



**MAYOR**

Brian K. Grim

**CITY ADMINISTRATOR**

Jeff Rhodes

**CITY SOLICITOR**

Michael Scott Cohen

**COUNCIL**

Nicole Alt-Myers

Seth D. Bernard

David Caporale

David Kauffman

**CITY CLERK**

Marjorie A. Woodring

## **AGENDA**

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

DATE 1/19/2016

**\*Pledge of Allegiance**

**I. ROLL CALL**

**II. CERTIFICATES, AWARDS AND PRESENTATIONS**

- (A) Vote on appointment of a new City Council member to fill the seat vacated by David F. Kauffman
- (B) State of the City address from Mayor Grim

**III. DIRECTOR'S REPORT**

- (A) Police
  - 1. Police Department monthly report for December, 2015
- (B) Fire
  - 1. Approval of the Fire Department monthly report for December, 2015.
- (C) Public Works
  - 1. Maintenance Division monthly report for December, 2015

**IV. APPROVAL OF MINUTES**

- (A) Routine
  - 1. Approval of the Regular Session Minutes of November 17 and December 1, 2015
- (B) Administrative / Executive
  - 1. Closed meeting statement for the meetings of January 11 and January 12, 2016

## **V. NEW BUSINESS**

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

1. Order accepting the sole source proposal of System Integration Technologies, Inc. to provide software upgrades on the SCADA system and other in-plant computers at the Wastewater Treatment Plant in an amount not to exceed \$32,134.70
2. Order accepting the bid of Alan Tye & Associates to supply one (1) four post mobile column vehicle lift system for the Municipal Service Center for the amount of \$43,788.00
3. Order reappointing Dan Bowser from citizen-at-large representative to secondary representative on the Downtown Development Commission (DDC) through July 31, 2019, and appointing Dave Love as a primary representative, Rhiannon Morgret as a secondary representative through July 31, 2019, and Renee Butler as the citizen-at-large representative through July 31, 2017
4. Order authorizing the execution of an MOU with the MD Department of Information Technology outlining terms for the construction of additional fiber optic network infrastructure in the city to interconnect with the existing statewide fiber network (OMBN) to serve the Municipal Service Center and the Wastewater Treatment Plant
5. Order approving the donation of a deed for property and improvements at 229 Cecelia Street from the Estate of Rosemary T. Byrne
6. Order authorizing the execution of an Encroachment Agreement with First Project, LLC, owner of 114 South Centre Street, to allow for the installation of a rear egress stairway from the third floor to the public right-of-way of Ash Alley, measuring 6' wide

### **(B) Letters, Petitions**

1. Letter from Megan Mertz, Race Director, requesting permission to hold the First Annual Mental Health Matters 5 Mile Run and 1.5 Milk Walk on May 28, 2016 at 8:30 a.m. in Cumberland
2. Letter from Sharon and Mark Ellsworth, Race Directors, requesting permission to hold the 6th Annual Gulf War Memorial 5K Run on August 27, 2016 at 8:30 a.m. in Cumberland
3. Letter from Sharon Ellsworth, Co-Race Director, requesting permission to hold portions of the Second Annual ACAS Howard's 25K Run, and Paws on the Pavement 5K, on August 21, 2016 at 7:00 a.m. in Cumberland

## **VI. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

## **VII. ADJOURNMENT**



Regular Council Agenda  
January 19, 2016

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**Description**

Vote on appointment of a new City Council member to fill the seat vacated by David F. Kauffman

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
January 19, 2016

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**Description**

State of the City address from Mayor Grim

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
January 19, 2016

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**Description**

Police Department monthly report for December, 2015

**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 December 2015**



# City of Cumberland Department of Police

## Monthly Report

### December 2015

#### Part 1 Crimes for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Aggravated Assaults	2	0	B & E (All)	35	24	Murder	0	0	Rape	0	2
Robbery	4	1	Theft - Felony	3	7	Theft - Vehicle	2	1			

#### Selected Criminal Complaints for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Theft - Misdemeanor	42	22	Theft - Petty	41	56	Domestic Assaults	23	26	CDS	25	49
Disturbances	162	172	DOP/Vandalism	34	19	Indecent Exposure	0	0	Sex Off - Other	1	1
Suicide	0	1	Suicide - Atmpt.	1	1	Tampering M/V	0	0	Abuse - Child	3	3
Trespassing	17	12	Assault on Police	0	1	Assault Other	32	36			

#### Selected Miscellenous Incidents for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Alcohol Volations	2	2	Juvenile Compl.	14	11	Missing Persons	5	12	School Resource	65	77
School Threat	1	0	Sex Off. Regist.	18	21	Truancy	7	3	Death Investigation	1	5

#### Selected Traffic Incidents for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
DWI	9	8	Hit & Run	29	26	M/V Crash	66	75	Traffic Stop	248	296

#### Selected Service Calls for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Alarms	60	57	Assist Motorist	30	36	Check Well-Being	87	64	Foot Patrol	7	30
Assist Other Agency	49	76	Bike Patrol	0	0	Special Events	5	8	Suspicious Activity	71	62

#### Arrests Totals for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
M/V Citations	47	38	M/V Warnings	193	229	Adult Crim.	110	119	Juvenile Crim.	19	13

**Total Incidents Reported :**                      **2014**      **2015**  
**1,723**                      **1,920**

  
 Charles Hinnant - Chief of Police

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

DECEMBER 2015

### SWORN PERSONNEL: 49 SWORN OFFICERS

Administration	6 officers
Squad 1A	9 officers
Squad 1B	8 officers
Squad 2A	9 officers
Squad 2B	9 officers
C3I/C3IN	6 officers
School Resource	2 officers
Academy	0 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: 1015 HOURS  
 COMP TIME USED: 120 HOURS  
 SICK TIME USED: 168 HOURS

YEAR TO DATE (beginning 7/1/15): 5623 HOURS  
 YEAR TO DATE (beginning 7/1/15): 926 HOURS  
 YEAR TO DATE (beginning 7/1/15): 1232 HOURS

### OVERTIME REPORT

OVERTIME WORKED: 507 HOURS  
 HOSPITAL SECURITY: 72 HOURS  
 COURT TIME WORKED: 87 HOURS

YEAR TO DATE (beginning 7/1/15): 2988 HOURS  
 YEAR TO DATE (beginning 7/1/15): 667 HOURS  
 YEAR TO DATE (beginning 7/1/15): 373 HOURS

### TRAINING REPORT

34 OFFICERS TRAINED FOR 484 HOURS

YEAR TO DATE (beginning 7/1/15) 1962 HOURS

**CPD ACTIVITY  
OUTSIDE CPD JURISDICTION  
DECEMBER 2015**

No significant activity outside CPD jurisdiction.

# ***CUMBERLAND POLICE DEPARTMENT***

## **Warrant Fugitive Initiative**

December 2015 totals for warrant initiative, broken down by agency:

CPD	10 arrests	11 warrants served
ACSO	5 arrests	6 warrants served
MSP	0 arrests	0 warrants served
FPD	0 arrests	0 warrants served
C3I	3 arrests	3 warrants served
C3IN	0 arrests	0 warrants served
OTHER	0 arrests	0 warrants served
<b>TOTALS</b>	<b>18 arrests</b>	<b>20 warrants served</b>

Of these, Detective David Broadwater arrested 18 people and served 20 warrants.

He opened 17 “Fugitive” investigations, 4 Assist Other Agency cases, and made arrests in 5 existing cases, for a total of 26 cases generated for the month.

### **SIGNIFICANT CASES:**

1.) During the week of December 14-18, 2015, a warrant sweep was conducted in Allegany County as part of the “Safe Streets” initiative. Detective Broadwater was personally responsible for arresting 15 suspects and serving 17 warrants during the week long operation.



Regular Council Agenda  
January 19, 2016

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**Description**

Approval of the Fire Department monthly report for December, 2015.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

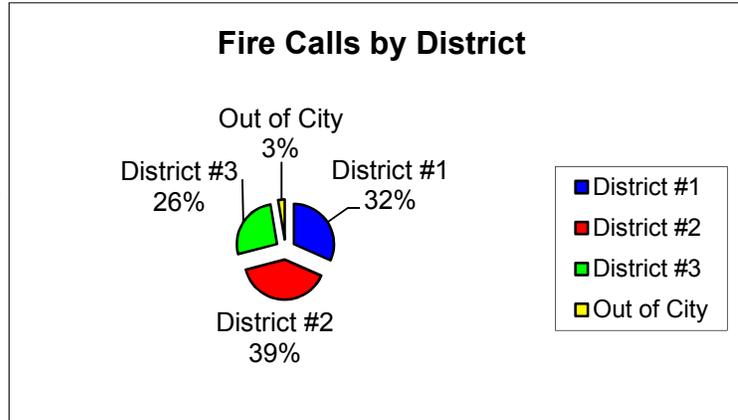
**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**REPORT OF THE FIRE CHIEF FOR THE MONTH OF DECEMBER, 2015**  
**Prepared for the Honorable Mayor and City Council and City Administrator**

**Cumberland Fire Department Responded to 117 Fire Alarms:**

Responses by District:	
District #1	37
District #2	46
District #3	31
Out of City	3
	<hr/>
	117



Number of Alarms:	
First Alarms Answered	116
Second Alarms Answered	1
	<hr/>
	117

Calls Listed Below:	
Property Use:	
Public Assembly	4
Institutional	6
Educational	0
Residential	78
Stores and Offices	6
Storage	2
Industrial, Utility, etc.	1
Special Properties	20
	<hr/>
	117

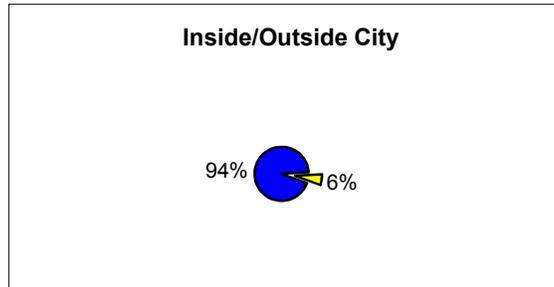
Type of Situation:	
Fire or Explosion	8
Overpressure, Rupture	3
Rescue Calls	58
Hazardous Conditions	11
Service Calls	17
Good Intent Calls	9
False Calls	11
	<hr/>
	117

Total Fire Service Fees for Fire Calls Billing by Medical Claim-Aid in December:	\$2,120.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$16,730.00
Fire Service Fees for Fire Calls Paid in December:	\$2,210.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	\$4,000.00
Total Fire Service Fees Paid in FY2016:	\$4,920.00

Fire Service Fees for Inspections and Permits Billed in December:	\$350.00
Fire Service Fees for Inspections and Permits Paid in December:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$550.00

**Cumberland Fire Department Responded to 464 Emergency Medical Calls:**

In City Calls	434
Out of City Calls	<u>30</u>
Total	464



Total Ambulance Fees Billed by Medical Claim-Aid for , December, :	\$103,918.16
Ambulance Fees Billed Fiscal Year to Date:	\$791,576.62
Ambulance Fees Paid: Revenue Received in December:	\$103,408.50
FY2016 Ambulance Fees Paid in FY2016:	\$428,400.94
Total Ambulance Fees Paid in FY2016: (All ambulance fees, previous and current fiscal years, paid in FY2016.)	\$581,805.15

**Cumberland Fire Department Provided 10 Mutual Aid Calls:**

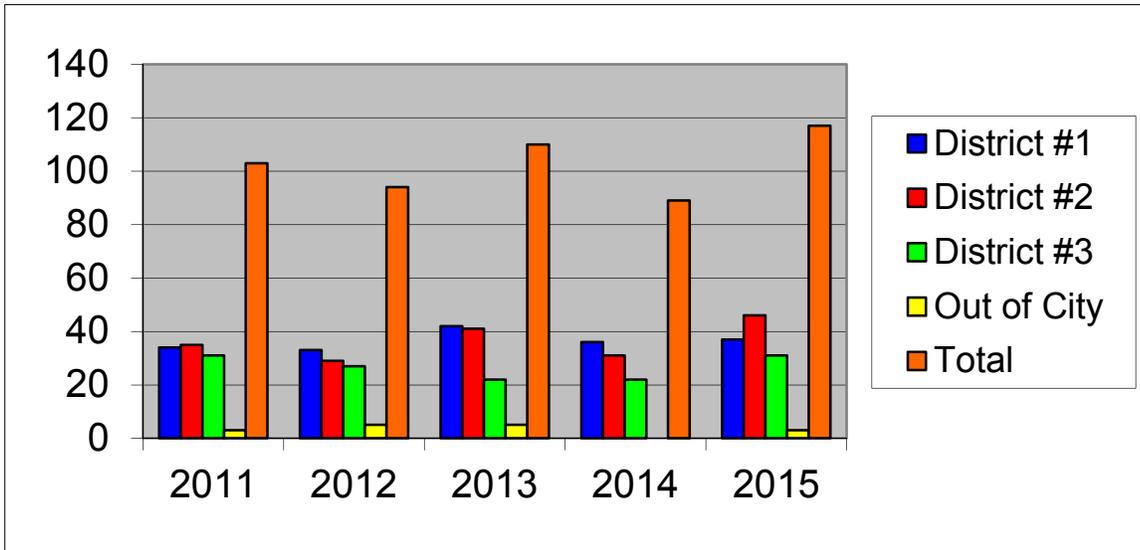
9 Mutual Aid Calls within Allegany County	
<u>1 Mutual Aid Call outside of Allegany County</u>	
10	
Bowman's Addition VFD	1
Cresaptown VFD	5
District #16 VFD	2
Flintstone VFD	1
Ridgeley, WV VFD	<u>1</u>
	10

**Cumberland Fire Department Provided 20 Paramedic Assist Calls:**

10 Paramedic Assist Calls within Allegany County	
<u>10 Paramedic Assist Calls outside of Allegany County</u>	
20	
Bowman's Addition VFD	1
Cresaptown VFD	4
Flintstone VFD	2
LaVale Volunteer Rescue Squad	2
Mount Savage VFD	1
Cumberland Valley, PA EMS	1
Fort Ashby, WV VFD	2
Paw Paw, WV VFD	1
Ridgeley, WV VFD	4
Short Gap, WV VFD	1
Springfield, WV Area Rescue	<u>1</u>
	20

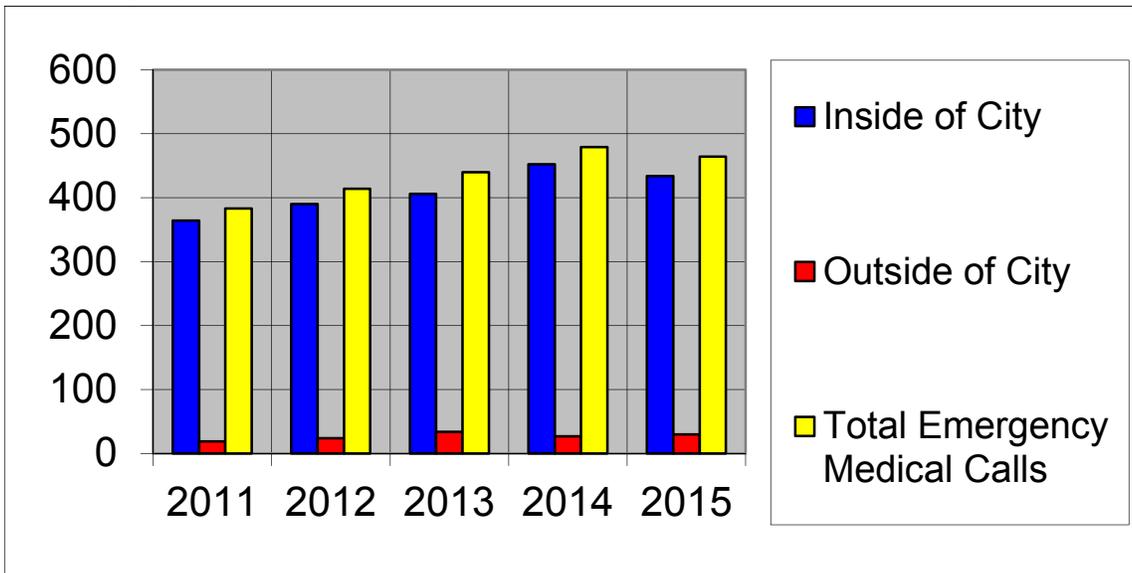
**Fire Calls in the Month of December for a Five-Year Period**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
District #1	34	33	42	36	37
District #2	35	29	41	31	46
District #3	31	27	22	22	31
Out of City	<u>3</u>	<u>5</u>	<u>5</u>	<u>0</u>	<u>3</u>
Total	103	94	110	89	117



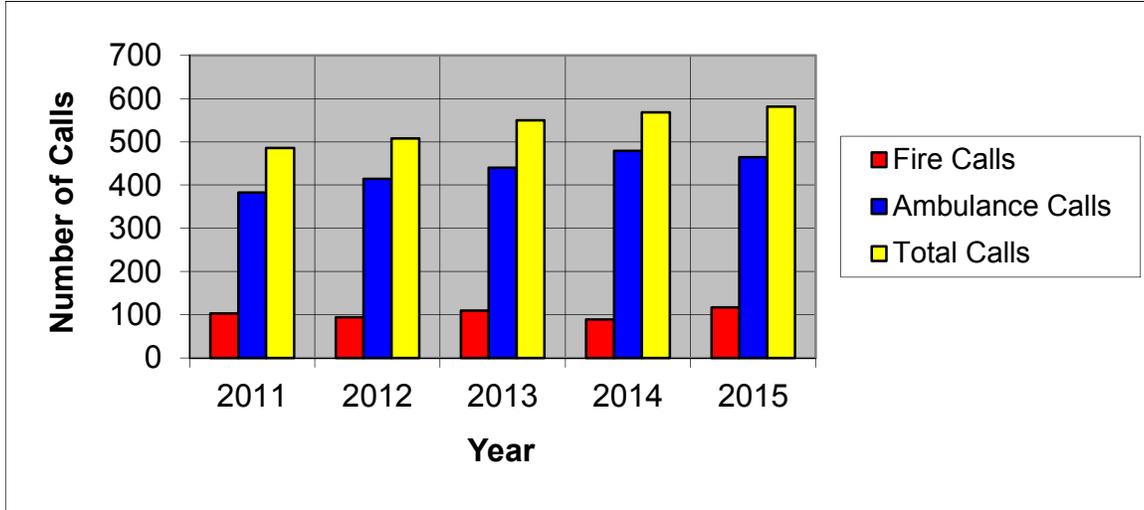
**Ambulance Calls in the Month of December for a Five-Year Period**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Inside of City	364	390	406	452	434
Outside of City	<u>19</u>	<u>24</u>	<u>34</u>	<u>27</u>	<u>30</u>
Total Emergency Medical Calls	383	414	440	479	464



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

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Fire Calls	103	94	110	89	117
Ambulance Calls	383	414	440	479	464
Total Calls	486	508	550	568	581



### Training

Training Man Hours:	243.50
Training Listed Below:	
Administrative Policy & Procedures	9.00
Safety Issues	6.00
Safety	15.00
Duties and Responsibilities	29.00
Risk Management	1.00
Hose Operations	18.00
Apparatus Check Procedures	28.00
SCBA Inspection and Care	9.00
Respiratory System	5.00
Paramedic Refresher	3.00
Pediatric Emergencies	11.00
Strategic and Tactical Operations	12.00
Ladder Training	9.00
Post Incident Review	52.50
Physical Fitness	9.00
Elevator Rescue	12.00
Officer Meeting	15.00
	<hr/>
	243.50

### Fire Prevention Bureau

Complaints Received	6
Conferences Held	94
Correspondence	12
Inspections Performed	5
Investigations Conducted	5
Plan Reviews	2
Pre-Plans	6

**Personnel**

Firefighter/EMT-B Allan H. Ward retired on December 31, 2015, following twenty-nine years of service.

**Statistics Compiled by Julie A. Davis, Fire Administrative Officer**







Regular Council Agenda  
January 19, 2016

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**Description**

Maintenance Division monthly report for December, 2015

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**MAINTENANCE DIVISION REPORT**  
**December 2015**

**Street Maintenance Report**

**Parks & Recreation Maintenance Report**

**Fleet Maintenance Report**

**PUBLIC WORKS/MAINTENANCE  
STREET BRANCH  
MONTHLY REPORT  
DECEMBER 2015**

- POTHOLES AND COMPLAINTS
  - Potholed 10 days using cold mix.
  
- UTILITY HOLE REPAIR
  - 14 Water Utility Hole Repairs & 1 Sewer Utility Hole Repair using approximately 9 CY of Concrete and 5 tons of HMA.
  
- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 6 Traffic Control Signs.
  - Installed/Repaired 9 Street Name Signs.
  - Installed 3 HC Signs/Removed 2 HC Sign.
  
- SWEEPER
  - Swept 134 curb miles (approx. 48 cubic yards of debris).
  - Hauled 10 tons of debris from sweeper dumps to landfill.
  
- MISCELLANEOUS
  - Placed and filled salt barrels and filled salt brine tank.
  - Completed leaf pick up with 16 loads of leaves.
  - Installed pad for dog kennel for CPD – 4 CY of concrete.
  - Installed guardrail for flood control.

<b>STREET MAINTENANCE - DECEMBER 2015</b>		12/01-12/05	12/06-12/12	12/13-12/19	12/20-12/26	12/27-12/31	TOTAL
SERVICE REQUEST COMPLETED							0
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY		4				4
UTILITY HOLES REPAIRED	WATER	2	3	9			14
	SEWER				1		1
	CY	3.00	1.00	5.25			9
	TONS			2.5	2.0		5
POTHoles FILLED	STREET S						0
	ALLEYS						0
	DAYS		2	2	2	4	10
	Cold Mix				x	x	0
	TONS						0
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED			5		1		6
STREET NAME SIGNS REPAIRED/INSTALLED			3		6		9
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED							0
			2		1		3
			2				2
PAINTING PERFORMED	BLUE		2				2
	YELLOW						0
	RED		2				2
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	2	7	3			12
	MILES	25	77	32			134
SWEEPER DUMPS HAULED TO LANDFILL	TONS			9.6			10
SALT BARRELLS - Set out/Re-Fill	DAYS				3		3
CLEANED BALTIMORE ST. UNDERPASS			1	1			2
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Days						0
Check Drains/Clean Debris	DAYS	2			2		4
LEAF PICK UP	Loads	6	9	1			16

12/1-12/2 Filled Salt Brine Tanks

12/8-12/11 Dog Kennel MV Smith Road 4 cy of concrete

12/24 Trash cleaned up at Franklin St and hauled to landfill

12/28-12/31 Guardrail Installation for Flood Control

**PUBLIC WORKS/MAINTENANCE  
PARKS & RECREATION  
MONTHLY REPORT  
DECEMBER 2015**

- Constitution Park
  - Brush and Tree work in the Park
  - Repaired grate for overflow of duck pond.
  - Leaf pick up in Park.
  - Placed metal on guard shack roof.
  - Repaired shingles on gazebo.
  
- Mason Complex
  - Repairs to bathroom stall dividers.
  
- JC Field
  - Repairs to bathroom faucets.

## Fleet Maintenance

December 2015

<b>Total Fleet Maintenance Projects</b>	<b>67</b>
Street Maintenance	21
Snow Removal	0
DDC	0
CPD	21
Water Distribution	4
P & R Maintenance	0
CFD	6
Sewer	2
Code Enforcement	0
Flood	0
PIP	0
WWTP	0
Engineering	0
Facility Maintenance	0
Fleet Maintenance	2
Central Services	0
Municipal Parking	0
Public Works	0
Water Filtration	0
Small Engine Repairs	0
Scheduled Preventive Maintenance	7
Field Service Calls	4
<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  
January 19, 2016

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**Description**

Approval of the Regular Session Minutes of November 17 and December 1, 2015

**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  
David F. Kauffman

**CITY CLERK**  
Marjorie A. Woodring

## MINUTES

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

DATE: 11/17/15

### **\*Pledge of Allegiance**

### **I. ROLL CALL**

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman

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. PROCLAMATIONS**

(A) Proclamation declaring November 28, 2015 to be Small Business Saturday

Mayor Grim presented the Proclamation as written.

(B) Proclamation declaring November, 2015 to be Municipal Government Month

Mayor Grim presented the Proclamation as written.

### **III. CERTIFICATES, AWARDS AND PRESENTATIONS**

(A) Certificate of Recognition presented to the 2015 Allegany Marching Band for capturing its 16th consecutive Chapter Championship and placing Runner-up in Group II Open at the Atlantic Coast Championships, with Best Color Guard for the third consecutive year

Mayor Grim read the Proclamation and presented it to representatives of the Allegany High School Marching Band. Mayor Grim and Councilman Kauffman both commented on the accomplishments of the band members and leadership provided by the school staff as well as parents.

(B) Presentation from HDR, Inc. and CSX regarding the findings of the West Side Traffic Study

John DiFonzo, City Engineer, stated that a serious problem had arisen a couple years ago with the Washington Street bridge and traffic on the bridge had been altered to accommodate only one lane of traffic to lessen the burden. Strong conversations had been initiated with CSX to determine how to resolve the situation and some serious complications had been uncovered, including the issue of low-clearance for the trains. It had been decided from those meetings that a study should be undertaken to analyze traffic patterns, possible bridge modifications, and the possible elimination of the bridge or bridges. It was agreed that CSX would fund the study and the City would manage the project. HDR, Inc. had been selected to perform the study.

Representatives from HDR, Inc. reported on the project goals and findings and advised that the study had looked at the area of the Greene, Washington, Fayette, and Cumberland Street bridges. A summary of various alternatives for modification and/or elimination of the bridges was provided and it was noted that no ideal solution presented itself. The next steps included submission of a final report to the City and CSX, followed by additional discussion between the City and CSX on how to proceed, including funding options and ownership issues.

HDR and CSX representatives addressed questions from Council regarding the study. Councilman Kauffman stated that the City did not want to ignore issues impacting the ability of CSX to remain commercially viable, but felt it did not necessarily fall on city residents to bear the costs associated with those issues.

- (C) Update from Kathy McKenney, Historic Planner, on the status of the Community Legacy funded Neighborhood Restoration Project

This presentation was rescheduled for a later date.

- (D) Update on Downtown Development Commission activities from Jennifer Light, DDC Executive Director, and Steve Leyh, DDC Promotions Director

Jennifer Light, Executive Director of the Downtown Development Commission (DDC), and Steven Leyh, DDC Promotions Director, provided an update on the Commission's activities during the past year. Topics included the Main Street Maryland Program, Upper Story Redevelopment Program, Facade Improvement Program, downtown wayfinding signage, infrastructure improvements, grants acquired, events, and marketing initiatives.

#### **IV. DIRECTOR'S REPORT**

(A) Police

1. Police Department monthly report for October, 2015

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and was passed on a vote of 5-0.

(B) Fire

1. Fire Department monthly report for October, 2015

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and was passed on a vote of 5-0.

(C) Public Works

1. Engineering Division monthly report for October, 2015

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and was passed on a vote of 5-0.

2. Maintenance Division monthly report for October, 2015

**Item Action:** Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and was passed on a vote of 5-0.

V. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of September 15 and October 6, 2015

**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 5-0.

(B) Administrative / Executive

1. Approval of the Administrative Session Minutes of September 15, 2015

**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 5-0.

CLOSED SESSION MINUTES - September 15, 2015

A closed session of the Mayor and City Council was held on September 15, 2015, at 5:00 P.M. in the second floor conference room of City Hall.

Motion to close the meeting to discuss personnel issues and board and commission appointments pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1) was made by Councilman Caporale, seconded by Councilman Bernard, and was passed unanimously.

Persons in attendance were Mayor Brian K. Grim; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk. Absent from the meeting was Councilmember David Kauffman.

Topics of discussion included personnel issues and board and commission appointments.

## VI. UNFINISHED BUSINESS

### (A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing execution of a deed to transfer 534-536 Columbia Avenue to Nazir Gul for the purchase price of \$0.00 and certain contingencies for rehabilitation

Mr. Rhodes advised that the ordinance would provide authorization to transfer City-owned blighted property at 534-536 Columbia Avenue to Mr. Gul to allow him to rehabilitate the property.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to approve the second reading and proceed to the third after comment was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers and was passed on a vote of 5-0.

Mayor Grim called for questions or comments. Being none, the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was adopted on a vote of 5-0.

ORDINANCE NO. 3791

## VII. NEW BUSINESS

### (A) Ordinances

1. Ordinance (*1st reading*) - authorizing the execution of a Deed to transfer property at 106 W. First Street to Caitlyn D. Rodenhauser for the purchase price of \$500

**Item Action:** Approved

Mr. Rhodes advised that a blighted structure had been removed from this property. Ms. Rodenhauser, adjoining property owner, had requested to purchase the empty lot to use for additional yard space.

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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

### (B) Resolutions

1. Resolution (*1st reading*) - authorizing the adoption of the July 13, 2015 amendment of Chapter VIII of the Cumberland 2013 Comprehensive Plan, entitled "Economic Development and Revitalization"

Mr. Rhodes advised that this amendment would update the current Comprehensive Plan to incorporate provisions of the recently adopted 2015 Economic Development Strategic Plan. A public hearing would be held at a later date.

FIRST READING: The Resolution was presented in Title only for its first reading. Motion to approve the first reading was made by Councilman Kauffman,

seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

2. Resolution authorizing certain businesses located in the Gateway Enterprise Zone to receive tax credits for the 2016-2017 tax year

Mr. Rhodes advised that this was the yearly Resolution to approve Enterprise Tax Credits for the coming year.

The Resolution was presented in Title only. Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

RESOLUTION NO. R2015-12

(C) Orders (Consent Agenda)

1. Order accepting the donation of 105-107 Fifth Street (Allegany Co. Land Records Book 620, Page 271) from Marna Sue Cavey and Tracy Lee Cavey (AKA Tracy Lee) and authorizing the execution of documents to effect the transfer

**Item Action:** Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,896

2. Order accepting the donation of 349 Davidson Street (Allegany Co. Land Records Book 579, Page 58) from Lawrence E. Geiger, Jr. and authorizing the execution of documents to effect the transfer

**Item Action:** Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,897

3. Order authorizing payment of up to \$48,000 to Mannheim Corporation for work being completed in conjunction with the Canal Place Preservation & Development Authority (CPPDA) project on Canal Street; these costs will be reimbursed to the City through Maryland Bikeways Grant funding

**Item Action:** Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,898

4. Order authorizing the City Administrator to execute Change Order No. 5 for the Memorial Hospital Demolition Project (19-12-M) in the decreased amount of \$2,041.47 to provide credit for certain items in previous Change Order Nos. 1 and 2

**Item Action: Approved**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,899

5. Order authorizing the execution of an Encroachment Agreement with Martha Ruth Murray, owner of 218 Cumberland Street, to allow for the construction of a retaining wall in the public right of way of Spruce Alley, measuring 3 ft. wide by 45 ft. long

**Item Action: Approved**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,900

6. Order authorizing the Chief of Police to accept a Maryland Police and Correctional Training Commission Grant in the amount of \$1,250.00 for the purchase of defensive tactics equipment for training purposes

**Item Action: Approved**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,901

7. Order authorizing the execution of a Grant Agreement with the MD Department of Planning to provide up to \$13,300 in funding for cultural programming in the Canal Place Heritage Area and committing matching contributions from the City

**Item Action: Approved**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,902

**VIII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Mayor Grim invited all to the annual tree lighting ceremony to held November 27th on the downtown mall.

Mayor Grim thanked Councilman Kauffman for his service to the community and stated it has been a pleasure working with him. He then announced the process that would be undertaken to fill Kauffman's vacant seat on council, which was effective January 1, 2016. He asked that Cumberland residents interested in service to submit a letter to the Mayor's office by noon on December 1, 2015. Council would choose among those interested to take place in an interview process and speak at an upcoming public meeting. A new appointment was expected to take place in January.

**IX. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 7:12 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  
David F. Kauffman

**CITY CLERK**  
Marjorie A. Woodring

## MINUTES

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

DATE: 12/1/15

### **\*Pledge of Allegiance**

### **I. ROLL CALL**

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, and David Caporale

ABSENT: Councilman David Kauffman

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Donald Dunn, Fire Chief; Cpt. Gregory Leake, CPD; Marjorie Woodring, City Clerk

### **II. CERTIFICATES, AWARDS AND PRESENTATIONS**

- (A) Update from Kathy McKenney, Historic Planner, on the status of the Community Legacy funded Neighborhood Restoration Project

Kathy McKenney, Historic Planner, stated that the City had received \$85,000 in Community Legacy funding two years ago to help remediate blight from within the city's major corridors in partnership with Cumberland Neighborhood Housing Services. At the same time, the City has focused efforts on the Neighborhoods Matter project, also a Community-Legacy funded project, to fund grants to homeowners in identified neighborhoods with code issues, such as the Baltimore Avenue and Goethe Street areas. Ms. McKenney advised that the two programs were being consolidated in order to obtain the most visual and measurable improvements with the funds available and provided further details on the Neighborhood Restoration program.

Mayor Grim stated for the record that he requests to continue to be held out of communication on these issues because of his position with Cumberland Neighborhood Housing Services.

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

- (A) Administrative Services

1. Administrative Services Monthly Reports for September and October, 2015

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

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

##### **(A) Administrative / Executive**

##### **1. Approval of the Administrative Session Minutes of October 6, 2015**

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

##### **CLOSED SESSION MINUTES - October 6, 2015**

A closed session of the Mayor and City Council was held on October 6, 2015, at 5:15 p.m. in the second floor conference room of City Hall.

Motion to close the meeting to discuss real estate matters and to consult with legal counsel pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) and (7) was made by Councilman Kauffman, seconded by Councilman Bernard, and was approved on a vote of 4-0.

Persons in attendance were Mayor Brian K. Grim; Council Members Seth Bernard, David Caporale, and David Kauffman; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Shawn Hershberger, Economic Development Coordinator; David Cox, Building/Zoning Officer; Jonathan Hutcherson, Chairman of the Cumberland Economic Development Corporation; Marjorie Woodring, City Clerk

Topics of discussion included a real estate matter and consultation with legal counsel.

#### **V. UNFINISHED BUSINESS**

##### **(A) Ordinances**

##### **1. Ordinance (*2nd and 3rd readings*) - authorizing the execution of a deed to transfer property at 106 W. First Street to Caitlyn D. Rodenhauser for the purchase price of \$500**

Mr. Rhodes provided information on the purpose of the Ordinance.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion was made by Councilman Caporale to suspend the second reading and move to the third after comment. Councilwoman Alt-Myers seconded the motion and it passed 4-0.

Mayor Grim called for questions or comments after which 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.

ORDINANCE NO. 3792

##### **(B) Orders**

##### **1. Order authorizing the execution of a Construction Agreement with CSX Transportation regarding the closure of the railroad crossing at Pear Street in consideration for CSXT's construction and installation of new concrete crossing surfaces at Valley and Knox Streets and the City's payment of**

\$20,000 to CSXT

Mr. Rhodes provided introduced the item and Mayor Grim called for questions or comments. Motion to approve the Order was made by Councilman Caporale, seconded by Councilman Bernard and was passed on a vote of 4-0.

ORDER NO. 25,903

## **VI. NEW BUSINESS**

### **(A) Ordinances**

#### **Item Action: Tabled**

Mr. Rhodes offered a point of clarification in that the following two Ordinances represented a two-part funding process necessary to continue the Rolling Mill Redevelopment Project. The first Ordinance authorized the issuance and sale of \$2.5 million in Government Obligation Bonds. The process for obtaining clearance for bond anticipation notes and the ultimate bond was a lengthy process. The City would not be able to enter the State's infrastructure loan program until January or March. The second ordinance, therefore, allows for the temporary use of up to \$1.7 million in unexpended proceeds from a current bond to keep the project moving forward. Ultimately, there would only be one borrowing activity for \$2.5 million which will reimburse any of the borrowed bond proceeds and provide additional funds for the project.

1. Ordinance (*1st reading*) - authorizing the issuance and sale of \$2,500,000 in General Obligation Bonds to be used for the public purpose of financing, reimbursing or refinancing costs associated with the Maryland Avenue Redevelopment Project

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

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

2. Ordinance (*1st reading*) - authorizing the temporary use of up to \$1,746,000 in unexpended proceeds of the City's taxable redevelopment and refunding bonds of 2013 to meet temporary cash requirements related to the Maryland Avenue Redevelopment Project

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

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

### **(B) Orders (Consent Agenda)**

1. Order authorizing the execution of a First Amendment to Parking Lease with S&N Realty LLC to provide terms for the lease of 100 parking spaces in the Frederick St. Garage for an additional ten (10) years through December 31, 2025, with provisions for four (4) additional five (5) year terms

#### **Item Action: Tabled**

Mr. Rhodes requested that this Consent Agenda item be tabled to allow staff additional time to talk with the customer.

Motion to table the item was made by Councilman Caporale, seconded by Councilman

Bernard, and was passed on a vote of 4-0.

2. Order approving the award of Neighborhoods Matter grant funding, provided through the MD DHCD Community Legacy Program, to projects at 240 N. Mechanic St., 451 Goethe St., 111 Hanover St., 129 Polk St., 477 Goethe St., 15 S. Liberty St., and 462 Goethe St. in the total amount of \$ 27,994.10

**Item Action: Approved**

Mr. Rhodes provided background on the item and Mayor Grim called for questions or comments. Motion to approve the Consent Agenda item was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,904

**VII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Mayor Grim recognized Delegate Michael McKay, who was in attendance. Delegate McKay remarked on the holiday decorations in City Hall and wished all a happy holiday.

Mayor Grim recognized Ben Wolters and Marc Nelson who were in attendance and whom both had submitted letters of interest for the soon to be vacant Council position. Additional letters had been received from Chris Logsdon, Richard "Rock" Cioni, Tamar Clarke, and George McKinley.

Marc Nelson, Jr., 113 Decatur Street, questioned Council on aspects of the Rolling Mill Redevelopment Project, including total cost to the City, what the increase in debt payments would be and how Council planned to deal with that increase, whether there was a contract with the developer, and how many readings would be provided for the Ordinances. He was advised the cost would be just under \$2.5 million, Mr. Rhodes would provide debt payment number but did not know off the top of his head, debt payments would be absorbed as the City's financial situation was improving due to several factors, a Memorandum of Understanding had been signed between the developer and the Cumberland Economic Development Corporation, and the Ordinances would be presented at the next meeting for their second and third readings.

Tom Hawk, 778 MacDonald Terrace, discussed his concerns regarding of having a healthy and sufficient water supply and suggested several changes to the water consumption rate structure to offer incentives for the conservation of water. Mayor Grim asked that Mr. Rhodes reach out to Mr. Hawk and provide the additional information he had requested.

**VIII. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 6:42 p.m.

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

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

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



Regular Council Agenda  
January 19, 2016

---

**Description**

Closed meeting statement for the meetings of January 11 and January 12, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# Mayor and City Council of Cumberland

## Closed Session Minutes

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

Second Floor Conference Room

Monday, January 11, 2016

4:45 p.m.

**PRESENT:** Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale

**ALSO PRESENT:** Council Candidates Tamar Clarke, Ben Wolters, Marc Nelson, Eugene Frazier; Marjorie Woodring, City Clerk

**MOTION:** Motion to enter into closed session to allow for individual interviews with candidates for the vacant Council seat was made by Councilman Bernard, seconded by Councilman Caporale and was approved unanimously.

### **AUTHORITY TO CLOSE SESSION:**

#### *Annotated Code of Maryland, State Government*

- Section 10-508 (a) (1): to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals

**TOPICS:** Candidate interviews for Council

# Mayor and City Council of Cumberland

## Closed Session Minutes

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

Second Floor Conference Room

Monday, January 12, 2016

4:30 p.m.

**PRESENT:** Brian K. Grim, President; Council Members Nicole Alt-Myers via conference phone, Seth Bernard, David Caporale

**ALSO PRESENT:** Richard "Rock" Cioni, Council Candidate; Marjorie Woodring, City Clerk

Motion to enter into closed session to allow for individual interviews with candidates for the vacant Council seat was made by Councilman Caporale, seconded by Councilman Bernard and was approved unanimously.

### **AUTHORITY TO CLOSE SESSION:**

#### ***Annotated Code of Maryland, State Government***

- Section 10-508 (a) (1): to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals

**TOPICS:** Candidate interviews for Council



Regular Council Agenda  
January 19, 2016

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**Description**

Order accepting the sole source proposal of System Integration Technologies, Inc. to provide software upgrades on the SCADA system and other in-plant computers at the Wastewater Treatment Plant in an amount not to exceed \$32,134.70

**Approval, Acceptance / Recommendation**

Sole source approval is attached.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

003.310.65000

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

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

DATE: January 19, 2016

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

THAT, the sole source proposal of System Integration Technologies, Inc., P.O. Box 72, Walkerton, VA 23177, to provide software upgrades on SCADA system and other in-plant computers at the Wastewater Treatment Plant be and is hereby accepted in the amount not to exceed Thirty-two Thousand, One Hundred Thirty-four Dollars and Seventy Cents (\$32,134.70)

---

**Mayor Brian K. Grim**

Funds:

003.310.60400 (Computer Supplies)

003.310.65000 (Software Upgrade)



Margie Woodring <margie.woodring@cumberlandmd.gov>

## Re: Sole Source Request

1 message

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Fri, Jan 15, 2016 at 1:49 PM

To: Mick Daum <mick.daum@cumberlandmd.gov>

Cc: Margie Woodring <margie.woodring@cumberlandmd.gov>, Cindi Mertens <cindi.mertens@cumberlandmd.gov>

Approved



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

301-759-6424  
jeff.rhodes@cumberlandmd.gov

On Fri, Jan 15, 2016 at 12:58 PM, Mick Daum <mick.daum@cumberlandmd.gov> wrote:

Jeff,

Requesting a sole source purchase for 4 software upgrades at the Waste Water Plant totaling \$32,134.70. I have a yearly contract with Dave Denny, (System Integration Technologies), for keeping the SCADA System and all computers operational and up to date. Instead of purchasing the 4 separately, they were combined on one invoice.

This is also the over ride of 003.310.65000 (Software Upgrade) account that you previously approved.

Mick

--

Michael C. "Mick" Daum  
Superintendent  
Wastewater Treatment Plant  
400 E. Offutt Street  
Cumberland, Maryland 21502  
Office: 301-759-6643  
Cell: 240-580-0772  
E-Mail: mick.daum@cumberlandmd.gov

Item # 8

**System Integration Technologies, Inc**

"We put control at your fingertips"

P.O. Box 72  
Walkerton, VA. 23177  
Phone 804.769.2431 Fax 804.769-7615

**SERVICE INVOICE**

INVOICE NO: 151229

DATE: December 30, 2015

To: WWTP Manager  
CustomerName City of Cumberland  
Address 57 N. Liberty Street  
City Cumberland State MD Zip 21501

Task Order #:  
Service Person: David Denny  
Job Name/Number:  
Job Phone: 301-722-1253  
Start Date: October 19, 2013

ITEM #	MATERIAL & PARTS	QTY	AMT	DESCRIPTION OF JOB			
1	V10 GEN64 Application Server with 1500 ON-DEM	2	\$19,198.50	Cumberland Wastewater Treatment Plant- Purchase of Gen64 V10, REPORTWORX LITE Kepware Modbus Suite and WIN-911			
2	REPORTWORX -LITE v92 With Support	2	\$6616.50	310.65000			
3	Kepware Modbus Suite EX5-MDBUS-NA00 with one year support IND-MDBUS-SA20	2	\$2740.20				
4	WIN-911 WIN-911/PRO-BDX	1	\$3579.50	OTHER CHARGES		AMT	
				LABOR	HRS	RATE	AMT
				Subtotal			
		TOTAL	\$32,134.70	Materials/Software		\$32,134.70	

WORK ORDERED BY: WWTP manager

SIGNATURE: \_\_\_\_\_

With my signature, I acknowledge the satisfactory completion of the work described above.

Sent to Finance 11/6/15 CD  
003.310.65000 V# 302380

Current Due:	\$32,134.70
Other:	0.00
TOTL:	\$32,134.70



Regular Council Agenda  
January 19, 2016

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**Description**

Order accepting the bid of Alan Tye & Associates to supply one (1) four post mobile column vehicle lift system for the Municipal Service Center for the amount of \$43,788.00

**Approval, Acceptance / Recommendation**

Recommend the purchase of the four post mobile column vehicle lift system from the low bidder, Alan Tye & Associates, 9669-D Main Street, Fairfax, VA 22031

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$43,788.00

**Source of Funding (if applicable)**

CDA 2014, 001.071.63000 (FY 2015 Budget)

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

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

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

**THAT**, the bid from Alan Tye & Associates, LC, 9669-D Main Street, Fairfax, Virginia, 22031 to supply one (1) four-post mobile column vehicle lift system for the Municipal Service Center in the amount of Forty-three Thousand, Seven Hundred Eighty-eight Dollars and No Cents (\$43,788.00), be and is hereby accepted; and

**BE IT FURTHER ORDERED**, that all other bids be and are hereby rejected.

---

**Mayor Brian K. Grim**

<b>Company</b>	<b>Bid Amount</b>
Alan Tye & Associates, LC	\$43,788.00
Turner Hydraulics	\$45,365.00

Source of Funding: CDA 2014, 001.071.63000 (FY 2015 Budget)

**2015 Four Post Mobile Column Vehicle Lift System**

City Project No. PW2015-01

Bid Opening: January 6, 2016- 2:30 p.m., City Hall Council Chambers

Company	TOTAL BID	Affadavit	Local Prefer
TURNER HYDRAULICS	\$45,365	✓	No
ALLAN TYE & ASSOC	\$43,788	✓	No

Item # 9

Departments will review all proposals and provide a recommendation to the Mayor and City Council for award based on the lowest and most responsive bid received.





**ALAN TYE &  
ASSOCIATES**

**Authorized distributor of Stertil Koni products**

**Alan Tye & Associates, LC  
9669-D Main Street  
Fairfax, VA 22031  
[www.alantylifts.com](http://www.alantylifts.com)**

**703-560-7011  
800-347-3440  
Fax 703-560-7012  
Email: [john@alantylifts.com](mailto:john@alantylifts.com)**

**Date: 12/29/2015**

**Purchase of a Four Post Mobile Column Vehicle Lift System (PW2015-01)**

Thank you for considering Stertil Koni Lift equipment for this project. We have reviewed the specifications and are submitting our bid based on Stertil Koni Lift either meets or exceeds the descriptions in both function and operation. Stertil Koni is a registered and active lift manufacture on the NJPA contract. On behalf of Stertil Koni we are submitting the bid as their exclusive distributor in Maryland.

The following pages include information about the product models we are submitting of work for this project.

**EQUIPMENT**

- Stertil Koni set of 4 Wireless Mobile columns, model # ST-1085-2FWA 18,500 lb. capacity per mobile column, 74,000 lbs. total capacity, **lock increment every 1 and 3/8"**, built in fault code indication, battery life indicator on LCD screen, emergency stop, electrical components sealed from moisture and dust, NEMA 4 certified. ALI/ETL certified,
- QTY. 4, **SKCP 2644-10** 20,000lb capacity per stand 26"-44";with pin stop
- **18-9138A-05** light truck adapter package

**\$43,788.00**

If there are questions or if you need more information, please contact me.

Best regards,

John Ward  
Sales Manager  
Alan Tye & Associates, LC  
Heavy Duty Lifts and Shop Maintenance  
571-422-6861 Direct  
[John@alantylifts.com](mailto:John@alantylifts.com)

Item # 9

# BID SHEET

Proposal by Turner Hydraulics, Inc  
Name (Individual or Corporation)

1605 Industrial Drive  
Address (Street and/or P.O. Box)

Carlisle PA 17013  
City State Zip Code

717-243-3329 717-243-8865 sales@turnerhydraulics.com  
Phone Fax Email

Item # 9

**BID OF \$** 45,365.00

to furnish all equipment and to perform all work in accordance with the Specifications relating to the request for proposals for:

**2015 Purchase of a Four Post Mobile Column Vehicle Lift System**

as set forth in the contract documents herewithin on which bids will be received, until but not after 2:00 p.m. local time on the 6<sup>th</sup> day of January, 2016.

To the Mayor and City Council of Cumberland:

In accordance with the advertisement of the City of Cumberland inviting proposals for the work herein before named, and in accordance with the specifications now on file in the City Clerk's Office,

Billy R Turner # do/does certify that Turner Hydraulics, Inc is/are the only person or persons interested in this bid and that the bid is made without collusion with any persons, firm or corporation; that an examination has been made of the specifications and contract form contained herein; and Turner Hydraulics, Inc



Regular Council Agenda  
January 19, 2016

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**Description**

Order reappointing Dan Bowser from citizen-at-large representative to secondary representative on the Downtown Development Commission (DDC) through July 31, 2019, and appointing Dave Love as a primary representative, Rhiannon Morgret as a secondary representative through July 31, 2019, and Renee Butler as the citizen-at-large representative through July 31, 2017

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

**THAT**, Dan Bowser, current Citizen-at-large Representative on the Downtown Development Commission, be and is hereby reassigned as a Secondary District Representative on the DDC for the period of 1/19/16 through 7/31/19; and

**BE IT FURTHER ORDERED**, that the following appointments to the Downtown Development Commission be and are hereby approved:

<b>Name</b>	<b>District</b>	<b>Seat</b>	<b>Term</b>
David Love	Primary District	Seat 3	1/19/16 – 7/31/19
Rhiannon Morgret	Secondary District	Seat 3	1/19/16 – 7/31/19
Renee Butler	Citizen-At-large	Seat 1	1/19/16 – 7/31/17

---

**Mayor Brian K. Grim**



Regular Council Agenda  
January 19, 2016

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**Description**

Order authorizing the execution of an MOU with the MD Department of Information Technology outlining terms for the construction of additional fiber optic network infrastructure in the city to interconnect with the existing statewide fiber network (OMBN) to serve the Municipal Service Center and the Wastewater Treatment Plant

**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: January 19, 2016

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

THAT, the Mayor be and is hereby authorized to execute a Memorandum of Understanding between the Maryland Department of Information Technology and the Mayor and City Council of Cumberland outlining terms for the construction of additional fiber optic network infrastructure in the City to interconnect with the existing statewide fiber network (OMBN).

---

**Mayor Brian K. Grim**

**MEMORANDUM OF UNDERSTANDING**  
**by and between the**

**MARYLAND DEPARTMENT OF INFORMATION TECHNOLOGY**  
**acting for and on behalf of the**  
**STATE OF MARYLAND**

**and**

**THE MAYOR AND CITY COUNCIL OF CUMBERLAND**

**This Memorandum of Understanding** is made this 19th day of January, 2016, by and between the **DEPARTMENT OF INFORMATION TECHNOLOGY** (the "Department"), a principal department of the State of Maryland (the "State"), and the **MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND** (the "City"), a body politic and corporate and a political subdivision of the State of Maryland, whose address is 57 N Liberty Street Cumberland, MD 21502.

**WHEREAS**, the City desires that the State provide to the City additional fiber resources so as to enhance and promote the City's purposes;

**WHEREAS**, it is in the interest of both the City and the Department to construct additional fiber optic network infrastructure in the City and to interconnect that infrastructure with the Department's existing statewide fiber network (OMBN) to create a larger contiguous network;

**WHEREAS**, the City desires approximately 5.7 miles (0.18 existing underground miles, 3.26 existing aerial miles, 0.16 new underground miles & 2.1 new aerial miles) of additional fiber paths that will interconnect with the State's One Maryland Broadband Network ("OMBN") fiber in the City as shown in Attachment B;

**WHEREAS**, the City has allocated funds to pay for the installation of 2.26 miles of new fiber; and

**WHEREAS**, the parties desire to formalize their understandings with respect to the foregoing and enter into this MOU for that purpose.

**NOW, THEREFORE**, in consideration of the mutual promises made herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Obligations of the Department.** The Department shall:

- (a) Own and maintain all of the New Fiber, up to its termination/connection with the City facilities.
  - (b) Maintain all of the existing fiber, up to its termination/connection with the City facilities.
- 2. Obligations of the City.** The City shall:
- (a) Pay the cost to use the fiber at the Department's standard price for dark fiber as identified in Attachment A.
  - (b) Transfer ownership of all of the New Underground (0.16 miles) and Aerial Fiber (2.1 miles) to the Department upon final installation, it being understood that, irrespective of whether any supplemental instruments are executed, the new Underground and Aerial Fiber shall be owned by the Department .
- 3. Fees.** Standard rates and fees charged by the Department of Information Technology for services shall apply.
- 4. Term of MOU.** This MOU is effective as of the date first written above and, unless otherwise agreed by the parties, shall run for a term of five years beginning on January 1, 2016 and continuing through July 6, 2020. This MOU will automatically renew for additional five-year periods at the end of the initial term and all future renewal terms (the initial term and any renewal term is referred to herein as the "Term"), unless either party gives notice of (i) its intent not to renew or (ii) that it requires changes. Such notice shall be made in writing to the other party no less than one hundred eighty (180) days prior to the date the then current Term is to expire.
- 5. Program Officer.** Department designates Gregory Urban (410-260-7279), or his successor, to serve as Program Officer for this MOU. The City designates Johnna Byers (301-759-6441) or such other personnel as it may designate as its authorized representative. All contact between Department and City regarding all matters relative to this MOU shall be coordinated through the Program Officer and the City's authorized representative.
- 6. Termination for Default.** If either party does not fulfill its obligations under this MOU or violates any material provision of this MOU, the non-defaulting party may terminate the MOU by giving the defaulting party written notice of termination; provided that, a party shall not be in default under this MOU unless and until the non-breaching party provides it with notice of such default and the defaulting party shall have failed to cure the same within thirty (30) days after receipt of notice. Termination under this paragraph does not relieve the defaulting party of liability for any damages caused to the Department, the City or the State. Damages incurred by the Department, the City and/or the State include, but are not limited to, funds

provided for construction and the cost of the fiber optic cable provided for the physical fiber path

7. **Liability.** Neither party assumes liability for the acts or omissions of the other party or its agents. A Party shall not be liable for damages to the other Party should access or service be disrupted or terminated through no fault of the Party providing the access or service.
8. **Termination for Non-appropriation.** If funds are not appropriated or otherwise made available to support continuation of the networkMaryland system in any fiscal year succeeding the first fiscal year, this MOU shall be terminated automatically as of the beginning of the fiscal year for which funds are not available.
9. **Maryland Law Prevails.** The law of Maryland shall govern the interpretation and enforcement of this MOU.
10. **Non-Assignment.** The Parties shall not assign or otherwise transfer this MOU, or any portion thereof, or lease, license, sublease, sublicense or engage in any other form of transfer of the license, rights, or responsibilities, in whole or in part, in any manner. Any attempted assignment or transfer in violation of this section shall be void.
11. **Immunities/Insurance.** Nothing in this MOU shall be construed to extend the immunities of one party and its agents to the other party or its agents. Each party is responsible for any equipment that it owns and/or operates and neither party is responsible for insuring equipment owned and/or operated by the other. This section shall not be interpreted to obligate either party to insure the equipment that it owns and/or operates.
12. **Changes.** This MOU may not be amended or modified in any manner other than by an agreement in writing approved by the parties and duly signed by authorized persons on behalf of the parties. .
13. **Permitted uses of the networkMaryland™ system and services.** Connectivity to and use of the networkMaryland™ system and services granted to the City under this MOU shall at all times conform to such restrictions and terms and conditions of use that the State may post from time-to-time at [www.networkMaryland.gov](http://www.networkMaryland.gov), including, by way of example only, use only for legitimate non-commercial governmental purposes and conformity with State of Maryland Information Technology Security Policy and Standards.
14. **No Waiver of Sovereign Immunity.** Nothing in this MOU, nor any action taken by any party hereto, nor any document arising out of this MOU shall constitute or be

construed as a waiver of either the sovereign immunity or governmental immunity of the parties.

- 15. Successors and Assigns.** This Agreement, and the terms, covenants, warranties and conditions hereof, shall be binding upon and inure to the benefit of the parties hereto and their respective authorized heirs, beneficiaries, administrators, executors, receivers, trustees, successors and permitted assigns. Unless otherwise expressly stated herein, nothing in this Agreement shall be construed as an authorization or right of any party to transfer or assign its rights in or delegate its duties under this Agreement without the prior written consent of the other party.
- 16. Captions.** All headings contained in this Agreement are for reference purposes only and shall not in any way affect the meaning or interpretation of the Agreement.
- 17. Entire Agreement.** This MOU contains the entire agreement between the parties with respect to the matters set forth herein. No representations, inducements or agreements, oral or otherwise, between the parties not contained herein shall be of any force or effect.
- 18. Counterparts.** This MOU may be signed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same instrument; and in pleading or proving any provision of this Agreement, it shall not be necessary to produce more than one complete set of such counterparts.

**The Next Page is the Signature Page**

**The remainder of this page is left blank. The signature page follows immediately.**

**IN WITNESS WHEREOF**, the parties have executed this MOU as of the day and year first above written.

**MARYLAND DEPARTMENT OF  
INFORMATION TECHNOLOGY**

By: \_\_\_\_\_

Al Bullock, Chief of Staff

\_\_\_\_\_  
Approved for Form and Legal

Sufficiency

**MAYOR AND CITY COUNCIL OF  
CUMBERLAND, MARYLAND**

By: \_\_\_\_\_

Attachment A- Incremental Mileage and Cost Increase

Attachment B- Route Maps



## MOU Attachment A - City of Cumberland

**County: Allegany**

### City Contact Information

Contact Name:	Johnna Byers	Date:	8/4/2015
County Address:	57 N Liberty Street Cumberland, MD 21502		
Contact Email:	<a href="mailto:johnna.byers@cumberlandmd.gov">johnna.byers@cumberlandmd.gov</a>	Contact Phone:	301-759-6441
Contact Cell:			
Contact 2 Name:	<a href="mailto:johnna.byers@cumberlandmd.gov">johnna.byers@cumberlandmd.gov</a>	Contact 2 Phone:	
Contact 2 Email:		Contact 2 Cell:	
Additional County Information:			

### DoIT Contact Information

DoIT Project Manager:	John Eichhorn	DoIT PM Phone:	(410) 590-2064
DoIT PM Email:	<a href="mailto:jeichhorn@skylinenet.net">jeichhorn@skylinenet.net</a>	DoIT PM Cell:	(443) 896-8966
DoIT Contact 2:	Denis McElligott	DoIT Contact 2 Phone:	(410) 260-6125
DoIT Contact 2 Email:	<a href="mailto:Denis.McElligott@maryland.gov">Denis.McElligott@maryland.gov</a>	DoIT PM Cell:	(443) 315-6408
Additional DoIT Information:			

### MOU Metrics

Type of DoIT Service Requested:					
Dark Fiber:	Yes	ISP Connectivity:		SwGI:	
Lit Services:		Total Sites:	2	OMTSN Connection	
ISP Connectivity Requested:		SwGI Requested:			
County Cash Match:		\$0.00	DoIT Supplied Equipment:		No
Date of Cash Match Spend:			Cash Match Spend Detail:		

#### DoIT Infrastructure Utilization:

DoIT Aerial Fiber Mileage:	5.36	DoIT UG Fiber Mileage:	0.34	DoIT Existing Infrastructure Mileage:	
----------------------------	------	------------------------	------	---------------------------------------	--

#### County Infrastructure Utilization:

County Aerial Fiber Mileage:		County UG Fiber Mileage:		County Existing Infrastructure Mileage:	0
------------------------------	--	--------------------------	--	---	---

### Project Information

Municipal Building  
Wastewater Treatment Plant

### Allegany County Cost Utilization Fee:

Utilization Cost: \$8,218

## Attachment B- Existing Fiber Routes



### DoIT Existing Fiber Backbone Route Miles City of Cumberland MOU

- Aqua aerial fiber route footage : 17,256 feet ( 3.26 miles)
- Green underground route footage: 972 feet ( 0.18 miles)



## City Of Cumberland

- Municipal Service Center
- Waste Water Treatment Plant

Orange New Fiber Route footage: 11, 123 feet ( 2.10 miles)

Purple New Existing COC conduit fiber route footage: 865 feet ( 0.16 miles)



Regular Council Agenda  
January 19, 2016

---

**Description**

Order approving the donation of a deed for property and improvements at 229 Cecelia Street from the Estate of Rosemary T. Byrne

**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: January 19, 2016

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

THAT, the Mayor be and is hereby authorized to accept the Deed for property at 229 Cecelia Street, Cumberland, Maryland, 21502, owned by the estate of Rosemary Byrne, for the amount of Zero Dollars (\$0.00).

---

**Mayor Brian K. Grim**

**IN THE ORPHANS' COURT FOR ALLEGANY COUNTY, MARYLAND**

**ESTATE OF  
ROSEMARY T. BYRNE**

:

**Estate No. 33826**

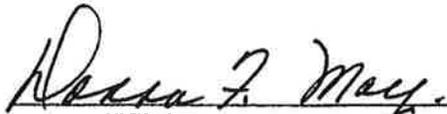
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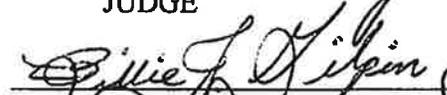
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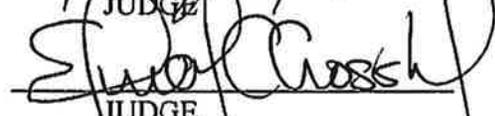
**ORDER**

Upon consideration of the Motion for Entry of Order Authorizing Personal Representative to Transfer Property, it is the opinion of this Court that the relief prayed should be granted.

**IT IS, THEREFORE**, this 5<sup>th</sup> day of January, 2015, **ORDERED** by the Orphans' Court for Allegany County, Maryland, that the Motion is **GRANTED**. The Personal Representative is hereby granted authority to execute a deed together with such other documents as are necessary or expedient in order to effect the transfer of the real property and the improvements thereon located at 229 Cecelia Street, Cumberland, MD 21502 to Mayor and City Council of Cumberland in exchange for zero consideration.

  
\_\_\_\_\_  
JUDGE

  
\_\_\_\_\_  
JUDGE

  
\_\_\_\_\_  
JUDGE



Regular Council Agenda  
January 19, 2016

---

**Description**

Order authorizing the execution of an Encroachment Agreement with First Project, LLC, owner of 114 South Centre Street, to allow for the installation of a rear egress stairway from the third floor to the public right-of-way of Ash Alley, measuring 6' wide

**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: January 19, 2016

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

THAT, the Mayor be and is hereby authorized to execute an Encroachment Agreement with First Project, LLC, owner of 114 South Center Street, to allow for the installation of a rear egress stairway from the third floor to the public right of way of Ash Alley, said encroachment to measure 6' wide.

---

**Brian K. Grim, Mayor**

## ENCROACHMENT AGREEMENT

**THIS ENCROACHMENT AGREEMENT** (“Agreement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2016 by and between the **Mayor and City Council of Cumberland** (the “City”), a Maryland municipal corporation, and **First Project, LLC** (the “Owner”).

### RECITALS:

**WHEREAS**, the Owner is the record title holder of that certain parcel of property and the improvements thereon located at 114 S. Centre Street, Cumberland, MD 21502 (the “Property”), which Property is more particularly described in the deed from Elks B.P.O. s/o Cumberland Elks Lodge to the Owner dated April 18, 2005, and recorded among the Land Records of Allegany County, Maryland in Deed Book 1141, Page 21.

**WHEREAS**, the Owner has requested an encroachment in the public right-of-way of the alley adjacent to the East side of the Property (a.k.a. Ash Alley) **approximately 6’ wide** for the purpose of installing a rear egress stairway from the third floor (the “Encroachment”), as shown on the maps and drawings attached hereto and incorporated by reference herein as **Exhibit A**; and

**WHEREAS**, the City has agreed to allow the said Encroachment subject to the below set forth terms and conditions.

### WITNESSETH:

**NOW THEREFORE**, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the City and the Owner hereby agree as follows:

1. **Recitals.** The Recitals set forth above are not merely prefatory. They are incorporated by reference herein and form a part of this Agreement.
2. **Grant of License.** The City hereby licenses and permits the Owner to encroach into the right-of-way of the alley to the East side of the Property (a.k.a. Ash Alley), but only in accordance with the maps and drawings attached hereto as **Exhibit A**. It is understood that the Encroachment is hereby deemed to be by license only and is not to be considered a conveyance or permanent grant of an easement in the area encroached upon. The grant of the said license confers no right, title, or interest in and to the City’s property other than the right to use the Encroachment subject to the terms and conditions of this Agreement. The license granted herein may be revoked for any reason or no reason at all.
3. **Duration.** It is understood and agreed that the license for the Encroachment herein granted is temporary in nature. The City may terminate this Agreement at any time and for any reason. In the event the City terminates this Agreement, the Owner, at its sole cost and expense, shall remove all improvements they installed in the area of the Encroachment, restoring it to the condition it was in prior to the installation of those improvements. Said removal and restoration shall be effected no later than sixty (60) days

from the date of the City's demand therefor. In the event the Owner fails to effect the removal of the Encroachment and the restoration of the Property in the manner and within the time frame aforesaid, the City may effect the said removal and/or restoration, and the Owner shall indemnify the City for the costs it incurs in doing so.

4. **Construction.** Any and all bearings and/or structures erected upon or in the area of the Encroachment by or on behalf of the Owner shall be supported by their own foundations and shall not rely on existing conditions or structures located within the right-of-way. Any construction within the area of the Encroachment shall be undertaken, completed and at all times maintained by the Owner in a good and/or workmanlike manner, using sound construction, engineering and or maintenance techniques and practices. To the extent that any permits are required for the construction or improvement to the area of the Encroachment, the Owner shall apply for and obtain them at its sole cost and expense. This Agreement shall not be deemed to constitute such a permit or an application therefor.

5. **Indemnification.** The Owner, for itself and on behalf of all future owners of the Property, hereby agrees to indemnify and hold the City harmless from and against any and all liabilities, damages, claims, costs and expenses, including, but not limited to, attorneys' fees, court costs and litigation expenses, which may be imposed upon or asserted against the City arising from or in any way associated with the Encroachment, the Owner's breach of the terms of this Agreement and/or any acts or omissions occurring within or related to the area in which the Encroachment is located. In the event the City institutes court proceedings for the purpose of enforcing the terms of this Agreement, the Owner shall be liable for its reasonable attorneys' fees, court costs and litigation expenses.

6. **Agreement Runs with Land.** This Agreement shall be binding upon the Owner, **his/her/its** personal representatives, heirs, successors and assigns. This Agreement will run with the title to the Property and will forever benefit the City and bind the Owner and all future owners of the Property, including, without limitation, their respective personal representatives, heirs, successors and assigns.

7. **Captions.** The marginal captions of this Agreement are for convenience only and in no way define or limit the intents, rights or obligations of the parties hereunder.

8. **Entire Agreement.** This Agreement contains the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained. No modification or waiver by the parties of any of the terms of this Agreement shall be valid unless in writing and executed with the same formality as this Agreement.

9. **Waiver.** The City's indulgence with respect to any of the terms and conditions of this Agreement or its failure to exercise any of its rights thereunder shall not constitute a waiver thereof, and the Owner shall remain liable and responsible for the strict performance of such terms and conditions.

10. **Governing Law.** This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable by means of an action commenced in the Circuit Court for Allegany County,

Maryland or the District Court of Maryland for Allegany County, and both parties waive the right to claim that such a proceeding is commence in an inconvenient forum or one that lacks proper venue.

11. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

12. **Jury Trial Waiver.** THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS AGREEMENT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS AGREEMENT.

13. **Recording Costs/Taxes.** The City reserves the right to record this Agreement among the Land Records of Allegany County, Maryland. The Owner shall bear the costs of recordation and shall pay any taxes due in connection therewith.

WITNESS the hands and seals of the parties hereto the day and year first above written.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL OF CUMBERLAND**

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

By: \_\_\_\_\_ (SEAL)  
Brian K. Grim, Mayor

**FIRST PROJECT, LLC**

\_\_\_\_\_

\_\_\_\_\_  
G. Steven Chaney, General Partner (SEAL)

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

**I HEREBY CERTIFY**, that on this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Brian K. Grim**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of the City of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said municipal corporation and that he is duly authorized by it to make this acknowledgment.

**WITNESS** my hand and Notarial Seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:** \_\_\_\_\_

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

**I HEREBY CERTIFY**, that on this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **G. Steven Chaney**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the general partner of First Project, LLC, a Limited Liability Company, and acknowledged the foregoing to be the act and deed of the said limited liability company and that he is duly authorized by it to make this acknowledgement.

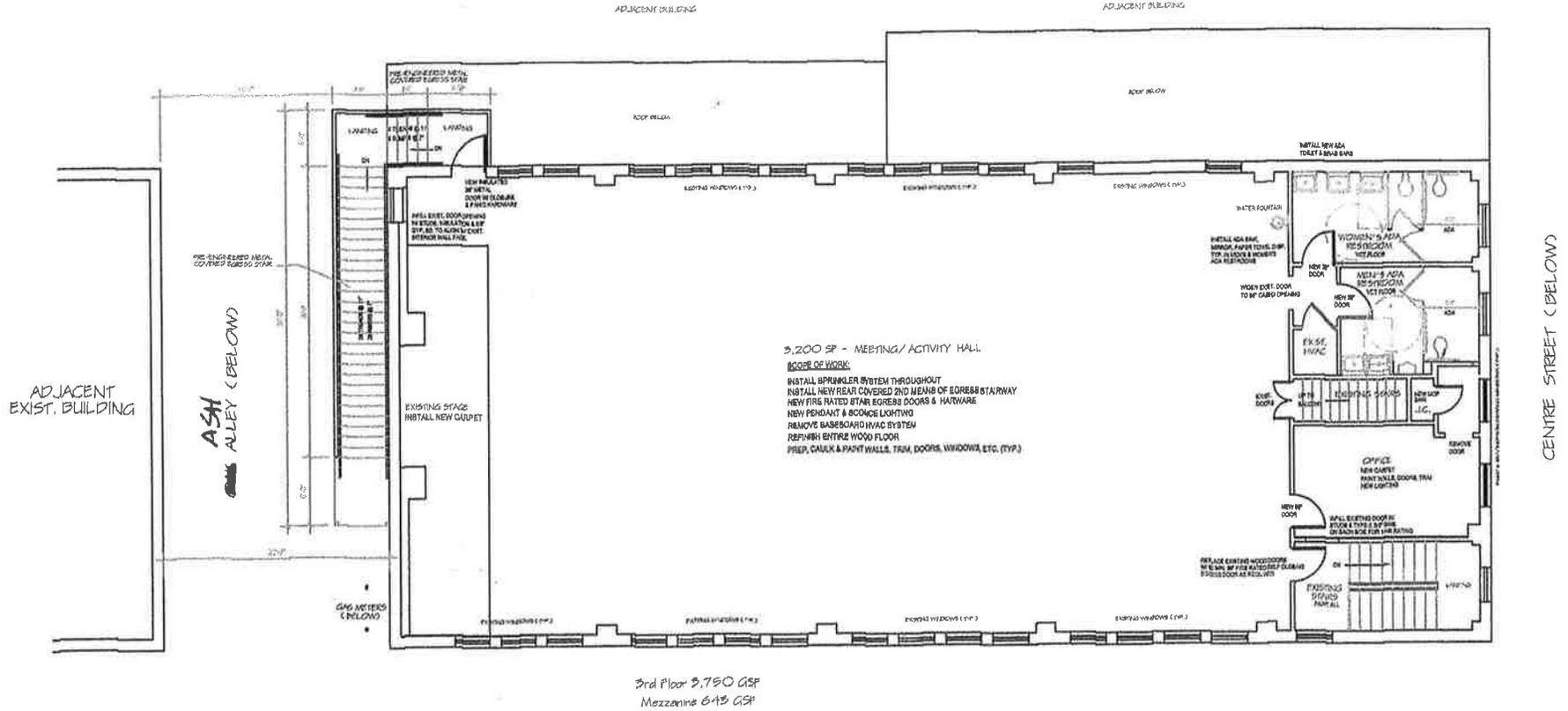
**WITNESS** my hand and Notarial Seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:** \_\_\_\_\_

**I HEREBY CERTIFY** that the foregoing instrument was prepared by the Mayor and City Council of Cumberland, a party to the instrument, and that no title search was performed in connection with its preparation.

\_\_\_\_\_  
**Jeffrey D. Rhodes, City Administrator**



3,200 SF - MEETING / ACTIVITY HALL  
 SCOPE OF WORK:  
 INSTALL SPRINKLER SYSTEM THROUGHOUT  
 INSTALL NEW REAR COVERED 2ND MEANS OF EGRESS STAIRWAY  
 NEW FINE RATED STAIR EGRESS DOORS & HARDWARE  
 NEW PENDANT & BOOCIE LIGHTING  
 REMOVE BASEBOARD HVAC SYSTEM  
 REFINISH ENTIRE WOOD FLOOR  
 PREP, PAINT & PAINT WALLS, TRIM, DOORS, WINDOWS, ETC. (TYP.)

3rd Floor 3,750 GSF  
 Mezzanine 643 GSF

SIGNATURE BLOCK DRAWING APPROVAL			
114 SOUTH CENTRE ST. CLAMM (AND NO FORMER ELK'S BUILDING) EXTERIOR 2ND FLOOR EGRESS STAIR			
NAME:	DATE:	APPROVED BY:	DATE:
		<i>G. Stev Chany</i>	1-10-16
TITLE:	DATE:	BUILDING OWNER:	DATE:
		G. STEVEN CHANEY, PRESIDENT CHANEY ARCHITECTS INC.	
TITLE:	DATE:	BUILDING OWNER:	DATE:
NOTE: THE SIGNATURE(S) ABOVE REPRESENTS APPROVAL OF THIS DRAWING. IT IS UNDERSTOOD THAT THE CITY AND ITS OFFICIALS ASSUME NO RESPONSIBILITY WHATSOEVER FOR THE DESIGN, DRAWINGS OR MAINTENANCE OF THE EXTERIOR STAIR. THE BUILDING OWNER OWNS THE EXTERIOR STAIR AND IS RESPONSIBLE FOR ITS MAINTENANCE AND ASSUMES ALL LIABILITY.			



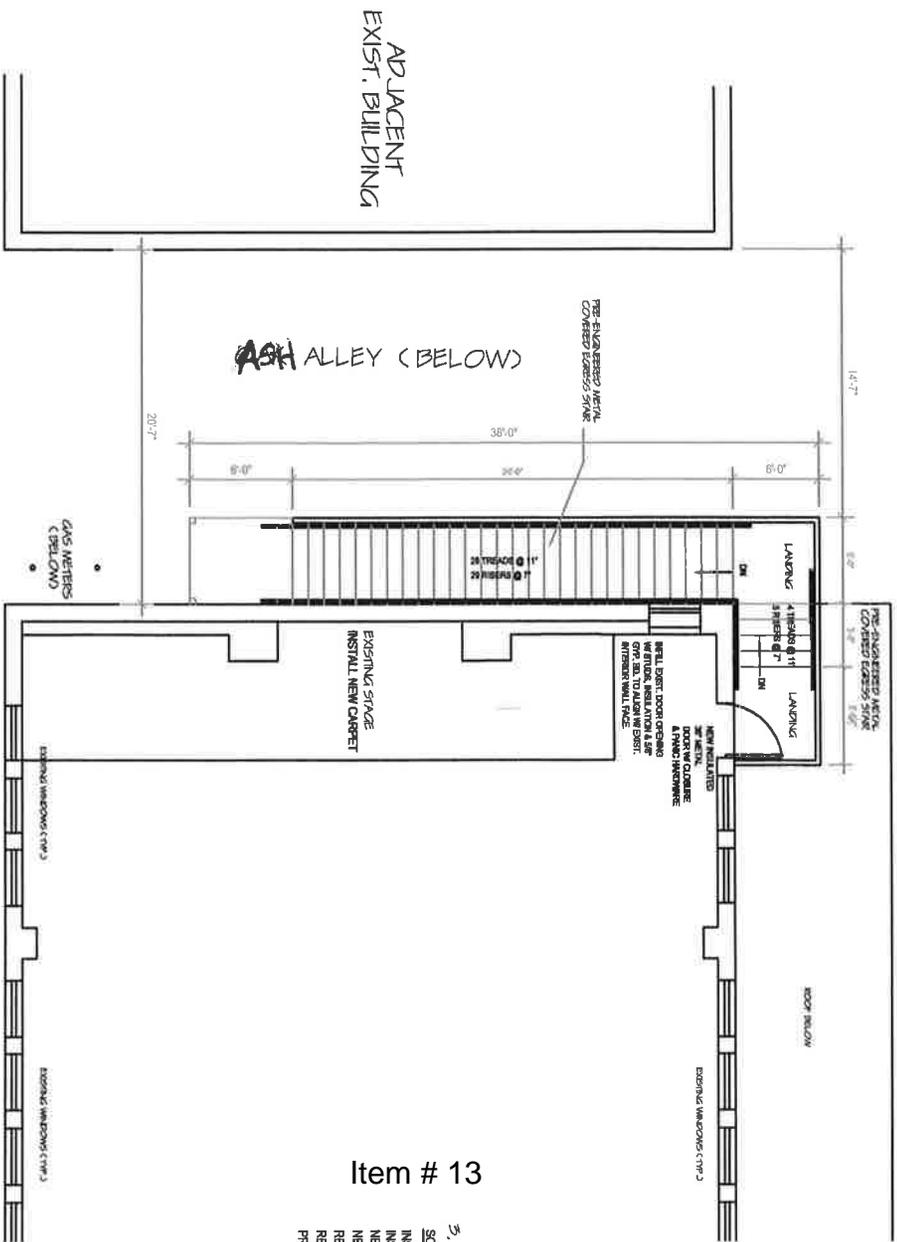
1 THIRD FLOOR PLAN  
 FORMER ELK'S BUILDING  
 01-14-16 N.T.S.

Item # 13

CHANEY ARCHITECTS, INC.

EXHIBIT A P2

ADJACENT BUILDING



3, S  
K  
K  
N  
N  
E  
N  
E  
R  
E  
R  
E  
P  
P

Item # 13

3rd Floor 3,750 GSF  
Mezzanine 645 GSF

SIGNATURE BLOCK DRAWING APPROVAL			
NAME:	DATE:	ARCHITECT:	DATE:
114 SOUTH CENTRE ST. CAMBERLAND MD (FORMER ELKS BUILDING) EXTERIOR 3RD FLOOR EXPRESS STAR		<i>G. Steven Chorney</i>	1-14-14
TITLE:	DATE:	BUILDING OWNER:	DATE:
NAME:		G. STEVEN CHORNEY, PRESIDENT CHORNEY ARCHITECTS INC.	
TITLE:		TITLE:	
NOTE THE SIGNATURE(S) ABOVE REPRESENTS APPROVAL OF THIS DRAWING(S). IT IS UNDERSTOOD THAT THE CITY AND ITS OFFICIALS ASSUME NO RESPONSIBILITY WHAT SO EVER FOR THE DESIGN, DRAWINGS OR MAINTENANCE OF THE EXTERIOR STAR. THE BUILDING OWNER OWNS THE EXTERIOR STAR AND IS RESPONSIBLE FOR ITS MAINTENANCE AND ASSUMES ALL LIABILITY.			

1 THIRD FLOOR PLAN  
FORMER ELK'S BUILDING  
01-14-16 N.T.S.

EXHIBIT A P3

Google Maps



Imagery ©2016 Google, Map data ©2016 Google 20 ft

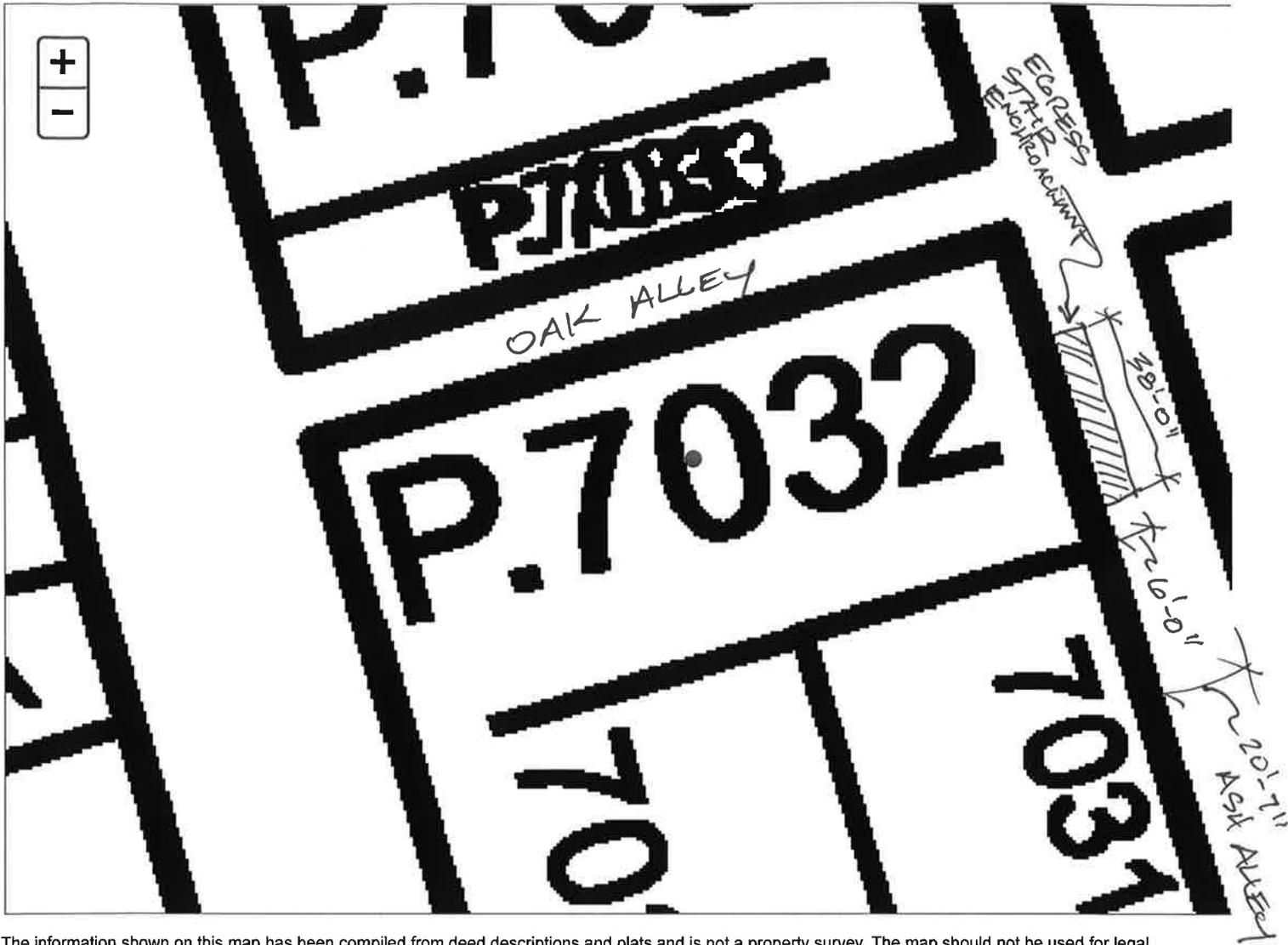
Item # 13

**Allegany County**

[New Search \(http://sdat.dat.maryland.gov/RealProperty/\)](http://sdat.dat.maryland.gov/RealProperty/)

District: **22** Account Number: **005901**

**EXHIBIT A P4**



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



Regular Council Agenda  
January 19, 2016

---

**Description**

Letter from Megan Mertz, Race Director, requesting permission to hold the First Annual Mental Health Matters 5 Mile Run and 1.5 Milk Walk on May 28, 2016 at 8:30 a.m. in Cumberland

**Approval, Acceptance / Recommendation**

The Cumberland Police Department has been contacted regarding this race and has no issues with the race being held in the city.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



January 6, 2016

Mayor and City Council  
Attn: Jeff Rhodes  
57 N Liberty Street  
Cumberland, MD 21502

Dear Mr. Rhodes:

This letter is to request permission to hold the First Annual Mental Health Matters 5 Mile Run and 1.5 Mile Walk on May 28, 2016 at 8:30 AM in Cumberland.

This run is to benefit the Mental Health System's Office of the Allegany County Health Department. Please see attached letter.

The run will start in front of M&M Bake Shop on Baltimore Street. It will continue down Baltimore Street and up onto the Allegany Passage to the turnaround past the Western Maryland Rail Road Steel Truss Bridge and come back. Start and finish will be at the same place.

I will also submit my application for the use of the Allegany Passage to Rodney Bell. I also have been in contact with Captain Leake of the Cumberland Police Department, and they are working with us fully.

We appreciate your consideration in this, which we think will be a prosperous event.

If you need anything else, please contact me. I can be reached at (301)-707-1188 or [meganmertz9@yahoo.com](mailto:meganmertz9@yahoo.com).

Sincerely,

*Megan Mertz*  
Megan Mertz  
Race Director

**Megan Mertz 932 Seton Dr #12 • Cumberland MD 21502**

# 1<sup>st</sup> Annual Mental Health Matters 5 Mile Run/1.5 Mile Walk

In any given year, nearly one in five adults experience a mental illness and nearly 1 in every 25 adults in America lives with a serious mental illness. Depression is the leading cause of disability worldwide and suicide is the 10<sup>th</sup> leading cause of death in the United States. Whether it's a colleague at work, a family member or ourselves, it's likely all of us have been touched by mental illness in some way. Unfortunately, nearly 60% of adults with a mental illness didn't receive mental health services in the previous year and for youth aged 8-15, the rate of individuals not receiving treatment is nearly 50%.

The Mental Health System's Office (MHSO), which began operation in 1992, is the local entity charged with the responsibility of planning, managing and monitoring public mental health services. These efforts include educating the public about mental illness, promoting mental health wellness and resilience, and working locally to encourage the development of services which meet the needs of individuals experiencing mental illness. To that end, the MHSO provides public education opportunities including hosting an annual Candlelight Celebration and Mental Health Month activities, promoting and providing free Mental Health First Aid classes throughout the area, sponsoring presentations by mental health consumers to human service classes at Allegany College of Maryland, and participating in health fairs and Homeless Resource Day, etc. The MHSO also represents the needs of individuals with mental illness at the state and local levels, and partners with behavioral health providers and others in the community to advocate for services and supports which are not only inclusive, but responsive.

At the individual level, the MHSO's mission has expanded over the years to include a variety of mental health support services including homeless services, targeted case management for adults, in-home/community services for children with emotional/behavioral needs and their families, housing supports, and a re-entry program for individuals with mental illness who are leaving jail or prison. These daily interactions allow the CSA to see where the needs are. It also allows the CSA to use a small pool of federal client support funds to assist individuals with mental illness to access medications, transportation, birth certificates/photo ids, etc. and to avoid eviction and utility shut-offs.

Unfortunately, guidelines around the use of this funding, along with the amount of funding available makes it impossible for the CSA to provide all of the assistance needed within the community. For instance, funds cannot be used to provide gas cards to assist parents with travel costs when their children are hospitalized or placed in residential treatment outside of the area. Nor can these funds be used to assist individuals who are not eligible for Maryland's public mental health system, including low-income elderly individuals with Medicare.

As the beneficiary of any funds raised, the MHSO (CSA) will ensure these funds are used as a last resort to address the needs of individuals for whom no other assistance is available or sufficient. The CSA would also like to use these funds to promote our public education efforts and envision this happening through use of funding to support poster, poetry, photography, or other contests which raise awareness and through use of funding to provide door prizes or small giveaways at public education events.

The Queen City Striders are pleased and proud to announce that the "1<sup>st</sup> Annual Mental Health Matters 5 Mile Run/1.5 Mile Walk" will be held Saturday, May 28, 2016 at 8:30am. This event will start and end in front of M&M Bake Shop on Baltimore Street. Awards/refreshments will be held at the finish. We are asking for your generosity in the form of a monetary donation and/or products that would help make this event a success. Any donation of \$100 will have the sponsor's logo and name on the race shirt, and a donation of \$50 will have the sponsor's name on the race shirt. Door prizes, drinks, and food donations are also needed and will be listed on the race shirt as well. Deadline for sponsorship is May 1, 2016. Please make your check out to Allegany County Health Dept. Donation Fund and put MHSO in the memo field for proper crediting. You may mail your sponsorship to: Megan Mertz – 932 Seton Drive, Apt. 12, Cumberland, MD 21502.

*Thank you in advance for your support...any donation will be greatly appreciated!*

Megan Mertz, Mental Health Matters Race Director  
301-707-1188 or meganmertz9@yahoo.com

Find us on Facebook: 1<sup>st</sup> Annual Mental Health Matters 5 Mile Run/1.5 Mile Walk



Regular Council Agenda  
January 19, 2016

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**Description**

Letter from Sharon and Mark Ellsworth, Race Directors, requesting permission to hold the 6th Annual Gulf War Memorial 5K Run on August 27, 2016 at 8:30 a.m. in Cumberland

**Approval, Acceptance / Recommendation**

The Cumberland Police Department has been contacted regarding this race and has no issues with the race being held in the city.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# The Gulf War Memorial Inc.

14200 Laura Lane SW

Cumberland, MD 21502

Jan 4, 2016

Mayor and City Council  
Attn: Jeff Rhodes  
57 N Liberty Street  
Cumberland MD 21502

Dear Mr. Rhodes,

This letter is to request permission to hold the Sixth Annual Gulf War Memorial 5K Run on August 27, 2016 at 8:30 am in Cumberland.

This run is to benefit the Gulf War Memorial at Gulf War Memorial Drive. See attached letter.

The run will start at the top of Baltimore Street, in front of the Rehab Center and will continue down Baltimore Street and up on the Canal Passage to the turnaround at the Narrows and come back. Start and finish at the same spot.

I also will submit my application for use of the Allegany Passage to Rodney Bell and also to Steven Leigh for the Downtown Cumberland Mall. I also have been in contact with Captain Leake of the Cumberland Police Department and they are working with us fully.

We appreciate your consideration in this, which we think will be another prosperous event.

If you need anything else please contact me. I can be reached at 301/729-6451 or email [sellsworth24@atlanticbb.net](mailto:sellsworth24@atlanticbb.net)

Sincerely,



Sharon & Mark Ellsworth  
Race Directors



[www.gulfwarmemorial.org](http://www.gulfwarmemorial.org)  
Gulf War Memorial Inc. Facebook

Item # 15

## *Gulf War Memorial 6th Annual 5K*

A Gulf War Memorial "Books of the fallen" has been erected in Cumberland MD. This beautiful, but sad monument is the first of this magnitude in the country and has over 8000 names of our brave service men and women who have given their lives for our country. Another granite book will also need to be erected bringing the total number of books to five. The cost for this is about \$50,000. This monument was dedicated April 4<sup>th</sup>, 2009, but will not be completed until the last of our service members return home.

This Memorial is not federally funded so we must rely on annual fundraisers to help offset the cost of adding additional names to the granite, pay insurance, electric, security and maintenance.

We are pleased and proud to announce that the "6<sup>th</sup> Annual 5K Run " will be held Saturday, August 27, 2016 at 8:30am. This event will start and end at the top of Baltimore Street and awards/refreshments will be at the Memorial located on Gulf War Memorial Drive in Downtown Cumberland. We are asking for your generosity in the form of a monetary donation and/or products that would help make this event a success. Any donation of \$100 will have the sponsors logo and name on the race shirt, and a donation of \$50 will have the sponsors name on the back of the race shirt. Door Prizes, drinks, and food donations are also needed and will be listed on the race shirt as well.

Thank you in advance for your support...any donation will be greatly appreciated.

Gulf War Memorial Race Directors  
Mark & Sharon Ellsworth  
301/729-6451 or [sellsworth24@atlanticbb.net](mailto:sellsworth24@atlanticbb.net)

[www.gulfwarmemorial.org](http://www.gulfwarmemorial.org) and find us on facebook.



Regular Council Agenda  
January 19, 2016

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**Description**

Letter from Sharon Ellsworth, Co-Race Director, requesting permission to hold portions of the Second Annual ACAS Howard's 25K Run, and Paws on the Pavement 5K, on August 21, 2016 at 7:00 a.m. in Cumberland

**Approval, Acceptance / Recommendation**

The Cumberland Police Department has been contacted regarding this race and has no issues with the race being held in the city.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



**Howard's 25K Run**  
 PO Box 5244  
 Cresaptown, MD 21505

January 4, 2016

Mayor and City Council  
 Attn: Jeff Rhodes  
 57 N Liberty Street  
 Cumberland MD 21502

Dear Mr. Rhodes,

This letter is to request permission to hold the Second Annual ACAS Howards 25K Run and Paws on the Pavement 5K, which will be added in 2016. First year was such a success that we are broadening the race. Race date is August 21, 2016 at 7am.

This run to to benefit the Allegany County Animal Shelter and the Lucky 33 dogs that were rescued June 13, 2014.

The 25K race will start at the Frostburg Depot and will run on the Great Allegany Passage into Cumberland and finish at the Canal Place. The race is a 15.5 (25K) point to point race. There will be a 4 hour time limit. New this year will be a 5K (3.1 Miles) that will start at 8am at Canal Place and will run up the Passage 1.55 miles then back.

I have been in contact with Greg Leake of the Cumberland police and they are on board with us. I have my permit ready to send to Rodney Bell of the Passage.

We appreciate your consideration in this, which we think will be another successful event for the Shelter. We donated \$6625.00 to the shelter in 2015! And this year will be bigger and better!

If anything else is needed please contact me. I can be reached at [sellsworth24@alanticbb.net](mailto:sellsworth24@alanticbb.net) or 301/707-4054.

Sincerely,  


Sharon Ellsworth  
 Co-Race Director, Howards 25K and Paws on the Pavement 5K



A Queen City Striders event for the benefit of the Allegany County Animal Shelter.



# Executive Summary

## Mission Statement

Howard's 25K Run and Paws on the Pavement 5K are charity races that are being organized and directed under the auspices of the Queen City Striders racing club, a local RRCA charter organization, to raise funds and awareness for the Allegany County Animal Shelter, a non-profit entity dedicated to the safe, humane treatment, care and placement of displaced and homeless pet animals in Allegany County, MD. Both events are also committed to promoting and encouraging the safe, responsible use of the Allegany County section of the Great Allegany Passage, a rail trail designed for recreational use that connects Cumberland, MD to Pittsburgh, PA.

## Objectives

- ✓ Raise awareness of the Allegany County Animal Shelter by utilizing social media and local media outlets to promote the purpose, programs, and functions of the shelter as a no-kill facility.
- ✓ Generate charitable funds for the Allegany County Animal Shelter through the receipt of runner registration fees and sponsor donations from local businesses.
- ✓ Promote tourism in the Allegany County area through featuring the Great Allegany Passage and Western Maryland Station utilizing the races website and press releases.
- ✓ Promote the Queen City Striders as an RRCA member organization representing the running community in Western Maryland that promotes running as part of healthy, active lifestyle and responsible stewardship of our natural resources that are available to the local running community.

## Description

Howard's 25K Run and Paws on the Pavement 5K are charity events conducted under the direction of the Queen City Striders, a member organization of the RRCA, for the purpose of benefitting the Allegany County Animal Shelter. Howard's Run is a 25 kilometer footrace to be held August 21, 2016 from 7am – 11am utilizing the Great Allegany Passage from the New Hope Road bridge near Frostburg to Canal Place in Cumberland, MD. Paws on the Pavement 5K is a 5 kilometer footrace that will be held concurrent with Howard's Run – August 21, 2016 from 8am-9am. The 5K course is an out and back beginning at the "0" or origin of the Great Allegany Passage and terminate 1.55 miles NNW at the southern tip of The Narrows. Both events will generate revenues through business sponsorships as well as registration fees collected from participants. All money remaining after expenses for the event have been paid will be donated to the Allegany County Animal Shelter for the purposes of supporting maintenance, operations, community programs, and development.

## Marketing

Howard's 25K Run is a charity athletic event and as such, we are targeting unattached runners (those not associated with running clubs) and running clubs similar to the Queen City Striders. It is worth noting that we observe that many runners are animal lovers and pet owners as well, and we feel the beneficent charity will be a valuable marketing point in promotions to participants. Since the Allegany County Animal Shelter serves the whole of Allegany County, we feel it reasonable to approach any business in the county as a potential sponsor of the event.

Participants can be segmented into several groups: competitive, charitable, recreational, and geographical. Many of our prospects will mostly likely be classified into more than one group.

**Competitive:** Participants that are interested in the event as an athletic competition. To appeal to this group, we are offering \$100 first place awards in the Mens' and Womens' classes as well as a bonus of at least \$200 for breaking the course record which was established in 2015. Additionally, we will be awarding trophies and medals to first, second, and third place finishers overall as well as age brackets.

**Charitable:** Participants that are interested in the event because it benefits the local animal shelter. To reach this group, we hope to promote that all (100%) of registration fees will be going to the named charity. In order to accomplish this goal, we hope to identify and recruit as many businesses as needed for sponsorships so that no registration money will be used to pay for event expenses.

**Recreational:** Participants that are interested in the event because it is a component of a healthy, active lifestyle. This group can be appealed to promoting the advantages of Western Maryland and the Great Allegany Passage. Since the course is approximately 80% crushed gravel and packed dirt/limestone, this would be a marketing point to this group. Most recreational runners are not interested in awards, but receiving a medal for completing the run is a marketable point as well.

**Geographical:** Those runners that live within short driving distance of the event (less than ½ hour travel). This group supports local events of all types because of loyalty to the area. These people feel it is a personal responsibility to support local events and business ventures.

After reviewing our effort in 2015, we received a great deal of feedback from many runners that did not choose to participate in Howard's 25K Run because the distance was too long. In response, we have added Paws on the Pavement 5K to address the market segment of runners that informed us they would participate in a shorter event. Many of these runners fell under the "charitable" and "recreational" marketing segments. We will be awarding prizes for 1<sup>st</sup> overall male and female, ribbons to age group winners, and finishers' medals. There will be no cash prizes for the 5K event.

## Pricing

Pricing for the event is simplistic for participants and sponsors to optimize understandability and minimize confusion. Participants pay a \$40 registration fee until July 31. The fee increases to \$50 from August 1-20. This is designed to encourage as many registrants as possible to enter prior to two weeks before the event. As an aside, we do expect the majority of participants to register prior to June 30, since an event of this distance typically requires a pre-commitment of several weeks training prior to the actual race. Paws on the Pavement 5K will have a \$17 registration fee until July 31, with the fee increasing to \$20 afterwards. We expect this event will have many more registrations in August than the 25K, since the fee increase is only \$3.

Sponsorship levels for both events consist of \$50 and \$100, although sponsors may donate more if they so choose. For \$50, a sponsor can have the business name printed on the back of the race shirt at the bottom. For \$100, businesses may opt to have their logo printed on the back of the official race shirt or placed on the mile markers for the race course (maximum of 10). We are also accepting an extremely limited amount of in-kind offerings for sponsorships to facilitate door prize drawings or possibly a gift basket drawing. This year we are also seeking signature (or name) sponsors for each event. These sponsors will have their name attached to the event, much in the same way M&T Bank is the named sponsor for the Baltimore Ravens stadium, or Fed-Ex is the named sponsor for the Washington Redskins stadium. While we haven't set firm prices for signature sponsorships, we are seeking \$500 for the 5K signature and \$1500 for 25K event.