



MAYOR

Brian K. Grim

CITY ADMINISTRATOR

Jeff Rhodes

CITY SOLICITOR

Michael Scott Cohen

COUNCIL

Seth D. Bernard

David Caporale

Richard J. "Rock" Cioni

Eugene T. Frazier

CITY CLERK

Marjorie A. Woodring

AGENDA

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

DATE 9/5/2017

***Pledge of Allegiance**

I. ROLL CALL

II. PROCLAMATIONS

- (A) Proclaiming the month of September, 2017 as Pain Awareness Month
- (B) Proclaiming the month of September 2017 to be General Aviation Appreciation Month
- (C) Proclaiming the month of September 2017 as Childhood Cancer Awareness Month

III. CERTIFICATES, AWARDS AND PRESENTATIONS

- (A) Presentation from Terri Hast, Neighborhood Advisory Commission representative, announcing the "Team Up to Clean Up & Green Up" grant funds that will be awarded to two community groups that are interested in cleaning up litter and implementing beautification initiatives in their neighborhoods

IV. DIRECTOR'S REPORT

- (A) Police
 - 1. Police Department monthly report for July, 2017

V. APPROVAL OF MINUTES

- (A) Routine
 - 1. Approval of the Work Session Minutes of May 9, 2017 and the Public Meeting Minutes of July 11, July 18, and August 1, 2017
- (B) Administrative / Executive

1. Summary Statement of the Closed Meeting held September 5, 2017

VI. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order authorizing the Chief of Police to enter into a Memorandum of Understanding with the Allegany County Health Department to accept an "Opiate Misuse Prevention" grant in an amount not-to-exceed \$1,500 for police overtime to provide medication pickup services to home-bound individuals and to conduct mini take-back events within the community
2. Order authorizing the execution of a Water Tap Agreement with Brandi L. and Daniel A. Krampf for the provision of City water service to their property at 13010 Millpoint Drive, Cumberland by tapping onto an existing privately-owned water line; property owners shall be responsible for installation costs and all future repair and maintenance costs; water service shall be charges at rates for outside city users; easements also granted by Richard & Carolyn Wilson and Glenn Brooks
3. Order adopting the Administration of Disciplinary Guidelines (2017) to replace the Disciplinary Guidelines adopted July 25, 2006 by Order No. 24,403
4. Order amending Order No. 26,170 to reinstate the 2017-2018 taxes for City-owned property at the Seneca Avenue (Tax Acct. No. 06-046908) in the amount of \$1,589, as Verizon Wireless has assumed responsibility for the taxes resulting from cell tower improvements at that site
5. Order authorizing the reappointment to the Board for the Housing Authority of the City of Cumberland of J. Eric Delaney for the term November 1, 2017 - October 31, 2022 and the appointment of Robert A. Godfrey for the term September 5, 2017 - October 31, 2019 to fill the unexpired term of Frederick Cook
6. Order accepting the sole source proposal from J&J Truck Equipment for the conversion from electric to hydraulic of two (2) existing spreader/auger units for the amount of \$25,950
7. Order authorizing the approval of a Cost-Share Agreement with the Maryland Department of the Environment for the "Willowbrook Road 12" Water Line Replacement Project" providing that MDE will pay up to 25% of the total project cost, not to exceed \$188,000
8. Order accepting the sole source proposal from Bennett, Brewer & Associates to provide preliminary design and engineering support required to produce an RFP for the "Willowbrook Road 12-inch Waterline Replacement Project" in the estimated amount of \$27,640
9. Order authorizing the execution of Change Order No. 3 with Braddock Construction to the current contract with Braddock Construction, LLC for the Baltimore Avenue Improvements Project (02-12-M) in the increased amount of \$21,470.40, bringing the total contract amount to an estimated \$1,723,149.20
10. Order authorizing the execution of a Certificate of Satisfaction acknowledging that the debt has been paid on a Deed of Trust made by Howard M. and Mary Kathleen Bohn, dated June 18, 2009, pertaining to 6 Virginia Avenue and releasing the associated lien
11. Order approving the award of \$2,653.54 in Central Business District Facade Improvement Program funding to 101 S. Centre Street, owned by Julianne Hagan

12. Order rescinding Order No. 26,148 dated June 20, 2017 and granting Hampstead Cumberland Arms Partners, L.P. a one-time Historic District Property Tax Credit for 2016-2017; it has been determined that a prior agreement with Hampstead for a Payment in Lieu of Taxes that was approved in November, 2013 makes the Historic District Tax Credit inapplicable

(B) Letters, Petitions

1. Letter from Lt. Chuck Ternent, CPD, advising that the Cumberland Police Department and the Allegany County Sheriff's Office have been jointly awarded a grant in the amount of \$12,760 through the Edward Byrne Memorial Justice Assistance Grant Formula Program for the purchase of less lethal equipment such as tasers or conducted electrical equipment, and inviting the Mayor and Council and the public to provide input on the program

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

VIII. ADJOURNMENT



Regular Council Agenda
September 5, 2017

Description

Proclaiming the month of September, 2017 as Pain Awareness Month

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



City of Cumberland
- MARYLAND -

Proclamation

- WHEREAS,** *the American Chronic Pain Association estimates that one in three Americans, approximately 50 million people, suffer from some type of chronic pain; and*
- WHEREAS,** *chronic pain, sometimes called persistent pain, can be very stressful for both the body and the soul and requires careful, ongoing attention to be properly treated; and*
- WHEREAS,** *acute pain is the result of injury or illness, and can be largely relieved with appropriate treatment; and*
- WHEREAS,** *pain should be considered the fifth vital sign, along with respiration, pulse, blood pressure, and core temperature; and*
- WHEREAS,** *approximately 30 – 40 percent of Americans diagnosed with cancer experience moderate to severe pain, with 90 percent of people with advanced cancer experiencing significant pain; and*
- WHEREAS,** *Partners for Understanding Pain was created to address these and other critical issues surrounding pain management today, and is dedicated to raising awareness about the sources of pain and the resources now available to people who suffer.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim the month of September 2017 in the City of Cumberland as

“PAIN AWARENESS MONTH”

*Given under our hands and seals this 5th day of September, in the year 2017,
with the Corporate Seal of the City of Cumberland hereto
attached, duly attested by the City Clerk.*

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor



Regular Council Agenda
September 5, 2017

Description

Proclaiming the month of September 2017 to be General Aviation Appreciation Month

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



City of Cumberland
- MARYLAND -

Proclamation

- WHEREAS,** *The City of Cumberland in the State of Maryland has a significant interest in the continued vitality of general aviation, aircraft manufacturing, aviation educational institutions, aviation organization and community airports; and*
- WHEREAS,** *General aviation and the Washington Executive Airport have an immense economic impact on Cumberland; and*
- WHEREAS,** *A 2015 Maryland Economic Impact of Airports Study found that general aviation airports in Maryland support more than \$704 million in business-generated revenue; and*
- WHEREAS,** *The State of Maryland has 35 public-use general aviation airports, serving 7,782 pilots and 3,774 active general aviation aircraft, while general aviation airports support 6,317 jobs across the state; and*
- WHEREAS,** *General aviation not only supports Maryland's economy, it improves overall quality of life by supporting emergency medical healthcare services, law enforcement, firefighting and disaster relief, and by transporting business travelers to their destinations quickly and safely; and*
- WHEREAS,** *The nation's infrastructure represents an important public benefit, and Congressional oversight should be in place to ensure stable funding of this system.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim the month of September, 2017 in the City of Cumberland as

“GENERAL AVIATION APPRECIATION MONTH”

*Given under our hands and seals this 5th day of September, in the year 2017,
with the Corporate Seal of the City of Cumberland hereto
attached, duly attested by the City Clerk.*

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor



Regular Council Agenda
September 5, 2017

Description

Proclaiming the month of September 2017 as Childhood Cancer Awareness Month

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland
~ MARYLAND ~

Proclamation

- WHEREAS,** *the American Childhood Cancer Organization stands at the forefront of the battle against childhood cancer and is dedicated to giving every child facing childhood cancer a fighting chance at a healthy, happy future; and*
- WHEREAS,** *the American Childhood Cancer Organization was founded by parents who themselves have faced this challenge and who are joined in their fight by a national community of families and survivors; and*
- WHEREAS,** *through the efforts of the American Childhood Cancer Organization, the fight against childhood cancer now has a nationally recognized symbol – the Gold Ribbon – and Childhood Cancer Awareness Month is promoted across the nation in an effort to draw attention to the types of cancer that largely affect children, highlight survivorship issues, and help raise funds for research and family support; and*
- WHEREAS,** *the Holding Hands for Haley Foundation, a locally formed childhood cancer awareness organization, is challenging all Cumberland businesses to promote childhood cancer awareness in the month of September by decorating in gold the week of September 11 – 15, 2017; and*
- WHEREAS,** *the City of Cumberland, having accepted this challenge, will be decorating City Hall in gold during the month of September to help support this united stand in the Fight against childhood cancer and the ongoing search for new and innovative treatment options.*

Now, Therefore, I, Brian K. Grim, Mayor of the City of Cumberland,
do hereby proclaim the month of September, 2017 as

“Childhood Cancer Awareness Month”

Given under our Hands and Seals this 5th day of September, in the year 2017, with the Corporate Seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor

Item # 3



Regular Council Agenda
September 5, 2017

Description

Presentation from Terri Hast, Neighborhood Advisory Commission representative, announcing the "Team Up to Clean Up & Green Up" grant funds that will be awarded to two community groups that are interested in cleaning up litter and implementing beautification initiatives in their neighborhoods

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Team Up to 'Clean Up & Green Up'

A Citizen Stewardship Campaign



Item # 4

Clean Up & Green Up Maryland



- ▶ Keep Maryland Beautiful Grant Program of the Maryland Environmental Trust, supported by the Maryland Department of Housing and Community Development, and the Maryland State Highway Administration
- ▶ Program to eliminate litter and implement beautification initiatives.
- ▶ \$5,000 Award to the Cumberland Neighborhood Advisory Commission
 - ▶ Funding to support two campaigns - \$2,500 each



Project/Event

- ▶ Promote cleanliness & beautification by removing visible litter
 - ▶ To include: Junk, trash and debris
 - ▶ May include: cutting/removal of high grass/weeds and simple property maintenance projects
- ▶ Facilitate cleanup of communities
 - ▶ Allow residents to dump trash and recyclables NOT picked up by normal refuse collection
 - ▶ Volunteers should assist the handicapped, disabled, and the elderly
- ▶ Educate residents on re-use possibilities vs. throwing away
 - ▶ Handouts from: City of Cumberland Bulk Pick Up Program, Allegany County Recycling, Burgmeiers Hauling Inc., Goodwill Industries, Tech Re-Up, A&B Appliances, Savers, etc.
- ▶ Be assisted by the Neighborhood Advisory Commission
 - ▶ Promotion, fliers, informational handouts



Who Can Apply?

- ▶ **Neighborhood Associations**
- ▶ **Community Groups**
- ▶ **Non-profit Organizations**
- ▶ **Schools, Community Colleges, Universities**
 - ▶ Conservation, Environmental, Service Clubs, etc.
- ▶ **Youth Groups**
 - ▶ 4-H Clubs, Boy/Girl Scouts, Churches
- ▶ **Juvenile and Adult Probation/Community Service Programs**
- ▶ **General Public**



Timeline

- ▶ **Applications will be accepted immediately** - through availability of funds.
 - ▶ Application packets available at City Hall and online
 - ▶ Includes Tips on How to Plan a Clean Up & Green Up Campaign.
 - ▶ 1 page to fill out, plus include a short summary of plans
- ▶ **Deadline to apply - September 21, 2017, 4:00 p .m.**
- ▶ **Project must be held before December 14, 2017**
- ▶ **Report due two weeks following project event date** - no later than December 28, 2017
 - ▶ 1-2 page report to include photographs (electronic or print), publicity (media/promotion) and accomplishments...NAC will assist



Contact

City of Cumberland

Department of Community Development

Terri Hast, Community Services Specialist

57 N. Liberty Street (lower level of City Hall)

301-759-6517 (8-4, M-F)

terri.hast@cumberlandmd.gov

www.ci.cumberland.md.us / Government / Neighborhood Advisory Commission / Clean Up to Green Up





Regular Council Agenda
September 5, 2017

Description

Police Department monthly report for July, 2017

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



City of Cumberland Department of Police

Monthly Report
July 2017



City of Cumberland Department of Police

Monthly Report

July 2017

Part 1 Crimes for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
Aggravated Assaults	12	7	B & E (All)	22	20	Murder	0	0	Rape	1	1
Robbery	6	6	Theft - Felony	1	8	Theft - Vehicle	3	2			

Selected Criminal Complaints for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
Theft - Misdemeanor	33	35	Theft - Petty	48	48	Domestic Assaults	34	37	CDS	69	77
Disturbances	193	211	DOP/Vandalism	41	34	Indecent Exposure	2	2	Sex Off - Other	4	5
Suicide	0	0	Suicide - Attmp.	5	2	Tampering M/V	0	0	Abuse - Child	2	1
Trespassing	18	19	Assault on Police	3	1	Assault Other	48	59			

Selected Miscellaneous Incidents for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
Alcohol Violations	6	5	Juvenile Compl.	27	22	Missing Persons	11	14	School Resource	0	0
School Threat	0	0	Sex Off. Regist.	30	13	Truancy	0	0	Death Investigation	4	6

Selected Traffic Incidents for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
DWI	6	9	Hit & Run	31	25	M/V Crash	63	56	Traffic Stop	358	461

Selected Service Calls for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
Alarms	50	59	Assist Motorist	43	29	Check Well-Being	128	148	Foot Patrol	22	46
Assist Other Agency	67	77	Bike Patrol	2	7	Special Events	10	6	Suspicious Activity	80	70

Arrests Totals for the Month

	2016	2017		2016	2017		2016	2017		2016	2017
M/V Citations	44	63	M/V Warnings	291	396	Adult Arrests	164	200	Juvenile Arrests	16	8

Total Incidents Reported : **2016** **2017**
2,162 **2,380**

Charles Hinnant - Chief of Police

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

JULY 2017

SWORN PERSONNEL: 50 SWORN OFFICERS

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

CIVILIAN EMPLOYEES: 7 full time, 7 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 Drug Coordinator	1 full time*
CPD Maintenance	1 part time
C3I Office Associate	1 full time
C3IN Office Associate	1 part time**
C3I 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

* = Grant funded

** = Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 1312 HOURS

YEAR TO DATE (beginning 7/1/17): 1,312 HOURS

COMP TIME USED: 206 HOURS

YEAR TO DATE (beginning 7/1/17): 206 HOURS

SICK TIME USED: 144 HOURS

YEAR TO DATE (beginning 7/1/17): 144 HOURS

OVERTIME REPORT

OVERTIME WORKED: 252 HOURS

YEAR TO DATE (beginning 7/1/17): 252 HOURS

HOSPITAL SECURITY: 112 HOURS

YEAR TO DATE (beginning 7/1/17): 112 HOURS

COURT TIME WORKED: 76 HOURS

YEAR TO DATE (beginning 7/1/17): 76 HOURS

TRAINING REPORT

42 OFFICERS TRAINED FOR 284 HOURS

YEAR TO DATE (beginning 7/1/17) 284 HOURS



Regular Council Agenda
September 5, 2017

Description

Approval of the Work Session Minutes of May 9, 2017 and the Public Meeting Minutes of July 11, July 18, and August 1, 2017

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

WORK SESSION

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

Tuesday, May 9, 2017
10:00 a.m.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard (via conference phone), David Caporale, Richard Cioni, Eugene Frazier

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Kenneth Tressler, City Comptroller; Donald Dunn, Fire Chief; Marjorie Woodring, City Clerk; guests; media

On a motion made by Caporale and seconded by Cioni, the meeting convened at 10:00 a.m.

I. BUDGET HIGHLIGHTS

Mr. Tressler presented budget numbers that had been revised since the last budget work session, stating that the City was facing significant financial challenges. The newly proposed budget would, however, address the general fund deficit.

1. No rate changes were being recommended for the proprietary funds as they were manageable for now.
2. A 9.75% tax increase was being recommended to help address the general fund deficit
3. A substantial increase in health care costs was expected in the coming year, estimated at \$300,000
4. Ordinances would be introduced to authorize refinancing of the 2008 and 2009 Government Obligation Bonds and issuance of a 2016 Bond Anticipation Note.
5. The State had corrected their income tax allocation error and past over-allocations would be forgiven. There would, however, be a \$200-\$225 per year reduction going forward.

Capital Expenditures - FY18 capital purchases would be funded with either existing debt, new debt, or grant proceeds. \$190,000 in reductions had been made since the initial budget work session.

Details on capital expenditures were shared by category and fund. Engineering is developing a detailed street paving list based on \$1M to be funded with existing debt.

CSO Projects - A breakdown of capital funding, Bay Restoration Grant funding, and municipal debt was provided on the Evitts Creek CSO Phase 3 Project and the CSO Underground Storage Tank at the WWTP. The Evitts Creek project was to be completed in FY18 and the Underground Storage project was to be completed by June 2019.

Potential FY18 Street Projects - A list of streets to be addressed in FY 18 was provided.

City-wide Debt Service Requirements - Refinancing details of the Government Obligation Bonds for 2008 and 2009, and the Bond Anticipation Note for 2016 were provided. Excluding American Recovery and Reinvestment Act (ARRA) debt and after FY18 debt service payments, the City debt at 6/30/18 will be \$53.5 million. City-wide annual debt service requirements were manageable and would be declining over the next 10 years.

Proprietary Funds - Overall, the proprietary funds were expected to show a profit and generate a positive cash flow in FY18. No rate increases were recommended given the proposed tax increase. Without new borrowing or rate increases, however, the proprietary funds are expected to be in negative cash positions beginning in FY19.

It was noted that the water and trash funds reflect negative balances for FY18 but it was recommended that the losses be absorbed for now. The funds would be looked at in the coming year to determine alternatives such as rate increases; the trash was currently 100% contracted out.

General Fund revenues and expenditures were presented and changes since the May 2nd meeting were highlighted:

1. The overall budget had been adjusted from a \$1.29M deficit to a \$121,277 surplus.
2. 7 current or expected open positions would not be filled. These included 3 police officers, 2 fire fighters, 1 street department position, and 1 City Planner position. Overtime had been added to maintain police and fire staffing levels. Existing staff was not being reduced and the positions would be reviewed on a yearly basis and filled if possible. If vacancies were created during the year, those would be evaluated as well.
3. Departmental operating costs had been reduced by 5%.
4. Capital acquisitions had been reduced by \$69K and associated financing costs.
5. The subsidy to the DDC had been reduced by \$20K. It was noted that there were sufficient funds in the DDC budget to absorb this cut for a year.
6. The subsidy to the Cumberland Economic Development Commission had been reduced by \$50K.
7. A tax increase of 9.75% was being recommended. This equated to a \$6/month increase for the median house valued at \$76,000.

Mayor Grim noted that it was initially thought that a 20% tax increase would be needed to balance the budget, but the increase had been reduced to less than 10% with the cost to the average citizen being \$6 a month.

Councilman Caporale noted that the proposed consolidation of EMS services could not happen overnight and questioned whether it would be possible to have a floating tax rate that could be lowered in the future. Mr. Rhodes discussed the challenges of EMS consolidation and the possibility of exhausting volunteers if they were used to supplement those services. He stated that the tax rate could be re-examined down the road if the tax base recovered, if health care costs could be lowered, etc.

Councilman Cioni discussed the city's aging community and noted that many elderly citizens depend on City services and remain in the city for that reason. That needed to be considered when talking about cutting services.

Councilman Frazier commented on Hagerstown's effective use of volunteers and stated that he felt the City definitely need a paid fire department.

Chief Dunn discussed that the City works with supplemental volunteers because of the mutual aid agreements that are in place for working fires. Minor calls are not subject to mutual aid, however. The department averages 16 EMS calls a day and 3-4 fire calls a day. He further noted that there was a difference in the response time for full time versus volunteer departments.

Mr. Rhodes stated that no one wanted to put the department in a position where they could not do their job safely. He stated that if the City was going to have less firefighters, it would need to reexamine how the department operates and how it relies on mutual aid.

Mayor Grim discussed that cuts to public safety dollars would directly affect the services provided. As 51% of the general fund supported public safety, those citizens calling for additional cuts to the budget needed to be mindful that additional cuts would mean they may not get their emergency calls answered as quickly.

Mayor Grim further noted that much staff time had been put into the budget and had taken into consideration the call to maintain public safety, keep the rates as low as possible, and make whatever cuts could possibly be made. The budget that has been presented blends all options available and keeps the tax rate as low as possible. He stated he was comfortable moving forward with the proposed budget as he felt this was the best case scenario.

Councilman Cioni commented on the positive effects of maintaining the quality of life services such as the pool and the park, even though some considered them luxuries. He stated they were important services, especially in light of the relatively minimal cost to operate.

Councilman Caporale commented that it was important to maintain services such as the pool and park to provide outlets for kids and help deter crime.

Councilman Frazier stated that he was not comfortable going with the 9.75% increase. He felt the City had made poor decisions in the past and there still needed to be re-evaluation of some of the things the City does. He would be a no vote.

Mr. Rhodes asked Council to provide their input on the budget presentation in the next day or two.

XII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 11:08 a.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

COUNCIL
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.
Eugene T. Frazier

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 7/11/17

*Pledge of Allegiance

I. ROLL CALL

Mayor Grim convened the meeting at 6:15 p.m.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, Eugene Frazier

ABSENT: Councilman Richard Cioni, Jr.

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

II. DIRECTOR'S REPORT

(A) Fire

1. Fire Department Monthly Report for June, 2017

Item Action: Approved

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

(B) Public Works

1. Utilities Division Monthly Report for May, 2017

Item Action: Approved

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

III. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of May 2, May 9, and May 16, 2017

Item Action: Approved

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

2. Approval of the Work Session Minutes of May 2, 2017

Item Action: Approved

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

IV. NEW BUSINESS

(A) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Caporale, seconded by Frazier, and was passed on a vote of 4-0.

1. Order authorizing the Chief of Police to accept a GOCCP STOP Gun Violence Reduction Grant entitled "Gun Violence Reduction Initiative" for FY18 in the amount of \$4,000 for overtime to perform gun-related investigations and specialized gun interdiction patrols and to assist in the execution of search warrants to proactively combat street-level violent crime

Item Action: Approved

ORDER NO. 26,155

2. Order authorizing the Chief of Police to accept a GOCCP Heroin Coordinator Grant for FY18 in the amount of \$65,931 for personnel and licensing renewals to assist in developing and implementing strategies intended to reduce heroin overdoses and related crime

Item Action: Approved

Chief Hinnant shared information on the Heroin Coordinator Grant, advising that the Safe Streets Grant application had changed its focus from crime in the city to addressing heroin issues, noting that there was direct correlation between the two. Cumberland was one of sixteen jurisdictions in the state to receive the grant which supported a coordinated law enforcement strategy to battle heroin issues through information sharing. Chief Hinnant provided details of what information is collected and how it is shared.

ORDER NO. 26,156

3. Order accepting the proposal of Carl Belt, Inc. for the emergency street repairs of the 24" water main rupture at the intersection of Decatur and Glenn Streets in the estimated amount not-to-exceed \$95,600 per Section 2-173(2) of the City Code

Item Action: Approved

ORDER NO. 26,157

4. Order accepting the proposal of CBIZ Insurance Services, Inc. to provide risk management services for the period of July 1, 2017 through June 30, 2018 for the amount not-to-exceed \$32,500

Item Action: Approved

ORDER NO. 26,158

- 5. Order accepting the proposal from Local Government Insurance Trust (LGIT) to provide insurance services for the period July 1, 2017 through June 30, 2018 for property, general liability for two parking garages, and boiler and machinery coverage for the amount of \$139,736

Item Action: Approved

ORDER NO. 26,159

V. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

No public comments were presented at this time.

VI. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:23 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
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.
Eugene T. Frazier

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 7/18/17

***Pledge of Allegiance**

I. ROLL CALL

Mayor Grim convened the meeting at 6:15 p.m.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, Eugene Frazier

ABSENT: Council Members Seth Bernard, Richard Cioni

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

II. CERTIFICATES, AWARDS AND PRESENTATIONS

- (A) Presentation of the Let's Beautify Cumberland! 2017 Blue Ribbon Awards to Grace Firlie, 1001 Kent Ave.; Clarence & Shirley Nichols, 418 Valley St.; Lois Gero, 420 Valley St.; Craig Springer, 330 N. Mechanic St.; Page's Ice Cream, 735 N. Centre St.; Roy Rogers, 624 Queen City Dr.

Ed Mullaney and Ginny Decker, Co-Chairs of the Let's Beautify Cumberland! Committee provided background on the committee and the purpose of the awards. Mr. Mulleney also provided details on the beautification efforts at each property and the awards were presented.

- (B) Certificates of Recognition presented to Bruce Irons of Sunshine Center Laundry, Inc. for his many years of cleaning LBC's United States flags at no charge; and to Paul Eriksson, for all his invaluable help for the success of every project LBC undertakes

Ed Mullaney, Co-Chair of the Let's Beautify Cumberland! Committee spoke about the importance of cleaning up and beautifying our neighborhoods, businesses, and homes. He recognized Mr. Irons for his contribution to the LBC! flag project and presented a Certificate of Recognition.

III. DIRECTOR'S REPORT

(A) Administrative Services

1. Administrative Services monthly report for May, 2017

Motion to approve the report was made by Frazier, seconded by Bernard, and was passed on a vote of 3-0.

(B) Public Works

1. Engineering Division monthly report for June, 2017

Motion to approve the report was made by Frazier, seconded by Bernard, and was passed on a vote of 3-0.

IV. APPROVAL OF MINUTES

(A) Administrative / Executive

1. Statement of the Closed Meeting held July 18, 2017

Mayor Grim announced that a Closed Session had been held Tuesday, July 18, 2017 at 5:30 p.m. and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.

V. NEW BUSINESS

(A) Resolutions

1. Resolution granting the Carver Community Center, Inc. property tax credits for the year 2017-2018

Mr. Rhodes advised that this was a yearly request from Carver Community Center and was allowable through provisions of the Maryland Annotated Code. Mr. Grim called for questions or comments.

Motion to approve the Resolution was made by Bernard, seconded by Frazier, and was passed on a vote of 3-0.

RESOLUTION NO. R2017-10

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-4 was made by Frazier, seconded by Bernard, and was passed on a vote of 3-0.

1. Order authorizing the Chief of Police to accept a GOCCP Grant entitled School Safety Enforcement in the amount of \$24,880 for police overtime to perform after school safety patrols along with providing educational material for students and the creation of public safety announcements

ORDER NO. 26,160

2. Order authorizing the Chief of Police to accept a GOCCP Safe Streets Grant for FY18 in the amount of \$220,000 for personnel and overtime costs associated with ongoing initiatives to address the high incidents of crime, with special attention to the heroin issues in Cumberland and the surrounding areas of Allegany County

ORDER NO. 26,161

3. Order authorizing acceptance of a Clean Up & Green Up Grant from the Maryland Environmental Trust in the amount of \$5,000 to be used for neighborhood beautification efforts coordinated by the Neighborhood Advisory Commission

ORDER NO. 26,162

4. Order approving the abatement of real estate taxes on properties owned by the Cumberland Economic Development Corporation

ORDER NO. 26,163

5. Order authorizing the execution of a Joint-Use Agreement between the City of Cumberland, Allegany College of Maryland, and the Maryland Department of Natural Resources for funds administered by the Maryland DNR's Program Open Space/Community Parks and Playgrounds Program, related to the grant of \$120,000 awarded to the M&CC for recreational facilities on lands owned by Allegany College

ORDER NO. 26,164

(C) Letters, Petitions

1. Letter from Terri Ann Lowery, Race Director, asking for approval to hold a portion of the 2017 Great Allegany Run in Cumberland on Saturday, October 7, 2017

The letter was acknowledged and entered into public record. In response to questioning from the Mayor, Mr. Rhodes advised that there were no event fees that would be charged for this event, but overtime costs were expected to be incurred. Mayor Grim urged that consideration be given to adopting a fee schedule for such events to cover the additional expenses that the City incurs.

Council provided consensus to proceed with the event.

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

There were no public comments offered at this time.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:32 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland**Closed Session Summary**

Tuesday, July 18, 2017 at 5:30 p.m.

Second Floor Conference Room, City Hall

On Tuesday, July 18, 2017, the Mayor and City Council met in closed session at 5:30 p.m. in the second floor conference room of City Hall to discuss negotiation issues pertaining to the bargaining agreement with the International Association of Fire Fighters (IAFF) #1715.

Persons in attendance included Mayor Brian Grim; Council Members, Seth Bernard, and Eugene Frazier; City Administrator Jeff Rhodes, City Solicitor Mike Cohen, and City Clerk Marjorie Woodring.

On a motion made by Councilman Bernard and seconded by Councilman Frazier, Council voted 3-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:02 p.m.

Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (9).



Brian K. Grim, Mayor

Entered into the public record on JUL 18 2017



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

COUNCIL
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.
Eugene T. Frazier

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 8/1/17

***Pledge of Allegiance**

I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, Richard Cioni, Eugene Frazier

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Donald Dunn, Fire Chief; Sgt. Charles Ternent, CPD; Marjorie Woodring, City Clerk

II. CERTIFICATES, AWARDS AND PRESENTATIONS

- (A) Presentation of the Sue Cerutti Historic Preservation Awards to the Downtown Development Commission, with the Allegany Arts Council and Canal Place Preservation & Development Authority as partners, for the 2016 Downtown Cumberland Public Art projects

Kathy McKenney, Community Development Programs Manager, discussed that the goal of the Historic Preservation Award was to recognize projects that were extra good examples of historic renovations. She shared eligibility requirements and advised that in 2008 the award had been renamed in honor of Sue Cerutti.

Hank Bullamore, Chairman of the Historic Preservation Commission, reviewed this year's winning project, which represented a collective effort of the DDC, the Allegany Arts Council, the Canal Place Preservation & Development Authority, and a number of individual property owners in the downtown. The project allowed for the installation of four "Welcome to Downtown Cumberland" murals on buildings in the downtown. He recognized the property owners of 157 Baltimore Street, 42 Baltimore Street, 18-22 Mechanic Street, and the CPPDA. Sandi Saville, Chairwoman of the DDC, and Jennifer Light, Executive Director of the DDC, accepted the award as project representatives.

III. DIRECTOR'S REPORT

- (A) Police

1. Police Department monthly report for June, 2017

Item Action: Approved

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

(B) Public Works

1. Maintenance Division monthly report for June, 2017

Item Action: Approved

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

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Public Meeting Minutes of May 23, 2017 and June 6, 2017

Item Action: Approved

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

V. NEW BUSINESS

(A) Orders (Consent Agenda)

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-4 was made by Bernard, seconded by Caporale, and was passed on a vote of 5-0.

1. Order authorizing the Chief of Police to enter into a Memorandum of Understanding with the Allegany County Sheriff's Office on behalf of the Mayor and City Council of Cumberland to equally share overtime funding received through a GOCCP Grant entitled "Sex Offender Compliance in Maryland"

Item Action: Approved

ORDER NO. 26,165

2. Order authorizing Special Taxing District Residential Exemptions for 50-52 N. Centre St., 2017/18 taxes - \$295.94; 43-45 N. Liberty St., 2017/18 taxes - \$199.96; 47 Baltimore Street 2017/18 taxes - \$399.67; 45 N. Centre Street 2017/18 taxes - \$528.28

Item Action: Approved

ORDER NO. 26,166

3. Order declaring a 1994 Ford Truck (Vin No. 1FTHF36HORNA00564) to be surplus equipment and authorizing it for sale or trade-in

Item Action: Approved

ORDER NO. 26,167

4. Order authorizing the Chief of Police to accept a GOCCP grant entitled "Community Program" in the amount of \$10,400.00 for police overtime to conduct neighborhood foot and bike patrols and attend community events

Item Action: Approved

ORDER NO. 26,168

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Kenneth Wilmot, 513 Fort Avenue, expressed concerns with the property tax increase. He stated the City gave CDBG funding to the animal shelter and Councilman Cioni supported giving the shelter another \$5,000. He questioned why the City was giving money to a County function when it didn't have funding for services. Councilman Cioni stated the program he supported provided a low-cost way to address feral cats in neighborhoods.

Paul Notarianni 819 Fayette Street, stated he was concerned over the residential taxes going up by 10%. He questioned why, when residents were being asked to pay more, the Council had abated the taxes owed by the Cumberland Economic Development Corporation (CEDC) for properties they owned on Maryland Avenue. He also questioned how much had been abated. Mr. Rhodes advised that the CEDC received most of its funding from the City and requiring the CEDC to pay taxes would be like requiring the City to pay its own water bill. Mr. Notarianni stated that there seemed to be a veil of transparency with regard to the CEDC and Mr. Rhodes provided assurance that there was transparency and he would get those numbers to him the following day. Mr. Notarianni was also directed to the on-line version of the agenda which contained this information.

Councilman Cioni recognized Mike Love who had taken it upon himself to clean up and transform a gateway area of the city and thanked him for his efforts.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:36 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____



Regular Council Agenda
September 5, 2017

Description

Summary Statement of the Closed Meeting held September 5, 2017

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 Summary

Tuesday, September 5, 2017 at 5:00 p.m.

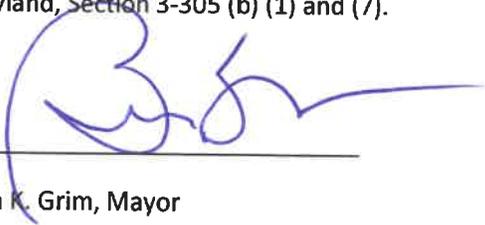
Second Floor Conference Room, City Hall

On Tuesday, September 5, 2017, the Mayor and City Council met in closed session at 5:08 p.m. in the second floor conference room of City Hall to discuss amendments to the City Administrator's contract, board and commission appointments, and to confer with the City Solicitor regarding disciplinary guidelines and matters relative to CSX vehicular bridges.

Persons in attendance included Mayor Brian Grim; Council Members Seth Bernard, David Caporale, Richard J. Cioni, Jr., and Eugene Frazier; City Administrator Jeff Rhodes, City Solicitor Mike Cohen, and City Clerk Marjorie Woodring.

On a motion made by Councilman Cioni and seconded by Councilman Bernard, Council voted 5-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:25 p.m.

Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (1) and (7).



Brian K. Grim, Mayor

Entered into the public record on September 5, 2017



Regular Council Agenda
September 5, 2017

Description

Order authorizing the Chief of Police to enter into a Memorandum of Understanding with the Allegany County Health Department to accept an "Opiate Misuse Prevention" grant in an amount not-to-exceed \$1,500 for police overtime to provide medication pickup services to home-bound individuals and to conduct mini take-back events within the community

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: September 5, 2017

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

THAT, the Chief of Police be and is hereby authorized to enter into a Memorandum of Understanding (M.O.U.) with the Allegany County Health Department on behalf of the City of Cumberland Police Department, to accept a FY18 "Opiate Misuse Prevention" Grant in an amount not-to-exceed One Thousand, Five Hundred Dollars and No Cents (\$1,500.00), for police overtime to provide medication pick-up services to home-bound individuals and to conduct mini take-back events within the community; and

BE IF FURTHER ORDERED THAT, the time period for this M.O.U. is retroactive from August 5, 2017 to June 1, 2018.

Brian K. Grim, Mayor



Allegany County Health Department

"Promoting Health and Preventing Disease"



Jenelle Mayer, M.P.H., Health Officer
12501-12503 Willowbrook Road, SE
P.O. Box 1745
Cumberland, MD 21501-1745

301-759-5000 Phone
1-866-909-9629 Toll Free
301-777-5674 Fax
www.alleganyhealthdept.com

August 4, 2017

Lt. Brian Lepley
Cumberland City Police Department
20 Bedford Street
Cumberland, MD 21502

Dear Lt. Lepley,

We are very excited for the opportunity to collaborate with you again in FY'18 on our Opiate Misuse Prevention Program grant strategies. We appreciate all the hard work you do in and for our community in overcoming the opioid epidemic that we are currently experiencing in Allegany County.

Please find enclosed two original Memorandums of Understanding for FY'18 for your review. If the MOU meets your approval, please have Chief Hinnant sign both copies. Keep one copy for yourself and return the other to me at the following address:

Allegany County Health Department
PO Box 1745
Cumberland, MD 21501-1745

We look forward to working with you to make this collaborative successful. Please let me know if you have any questions or concerns.

Sincerely,

Chris Delaney, Program Director
Behavioral Health Prevention & Promotion

MEMORANDUM OF UNDERSTANDING

between

ALLEGANY COUNTY HEALTH DEPARTMENT12503 Willowbrook Road SE
Cumberland, MD 21502

and

CUMBERLAND CITY POLICE DEPARTMENT20 Bedford Street
Cumberland, MD 21502

This agreement is funded through grant monies made available from the Behavioral Health Administration Award Number F870N-AS295OMP (Opiate Misuse Prevention) Fiscal Year 2018 – Time period for Memorandum of Understanding from August 5, 2017 to June 1, 2018. As the Health Department is a government agency, this award does not permit allowance for indirect costs or the cost for use of agency vehicles.

This is a cost-reimbursement contract that provides for payment to the vendor on an agreed fixed amount as follows:

Overtime hours = Approx 43 hours x \$35.00 hourly rate* = \$1,500.00

*Hourly overtime rate may vary per officer.

The Allegany County Health Department agrees to pay **Cumberland City Police Department** an amount not to exceed **\$1,500.00** for the following services:

1. Provide medication pick up services to homebound individuals.
2. Conduct mini-take back events within community.

As a recipient of a Behavioral Health Administration mini-grant, the **Cumberland City Police Department** agrees to submit reports (see attachment #1) and invoices (including over time vouchers, and receipts) for the above stated services on a quarterly basis. **Invoices and reports should only reflect the services and expenses from this grant award, and should not be combined with any other Health Department grant funding (if applicable).** Deadlines for quarterly reports and invoices are: October 10, 2017, January 10, 2018, April 10, 2018, and **June 1, 2018.**

Date: _____
Chief Charles Hinnant
Cumberland City Police Department



Jenelle Mayer
Health Officer
Allegany County Health Department

Date: 8/1/17

The Cumberland City Police Department agrees to follow the policies of the Human Services Agreements Manual (HSAM) of the Department of Mental Health and Hygiene that is available upon request. **Item # 8**



Regular Council Agenda
September 5, 2017

Description

Order authorizing the execution of a Water Tap Agreement with Brandi L. and Daniel A. Krampf for the provision of City water service to their property at 13010 Millpoint Drive, Cumberland by tapping onto an existing privately-owned water line; property owners shall be responsible for installation costs and all future repair and maintenance costs; water service shall be charges at rates for outside city users; easements also granted by Richard & Carolyn Wilson and Glenn Brooks

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: September 5, 2017

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

THAT, the Mayor be and is hereby authorized to execute a Water Tap Agreement by and between the Mayor and City Council of Cumberland and Brandi L. and Daniel A. Krampf for the provision of City water service to their property at 13010 Millpoint Drive by tapping onto an existing privately-owned water line, with easement rights granted by Richard M. and Carolyn S. Wilson, and Glenn A. Brooks; and

BE IT FURTHER ORDERED, that the property owners shall be responsible for the installation costs and all future repair and maintenance costs and shall be charged water service rates for outside city users.

Brian K. Grim, Mayor

WATER TAP AGREEMENT

THIS WATER TAP AGREEMENT (“Agreement”) is made and executed the ____ day of _____, 2017, by and between **BRANDI L. KRAMPF and DANIEL A. KRAMPF** (the “Property Owners”) and the **MAYOR AND CITY COUNCIL OF CUMBERLAND** (the “City”), a Maryland municipal corporation. **RICHARD M. WILSON AND CAROLYN S. WILSON, husband and wife**, (the “Wilsons”) and **GLENN A. BROOKS** (“Brooks”) join in the execution of this Agreement for the purpose of granting the City those easement rights described in Section 5.2 hereinafter.

RECITALS:

WHEREAS, the Property Owners own the real property and the improvements thereon at 13010 Millpoint Drive, Cumberland, MD 21502 (the “Property”) which are described in the deed from Richard A. Heavner, Sr. and Geraldine C. Heavner, husband and wife, to the Property Owners dated February 14, 2014 and recorded among the Land Records of Allegany County, Maryland in Book 2037, Page;

WHEREAS, the Property is located outside of the corporate limits of the City;

WHEREAS, the Property Owners desire to obtain water service from the City for the benefit of the Property, it being understood that the City has not agreed to bear the expense of extending its lines beyond their current locations and the Property Owners’ connection to the City’s water system would be provided by means of a privately-owned line;

WHEREAS, Section 24-97(a) of the City Code requires that any extension or connection made to the City’s water system for the purpose of providing water service outside the City must be approved by the Mayor and City Council and effected pursuant to applicable regulations or under the terms of a contract; and

WHEREAS, since the City has not enacted such regulations, this Agreement is required in order to satisfy the aforesaid requirements of the City Code.

WITNESSETH:

NOW, THEREFORE, in consideration of these premises, the sum of One Dollar (\$1.00) paid by the Property Owners to the City, and for other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, it is hereby understood and agreed between the parties hereto 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. **Water Service.** It is understood that the consideration for the Property Owners' promises under this Agreement is the City's agreement to permit them to tap onto an existing privately-owned water line in order to obtain City water and to provide them with City water through that tap. It is understood and agreed that the City shall bear no responsibility for the repair and maintenance of the privately-owned line.

3. **Property Owner's Costs.** The Property Owners shall purchase from the City and pay for the installation of a new water meter, if required, which said meter shall be installed in accordance with the City Water Department rules and regulations. The Property Owners further agree to pay all applicable tassage and impact fees and other charges in accordance with the rates then in effect according to City Water Department rules and regulations and applicable City Ordinances.

4. **Payment for Water Services.** The Property Owners shall pay for water service at such rates as may be from time to time established by the City for properties that are not located within the City.

5. **Rights of Ingress, Egress and Regress.**

5.1. **Grant by Property Owners.** The Property Owners irrevocably grant the City, its agents, employees, contractors and subcontractors the rights of ingress, egress and regress over and across the Property in furtherance of the purposes of this Agreement and for purposes of accessing meters and turning water service on and off at the Property and other properties which receive water service by means of the privately-owned lined referenced previously herein or by other means.

5.2. **Grant by Easement Grantors.**

5.2.1. **Brooks Easement.** Brooks owns the real property and the improvements thereon located at 12608 Bedford Road, Cumberland, MD 21502, which are more particularly described in the deed from Ann M. Mooney to him dated March 18, 1991 and recorded among the Land Records of Allegany County, Maryland in Deed Liber 593, folio 574. Brooks grants the City an easement over and across the length and width of the portion of Millpoint Drive that runs through his property and over and across the strip of land running from the western edge of Millpoint Drive to the western lot line of his property, said easement being for the purpose of ingress, egress and regress from Bedford Road to the properties that have water service from the City, whether such water service is provided as of the date of this Agreement or in the future.

5.2.2. **Wilsons Easement.** The Wilsons own the real property and improvements thereon located at 13009 Millpoint Drive, Cumberland, MD 21502 which are more particularly described in the deed from Jack T. Thompson and Lou Wella Thompson, husband and wife, to them dated August 31, 1988 and recorded among the aforesaid Land records in Deed Liber 574, folio 737. The Wilsons grant the City an easement over and across the length and width of the portion of Millpoint Drive that runs through their property and over and across the strip of land running from the western edge of Millpoint Drive to the

western lot line of their property, said easement being for the purpose of ingress, egress and regress from Bedford Road to the properties that have water service from the City, whether such water service is provided as of the date of this Agreement or in the future.

5.2.3. Applicability of Agreement to Brooks and Wilsons. This Section 5.2 and Sections 7 through 12 of this Agreement shall apply to and be binding on Brooks and the Wilsons. The other sections do not apply to and shall not be binding upon them.

5.2.4. Subdivision Plat. A minor subdivision plat showing the location of the properties owned by Brooks and the Wilsons, Millpoint Drive and the strip of land that runs from the western edge of Millpoint Drive to western lot lines of their properties is recorded among the Plat Records of Allegany County, Maryland as Plat No. 1633 or MSA SSU 1234-1094. This paragraph is set forth herein for information purposes only.

6. Applicability of City Charter, Ordinances, Etc. It is understood and agreed that the Property and the Property Owners shall be subject to the City Charter and Code provisions applicable to water service as well as City Water Department rules and regulations.

7. Sale of Property. Section 24-98 of the Code provides as follows:

In all cases where any property owner, after having executed a contract in accordance with the provisions of this section, shall part with the ownership of such property, or where the title to such property shall change by deed, devise, descent or in any manner whatever, the supply of water to such premises shall be continued only for such time as at the time of such change of ownership the supply has been paid for in advance, unless the person acquiring title to such property by such change of ownership shall execute a contract in writing under his hand and seal obligating himself to pay all water rents thereafter to accrue for water used upon such premises in the same manner as provided in this section.

The Property Owners shall be responsible for advising subsequent owners of the Property of their obligations as stated therein.

8. 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.

9. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the state of Maryland without regard to principles of conflict of laws. It shall be enforceable with an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County and the parties hereto agree to be subject to the jurisdiction of such courts and further waive any claim that any action or proceeding arising out of or relating to this Agreement and commenced in such courts is commenced in an inconvenient forum or one which lacks proper venue.

10. **Severability.** Should any provision of this Agreement be found, held or deemed to be unenforceable, voidable or void, as contrary to law or public policy under the laws of Maryland or any other state of the United States, the parties intend that the remaining provisions of this Agreement shall nevertheless continue in full force and be binding as provided for herein.

11. **Binding Effect.** This Agreement shall be valid and binding upon the parties hereto, their respective heirs, personal representatives, successors in title, and successors and assigns, and shall be considered to be a covenant running with the land of the Property and the property of other parties to this Agreement who own properties subject to its terms. In that regard, the City shall record this Agreement among the Land Records of Allegany County, Maryland.

12. **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument. The signature and notary acknowledgment pages of a counterpart may be appended to the main body of this Agreement without the necessity of attaching all of the pages of each counterpart.

[balance of page intentionally left blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement, the day and year first above written.

WITNESS/ATTEST:

Debbie Nixon

Brandi L. Krampf (SEAL)
Brandi L. Krampf

Debbie Nixon

Daniel A. Krampf (SEAL)
Daniel A. Krampf

Debbie Nixon

Richard M. Wilson (SEAL)
Richard M. Wilson

Debbie Nixon

Carolyn S. Wilson (SEAL)
Carolyn S. Wilson

Debbie Nixon

Glenn A. Brooks (SEAL)
Glenn A. Brooks

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring, City Clerk

By: Brian K. Grim, Mayor (SEAL)

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

I HEREBY CERTIFY, that on this ____ day of _____, 2017, before me the undersigned, a Notary Public in and for 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 Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment.

WITNESS my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

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

I HEREBY CERTIFY, that on this 13 day of August, 2017, before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **Brandi L. Krampf**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that she executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.

Debbie Nixon
Notary Public

My Commission Expires: 3/29/2018

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

I HEREBY CERTIFY, that on this 13 day of August, 2017, before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **Daniel A. Krampf**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that he executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.

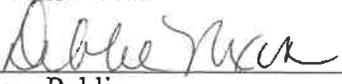
Debbie Nixon
Notary Public

My Commission Expires: 3/29/2018

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

I HEREBY CERTIFY, that on this 13 day of August, 2017, before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **Richard M. Wilson**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that he executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires: 3/29/18

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

I HEREBY CERTIFY, that on this 13 day of August, 2017, before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **Carolyn S. Wilson**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that she executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.

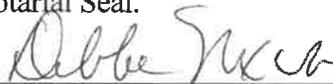

Notary Public

My Commission Expires: 3/29/18

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

I HEREBY CERTIFY, that on this 13 day of August, 2017, before me the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared **Glenn A. Brooks**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that he executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.


Notary Public

My Commission Expires: 3/29/18



Regular Council Agenda
September 5, 2017

Description

Order adopting the Administration of Disciplinary Guidelines (2017) to replace the Disciplinary Guidelines adopted July 25, 2006 by Order No. 24,403

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: September 5, 2017

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

THAT, the attached "Administration of Disciplinary Guidelines (2017) be and are hereby adopted to replace the prior version of Disciplinary Guidelines adopted July 25, 2006 by Order No. 24,403.

Brian K. Grim, Mayor



City of Cumberland

Administration Of Disciplinary Guidelines

2006

2017

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Section I – Purpose

All employees of the City of Cumberland are members of a team working together for the purpose of serving our community. Employees who fail to follow the necessary rules and regulations governing their conduct are not only penalizing themselves, but are doing a disservice to other employees and the citizens of Cumberland. The Code of Conduct rules are not intended to restrict the privileges of anyone, but are designed to ensure the rights and safety of all employees and to provide working guidelines to encourage acceptable and business-like conduct.

It is impossible to describe every standard of conduct for every circumstance in this policy. However, all employees are expected to comply with and abide by all of our rules, policies and standards at all times, and discipline up to/and including discharge may be imposed for unacceptable conduct or performance. The level of discipline or discharge imposed by the City for unacceptable conduct will depend upon, among other things, the seriousness of the employee's conduct, the circumstances under which it occurred, the employee's record prior to discipline, and the employee's record of work performance.

Some of the City's rules and standards, a violation of which can result in disciplinary action up to/ and including suspension and/or discharge, are listed below. These rules are **not** all inclusive. Any conduct, even if not specifically described below, that could result in personal accident, injury, a breakdown in discipline, disruption or work, or is otherwise harmful to the City will result in disciplinary action.

Section II – Disciplinary Actions

- A. Management shall inform an employee promptly and specifically whenever his/her performance, work habits, or personal conduct falls below an acceptable level. In coordination with the concerned department director, it is the responsibility of the employee's supervisor to investigate the facts and evaluate the evidence of misconduct or work deficiency. In most cases, an investigation shall include discussing the matter with the employee(s) involved. A decision to administer a disciplinary action of any kind shall be based upon a complete review of relevant facts.
- B. Disciplinary actions may include:
1. Informal Counseling:
 - a. Depending upon the circumstances of the case, an employee may receive informal counseling at the discretion of his/her supervisor to advise him/her of work deficiencies and/or misconduct.
 - b. It is recommended that appropriate notes or other records concerning the time and nature of an informal counseling session be maintained by the supervisor within the department and document action taken.
 2. Oral Warning

The purpose of an oral warning session is to advise an employee of a disciplinary problem and to encourage improvement in performance, work habits, and/or behavior. An oral warning which is documented by a Report of Oral Warning form may be used as the initial formal disciplinary action. The recommended procedure is for management to inform the employee of its expectation and how improvement can be achieved. Management shall also notify him/her of the consequences of further misconduct.
 3. Written Reprimand

- a. To document a written reprimand, an Employee Notice (memo) shall be issued specifically defining the nature of the infraction under the Code of Conduct, Rules and Regulation, and/or the appropriate departmental rule. The Employee Notice should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, and any rules violated.
 - b. The employee's immediate supervisor or other management employee initiates an Employee Notice with the approval of the concerned department director.
4. Suspension
- a. An employee may be suspended by management for reasons provided either in the Code of Conduct, Rules and Regulations, and/or the appropriate departmental rules. Suspensions may be for a variable number of work days as determined by management based upon the nature, severity and/or number of occurrences of misconduct committed. Suspensions may be for greater than, or less than, the number of days recommend in the groups of offenses in the Code of Conduct. Suspensions of more than one (1) shift shall be issued on a consecutive workday basis. Suspension for two (2) or more offenses shall be cumulative and shall not be served concurrently. Suspension days should be scheduled without undue delay. An employee on suspension shall not be eligible to work overtime during the payroll period in which the suspension is served unless such restriction is waived by the concerned department director to meet unusual operational needs.
 - b. An Employee Notice shall specifically describe the nature of the misconduct, any rule(s) violated and the disciplinary action taken. The Employee Notice implementing the disciplinary suspension should be

received by the Human Resources Department within one (1) work day following the action to meet the schedule imposed by the grievance procedure. If circumstances preclude meeting the time limit, the delay shall be coordinated with the Human Resources Department prior to expiration of the deadline. The total number of consecutive work days, including the beginning and ending dates of the suspension, shall be listed.

5. Dismissal and Predissmissal Hearing

- a. An employee may be dismissed for serious and/or continued misconduct. Employee Notice describing the incident and any rule(s) violated shall be completed and forwarded to the Human Resources Department within one (1) workday following action.
- b. A classified-civil service employee has a right to have an informal predissmissal hearing before being dismissed. If an employee makes a timely request after notice of his proposed dismissal, his department director, or designee, shall schedule a predissmissal hearing to discuss the misconduct and proposed action. The hearing should provide an opportunity to review the case, but need not to be elaborate. A classified-civil service employee is entitled to oral or written notice of the charges against him/her, an explanation of the evidence and an opportunity present his side of the story. After completion of the informal hearing, the department shall take appropriate action and notify the employee.

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Section III - Application of Disciplinary Measures

- A. Employees are expected to abide by the City Code of Conduct and all established departmental policies, and may be disciplined for violation of either City or departmental rules and regulations.
- B. In recognition of the fact that employee disciplinary and work records differ, and that each instance of misconduct may vary in some respects from similar actions, the City retains the right to treat each disciplinary occurrence on an individual basis without creating a precedent for resolving other cases of misconduct which may arise in the future.
- C. Every possible act of misconduct cannot be specifically identified in the Rules and Regulations. As such, Code of Conduct offenses

are to be interpreted broadly. Explanations more closely describing the specific act of misconduct may be provided by the department director. Illustrative examples given in any rule are not intended to restrict the regulation and do not limit the general application of the rule. If a specific instance of misconduct is not appropriately represented by an established rule in the Code of Conduct, the department director may describe the misconduct and take appropriate disciplinary action. The disciplinary procedures are not to be construed as a limitation upon the retained management rights of the City, but are to be used as a guide to assist management in determining an appropriate type and level of discipline to be administered.

- D. When formally disciplined, an employee shall be given documented notice of his/her misconduct or work deficiencies. Such employee should also be provided with notice of the consequences of further misconduct or the lack of immediate corrective action. The department is responsible for informing the employee of any grievance and appeal rights by so noting on the appropriate form. Documentation of all formal disciplinary actions shall be included in the employee's official personnel record in the Human Resources Department.
- E. The employee's signature is requested on the Employee Notice to acknowledge receipt, and does not indicate his/her agreement with the provisions of the disciplinary action. If he/she refuses to sign, it should be so indicated by management on the Employee Notice in the area reserved for the employee's signature.
- F. When imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City or departmental rules and regulations which occurred more than eighteen (18) months previously. However, within the context of progressive discipline, the final personnel action of dismissal from employment cannot be considered corrective or rehabilitative in nature since the employment relationship is terminated. In such instances where progressive discipline has failed to achieve an employee's compliance with expected standards of behavior, and a decision to dismiss him/her is under consideration, it is appropriate to review his/her entire employment record with the City.

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- G. An employee may be dismissed as a chronic offender of the Code of Conduct or departmental rules when he/she has been issued four (4) disciplinary actions resulting in a Report of Oral Warning or an Employee Notice within an eighteen (18) month period.
- H. As a uniformed guideline, these procedures provide recommended progressive disciplinary actions for continued misconduct of the same or generally related nature; however, the recommended disciplinary action may be modified by management, including either lesser or more severe discipline, when extenuating circumstances are found to exist. In such instances where a disciplinary action to be administered is not in accordance with the recommended action for an offense (s), the department director will document the reasons for the disciplinary modification.
- I. Records of disciplinary action shall remain in the employees personnel file for five years from the date of the original incident. If no further disciplinary action is documented in relationship to a particular incident within five (5) years of the misconduct, the correspondence shall be purged from the employee's file. Only items identified in writing, "as to be retained permanently" shall remain in the employee's file indefinitely.

CODE OF CONDUCT

For the purpose of this Code of Conduct, offenses are typically associated in one (1) of seven (7) categories:

1) Attendance/Hours of Work

a. Failure to keep Human Resources Department and ~~d~~Department ~~h~~Head notified of current address or telephone number within seven (7) calendar days of a change.

Disciplinary Code #1

b. Unauthorized ~~a~~Absence (including AWOL and unauthorized absence from a regular work shift) in excess of authorized vacation, personal or sick leave or ~~c~~Compensatory time.

Disciplinary Code #3

c. Repeated ~~t~~Tardiness (~~e~~Excessive is defined as two (2) times in a two (2) week period, three (3) times in a thirty (30) day period or six (6) times within a six (6) month period.

Disciplinary Code #2

d. Repeated ~~f~~Failure to ~~p~~Punch ~~i~~n or ~~o~~Out (~~r~~Repeated is defined as two (2) times in a two (2) week period, three (3) times in a thirty (30) day period or six (6) times within a six (6) month period).

Disciplinary Code #2

e. Failure of the employee to notify a supervisor or superintendent within fifteen (15) minutes of the scheduled starting time of the shift that he/she will be absent from work for any reason, except in continuous operations. The Fire Department shall report an absence forty-five (45) minutes prior to reporting time.

Disciplinary Code #2

f. Quitting work, leaving assigned work area during working time without permission, or leaving work area before the end of the shift or before being properly relieved.

Disciplinary Code #2

g. Taking more than specified time for meals, loitering, or otherwise wasting time.

Disciplinary Code #1

2. Attention to Work

a. Sleeping on the job.

Disciplinary Code #4

b. Conducting an excessive amount of personal business during work time.

Disciplinary Code #1

c. Excessive use of the telephone for personal use.

Disciplinary Code #1

d. Failure to follow dDepartmental or City policy or pProcedures.

Disciplinary Code #1 - #5 (Depending on circumstances.)

e. The willful neglect of duty (assigned or if unassigned if it is an integral part of an individual's duty or duties).

Disciplinary Code #4

3. Health and Safety

a. Violation of posted safety and operating procedures, including engaging in unsafe work practices, horse-play or failure to use or wear proper safety equipment and apparel.

Disciplinary Code #2 - #5 depending on Circumstances.

b. Failure to report immediately, personal injuries incurred during working hours.

Disciplinary Code #2

c. Failure to fulfill the responsibilities of the job to an extent that might or does cause injury to self, an employee or other person or substantial loss or damage to equipment, facilities or other property of the City or other individuals.

Disciplinary Code #3 - #5 depending on circumstances or costs incurred (City's discretion)

4. Personal Conduct

a. Falsification of official records or documents, giving false testimony at official hearings or inquiries.

Disciplinary Code #5

b. Falsification of daily and/or operating reports.

Disciplinary Code #3

c. Punching time card for another employee or unauthorized altering of a time card.

Disciplinary Code #4

d. Gambling, lottery or engaging in any other games of chance on City premises at any time. Gambling, etc., during working hours – on or off City premises or work site.

Disciplinary Code #3

e. Giving false information to obtain special leave, sick leave, vacation time or any other special privileges, or knowingly giving false information to any City official.

Disciplinary Code #4

f. Failure of group leaders or supervisory personnel to report violation of ~~r~~Rules and ~~r~~Regulations to their immediate ~~s~~Supervisor for their (~~s~~Supervisor) action.

Disciplinary Code #4

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g. Falsely reporting injuries which were not incurred during working hours as having occurred during working hours for the purpose of obtaining compensation pay or any other benefit.

Disciplinary Code #5

h. Operating, using or possessing machines, tools, and/or equipment, for other than City work, unauthorized use of City facilities, or performing other than City work using any City resources (including performing other than City work on City time).

Disciplinary Code #3

i. Unauthorized possession of machines, tools, and/or equipment to which the employee has not been assigned.

Disciplinary Code #3

j. Disobedience to constituted authorities, or deliberate refusal to carry out any proper order from immediate supervisor or other supervisor having responsibility for the work of the employee; insubordination.

Disciplinary Code #4

k. Harassment of other employees or any other individuals including, but not limited to, verbal and physical conduct, posting or printed material or other media or unwelcome advances with regard to or on the basis of sex, race, color, national origin or ancestry, age, religion, creed, marital status or status as a Vietnam Era or disabled veteran or handicapped person.

Disciplinary Code #4

l. Provoking, or instigating a fight or fighting at any time on City premises or at any work site.

Disciplinary Code #5

m. Minor disorderly conduct (i.e. throwing things, etc).

Disciplinary Code #2

- n. Disorderly ~~c~~Conduct

Disciplinary Code #4 - #5 (Depending on Circumstances)

- o. Consuming, purchasing, selling, distributing or possessing alcoholic beverages, illegal drugs, or any other controlled substances on City premises, work sites, or in city vehicles during scheduled working hours, or in the case of authorized take-home vehicles, at any time. If suspected of intoxication or being under the influence of alcohol, any illegal drug, or other controlled substance on City premises or work site, employee's refusal to submit to a medical test shall constitute acknowledgement of guilt.

Disciplinary Code #5

5. Non-City Activities

- a. Vending or soliciting for personal or political gain, from fellow employees and/or the general public during working hours, or collection of contributions for purpose whatsoever at any time, on the premises, the authorization of the City ~~A~~Human Resources ~~d~~Department ~~h~~Head. Includes the use of one's for personal gain or solicitation of private the acceptance of gratuities of any nature.
- any
unless with
Administrator,
Director ~~or~~
position
business or

Disciplinary Code #3

- b. Distributing written or printed matter not related to the operation of the City, during working hours, unless approved by the Human Resources Office and ~~d~~Department ~~h~~Head.

Disciplinary Code #2

- c. Posting, altering, or removing any printed matter on bulletin boards, or City property at any time unless specifically authorized by the Human Resources and/or ~~d~~Department ~~h~~Head. Officer

Disciplinary Code #1

6. Quality and Quantity of Work

a. Productivity and/or workmanship below reasonable quality- and quantity levels (to include unsatisfactory work performance) affecting the quality or production of City operations.

Disciplinary Code #4

7. Security

a. Revealing confidential or classified information.

Disciplinary Code #4

b. Theft or removal from the premises, without authorization, any City property, the property of any employee, or the property of any other individual, or misappropriation of City funds or property. the

Disciplinary Code #5

c. Unauthorized possession of weapons or explosives on the City premises or work site at any time. Unauthorized possession of weapons or explosives during working hours on or off City property.

Disciplinary Code #5

d. Threatened or actual physical violence against a fellow employee, supervisor or member of the public.

Disciplinary Code #4 - #5 depending on Circumstances

If any specific policy or procedure contains rules and penalties that are in conflict with this Policy, the more specific policy and its rules and penalties shall govern any disciplinary or punitive action that may be taken.

Actual penalties and points may be modified at the discretion of the dDepartment hHead, **BUT only with the approval of the City Administrator, and only if the circumstances of the case warrant special consideration**

Terminations and suspensions must be approved by the Human Resources Officer and City Administrator, respectively, prior to the action taking place. Employees that are exempt from the provisions of the Fair Labor Standards Act (do not receive overtime) may not be suspended for periods of less than one full week.

Any action taken involving sworn Police Department personnel cannot be in conflict with the Law Enforcement Officer's Bill of Rights or other statutory rules or regulations.

Any employee with reprimands totaling seven (7) points for violation of the rules herein specified within any two (2) calendar year period will be additionally penalized as follows:

Seven (7) points.....	One (1) week off
Nine (9) points.....	Discharge

POINTS ARE ACCUMULATED AS FOLLOWS:

Written Warning (Letter).....	1 Point
One (1) Day Off.....	2 Points
Three (3) Days Off.....	3 Points
One (1) Week Off.....	5 Points

Disciplinary Code #1

First Offense	Warning
Second Offense	One (1) Day Off
Third Offense	Three (3) Days Off
Fourth Offense	Five (5) Days Off
Fifth Offense	Discharge

Disciplinary Code #2

First Offense	Warning
Second Offense	Three (3) Days Off
Third Offense	Five (5) Days Off
Fourth Offense	Discharge

Disciplinary Code #3

First Offense	Three (3) Days Off
Second Offense	Five (5) Days Off
Third offense	Discharge

Disciplinary Code #4

First Offense	Five (5) Days Off
Second Offense	Discharge

Disciplinary Code #5

First Offense	Discharge
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Driving Offenses

Any employee whose job requires a valid driving license and whose driving privilege has been lost by suspension of license or by refusal of the City's fleet insurance carrier to insure them will be subject to administrative leave without pay, not to exceed (NTE) ninety (90) calendar days off.

Sexual Harassment

Sexual harassment is a violation of City policy and against the law. Any violation of the Sexual Harassment Policy will be dealt with in accordance with the City's Sexual Harassment Policy.

Disciplinary Actions

All violations and supporting data will be submitted to the Human Resources Department. The Human Resources Department will, when necessary, submit a copy of the reprimand to the City Administrator.

Appeals Procedure

The City provides a timely and fair method for resolution of disputes which may arise between the City and its employees ~~below the level of department manager.~~ Therefore, an individual employee may file an appeal when they believe that there has been unfair treatment concerning ~~seniority,~~ hours of work, vacation and holiday eligibility, and other terms or conditions of employment; or when they believe a mistake has been made in the administration of a rule, plan, or human resources policy as it affects work activity. **This procedure does not apply to those City employees covered by a collective bargaining agreement that contains a specific grievance procedure.**

An employee filing an appeal will have the right to follow all the steps of the ~~Appeal~~ appeal procedure with complete freedom from reprisal. **Those steps are as follows [NOTE: In the event of dismissal, the appeals procedure starts at Step IV]:**

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Step I – Appeal to Immediate Supervisor

An employee who ~~has wishes to pursue~~ an appeal shall submit ~~in writing a non-union-written notice of appeal~~ ~~formusing~~ the Notice of Appeal Form attached hereto as Appendix A to their immediate supervisor. ~~The appeal must be submitted~~ within five (5) working days of ~~the incident-causing, action or decision giving rise to~~ the appeal. As promptly as possible ~~thereafter~~, the immediate supervisor ~~and will meet with~~ the employee ~~shall to~~ discuss the appeal and ~~make every attempt to reach a resolution at this step~~ ~~resolve the matter~~. The ~~outcome of this discussion~~ immediate supervisor shall ~~set forth his/her decision regarding the appeal~~ in writing ~~by using the supervisor~~ Notice of Appeal Form and shall ~~deliver~~ a copy ~~made available of that document~~ to the ~~appealing party~~ employee as soon as is practicable.

Step II - Appeal to Department Head

If the ~~appeal~~ employee is not ~~resolved within five (5) working days after~~ satisfied with the ~~completion of Step I, the employee~~ immediate supervisor's decision, he/she may forward the appeal to the department ~~manager~~. ~~The head by submitting the Notice of Appeal Form with the immediate supervisor's decision to the department head no later than five (5) working days after the date of those documents were delivered to the employee. As promptly as possible thereafter, the employee's immediate supervisor and department head will then meet with the individual within five (5) working days of receipt of employee's request~~ employee to discuss the appeal and attempt to resolve the matter. If more than one level of supervision exists between the ~~appealing party~~ employee and the department head, these individuals may also attend this meeting if so requested by the department head or the employee. ~~(Further, the employee also may have a witness as to said~~ The department head shall set forth his/her decision regarding the appeal ~~at this meeting~~ in writing using the Notice of Appeal Form and shall deliver a copy of that document to the employee as soon as is practicable.

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Step III – Appeal to City Administrator

If the ~~department manager's response does not resolve the appeal, the employee may proceed~~ is not satisfied with the ~~appeal within five (5) working days from receipt of the~~ department head's ~~response by forwarding~~ decision, he/she may forward the ~~grievance~~ appeal to the City Administrator. ~~All~~ by submitting the Notice of Appeal Form with the immediate supervisor's and department head's decisions no later than five (5) working days after the date those documents were delivered to the employee. As promptly as possible thereafter, the City Administrator will meet with the employee to discuss the appeal and attempt to resolve the matter. The City Administrator may require that some or all of the parties ~~involved in present for the Step II~~ ~~may be~~ meeting attend the meeting required ~~to attend such a meeting which shall be held within ten (10) working days of the employee's~~ for this Step. He/she may also request ~~that the City Solicitor attend the meeting~~. The City Administrator shall ~~render~~ set forth his/her decision ~~regarding the appeal~~ in writing using the Notice of Appeal Form

and shall deliver a copy of that document to the appealing employee ~~within ten (10) working days) after the meeting~~ as soon as is practicable. The decision rendered by the City Administrator will be considered ~~as final.~~ to be final unless the employee is being dismissed or suspended, in which event he or she may request an appeal hearing before the Administrative ~~Any~~ time constraints may be changed upon mutual agreement of the parties.

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Appeals Board ~~Hearings.~~

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Step IV - Appeal to Administrative Appeals Board

~~Any~~ A Department Manager or any employee who is **not** represented by a bargaining unit with a grievance procedure and who feels he/she has been unjustly dismissed or suspended may request a hearing with the Appeals Board. The request will be submitted in writing to the City Administrator. The Administrative Appeals Board will determine whether or not a hearing shall be held. Only those employees that have been dismissed can request, as provided for in the City Charter (currently, Section (40(a)). Such a hearing by the shall be considered to be Step IV in the appeal procedure and, as to suspensions, may only be requested following a Step III decision of the City Administrator. The request must be submitted to the City Administrator in writing using the Notice of Appeal Form no later than five (5) working days after the date the City Administrator's Step III written decision is delivered to the employee. As to dismissals, Steps I-III do not apply. An employee who wishes to appeal the decision to terminate his or her employment with the City and have a hearing before the Administrative Appeals Board shall submit a written notice of appeal using the Notice of Appeal Form to the City Administrator within five (5) working days of the date written notice of the employee's dismissal was delivered to the employee. As provided for in Section 41 of the City Charter, any party aggrieved by a decision of the Administrative Appeals Board. All other shall have the right to file a petition for judicial review in the Circuit Court for Allegany County, Maryland within thirty (30) days of the date of the action or order for which review is sought.

The time constraints set forth in this appeals ~~will~~ procedure may be handled as referenced ~~in~~ changed upon mutual written agreement of the Appeals Procedure parties. The consent of the City may be granted by the person or entity to whom the appeal is directed, e.g. as to Step I, the employee's immediate supervisor; as to Step II, the Department Head; etc.

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As used herein, “delivery” or “date of delivery” means the date management hand-delivers a document to an employee or three (3) days from the date the document is mailed to the employee.

The employee may bring any witnesses he/she may have to any meetings or hearings provided for as a part of this appeals procedure.

APPENDIX A

**CITY OF CUMBERLAND ~~APPEALS BOARD~~
NOTICE OF APPEAL ~~—DISMISSAL~~**



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Claimant's Name: _____ Current Position: _____

Claimant's Address: _____

Date of Hire: _____ Date of Initial Claim _____ Telephone: _____

Employee's Name: _____

Employee's Address: _____

Home/Cell Telephone: _____ Work Telephone: _____

Date of Hire: _____ Current Position: _____

(Month/Day/Year)

(Month/Day/Year)

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Department: _____ Telephone: _____

Department Head: _____

Supervisor: _____ Telephone: _____ /Dept.

Head: _____

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On _____ I received a Corrective Action Notice
mailed _____

(Date)

(Date)

or other action or notice from which I

_____ (Month/Day/Year)

appeal and hereby apply for a hearing because I believe this notice was issued in error for the following reasons: (use extra paper, if needed):

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Date: _____ Appellant: _____ Employee _____

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Signature: _____

Received by: _____ Date: _____

(immediate supervisor signature)

[Notice of Appeal must be delivered to immediate supervisor no later than 5 days from receipt of Corrective Action Notice if hand-delivered or 8 days if mailed in order to proceed with appeal]

_____, immediate supervisor of the above-named employee state the following as the outcome of the Step I appeal of _____ (employee name) dated _____, 20__ (use extra paper, if needed):

Date: _____

(immediate supervisor signature)

I, _____ (printed employee name) wish to appeal the above-stated decision of my immediate supervisor.

Date: _____

(employee signature)

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Received by: _____ Date: _____

_____ (department head signature)

[Notice of Appeal must be delivered to Department Head no later than 5 days from receipt of immediate supervisor decision if hand-delivered or 8 days if mailed in order to proceed with appeal]

_____, head of the _____ Department state the following as the outcome of the Step II appeal of _____ (employee name) dated _____, 20____ (use extra paper, if needed):

Date: _____

(department head signature)

I _____ (printed employee name) wish to appeal the above-stated decision of my department head.

Date: _____

(employee signature)

Received by: _____ Date: _____

_____ (City Administrator signature)

[Notice of Appeal must be delivered to City Administrator no later than 5 days from receipt of Department Head decision if hand-delivered or 8 days if mailed in order to proceed with appeal]

_____, City Administrator, state the following as the outcome of the Step III appeal of _____ (employee name) dated _____, 20____ (use extra paper, if needed):

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Date: _____

(City Administrator signature)

I _____ (printed employee name) wish to appeal the above-stated decision of the City Administrator and take an appeal to the Administrative Appeals Board. [Appeals to Admin. App. Bd. only applicable if dismissal or suspension is discipline imposed]

Date: _____

(employee signature)

Received by: _____ Date: _____

(City Administrator signature)

[Notice of Appeal must be delivered to City Administrator no later than 5 days from receipt of City Administrator decision if hand-delivered or 8 days if mailed in order to proceed with appeal]

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REPRIMANDING SUPERVISOR DATE

EMPLOYEE (confirming discussion or receipt of notice) DATE

DIVISION HEAD DATE

UNION REPRESENTATIVE DATE

DEPARTMENT HEAD DATE

CITY ADMINISTRATOR (mandatory for suspension/ termination) DATE



Regular Council Agenda
September 5, 2017

Description

Order amending Order No. 26,170 to reinstate the 2017-2018 taxes for City-owned property at the Seneca Avenue (Tax Acct. No. 06-046908) in the amount of \$1,589, as Verizon Wireless has assumed responsibility for the taxes resulting from cell tower improvements at that site

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: September 05, 2017

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

THAT, Order No. 26,170 be and is hereby amended to reinstate the 2017-2018 taxes for the City-owned property at Seneca Avenue (Tax Account No. 06-046908) as Verizon Wireless has assumed responsibility for taxes at the Seneca Water Tower per the Water Tower Lease Agreement dated October 21, 2014.

Brian K. Grim, Mayor

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

ORDER NO. 26,170DATE: August 15, 2017

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

THAT, the City Comptroller be and is hereby authorized to abate 2017-2018 taxes for the following City-owned properties:

Tax Year 2017-2018	Acct No. 06-050301	Bishop Walsh Road	\$7,290.42
Tax Year 2017-2018	Acct No. 06-011853	Eleanor Terrace	\$1,600.90
Tax Year 2017-2018	Acct No. 06-046908	Seneca Avenue	\$1,589.00



Mayor Brian K. Grim

(Cellular tower locations)

Item # 11

AUG 15 2017



Regular Council Agenda
September 5, 2017

Description

Order authorizing the reappointment to the Board for the Housing Authority of the City of Cumberland of J. Eric Delaney for the term November 1, 2017 - October 31, 2022 and the appointment of Robert A. Godfrey for the term September 5, 2017 - October 31, 2019 to fill the unexpired term of Frederick Cook

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

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

ORDER NO. _____

DATE: August 1, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, J. Eric Delaney be and is hereby reappointed to the Board for the Housing Authority of the City of Cumberland for the term November 1, 2017 – October 31, 2022; and

BE IT FURTHER ORDERED, that Robert A. Godfrey be and is hereby appointed to the Board for the Housing Authority of the City of Cumberland for the term September 5, 2017 – October 31, 2019 to fill the unexpired term of Frederick Cook.

Brian K. Grim, Mayor



The Cumberland Housing Group

Cumberland Housing Alliance, Inc.
Housing Authority of the City of Cumberland
Cumberland Neighborhood Housing Services, Inc.

August 21, 2017

Jeff Rhodes, Administrator
City of Cumberland
P.O. Box 1702
57 North Liberty Street
Cumberland, Maryland 21502

Dear Mr. Rhodes;

The current five year term of office for Eric Delaney, Vice Chairman of the Board for the Housing Authority of the City of Cumberland will be expiring on October 31, 2017. According to Maryland State Law and HUD guidelines, housing authority commissioners are to be appointed by the chief officer of the jurisdiction upon recommendation from the Housing Authority Board of Commissioners.

Mr. Delaney is employed by 1st United Bank and Trust at the Harrison Street office where he is the Senior Trust and Investment Officer. While Mr. Delaney resides in Frostburg, he is well known and works in Cumberland. His specialized work in investments and benefit programs is an area of expertise which the Board has found to be very helpful. Mr. Delaney has been an extremely active member of our Board of Commissioners since his initial appointment on November 11, 2012. Throughout most of those years, Eric has served as the Vice Chairman of the Board. In addition to attending the monthly Board of Commissioner meetings, he is very engaged in our operations with respect to: visits to the office; meetings with auditors, attorney, consultants, etc.; reviewing expenditures; signing checks; and monitoring local and federal issues pertaining to our operations. He has previously attended training on Commissioner related items.

In addition Mr. Delaney has been an active member and Vice Chair of our nonprofit Cumberland Housing Alliance since May 2009. Mr. Delaney is already familiar with our operations, staff, and the projects we currently have in various stages. At its meeting on July 31, 2017, The Board of Commissioners for the Housing Authority voted unanimously to request the City of Cumberland to reappoint Mr. Eric Delaney of 115 West Harrison Street, Cumberland to the Board of Commissioners effective November 1, 2017 and expiring in October 31, 2022. Should you have any questions concerning this request, please do not hesitate to contact me at (301) 724-6606, extension 111.

Sincerely,

Steven J. Kesner

Steven J. Kesner, CEO
Board Secretary



635 East First Street, Cumberland, MD 21502-4362
Office 301-724-6606 Fax 301-724-8731

www.CumberlandHousing.org

 Cumberland Housing



Item # 12



The Cumberland Housing Group

Cumberland Housing Alliance, Inc.
Housing Authority of the City of Cumberland
Cumberland Neighborhood Housing Services, Inc.

August 21, 2017

City of Cumberland
P.O. Box 1702
57 North Liberty Street
Cumberland, Maryland 21502

Dear Mr. Rhodes;

At its Board meeting on July 31, 2017, with a need to fill the position formerly held by Frederick Cook who resigned due to family health problems. The remaining Board of Commissioners for the Housing Authority voted unanimously to recommend a new candidate for appointment to the Board of Commissioners.

The recommended candidate is Robert A. Godfrey who resides at 802 Stewart Avenue in Cumberland. Mr. Godfrey has a Master of Social Work degree from WVU and is a Licensed Certified Social Worker. Mr. Godfrey is employed by Friends Aware as the Executive Director which he has held since July 2011. Prior to that Mr Godfrey worked at the Jefferson School from 1999 – 2011.

Mr. Godfrey's education as a Social Worker and his specialized work with disabled individuals is an area of expertise which the Board has been lacking for some time and would be greatly useful. Mr. Godfrey has been an active member of our nonprofit Cumberland Housing Alliance for several years and is already familiar with our operations, staff, and the projects we currently have in various stages. We feel that for many reasons, most of which is listed above, that Eric Delaney would be a tremendous asset to the Housing Authority Board.

According to Maryland State Law and HUD guidelines, housing authority commissioners are to be appointed by the chief officer of the jurisdiction upon recommendation from the Housing Authority Board of Commissioners. The current five year term of office for Frederick Cook will expire October 17, 2019. Since our by-laws require staggered five year terms, the Board of Commissioners are requesting that Robert Godfrey be appointed to fill the unexpired term of Frederick Cook with the Housing Authority Board of Commissioners as soon as possible for a term to expire October 31, 2019.

Should you have any questions concerning this request, please do not hesitate to contact me at (301) 724-6606, ext.111.

Sincerely,

Steven J. Kesner

Steven J. Kesner, CEO



635 East First Street, Cumberland, MD 21502-4362
Office 301-724-6606 Fax 301-724-8731

www.CumberlandHousing.org

 Cumberland Housing



Item # 12

Board of Commissioners Secretary



Regular Council Agenda
September 5, 2017

Description

Order accepting the sole source proposal from J&J Truck Equipment for the conversion from electric to hydraulic of two (2) existing spreader/auger units for the amount of \$25,950

Approval, Acceptance / Recommendation

The department has had numerous problems with Truck #206 and Truck #207 because of the current electrical beds and spreaders on the trucks and it has been determined that an upgrade is needed from the electric spreaders and electric body hoist to hydraulic operating systems. J&J Truck Equipment is the only supplier of hydraulic center drop spreaders for trucks of this size. These trucks were purchased from Timbrook with electric dump body and plow and spreaders were purchased from J&J Truck Bodies. A sole source award is being requested because J&J needs to perform the work to upgrade the existing electrical equipment purchased from J&J to hydraulic.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$25,950

Source of Funding (if applicable)

Budgeted in FY18: 001.057.64000

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

ORDER NO. _____

DATE: September 5, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, the sole source proposal from J&J Truck Equipment, 422 Ridge Road, Somerset, PA 15501 be and is hereby accepted for the conversion from electric to hydraulic of two (2) existing spreader and auger units for the amount of Twenty-five thousand, Nine Hundred Fifty Dollars (\$25,950).

Brian K. Grim, Mayor

Budgeted Item:
Street Department 001.057.64000

2 PJ-

08/14/17

J&J Truck Equipment

Quote: 77105

Eng/Authorizer

Quote Type: SRE

422 Riggs Road
Somerset, PA 15501

Rev: 2

Issue: 3

Page 1

Order:

PO NO:

Phone: 814-444-7000 or 877-455-8785

Fax: 814-445-3726

Customer

Brief Description

CITY OF CUMBERLAND
57 NORTH LIBERY STREET
VEHICLE MAINTENANCE DEPT
CUMBERLAND MD 21502
Attn: Rich Merlot
Phone: 301-759-6627
Fax: 301-759-6632

SWENSON SADS TAILGATE
SPREADER (TRK 207)
End User:
Number of Units: 2 Entered By: RDW
Sales Rep: Todd Imes
(814) 521-7156
Inside Sales: Jim Weir

REF: FORD F550 CHASSIS, TRUCK # 207, ENDING VIN: FED57822
- CHASSIS WITH A 6.7 LITER DIESEL ENGINE, ZEUS ALUMINUM DUMP BODY WITH
ELECTRIC POWER UNIT AND SWENSON ELECTRIC UNDER TAILGATE SPREADER IN
PLACE.

REMOVE TAILGATE SPREADER AND BODY HOIST OPERATING ELECTRIC POWER UNIT - SET
BOTH ASIDE FOR RETURN TO CUSTOMER.

PROVIDE AND INSTALL A DEWEEZE HYDRAULIC SYSTEM WITH UNDERHOOD ENGINE DRIVEN
PUMP, CAB CONTROLS, STAINLESS STEEL HYDRAULIC TANK WITH INCORPORATED VALVES
FOR DUMP BODY AND SPREADER OPERATION, HYDRAULIC OIL, HYDRAULIC OIL FILTER, ALL
REQUIRED HOSES AND FITTINGS FOR DUMP BODY OPERATION. HOSES RAN TO REAR OF
CHASSIS WITH QUICK COUPLERS FOR CONNECTION AND OPERATION OF HYDRAULIC UNDER
TAILGATE SPREADER. INCLUDES CAB MOUNTED SPREADER AND BODY CONTROLS.

PROVIDE AND INSTALL TO REAR OF BODY A SWENSON SADS UNDER TAILGATE SPREADER, AS
FOLLOWS:

"S" SERIES SPREADERS ARE DESIGNED TO MOUNT BELOW THE DUMP BODY TAILGATE AND
NOT INTERFERE WITH NORMAL DUMP BODY OPERATIONS WHEN NOT IN USE.

- SEPARATE HYDRAULIC MOTORS FOR THE AUGER AND THE SPINNER TO ALLOW FOR
INDEPENDENT CONTROL OF EACH FUNCTION.
- HYDRAULIC SAFETY INTERLOCK SYSTEM TO DISABLE AUGER DURING CLEAN-OUT AND
MAINTENANCE.
- HINGED COVER ALLOWS FULL USE OF DUMP BODY FUNCTIONS WHILE SPREADER IS
MOUNTED ON TRUCK.
- BOTTOM DOOR IS HINGED FOR EASY CLEAN OUT AND BLOCKAGE REMOVAL.
- ADJUSTABLE IN HEIGHT SPINNER FRAME TO ALLOW MOUNTING ON VARIOUS HEIGHT
VEHICLES.
- QUICK DETACH STABILIZER KIT TO KEEP SPINNER PARALLEL TO THE ROAD AT ALL
DUMP ANGLES.
- TAILGATE SHIELDS CLOSES OFF GAP BETWEEN OPEN DUMP BODY TAILGATE AND SIDES
OF BODY DURING OPERATION.
- ANTI-FLOW PLATE INSTALLED OVER MATERIAL DROP OUT TO PREVENT MATERIAL FREE
FLOW WHILE AUGER IS NOT TURNING.

THROUGH WIDTH: 96"
END PLATE MATERIAL: 7 GA STAINLESS STEEL
THROUGH MATERIAL: 7 GA STAINLESS STEEL SPINNER DISC: 18" POLYURETHANE

- DROP PORT LOCATED 21" FROM LEFT END PLATE DISCHARGES APPROX 15 LBS/REV.
- SINGLE 6" AUGER WITH CONTINUOUS AND REVERSED FLITTING TO UNLOAD FROM BOTH
SIDES OF DUMP BODY

(Continued on Next Page)

Item # 13

08/14/17

J&J Truck Equipment

Quote: 77105

Eng/Authorizer

Quote Type: SRE

422 Riggs Road
Somerset, PA 15501

Rev: 2

Page 2

Issue: 3

Order:

PO NO:

Phone: 814-444-7000 or 877-455-8785

Fax: 814-445-3726

Customer

Brief Description

CITY OF CUMBERLAND
57 NORTH LIBERY STREET
VEHICLE MAINTENANCE DEPT
CUMBERLAND MD 21502
Attn: Rich Merlot
Phone: 301-759-6627
Fax: 301-759-6632

SWENSON SADS TAILGATE
SPREADER (TRK 207)
End User:
Number of Units: 2 Entered By: RDW
Sales Rep: Todd Imes
(814) 521-7156
Inside Sales: Jim Weir

INCLUDES CONNECTING HOSES WITH QUICK COUPLERS TO SPREADER FROM CHASSIS
HYDRAULIC SYSTEM.

SPREADER, BODY AND HYDRAULIC SYSTEM TEST OPERATED

BASE PRICE (\$ 12,975.00 EACH X 2 UNITS) \$ 25,950.00

CUSTOMER TO PROVIDE ALL TRANSPORTATION OF CHASSIS

PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES

	Base Price	Appx Weight
	12,975.00	0
Price / Unit:	\$12,975.00	0
Total / Unit:	\$12,975.00	
Total Due All Units:	\$25,950.00	

** please state with ^{signed} order the additional
Truck number & ending vin.*

Please review carefully. If you have any questions, contact this office or your sales representative. If there are no questions, please sign and return one of the enclosed copies. We must have a signed copy of this quotation before we process your order.

Terms: Cash Only

QUOTE EXPIRES:
02/03/17

PLEASE NOTE: There will be a 20% restocking fee on all special order items, if returned, in addition to any freight charges that apply.

By: _____ Date: _____
(Customer Signature)



Regular Council Agenda
September 5, 2017

Description

Order authorizing the approval of a Cost-Share Agreement with the Maryland Department of the Environment for the "Willowbrook Road 12" Water Line Replacement Project" providing that MDE will pay up to 25% of the total project cost, not to exceed \$188,000

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to execute the agreement.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

up to 25%, not to exceed \$188,000.00

Source of Funding (if applicable)

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

ORDER NO. _____

DATE: September 5, 2017

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

THAT the Mayor be and is hereby authorized to execute a Cost-Share Agreement with the Maryland Department of the Environment (MDE) Office of Budget and Infrastructure Financing for the "Willowbrook Road Waterline Replacement Project", with the MDE allocating up to 25% of the total project cost in state grant funds, in an amount not-to-exceed One Hundred Eighty-eight Thousand Dollars and No Cents (\$188,000.00).

Brian K. Grim, Mayor

**COST-SHARE AGREEMENT BETWEEN THE
MARYLAND DEPARTMENT OF THE ENVIRONMENT
AND THE MAYOR AND CITY COUNCIL OF CUMBERLAND**

THIS COST-SHARE AGREEMENT is made this _____ day of _____, 2017, between the Office of Budget and Infrastructure Financing, a unit of the Maryland Department of the Environment (the "Department"), and The Mayor and City Council of Cumberland, (the "Recipient").

The Department will allocate up to 25% of the total project cost, not to exceed One Hundred Eighty Eight Thousand Dollars (\$188,000) in state grant funds for the Willowbrook Road Waterline Replacement Project in Allegany County. The Department may, at its discretion, provide the Recipient additional grant funds towards the total eligible project costs for the project described in the Capital Projects Financial Assistance Pre-Application dated January 26, 2016, contingent upon the availability of state funds and subject to approval by the Maryland Board of Public Works.

The completed Capital Projects Financial Assistance Pre-Application and Conditions of Financial Assistance Award are expressly incorporated herein by reference and made part of this agreement.

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Witness

By: _____
Terri Wilson, Director
Office of Budget and Infrastructure
Financing
Date

MAYOR AND COUNCIL OF CUMBERLAND

Witness

By: _____
Brian K. Grim
Mayor
Date



Regular Council Agenda
September 5, 2017

Description

Order accepting the sole source proposal from Bennett, Brewer & Associates to provide preliminary design and engineering support required to produce an RFP for the "Willowbrook Road 12-inch Waterline Replacement Project" in the estimated amount of \$27,640

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to approve the contract with Bennett, Brewer and Associates (BB&A) in the estimated price of \$27,640 to provide preliminary engineering, basic utility location plans, and prepare bid documents for the Willowbrook Road 12" Waterline Replacement Project. The specifications will include options to replace the line nears its present location, or replace at locations off of the paved portion of Willowbrook Road, or undertake trenchless structural rehabilitation of the existing pipe in place. BB&A was selected to do this work as a sole source because they have already provided a design and specifications for the replacement of this line under the relocation of the Allegany College entrance, which was dropped some years ago. At that time there would have been major work done to Willowbrook Road, so installing a new line in the roadway would have been the most efficient method of repair. Since road repair will account for a major cost, we believe that the bid response to this work will provide us the best low cost alternative.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$27,640.00

Source of Funding (if applicable)

City Funds

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

ORDER NO. _____

DATE: September 5, 2017

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

THAT the sole source proposal of Bennett Brewer and Associates, LLC, 23 East Main Street, Suite 200, Frostburg, Maryland, 21532, to provide preliminary design and engineering support required to produce an RFP for the "Willowbrook Road 12-inch Waterline Replacement Project" be and is hereby accepted in the estimated amount of Twenty Seven Thousand, Six Hundred Forty Dollars and No Cents (\$27,640.00).

Brian K. Grim, Mayor



Surveyors | Engineers | Planners

September 1, 2017

City of Cumberland
Engineering Office
20 Bedford Street, Suite 343
Cumberland, Maryland 21502

ATTENTION: JOHN DiFONZO, PE, City Engineer

**RE: ENGINEERING PROPOSAL
WILLOWBROOK ROAD WATER LINE REPLACEMENT**

Dear Mr. DiFonzo:

Bennett, Brewer, & Associates are pleased to submit herewith a proposal to provide professional services for the above referenced amendment. Based on our Pre-Proposal meeting, direct experience with the subject area, and previous jobs of a similar nature, it is our understanding that the scope of services shall include all preliminary design and engineering support required to produce an RFP for replacement of the 12-inch water main within the project limits. The RFP shall be based on a design/build approach and the final engineering design shall be completed by the successful construction team.

The RFP is to include four alternate scenarios:

- a) Traditional replacement of the 12-inch main with DIP or PVC, at or near its current location;
- b) Trenchless structural rehabilitation (lining) of the existing pipe in place;
- c) Installation of a new water main along Old Willowbrook Road, leaving the existing main in place;
- d) Extension of the replacement line west of Country Club Road

We are prepared to perform the following tasks associated with this project:

SCOPE OF WORK

Phase I – Preliminary Engineering

- I-1 **Kick-Off Meeting (Cumberland)**
Meet with City officials and staff, and representatives from various city departments to visit the project site and to review project goals and objectives; including, identification of points of contact,

Bennett, Brewer
& Associates, LLC

23 East Main Street
Suite 200
Frostburg, MD 21532

Phone (301) 687-0494
Fax (301) 687-0495

Item # 15

scheduling, funding, payment process, identification of regulatory jurisdictions (if any) and other project related matters.

- I-2 Review Existing Documents and Data
Review existing documents and reports, data and other related information to the project as available.
- I-3 Preliminary Field Investigation
Perform an in-depth site visit to identify the project route, boundaries and potential problem areas. Identify potential impacts to adjacent properties (if any) and report any findings to the City. Identify water appurtenances to be replaced or modified.
- I-4 Field Survey – Preliminary
Perform a desk top survey of the project area to determine property owners, rights-of-way and other boundaries. Verify findings in the field. Identify additional survey requirements.

Phase II – Design

- II-1 Identify Possible Options – Make Design Decisions
Based on desktop analyses and field surveys, identify options. Identify the advantages and disadvantages of each option for consideration by the City. Identify regulatory permits (if any) to be required for the project.
- II-2 Field Survey - Selected Route
Perform additional field survey, including topographical features, curbs, sidewalks, fences, buildings, aerial and underground utilities, and all other visible surface features of the selected route. This includes 3rd party utility location services to be performed by AI Data.
- II-3 Develop Detailed Base Mapping
Develop detailed base mapping of all existing topographic and planimetric features of the selected route including all necessary research, computations, incorporation and verification of reference drawings, CAD drafting, etc.. required to prepare a plan of the aforementioned data at an appropriate scale and format. Said plan shall serve as a base map for all engineering and site improvements.
- II-4 Prepare Schematic Site Plans - 50% Submittal
Prepare plans that are 50% complete and submit to the City for review and comment. Once all site parameters have been established, the basic infrastructure design shall be completed in accordance with the applicable regulatory, environmental, and engineering constraints. This phase will include the preparation of a preliminary site plan, utility and pavement repairs, remedial work

to curbing, sidewalks, inlets and manholes, etc., and will address various options and associated costs. This phase will include coordination of all design elements with any applicable review or regulatory agencies.

- II-5 Incorporate Review Comments
Incorporate comments received from the City.

- II-6 Coordinate Regulatory Permits
Identify all required permit applications for the project, including but not limited to the City, Allegany County Soil Conservation District, Maryland Department of the Environment, Maryland State Highway Administration, etc...

- II-7 Prepare Site Plans - Bid Issue
Prepare plans and contract documents (specifications) that are bid issue ready (100% complete) and submit a file copy to the City (one set plans and one set specifications, hard copy and electronic) and issue to prospective contractors (ten sets of plans and specifications) for construction.

- II-8 Prepare Engineer's Estimate
Prepare preliminary probable construction cost estimates for each scenario and submit to the City.

- II-9 Perform QA/QC
Perform preliminary and final quality assurance/quality control review of the plans and contract documents and technical specifications for the project.

- II-10 Bid Support
Respond to questions or requests for information from prospective contractors. Prepare and distribute addendums as necessary. Prepare a bid tabulation upon receipt of bids.

- II-11 Project Coordination
Coordinate and address regulatory requirements with the appropriate regulatory agencies; including, funding and payment procedures, meeting requirements, scheduling, and incorporate those items into the RFP.

GENERAL CONSTRAINTS -

1. This proposal is intended to include all plans, surveys, specifications, and contract documents to prepare a Design/Build RFP on behalf of the City of Cumberland.

2. All permit and advertisement fees will be submitted by the ENGINEER to the OWNER as extras or add-ons.

3. This proposal does not include any formal design, construction survey stakeout, inspection, or contract administration services.

COMPENSATION - FEE SCHEDULE

Based on the above scope of services, Our Not to Exceed Maximum fee for this project is **\$27,640.00***

* Total includes all mileage, travel time, materials, etc..

PROJECT SCHEDULE

Assuming a Notice to Proceed on or about August 15, 2017, we propose to complete the bid package for review by MDE on or before November 1, 2017. Bennett, Brewer & Associates routinely performs similar services for projects of equal or greater scope to meet funding or other client imposed deadlines. The size, experience, and depth of our staff allow us the flexibility to allocate the necessary resources for each component of the project as needed, to meet our required goals.

We look forward to providing our services for this project and hope to be working together in the upcoming months. If you should have any questions, please contact this office at (301) 687-0494.

Sincerely,



Matthew S. Brewer, PE, RLS, LLED AP
Principal



Regular Council Agenda
September 5, 2017

Description

Order authorizing the execution of Change Order No. 3 with Braddock Construction to the current contract with Braddock Construction, LLC for the Baltimore Avenue Improvements Project (02-12-M) in the increased amount of \$21,470.40, bringing the total contract amount to an estimated \$1,723,149.20

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to execute Change Order No. 3 in the increased amount of \$21,470.40 to the current contract with Braddock Construction on City Project "Baltimore Avenue Improvements" (02-12-M). This change order is a closing change order to cover all over and under runs on the entire project and will allow the City to close the current contract with Braddock Construction. There is no additional time added to the contract for this change order.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$21,470.40

Source of Funding (if applicable)

City Bond 127.99XB.63000

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

ORDER NO. _____

DATE: September 5, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT the City Administrator be and is hereby authorized to execute Change Order No. 3 to the existing contract with Braddock Construction, LLC, 16214 National Highway, Frostburg, Maryland 21532, for City Project "Baltimore Avenue Improvements" (2-12-M) in the increased amount of Twenty-one Thousand, Four Hundred Seventy Dollars and Forty Cents (\$21,470.40), bringing the total cost of the contract to an estimated One Million, Seven Hundred Twenty-three Thousand, One Hundred Forty-nine Dollars and Twenty Cents (\$1,723,149.20).

Brian K. Grim, Mayor

Braddock Construction, LLC, 2-12-M	
Original Contract Amount	\$1,398,466.10
Change Order No. 1	\$303,212.70
Change Order No. 2	\$0.00
Change Order No. 3	\$21,470.40
New Contract Amount	\$1,723,149.20

Funding: City Bond 127.99XB.63000

City of Cumberland

Change Order Number: 3

Project: Baltimore Avenue Improvements
City Project No.: 2-12-M
Purchase Order No.: 14-0000228-001
M&CC Order No.: 25,557
Contractor: Braddock Construction, LLC
Vendor No.: 304657

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

Add / Delete	New or Extension *	Item No. **	Description	Quantity	Unit Price	Unit	Delete	Add
--------------	--------------------	-------------	-------------	----------	------------	------	--------	-----

* This column denotes if the item is a New item or an Extension of an existing item.

The Original Contract Sum was: \$1,398,466.10

** If the quantity is for a New item, the item's category number (1,2,3,...) is listed and the next available item number within the category will be generated after the Change Order is approved. If quantity is an Extension or an existing item, the original item number will be shown.

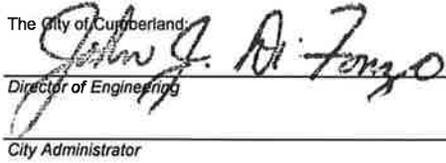
Previous Change Orders: \$303,212.70
 Contract Sum as a result of Previous Change Orders: \$1,701,678.80
 The Contract Sum increased/decreased by this Change Order: \$21,470.40
 The New Contract Sum as a result of this Change Order is: \$1,723,149.20

Contract Time Change: No Days (Cont. Closeout)

Recommended by:  8/31/17
 Engineering Specialist Date

Contractor: Braddock Construction, LLC

Accepted by: _____ Date

Approved By: The City of Cumberland:  9/11/17
 Director of Engineering Date
 City Administrator Date

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



Regular Council Agenda
September 5, 2017

Description

Order authorizing the execution of a Certificate of Satisfaction acknowledging that the debt has been paid on a Deed of Trust made by Howard M. and Mary Kathleen Bohn, dated June 18, 2009, pertaining to 6 Virginia Avenue and releasing the associated lien

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: September 5, 2017

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

THAT the Mayor be and is hereby authorized to execute a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Howard M. and Mary Kathleen Bohn, pertaining to 6 Virginia Avenue and dated June 18, 2009 (Allegany County Land Records Book 1599, Page 384), has been fully paid and satisfied and the lien of the Deed of Trust is hereby released.

Brian K. Grim, Mayor

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

ORDER NO. _____

DATE: September 5, 2017

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

THAT the Mayor be and is hereby authorized to execute a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Howard M. and Mary Kathleen Bohn, pertaining to 6 Virginia Avenue and dated June 18, 2009, (Allegany County Land Records Book 1599, Page 384) has been fully paid and satisfied and the lined is hereby released.

Brian K. Grim, Mayor



Regular Council Agenda
September 5, 2017

Description

Order approving the award of \$2,653.54 in Central Business District Facade Improvement Program funding to 101 S. Centre Street, owned by Julianne Hagan

Approval, Acceptance / Recommendation

Recommendation is attached.

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: September 5, 2017

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

THAT, the Central Business District Façade Improvement Program project application for 101 South Centre Street, owned by Julianne Hagan, be and is hereby awarded Two Thousand, Six Hundred Fifty-Three Dollars and Fifty-Four Cents (\$2,653.54), to be funded through the State of Maryland Community Legacy program.

Brian K. Grim, Mayor

Funding: Community Legacy 114.199AH.CFP.20100

DEPARTMENT OF COMMUNITY DEVELOPMENT

TO: MAYOR AND CITY COUNCIL
JEFF RHODES, MARGIE WOODRING

FROM: KATHY MCKENNEY

SUBJECT: FAÇADE IMPROVEMENT GRANT PROGRAM STAFF RECOMMENDATION

DATE: 8/31/17

On April 28, 2017, the Department of Community Development, working with the Downtown Development Commission received a total of 7 applications for the Central Business District Façade Improvement Program, a program funded by the State of Maryland's Community Legacy program. Applicants had to have property located within the Central Business District, their request could not exceed \$10,000 and they were required to match their request dollar for dollar. The total amount awarded for the Central Business District Façade Improvement Program from the Community Legacy program is \$50,000.00.

Following receipt of the completed applications, staff began to evaluate each application. Staff has been meeting with applicants on an individual basis so that each project will meet the Secretary of the Interior's Standards.

At this time, the review committee has recommended funding as follows:

1	Julianne Hagan	101 South Centre Street	\$2653.54
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Funded by Community Legacy Central Business District Façade Grant Program



Regular Council Agenda
September 5, 2017

Description

Order rescinding Order No. 26,148 dated June 20, 2017 and granting Hampstead Cumberland Arms Partners, L.P. a one-time Historic District Property Tax Credit for 2016-2017; it has been determined that a prior agreement with Hampstead for a Payment in Lieu of Taxes that was approved in November, 2013 makes the Historic District Tax Credit inapplicable

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: September 5, 2017

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

WHEREAS, Hampstead Cumberland Arms Partners, L.P. entered into a Payment in Lieu of Taxes Agreement with the Mayor and City Council pertaining to a project at 10 North Liberty Street, as authorized per Council Order No. 25,598 on November 5, 2013; and

WHEREAS, Hampstead Cumberland Arms Partners, L.P. was granted a one-time Historic District Property Tax Credit for the 2016-2017 tax year for the project at 10 North Liberty Street, per Order No. 26,148 dated June 20, 2017; and

WHEREAS, it has been determined that the Historic District Tax Incentives are not applicable to the project at 10 North Liberty Street since there is a pre-existing PILOT agreement in place;

NOW, THEREFORE, BE IT ORDERED, that Order No. 26,148 granting the Historic District Property Tax Credit for 10 North Liberty Street be and is hereby rescinded.

Brian K. Grim, Mayor

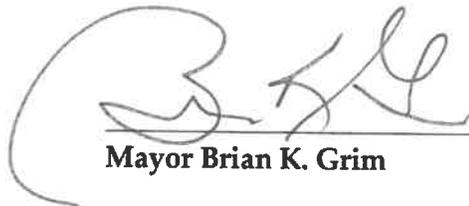
Backup Document

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

ORDER NO. 26,148DATE: June 20, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, the property located at 10 North Liberty Street, owned by Hampstead Cumberland Arms (Tax Acct. #14-003177), be and is hereby granted a one-time Historic District Property Tax Credit commencing with the 2016-2017 tax year as follows:

1. Property tax credit in the amount of \$ 417,330.40 (10% of total eligible project costs of \$ 4,173,340.00). The credit will be applied to real estate property taxes and is valid for a total of five years. Any credits remaining after that time will expire.
2. Property tax assessment freeze for seven (7) years due to an investment equaling 111% of the pre-improvement value of the property (\$ 3,734,633.00)



Mayor Brian K. GrimJUN 20 2017 ^{Item # 19}

Backup Document

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

ORDER NO. 25,598DATE: November 5, 2013**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT the Mayor be and is hereby authorized to execute an Agreement for Payment in Lieu of Taxes (PILOT), as authorized by Section 7-505 of the Tax Property Article of the Annotated Code of Maryland, be and between the Mayor and City Council of Cumberland and Hampstead Cumberland Arms Partners, L.P. for the redevelopment of property at 64 Baltimore Street, Cumberland, known as "Cumberland Arms Apartments," all or a portion of which will assist individuals of lower limited income; and

BE IT FURTHER ORDERED, that this Agreement shall commence upon the first day of the first tax period after the Effective Date of the Agreement and continue for a term of seventeen (17) years.



Brian K. Grim



Regular Council Agenda
September 5, 2017

Description

Letter from Lt. Chuck Ternent, CPD, advising that the Cumberland Police Department and the Allegany County Sheriff's Office have been jointly awarded a grant in the amount of \$12,760 through the Edward Byrne Memorial Justice Assistance Grant Formula Program for the purchase of less lethal equipment such as tasers or conducted electrical equipment, and inviting the Mayor and Council and the public to provide input on the program

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
20 Bedford Street, Cumberland, Maryland 21502
Tel: 301-777-1600 fax: 301-759-6544 cpd@cumberlandmd.gov

Charles H. Hinnant
Chief of Police

August 21, 2017

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

Mayor and City Council:

The United States Bureau of Justice has recently made a grant award in the amount of \$12,760.00 available to the Cumberland Police Department and the Allegany County Sheriff's Office through the Edward Byrne Memorial Justice Assistance Grant Formula Program. The Bureau of Justice makes these allocations based on calculations using uniform crime report statistics and population to determine award amounts. The purpose of this funding is to support local law enforcement programs.

The Cumberland Police plans on using the funding to purchase additional less lethal equipment in the form of tasers or conducted electrical weapons, to be utilized by the Cumberland Police Department and the Allegany County Sheriff's Office.

I would like to invite Mayor Grim and each council member to comment on the above project and give their input. I would also request that the above project be made public and an opportunity to comment be provided to the citizens of Cumberland at a public meeting. If you have any questions or would like to discuss the project please contact Lt. Chuck Ternent at 301-759-6475 or chuck.ternent@cumberlandmd.gov.

Thank you for your consideration.



Lt. Chuck Ternent