD 21090  
 Tel 410-766-2100  
 Mobile 301-573-9938  
 Fax 410-636-3328  
[www.kone.us](http://www.kone.us)  
 Shawn.Barchanowicz@kone.com

**Re: ELEVATOR MAINTENANCE – CITY OF CUMBERLAND**

Dear Mr. Snyder:

KONE Elevators/Escalators is proud to be a supplier member of the U.S. Communities™ Program. In accordance with our discussion, we are pleased to attach our proposal to furnish maintenance service for the vertical transportation referenced in Attachment A.

As a registered participant of the U.S. Communities Program, you are eligible to receive special pricing for this service. This special pricing is not being advertised to the general public; it is limited to U.S. Communities members only. Through this program, you receive the following benefits:

- **Lowest maintenance pricing** available to public agencies
- **Discounted** labor and material billing rates
- **No charge** for KRMS Voice Link (Phone monitoring) – An important code required life safety feature that reduces liability
- **No Charge** Web-Based Reporting System that provides costing and invoicing reports to improve transparency and efficiency
- **Eliminates costly RFP Process** for maintenance, repairs and modernization
- **Established contract terms** that save time in processing the contract and allow public agencies to negotiate purchases of products and services without the need to go through a time consuming procurement and tendering process

Thank you for your interest in U.S. Communities and KONE. Should you have any questions, or if I can be of any further assistance, please feel free to call me at 301-573-9938.

Sincerely,  
**KONE Inc.**

Shawn Barchanowicz  
 Senior Sales Consultant



**SCOPE OF SERVICES**

KONE will perform maintenance visits to examine, maintain, adjust, and lubricate the components listed below. In addition, unless specifically excluded below, KONE will repair or replace the components listed below if the repair or replacement is, in KONE's sole judgment, necessitated by normal wear and tear. Unless specifically included elsewhere in this Agreement or unless Purchaser has separately contracted with KONE for the work, all other work related to the equipment is Purchaser's responsibility.

**HYDRAULIC ELEVATORS****RELAY LOGIC CONTROL SYSTEM**

All control system components.

**MICROPROCESSOR CONTROL SYSTEM**

All control system components. System performance examinations will be conducted to ensure that dispatching and motion control systems are operating properly.

**POWER UNIT**

Pump, motor, valves, and all related parts and accessories.

**HYDRAULIC SYSTEM ACCESSORIES**

Exposed piping, fittings accessories between the pumping unit and the jack, jack packing, hydraulic fluid, and any heating or cooling elements installed by the original equipment manufacturer ("OEM") for controlling fluid temperature.

**CAR EQUIPMENT**

All elevator control system components on the car.

**WIRING**

All elevator control wiring and all power wiring from the elevator equipment input terminals to the motor.

**HOISTWAY AND PIT EQUIPMENT**

All elevator control equipment and buffers.

**RAILS AND GUIDES**

Guide rails, guide shoe gibs, and rollers.

**DOOR EQUIPMENT**

Automatic door operators, hoistway and car door hangers, hoistway and car door contacts, door protective devices, hoistway door interlocks, door gibs, and auxiliary door closing devices.

**MANUAL FREIGHT DOOR EQUIPMENT**

Switches, retiring cams, interlocks, guide shoes, sheaves, rollers, chains, sprockets, tensioning devices, and counter-balancing equipment.

**POWER FREIGHT DOOR EQUIPMENT**

Controller, relays, contactors, rectifiers, timers, resistors, solid state components, door motors, retiring cams, interlocks, switches, guide shoes, sheaves, rollers, chains, sprockets, and tensioning devices.

**SIGNALS AND ACCESSORIES**

Car operating panels, hall push button stations, hall lanterns, emergency lighting, car and hall position indicators, car operating panels, fireman's service equipment and all other signals, and accessory facilities furnished and installed as an integral part of the elevator equipment. Re-lamping of signal fixtures is included only during KONE's maintenance visits. Service requests for re-lamping of signal fixtures will be billed separately at KONE's then current labor rates.

**TRACTION ELEVATORS****RELAY LOGIC CONTROL SYSTEM**

All control system components.

**MICROPROCESSOR CONTROL SYSTEM**

All control system components. System performance examinations will be conducted to ensure that dispatching and motion control systems are operating properly.

**GEARED/GEARLESS MACHINES**

All geared and gearless machine components.

**WIRING**

All elevator control wiring and all power wiring from the elevator equipment input terminals to the motor.

**CAR EQUIPMENT**

All elevator control system components on the car.

**HOISTWAY AND PIT EQUIPMENT**

All elevator control equipment, car and counterweight buffers, overspeed governors, governor tension sheave assemblies, and car and counterweight safeties.

**RAILS AND GUIDES**

Guide rails, guide shoe gibs, and rollers.

**ROPES**

Hoist ropes, governor ropes, and compensation ropes.

**DOOR EQUIPMENT**

Automatic door operators, hoistway and car door hangers, hoistway and car door contacts, door protective devices, hoistway door interlocks, door gibs, and auxiliary door closing devices.

**MANUAL FREIGHT DOOR EQUIPMENT**

Switches, retiring cams, interlocks, guide shoes, sheaves, rollers, chains, sprockets, tensioning devices, and counter-balancing equipment.

**POWER FREIGHT DOOR EQUIPMENT**

Controller, relays, contactors, rectifiers, timers, resistors, solid state components, door motors, retiring cams, interlocks, switches, guide shoes, sheaves, rollers, chains, sprockets, and tensioning devices.

**SIGNALS AND ACCESSORIES**

Car operating panels, hall push button stations, hall lanterns, emergency lighting, car and hall position indicators, car operating panels, fireman's service equipment and all other signals, and accessory facilities furnished and installed as an integral part of the elevator equipment. Re-lamping of signal fixtures is included only during KONE's maintenance visits. Service requests for re-lamping of signal fixtures will be billed separately at KONE's then current labor rates.

**ESCALATORS AND POWERWALKS****CONTROL SYSTEM**

All control system components.

**DRIVE MACHINERY AND MOTOR EQUIPMENT**

All drive machine components. The gear case will be drained and flushed as needed to remove sediment and grit and refilled with new gear oil.

**WIRING**

All control wiring and all power wiring from the equipment input terminals to the motor.

**HANDRAIL DRIVE SYSTEM**

Handrail and all handrail drive components.

**SAFETY SWITCH SYSTEM**

Missing step detector, handrail speed detector, handrail inlet switches, step upthrust inlet switches, combplate impact device, skirt switches, pit and motor stop switches, access cover switches, out-of-level step switches, emergency stop and inspection switches, alarm on the stop switch cover, broken step chain switches, key start switches, and brake temperature switch.

**GUIDANCE AND ALIGNMENT SYSTEMS**

All step chains, guidance and alignment components and demarcation lights. Balustrades and decks will be examined and adjusted, aligned, and fastened as needed.

**POWER WALKS****CONTROL SYSTEM**

All control system components and wiring.

**DRIVE MACHINERY AND MOTOR EQUIPMENT**

All drive machine components. The gear case will be drained and flushed as needed to remove sediment and grit, and refilled with new gear oil.

**WIRING**

All power walk control wiring and all power wiring from the power walk equipment input terminals to the motor.

**HANDRAIL DRIVE SYSTEM**

Handrail and all handrail drive components.

**SAFETY SWITCH SYSTEM**

Missing pallet detector, handrail speed detector, handrail inlet switches, comb plate impact device, skirt switches, pit and motor stop switches, access cover switches, out-of-level pallet detector, emergency stop and inspection switches, alarm on the stop switch cover, broken pallet chain switches, and key start switches.

**GUIDANCE AND ALIGNMENT SYSTEMS**

All pallets, guidance and alignment components, and demarcation lights. Balustrades, decks, and skirt panels will be examined and adjusted, aligned, and fastened as needed

**HOURS OF SERVICE**

All services described above will be performed during the regular working hours of the regular working days of the elevator or escalator trade in the location where the services are performed, unless otherwise specified in the Agreement.

**SERVICE REQUESTS (CALLBACKS)**

In addition to the work described in the Scope of Services section, this Agreement covers requests for service during the regular working hours of the regular working days of the elevator trade. Service requests are defined as services that require immediate attention and that are within the scope of services and not excluded from the scope of services as provided below. Service requests outside the scope of services will be billed separately at KONE's then current labor rates and material prices plus mileage and incidentals. Any rates and lump sum amounts are not subject to audit. Service requests that require more than one technician or more than two hours to complete will be treated as a repair and scheduled in accordance with the Hours of Service section above. Purchaser agrees that KONE may perform service requests made by any person that KONE believes is authorized by Purchaser to make such requests.

If Purchaser requests service on overtime, Purchaser will be charged only for the difference between KONE's hourly billing rate and KONE's hourly overtime billing rate for each overtime hour.

**TESTS**

KONE will perform the following tests on the Equipment. KONE is not liable for any property damage or personal injury, including death, resulting from any test.

**HYDRAULIC ELEVATOR**

A pressure relief test and a yearly leakage test as required by applicable code.

**TRACTION ELEVATOR**

An annual no load test as required by applicable code.

A five (5) year full load test as required by applicable code.

**ESCALATOR**

An annual Escalator Step/Skirt Performance Index Test as required by applicable code.

**REPORTING SERVICES**

KONE may provide Purchaser with access to KONE's online reporting tool. Based on the Purchaser's user access, Purchaser can view information about the performance and service of the Equipment. KONE may provide Purchaser with automatic email notifications that provide information on work performed.

**EXCLUSIONS**

The following are excluded from the scope of services.

**GENERAL**

KONE is not obligated to: perform safety tests other than those specified herein; perform any work required by new or retroactive code changes; perform tests required or correct outstanding violations or deficiencies identified prior to the effective date; removal of water or excessive debris from the pit; make replacements or repairs necessitated by fluctuations in the building power systems, adverse machine room or environmental conditions (including without limitation temperature variations below 50 degrees or above 90 degrees Fahrenheit) or humidity greater than 95% relative humidity, prior water exposure, rust, fire, explosion, acts of God, misuse, vandalism, theft, acts or mandates of government, labor disputes, strikes, lockouts, or tampering with the equipment by any person other than a KONE representative, negligence or acts or omissions of the Purchaser or any third party, or any other cause beyond KONE's direct control.

KONE agrees to maintain the existing performance as designed and installed. KONE is not required under this Agreement to make changes in operation and/or control, subsequent to the date of this Agreement.

**OBSOLESCENCE**

A component may become obsolete during the term of this Agreement. Obsolete components are not covered under this Agreement. KONE will provide Purchaser with a separate quotation for the price to replace obsolete components. Equipment modifications necessary to accommodate replacement of obsolete components will also be at the Purchaser's expense.

Components include without limitation any part, component, assembly, product, or firmware or software module. A component is obsolete when it can no longer be economically produced due to the cessation of consistent sources for materials, a loss or termination of a manufacturing process occurs, product reliability analysis shows that it is not economically feasible to continue to produce the component, escalation of component costs beyond acceptable industry expectations drive alternative equipment upgrades, the support of product safety programs or conformance to codes or standards mandates that use of a component be discontinued in its entirety, or the OEM

designates the component as obsolete. No exception to the above will be made for a component designated as obsolete because it can be custom made or acquired at any price. KONE will not be required to furnish reconditioned or used components. The component that replaces the obsolete components is covered under this Agreement.

#### **ELEVATOR**

Refinishing, repairing, replacing, or cleaning of the: car enclosure; gates or door panels; door pull straps; hoistway enclosure; rail alignment; hoistway doors; door frames; sills; hoistway gates; flooring; power feeders, switches, and their wiring and fusing; car light diffusers; ceiling assemblies and attachments; smoke or heat sensors; fans; fireman's phone devices; intercoms; telephones or communication devices; phone lines; music systems; media displays; card-readers or other security systems; computer monitoring systems; light tubes and bulbs; pit pumps; emergency power generators; hydraulic cylinder; unexposed piping; or disposal or clean-up of waste oil or contamination caused by leaks in the hydraulic cylinder or unexposed piping. KONE is not be obligated to perform or keep records of firefighter's service testing, unless specifically included in this Agreement.

#### **ESCALATOR AND POWERWALK**

Refinishing, repairing, replacing or cleaning balustrades, pits, pans; sideplate devices; decks; skirt panels; anti-slide devices; brushes; guards and damage or deterioration to skirt deflector brushes. KONE is not obligated to perform an escalator cleandown, or do any work to bring the equipment in compliance with the escalator step/skirt performance index or loaded gap values required by code. Purchaser will use the escalators for the sole purpose of transporting passengers.

#### **REMOTE MONITORING**

If the Equipment is equipped with remote monitoring capabilities, Purchaser gives KONE the right to utilize this functionality and the phone line to the Equipment to collect data related to the use and operation of the Equipment.

#### **SAFETY**

Purchaser will provide a safe workplace for KONE personnel and safe access to the equipment, property and machine room areas and keep all machine rooms and pit areas free from water, stored materials and debris; remove and dispose of any hazardous materials, water or waste according to applicable laws and regulations; post any and all instructions and warnings related to the use of the equipment. Purchaser will be solely responsible for proper use, for supervising the use of the equipment, and for taking such steps including but not limited to providing attendant personnel, warning signs and other controls necessary to ensure the safety of the user or safe operation of the equipment.

Notwithstanding anything to the contrary contained in this Agreement, if in KONE's sole judgment the equipment presents a safety hazard to the riding public or KONE's technicians (including but not limited to Purchaser's act of creating or allowing unsafe practices or conditions or Purchaser's failure to authorize necessary repairs or upgrades), KONE may immediately terminate this Agreement in its entirety upon written notice. To the extent that KONE provides Purchaser with any oral or written account, report, information, or other statement identifying a safety issue with the equipment that is the subject of the Agreement or otherwise makes any recommendation or proposal to make a safety improvement or to address a safety issue related to such equipment, and Purchaser does not immediately approve KONE's proposal or recommendation, Purchaser agrees to indemnify, defend, and hold KONE harmless for any claims arising out of Purchaser's failure to comply with KONE's recommendations and proposals, and any obligation on the part of KONE to indemnify or defend Purchaser with regard to such claim shall be null and void.

#### **NOTICE OF MALFUNCTION OR INJURY**

As to any elevator or escalator equipment that is the subject of the Agreement, Purchaser will: (i) immediately shut down any such equipment that presents a potential safety hazard; and (ii) provide prompt verbal notice to KONE's Service Center of such hazard. Purchaser will immediately notify KONE's Service Center of any injury or accident in or about such equipment, followed by prompt written notice of such injury or accident. Any indemnity of Purchaser provided by KONE under the Agreement becomes null and void and will not be considered in interpreting the Agreement if Purchaser does not take the action or provide the notice required by this provision.

#### **THIRD PARTY SERVICES**

All services within the scope of this Agreement must be performed by KONE or its subcontractors, if any. If Purchaser causes or permits a third party to perform the same or substantially the same services required by this Agreement, Purchaser waives all claims against KONE arising from or related to a third party's performance of such services.

If a third party works on the equipment during the term of this Agreement, KONE reserves the right to inspect the equipment and may determine that re-work, different or additional work is required. Purchaser will re-imburse KONE for the cost the inspection and any additional work required. If Purchaser declines to have KONE perform the additional work, KONE reserves the right to cancel the Agreement upon written notice to Purchaser.

#### **NON-KONE EQUIPMENT**

If the equipment covered under this Agreement was not manufactured by KONE (or a company acquired by KONE), Purchaser will: (i) provide KONE with a complete set of as-built wiring diagrams and (ii) Purchaser will procure and pay for replacement parts or proprietary diagnostic devices from the OEM, if requested by KONE. KONE will reimburse Purchaser for the actual cost paid by Purchaser for OEM parts acquired at KONE's request. KONE is not responsible for any delays, damages, cost, or claims arising from or in connection with Purchaser's failure to provide OEM parts or proprietary diagnostic devices in a timely manner. Purchaser authorizes KONE to produce

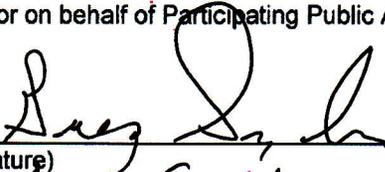
# ACCEPTANCE

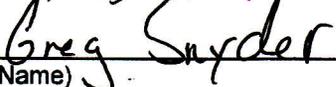
Service Agreement Effective Date: July 1, 2016 – June 30, 2019

Service Agreement Number: TBD

The parties to this service agreement agree to the conditions contained herein:

Sign for on behalf of Participating Public Agency

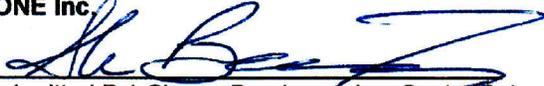
  
\_\_\_\_\_  
(Signature)

  
\_\_\_\_\_  
(Print Name)

  
\_\_\_\_\_  
(Print Title)

Date: 8/11/2016

Respectfully submitted,  
KONE Inc.

  
\_\_\_\_\_  
(Submitted By) Shawn Barchanowicz – Senior Sales Consultant

\_\_\_\_\_  
(Approved By) Authorized Representative

\_\_\_\_\_  
(Title)

Date:   /  /



Regular Council Agenda  
August 16, 2016

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**Description**

Order accepting the Total Base Bid of Protection Services, Inc. for the Bike Improvements on Bedford and Frederick Streets Project (11-13-M) in the estimated unit price of \$88,165.75

**Approval, Acceptance / Recommendation**

It is the Engineering Department's recommendation to award the Bike Improvements on Bedford and Frederick Streets Project (11-13-M) to the only bidder, Protection Services, Inc., in the estimate unit price of \$88,165.75. This project includes lane markings and signage installation for a bike lane on Frederick and Bedford Streets from Mechanic Street to the city limits.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$88,165.75

**Source of Funding (if applicable)**

Maryland Bikeways Program Grant  
City

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

ORDER NO. \_\_\_\_\_

DATE: July 19, 2016**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

**THAT** the bid of Protection Services, Inc., 1011 Mumma Road, Suite 101, Lemoyne, PA 17043, for the project Bike Improvements on Bedford and Frederick Streets Project (11-13-M) be and is hereby accepted in the estimated unit price of Eighty-eight Thousand, One Hundred Sixty-five Dollars and Seventy-five Cents (\$ 88,165.75); and

**BE IT FURTHER NOTED**, that no other bids were received for this project.

---

**Brian K. Grim, Mayor**

Company	Total Bid
Protection Services, Inc.	\$ 88,165.75

Funding: Maryland Bikeways Program Grant  
and City funding

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



PROJECT INFORMATION	
Project Title:	Frederick St and Bedford St Bike Lane Improvements
Project Description:	Bike improvements on Frederick Street and Bedford Street from Mechanic Street to City limits
City Project	11-13-M
State Contract	N/A
FAP No.:	N/A
DCD No.:	N/A

ENGINEER'S ESTIMATE	
Prepared By:	The City of Cumberland, Engineering Division
Date of Estimate:	8/10/2016

BID OPENING	
Date and Time:	Aug. 10, 2016 @ 2:30 PM
Location:	Council Chambers, City Hall, Cumberland, MD 21502

BID TABULATION				ENGINEER'S ESTIMATE		Protection Services, Inc.							
ITEM NO.	DESCRIPTION OF ITEM	UNITS	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1001	Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00	\$6,500.00	\$6,500.00		\$0.00		\$0.00		\$0.00
1002	Construction Stakeout	LS	1	\$ 2,000.00	\$ 2,000.00	\$1,600.00	\$1,600.00		\$0.00		\$0.00		\$0.00
1003	Maintenance of Traffic (MOT)	LS	1	\$ 5,000.00	\$ 5,000.00	\$5,000.00	\$5,000.00		\$0.00		\$0.00		\$0.00
1004	Portable Variable Message Sign (PVMS)	DAY	8	\$ 100.00	\$ 800.00	\$75.00	\$600.00		\$0.00		\$0.00		\$0.00
1005	Removal of Existing Pavement Markings (Contingent)	LF	1250	\$ 1.15	\$ 1,437.50	\$1.00	\$1,250.00		\$0.00		\$0.00		\$0.00
5001	Fast Dry, High-Build, Waterborne Pavement Marking Lines - 5" White (Contingent)	LF	2500	\$ 0.85	\$ 2,125.00	\$0.75	\$1,875.00		\$0.00		\$0.00		\$0.00
5002	White Heat Applied Preformed Thermoplastic Legend "Left Arrow"	EACH	3	\$ 330.00	\$ 990.00	\$200.00	\$600.00		\$0.00		\$0.00		\$0.00
5003	White Heat Applied Preformed Thermoplastic Shared Lane Markings	EACH	11	\$ 400.00	\$ 4,400.00	\$250.00	\$2,750.00		\$0.00		\$0.00		\$0.00
5004	5" White Heat Applied Thermoplastic Pavement Markings	LF	285	\$ 5.25	\$ 1,496.25	\$3.75	\$1,068.75		\$0.00		\$0.00		\$0.00
5005	24" White Heat Applied Thermoplastic Pavement Markings	LF	190	\$ 21.00	\$ 3,990.00	\$18.00	\$3,420.00		\$0.00		\$0.00		\$0.00
5006	Priority Shared Bike Lane Preformed Thermoplastic Pavement Marking, Green Contrast	EACH	22	\$ 700.00	\$ 15,400.00	\$682.00	\$15,004.00		\$0.00		\$0.00		\$0.00
5007	Bike Lane Symbol with Arrow Preformed Thermoplastic Pavement Marking, Green Contrast	EACH	9	\$ 1,282.00	\$ 11,538.00	\$1,176.00	<b>\$10,584.00</b>		\$0.00		\$0.00		\$0.00
5008	Bike Lane Conflict Zone Preformed Thermoplastic Pavement Marking, Green Contrast	EACH	42	\$ 205.00	\$ 8,610.00	\$175.00	\$7,350.00		\$0.00		\$0.00		\$0.00
5009	Green Contrast Bike Lane Preformed Thermoplastic Pavement Marking	LF	310	\$ 50.00	\$ 15,500.00	\$55.00	\$17,050.00		\$0.00		\$0.00		\$0.00
8001	Remove and Reset Existing Sign Post (Contingent)	EACH	2	\$ 185.00	\$ 370.00	\$100.00	\$200.00		\$0.00		\$0.00		\$0.00
8002	Sheet Aluminum Signs	SF	444	\$ 25.00	\$ 11,100.00	\$18.50	\$8,214.00		\$0.00		\$0.00		\$0.00
8003	Square Perforated Tubular Steel Sign Posts	EACH	68	\$ 185.00	\$ 12,580.00	\$75.00	\$5,100.00		\$0.00		\$0.00		\$0.00
					<b>\$100,336.75</b>		<b>\$88,165.75</b>		\$0.00		\$0.00		\$0.00

ALTERNATE NO. 1													
5010	Methyl Methacrylate Bike Lane Treatment	LF	310	\$ 36.00	\$ 11,160.00	\$85.00	\$26,350.00		\$0.00		\$0.00		\$0.00
					<b>\$11,160.00</b>		<b>\$26,350.00</b>		\$0.00		\$0.00		\$0.00

SUMMARY OF OPTIONS													
1	Base Bid					\$99,150.00		\$88,165.75					
2	Base Bid plus Alternate No. 1					\$94,810.50		\$97,465.75					

BID TABULATION COMPLETED BY:  
  
 Julie A. Thornton  
 Engineering Technician  
 Date: 8/11/16

I HERBY CERTIFY THE ABOVE IS A TRUE AND CORRECT SUMMARY OF THE PROPOSALS RECEIVED:  
  
 John R. DeVault  
 Engineering Specialist  
 Date: 8/11/16

BIDDERS' ADDRESSES			
Protection Services, Inc.			
1011 Mumma Rd, Suite 101 Lemoyne, PA 17043			

NOTE: Protection Services, Inc.'s bid for Item #5007 was a unit cost of \$1,176.00 and a total item cost of \$10,484.00; however, when the unit price of \$1,176.00 is multiplied by the quantity of 9, the correct total cost is **\$10,584.00**. The correct total cost for the item is shown in this tabulation. This correction changes the total estimate unit cost bid from \$88,065.75 to **\$88,165.75**.



Regular Council Agenda  
August 16, 2016

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**Description**

Order accepting the bid of Protection Services, Inc. for the project Bike Improvements on Mechanic and Centre Street (10-12-M) in the estimated unit price of \$14,942.50

**Approval, Acceptance / Recommendation**

It is the Engineering Department's recommendation to award City Project 10-12-M to Protection Services, Inc. as the sole bidder on the project, in the estimated unit cost of \$14,942.50. Work for this project will include lane markings and the installation of signage along Mechanic and Centre Streets from the city limits to Harrison Street.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$14,942.50

**Source of Funding (if applicable)**

Maryland Bikeways Program Grant

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

ORDER NO. \_\_\_\_\_

DATE: July 19, 2016**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

**THAT** the bid of Protection Services, Inc., 1011 Mumma Road, Suite 101, Lemoyne, PA 17043, for the Bike Improvements on Mechanic and Centre Street Project (10-12-M), be and is hereby accepted in the estimated unit price of Fourteen Thousand, Nine Hundred Forty-Two Dollars and Fifty Cents (\$ 14,942.50); and

**BE IT FURTHER NOTED**, that no other bids were received for this project.

---

**Brian K. Grim, Mayor**

Company	Total Bid
Protection Services, Inc.	\$ 14,942.50

Funding: Maryland Bikeways Program Grant

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



PROJECT INFORMATION	
Project Title:	Bike Improvements on Mechanic & Centre Streets
Project Description:	Bike improvements on Mechanic and Centre Streets from City limits to Harrison St
City Project:	10-12-M
State Contract:	N/A
FAP No.:	N/A
DCD No.:	N/A

ENGINEER'S ESTIMATE	
Prepared By:	The City of Cumberland, Engineering Division
Date of Estimate:	8/10/2016

BID OPENING	
Date and Time:	Aug. 10, 2016 @ 2:30 PM
Location:	Council Chambers, City Hall, Cumberland, MD 21502

BID TABULATION				ENGINEER'S ESTIMATE		Protection Services, Inc.							
ITEM NO.	DESCRIPTION OF ITEM	UNITS	QTY	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1001	Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00	\$3,800.00	\$3,800.00		\$0.00		\$0.00		\$0.00
1002	Construction Stakeout	LS	1	\$ 2,000.00	\$ 2,000.00	\$800.00	\$800.00		\$0.00		\$0.00		\$0.00
1003	Maintenance of Traffic (MOT)	LS	1	\$ 5,000.00	\$ 5,000.00	\$2,500.00	\$2,500.00		\$0.00		\$0.00		\$0.00
1004	Portable Variable Message Sign (PVMS)	DAY	8	\$ 100.00	\$ 800.00	\$75.00	\$600.00		\$0.00		\$0.00		\$0.00
5001	White Heat Applied Preformed Thermoplastic Shared Lane Markings	EACH	12	\$ 400.00	\$ 4,800.00	\$250.00	\$3,000.00		\$0.00		\$0.00		\$0.00
8001	Remove and Reset Existing Sign Post (Contingent)	EACH	8	\$ 185.00	\$ 1,480.00	\$100.00	\$800.00		\$0.00		\$0.00		\$0.00
8002	Sheet Aluminum Signs	SF	105	\$ 25.00	\$ 2,625.00	\$18.50	\$1,942.50		\$0.00		\$0.00		\$0.00
8003	Square Perforated Tubular Steel Sign Posts	EACH	20	\$ 185.00	\$ 3,700.00	\$75.00	\$1,500.00		\$0.00		\$0.00		\$0.00
					<b>\$23,405.00</b>		<b>\$14,942.50</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$0.00</b>

BID TABULATION COMPLETED BY:

Julie Thornton  
Julie A. Thornton  
Engineering Technician

8/11/16  
Date

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

John R. DeVault  
John R. DeVault  
Engineering Specialist

8/11/16  
Date

BIDDERS' ADDRESSES		
Protection Services, Inc.		
1011 Mumma Rd., Suite 101 Lemoyne, PA 17043		



Regular Council Agenda  
August 16, 2016

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**Description**

Order declaring City-owned property at 424 Goethe Street to be surplus and authorizing its donation to Friends Aware, Inc.

**Approval, Acceptance / Recommendation**

The property at 424 Goethe Street was acquired by the City at tax sale. The demolition costs were expected to be approximately \$20,000 because it was a difficult project. The City put a new roof on the building, which was still a good brick structure, and the transfer to Friends Aware will allow them to leverage CDBG money for renovations that will allow it to be used as a small group home. It is hoped that renovation of this building will put a stable link in a troubled neighborhood and stimulate some spin-off effect to other properties.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: August 16, 2016

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

**WHEREAS**, the Mayor and City Council of Cumberland is the record owner of a certain parcel of real property together with the improvements thereon which are known as 424 Goethe Street, Cumberland, Maryland, 21502 (hereinafter referred to as the "Property"), the Property being more particularly described as follows:

**ALL** that lot or parcel of ground situated and lying on Goethe Street, in the City of Cumberland, Allegany County, Maryland, a plat of which said property is recorded in Liber 121, folio 608, among the Land Records of Allegany County, Maryland, and particularly described as follows, to-wit:

**BEGINNING** at a point on the westerly side of Goethe Street at the end of the fifth line of the deed from William H. Cole and James C. Powell, Trustees, to Martha M. Donahoe, dated July 28, 1905, and recorded in Liber No. 99, folio 53, one of the Land Records of said Allegany County, said beginning point being also distant south 34 degrees and 35 minutes west 51 feet from the northeast corner of the brick house located on said Donahoe lot, and known as the Darnell house, and running thence with the westerly side of Goethe Street, south 34 degrees and 35 minutes west 6 ½ feet; south 40 degrees 20 minutes west 19 ½ feet, then north 52 degrees and 25 minutes west 220 ½ feet to the end of 124 feet on the fourth line of a deed from Rebecca E. Henderson and others to Lewis Weber, dated January 13, 1903, and recorded among the Land Records of Allegany County in Liber No. 93, folio 574 and reversing part of said fourth line as corrected by variation, north 40 degrees east 8 ½ feet to the end of the fourth line of the aforesaid deed to Martha M. Donahoe and then with the fifth line of said Donahoe deed, as corrected, south 57 degrees east 221 feet to the beginning.

**IT BEING** the same property which was conveyed from Jason M. Bennett, Director of Finance for Allegany County, Maryland, to Mayor and City Council of Cumberland by deed dated September 23, 2014 and recorded among the Land Records of Allegany County, Maryland in Book 2085, Page 44.

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

WHEREAS, the Property has been determined to be surplus property by the Mayor and City Council of Cumberland.

**IT IS, THEREFORE, ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT:**

1. The Property is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland.

2. **BE IT FURTHER ORDERED**, that, the Mayor and City Council intend to donate the Property to Friends Aware, Inc., who intend to invest in substantial renovations to the Property; and

3. **BE IT FURTHER ORDERED**, that the Mayor and City Council intend to donate the Property to Friends Aware to help stabilize the neighborhood; and

3. **BE IT FURTHER ORDERED**, that after passage of twenty (20) days from the date of this Order and the passage of an Ordinance authorizing the execution of the Deed effecting the conveyance of the Property, formal transfer of the Property to Friends Aware, Inc. may proceed.

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**Mayor Brian K. Grim**