



**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 2/7/2017

**\*Pledge of Allegiance**

**I. ROLL CALL**

**II. CERTIFICATES, AWARDS AND PRESENTATIONS**

(A) State of the City Address from Mayor Brian Grim

(B) Presentation by Western MD Recovery on the use of opioids in the community

**III. DIRECTOR'S REPORT**

(A) Public Works

1. Utilities Division & Central Services Monthly Report for December, 2016

**IV. APPROVAL OF MINUTES**

(A) Routine

1. Approval of the Regular Session Minutes of December 20, 2016 and January 3, 2017

2. Approval of the Work Session Minutes of January 4, 2017

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of January 3, 2017

2. Summary Statement of Closed Meeting held Tuesday, February 7, 2017 at 5:30 p.m.

**V. PUBLIC HEARINGS**

(A) Public Hearing - presentation of CDBG program accomplishments and receipt of requests from

agencies for FY17 funding

## **VI. UNFINISHED BUSINESS**

### **(A) Orders**

1. Order authorizing the execution of a Second Amendment to the IAFF Local #1715 Collective Bargaining Agreement dated July 1 2014 through June 30, 2017

## **VII. NEW BUSINESS**

### **(A) Ordinances**

1. Ordinance (*1st reading*) - to repeal Section 2-246 and 2-248 of the City Code thereby eliminating the provisions pertaining to the Economic Development Commission
2. Ordinance (*1st reading*) - to repeal and reenact with amendments Sections 10-89 through 10-94 pertaining to business licensing and Chapter 10 Article IV, Sections 10-111 to 10-159 pertaining to automatic amusement devices and arcades

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

1. Order authorizing the use of open containers of alcohol in certain defined areas of the downtown from 12:00 p.m. on March 12, 2017 through 2:00 a.m. on March 13, 2017 for the Hooley Pub Crawl; with the exception that open glass containers shall not be permitted
2. Order accepting the proposal of Burgmeier's Hauling, Inc. to provide two (2) additional years service to the Municipal Solid Waste Hauling Services Contract (17-13-M) at \$787,096/yr. for years 4 and 5 for trash hauling; \$152,775/yr. for years 4 and 5 for recycling; \$115/hour for years 4 and 5 for bulk pickup; and accepting the proposal from Waste Management - Mountainview Landfill, Inc. to accept municipal waste at the rate of \$35.08/ton for FY18 and \$35.68/ton for FY19
3. Order accepting the bid of Historitecture, LLC to provide services for the Cumberland Historic Survey Project in the amount not-to-exceed \$19,425 and rejecting all other bids. \$17,000 of this project is to be funded through a Certified Local Government Subgrant.
4. Order authorizing a Contract of Sale with Gary L. Murphy for the City's purchase of 325 Pennsylvania Avenue for \$21,000; authorizing acceptance of the deed providing settlement contingencies are met; authorizing extension of the closing date for 60 days if necessary; and authorizing the City Administrator and City Solicitor to execute all documentation
5. Order appointing Mayor and Council members and City staff to various board and commissions
6. Order authorizing an Amnesty Program for past due personal property taxes, to allow that accumulated interest and penalties be waived on each account on the condition that a lump sum payment is received for all years due by March 31, 2017

### **(C) Letters, Petitions**

1. Letter from Sharon Ellsworth, Co-Race Director, asking permission to hold the "3rd Annual ACAS Howards 25K Run" and "Paws on the Pavement 5K" in Cumberland on August 20, 2017 at 7:00 am and 8:00 am, respectively, along with the "Sweet Pea Shuffle Dog Walk" on August 19, 2017. The Cumberland Police Department has reviewed this event and provided approval to proceed.

**VIII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

**IX. ADJOURNMENT**



Regular Council Agenda  
February 7, 2017

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**Description**

State of the City Address from Mayor Brian Grim

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
February 7, 2017

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**Description**

Presentation by Western MD Recovery on the use of opioids in the community

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
February 7, 2017

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**Description**

Utilities Division & Central Services Monthly Report for December, 2016

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

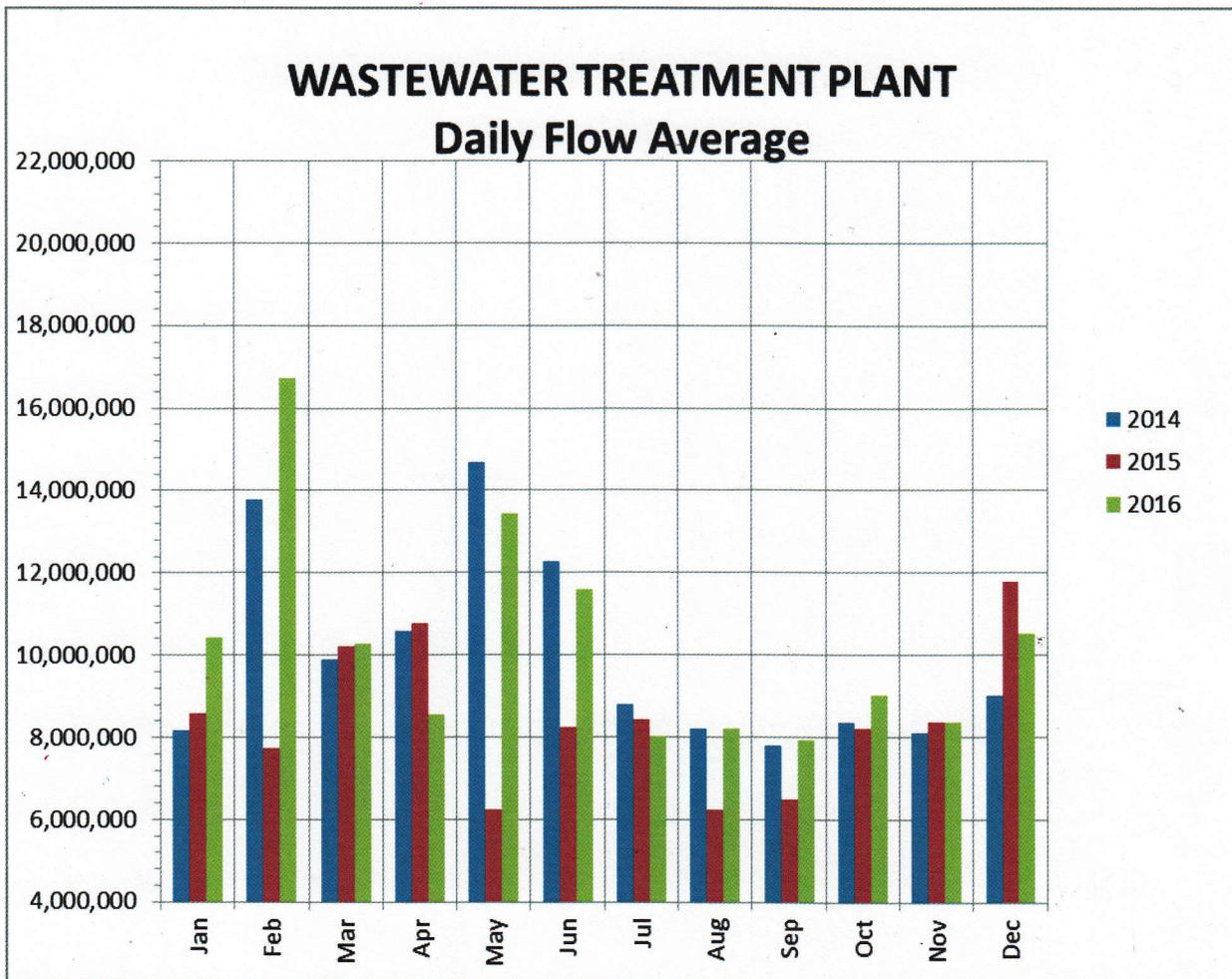
**Source of Funding (if applicable)**

**CITY OF CUMBERLAND**  
**UTILITY DIVISION AND**  
**CENTRAL SERVICES**  
**MONTHLY REPORTS**  
**December 2016**

## Wastewater Treatment Plant – December 2016

### OPERATIONS:

Treated 325,734,000 gallons @ an average of 10.508 million gallons per day. Removed 314,720 pounds of total suspended solids, 192,041 pounds of BOD, 23,399 pounds of total nitrogen, and 4,890 pounds of total phosphorous. Processed 862,765 gallons of sludge producing 85.07 Dry tons of Class "A" bio-solids. Safety Meeting on handling of power tools held December 21, 2016. All Federal and State reporting requirements were in compliance. Monthly Flow Comparison Chart is attached.



# CITY OF CUMBERLAND WASTEWATER TREATMENT PLANT ACCOMPLISHMENTS - 2016



**THE CITY OF CUMBERLAND WASTEWATER TREATMENT PLANT TREATED 3.681 BILLION GALLONS OF RAW SEWAGE, REMOVING A TOTAL OF 2.083 MILLION POUNDS OF SUSPENDED SOLIDS, 2.433 MILLION POUNDS OF B.O.D. (BIOCHEMICAL OXYGEN DEMAND), 426,659 POUNDS OF NITROGEN, AND 63,904 POUNDS OF PHOSPHOROUS. WE WERE IN COMPLIANCE WITH ALL LIMITS SET FORTH BY THE DISCHARGE PERMIT. THIS PLANT PROCESSED 9,943,031 GALLONS OF DIGESTED SLUDGE, PRODUCING 1,002 TONS OF CLASS "A" BIO-SOLIDS.**

## Sewer & Flood Monthly Report - December 2016

### Sewer

2,580 Ft. Sewer Mains flushed

3 Catch basins repaired:

1 Cleanout installed

75 Ft Sewer mains televised

310 Ft. sewer lines televised

5 Overflows checked

- Assisted Water Department at one (1) work  
site for Hydro Excavating

### Flood

Test run station pumps

Checked CSO Stations

Put manual operator back in service - Station #40+02L

Checked all holes

Maintenance completed on all equipment

General Housekeeping



## Central Services –DECEMBER 2016

- **City Hall**: Checked belts and greased bearings on motors, installed hand dryer in second floor bathroom, repaired elevator door.
- **Municipal Service Center**: Repaired garage door opener on 20ft door
- **Public Safety Building**: bled air from baseboard heaters, corrected Johnson Controls heating issues, greased pumps.

**Police**: built new wall and installed door, installed new exhaust fan for evidence room.

**Fire**: unclogged French fry grease from kitchen sink, washer drain

**Parks/Recreation**: disassemble pool filters, removing existing pipe to sand filters at Constitution Park pool.

- **Downtown area**: repaired Christmas lights, replaced GFCI receptacle, repaired 3 pole lights, repaired splices in underground junction box
- **McNemma Pump Station**: Repaired arm on automatic transfer switch.
- **Ridgedale Pump station**: repaired pressure switch for emergency shut down.
- **Seneca Pump Station**: replaced patch cord to the HMI from the PLC
- **Water Filtration Plant**: installed new Mitsubishi split unit in the belt press building, repaired mini split unit in superintendants office, checked level sensor monitoring fluoride holding tank, installed power to flow meters on Hypochlorine system and connected them to SCADA system, replaced DP transmitter on filter 12, repaired DC drive for filter backwash, terminated blower motor in DAF building
- **Wastewater Treatment Plant**: replaced power supply at Braddock Rd CSO, replaced LED lights in maintenance garage, installed VFD for RAS3B, installed new brushes in methanol pump, freed lift pump #6 at ENR building that was stuck, replaced micro-switches in Limitourque valve for digester, installed new FMU 90 and sensor for Bedford Rd CSO, remounted broken sensor on Franklin St CSO

- **Traffic and Street Lights**: replaced relays in traffic controller at the intersection of Harrison and Mechanics St.
- Snow and ice removal and pretreatment at city hall and public safety building.
- Load-tested generators.
- Safety Meeting December, 2016



Regular Council Agenda  
February 7, 2017

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**Description**

Approval of the Regular Session Minutes of December 20, 2016 and January 3, 2017

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



# MINUTES

**MAYOR**  
Brian K. Grim

**CITY ADMINISTRATOR**  
Jeffrey D. Rhodes

**CITY SOLICITOR**  
Michael Scott Cohen

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

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

**CITY CLERK**  
Marjorie A. Woodring

DATE: 12/20/16

## \*Pledge of Allegiance

### I. ROLL CALL

The meeting convened at 6:25 p.m.

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. 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. CERTIFICATES, AWARDS AND PRESENTATIONS

#### Item Action: Approved

Mayor Grim acknowledged that this would be Nicole Alt-Myers' last meeting serving as Councilwoman. Mayor Grim spoke of her accomplishments and recognized her for her years of service to the community. Each council member also offered comments regarding her work on behalf of the citizens and the Councilwoman was then presented with an engraved crystal bowl in appreciation for her work. Washington County Commission Leroy Myers also spoke on the Councilwoman's accomplishments and dedication to her community. Councilwoman Myers in turn thanked the Mayor and Council, city staff, Commissioner Myers, and the community.

#### (A) Presentation from Corey Zinkhan regarding the establishment of a Children's Day in the city

Corey Zinkhan, member of the Parks and Recreation Board, requested that the Mayor and Council support the creation of a Children's Day on the first Sunday in June of each year as a means to recognize children and reinforce their importance to their family and community. The Mayor and Council were in agreement with the idea and expressed that they would support a proclamation to acknowledge the day.

#### (B) Presentation from Kathy McKenney, Community Development Programs Manager, and Tabitha

Barbarito, CEDC Economic Development Specialist, regarding the Cumberland Leasehold Improvement Program for the Central Business District funded by the State of Maryland Community Legacy Program

Kathy McKenney, Community Development Programs Manager, Tabitha Barbarito, Cumberland Economic Development Commission (CEDC) Economic Development Specialist, and Jennifer Light, Downtown Development Commission Executive Director, discussed the newly established Leasehold Improvement Program. The City partnered with the CEDC to implement the program and funding in the amount of \$100,000 would be received through the Community Legacy Program. Grants of up to \$20,000 would be provided for projects in the Central Business District that represented new businesses or the physical expansion of existing businesses. Eligible costs were reviewed and a summary of the nine (9) applications received was provided. The seven (7) projects recommended for award were 114 South Centre Street, 129 Baltimore Street, 2 Howard Street, 68 Pershing Street, 40/42/48 N. Centre Street, 45 N. Centre St., and 56 N. Centre Street.

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

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

1. Police Department monthly report for November, 2016

**Item Action:** Approved

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

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

1. Fire Department monthly report for November, 2016

**Item Action:** Approved

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

#### **(C) Administrative Services**

1. Administrative Services monthly report for November, 2016.

**Item Action:** Approved

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

#### **(D) Public Works**

1. Maintenance Division monthly report for November, 2016

**Item Action:** Approved

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

2. Utilities Division & Central Services monthly reports for November, 2016

**Item Action:** Approved

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

3. Engineering Division monthly report for November, 2016.

**Item Action:** Approved

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

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

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

1. Approval of the Regular Session minutes of November 15, 2016

**Item Action:** Approved

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

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

1. Closed Meeting Announcement - December 20, 2016

Mayor Grim announced that a Closed Session had been held on Tuesday, December 20, 2016 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.

2. Approval of the Closed Session Minutes of November 1, 2016

**Item Action:** Approved

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

A summary of the closed session is attached and made 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) 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 1-7 was made by Alt-Myers, seconded by Bernard, and was passed on a vote of 5-0.

1. Order authorizing the Sole Source purchase of traffic equipment for the intersection of South Mechanic and Harrison Streets from Traffic Systems & Technology, in the amount of \$27,254

ORDER NO. 26,074

2. Order appointing Jacqueline L. Clarke to the Housing Authority of the City of Cumberland for a five year term to be effective 12/20/16 through 10/31/21

## ORDER NO. 26,075

3. Order authorizing the execution of Change Order No. 1 with RenoSys Corporation for City Project 13-16-RE in the increased amount of \$7,012.50 repair seams and holes on the existing stainless steel gutter system at the Constitution Park Pool; the new contract total shall be an amount not to exceed \$155,107.50

## ORDER NO. 26,076

4. Order authorizing the execution of Certificates of Satisfaction to acknowledge that Deeds of Trust made unto the Mayor and City Council of Cumberland have been paid, and that the liens of the Deeds of Trust are hereby released for: 631-633 Maryland Avenue, 164-170 N. Centre Street, 718 Maryland Avenue, 757 Maryland Avenue, 948 Maryland Avenue, and 721 Maryland Avenue

## ORDER NO. 26,077

5. Order accepting the award of \$50,000 in Community Enhancement Grant Funding from the Allegany County Commissioners for the Arch Street Redevelopment Site Project

## ORDER NO. 26,078

6. Order authorizing execution of a Second Amendment to the collective bargaining agreement with the UFCW Local 1994 MCGEO entered into on or about August 18, 2015 for the period of 7/1/15 through 6/30/18

## ORDER NO. 26,079

7. Order authorizing the award of \$100,000 in Community Legacy Funds through the Leasehold Improvement Program to seven projects located in the Central Business District: 56 N. Centre Street - \$20,000, 129 Baltimore St. - \$20,000, 45 N. Centre St. - \$20,000, 2 Howard St. - \$15,004, 40/42/48 N. Centre St. - \$10,000, 114 S. Centre St. - \$9,869, 68 Pershing St. - \$5,127

## ORDER NO. 26,080

## (B) Letters, Petitions

1. Letter and report from the City Clerk advising that the Maryland State Board of Elections has provided State Certification of the Cumberland Municipal General Election held November 8, 2016 and David J. Caporale and Eugene T. Frazier, having received the two highest vote counts, are nominated to the office of the Cumberland City Council for 4- year terms each, said terms ending January, 2021

The Maryland State Board of Elections did meet on Tuesday, December 13, 2016, to provide State Certification of all elections and did on that date certify and state that the whole number of votes cast in the City of Cumberland for the office of Councilman were as follows:

David J. Caporale, 815 Elmwood Lane, 4,787 votes

Eugene T. Frazier, 1302 Lafayette Avenue, 2,530 votes

Joshua Greise, 436 Goethe Street, 933 votes

John J. Sangiovanni, 738 Hunt Terrace, 2,389 votes

Ben Wolters, 400 Washington Street, 2,049 votes

Total of 12,688 votes

**VI. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Eugene Frazier, 1302 Lafayette Avenue, expressed his appreciation to all who had treated him well during his campaign and state that he would be coming to Council with the intent to work as a team. Mr. Frazier also thanked Councilwoman Alt-Myers for her service to the community.

**VII. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 7:01 p.m.

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

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

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

# Mayor and City Council of Cumberland

## Closed Session Minutes

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

Second Floor Conference Room

Tuesday, November 1, 2016

5:30 p.m.

**PRESENT:** Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. "Rock" Cioni

**ALSO PRESENT:** Marjorie Woodring, City Clerk

**MOTION:** Motion to enter into closed session to discuss personnel issues pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1) was made by Councilman Bernard, seconded by Councilman Caporale, and was passed on a vote of 5-0.

**AUTHORITY TO CLOSE SESSION:**

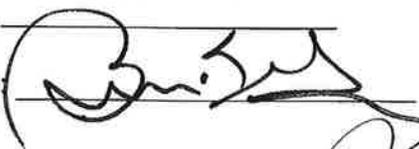
*Annotated Code of Maryland, State Government*

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

**TOPICS:** Personnel issues

Minutes approved on: **DEC 20 2016**

Brian K. Grim, Mayor:



ATTEST: Marjorie A. Woodring, City Clerk



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

Tuesday, December 20, 2016 at 5:30 p.m.

Second Floor Conference Room, City Hall

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On Tuesday, December 20, 2016, 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 performance evaluations of the City Administrator, City Solicitor, and City Clerk; and to discuss changes to the City Administrator's contract.

Persons in attendance included Mayor Grim, Council Members Alt-Myers, Bernard, Caporale, Cioni; City Solicitor Michael Cohen, and City Clerk Marjorie Woodring.

On a motion made by Caporale and seconded by Cioni, Council voted 5-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:20 p.m.

Authority to close the session was provided by the State Government Article of the Annotated Code of Maryland, Subsection 10-508 (a) (1).

This statement is made by:



Brian K. Grim, Mayor



**MAYOR**  
Brian K. Grim

**CITY ADMINISTRATOR**  
Jeffrey D. Rhodes

**CITY SOLICITOR**  
Michael Scott Cohen

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

**CITY CLERK**  
Marjorie A. Woodring

# MINUTES

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

DATE: 1/3/17

## \*Pledge of Allegiance

### I. ROLL CALL

The meeting convened at 6:22 p.m.

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

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

### II. APPROVAL OF MINUTES

#### (A) Administrative / Executive

##### 1. Closed Meeting Announcements - December 28, 2016 and January 3, 2017

Mayor Grim announced that Closed Sessions had been held on Wednesday, December 28, 2016 at 4:00 p.m. and Tuesday, January 3, 2017 at 5:15 p.m. and read into the record a summary of those session, which are 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.

##### 2. Approval of the Closed Session Minutes for November 11, 2016

**Item Action:** Approved

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

### III. NEW BUSINESS

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

**Item Action:**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-3 was made by Caporale, seconded by Cioni and was passed on a vote of 5-0.

1. Order authorizing the abatement of utility charges for City-owned properties 314 and 316 Independence Street (\$904.35 and \$4,233.57), 230 Cecelia Street (\$41.92), and 105 W. Industrial Boulevard (\$2,848.54)

ORDER NO. 26,081

2. Order authorizing execution of a Non-Endowed Restricted Fund Agreement with the Community Trust Foundation to create a fund to support the potential development of a skateboard park at Constitution Park; approving allocations to the fund of \$5,000 from the Bowers Trust Fund and \$381.37 in donations from Corey Zinkhan; and providing that in the event the City does not pursue the skateboard park project, all funds may be used to recreation improvements at Constitution Park

ORDER NO. 26,082

3. Order approving the application of an Historic Tax Credit to property at 29-35 Baltimore Street, owned by Suite Thirty One, LLC; the recommended tax credit is \$2,966.46 applied over a 5-year period. Any credits remaining after that time will expire.

ORDER NO. 26,083

**IV. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Kenneth Wilmot, 513 Fort Avenue, Cumberland, stated that he was 100% against the creation of a skateboard park in Constitution Park. He stated it was not needed and he had not observed anyone skateboarding this year. He noted a young boy had died at the YMCA skatepark and asked who would be liable. Mr. Wilmot also stated that someone needed to look at the trees in the park because they were under attack from bugs.

**V. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 6:30 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, January 3, 2017 at 5:15 p.m.

Second Floor Conference Room, City Hall

On Tuesday, January 3, 2017, the Mayor and City Council met in closed session at 5:15 p.m. in the second floor conference room of City Hall to discuss IAFF Local #1715 contract negotiations relative to an economic wage re-opener and appointments to a Citizen Advisory Commission on organizational wages and benefits.

Persons in attendance included Mayor Grim; Council Members <sup>FRAZIER</sup>~~Alt Myers~~, Bernard, Caporale, and Cioni; City Administrator Rhodes; City Solicitor Cohen, ~~and~~ City Clerk Woodring, *Fire Chief Dunn*

On a motion made by Bernard and seconded by Cioni, Council voted 5-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:17 p.m.

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

This statement is made by:



Brian K. Grim, Mayor

JAN - 3 2017

Item # 4

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

~~Tuesday~~ <sup>Wednesday</sup>, December 28, 2016 at 4:00 p.m.

Second Floor Conference Room, City Hall

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On Wednesday, December 28, 2016, the Mayor and City Council met in closed session at 4:00 p.m. in the second floor conference room of City Hall to discuss performance evaluations of the City Administrator, City Solicitor, and City Clerk.

Persons in attendance included Mayor Grim, Council Members Alt-Myers, Bernard, Caporale, and Cioni.

On a motion made by Caporale and seconded by Alt-Myers, Council voted 50 to close the session. No actions were voted upon and the meeting was adjourned at 5:32 p.m.

Authority to close the session was provided by the State Government Article of the Annotated Code of Maryland, Subsection 10-508 (a) (1).

This statement is made by:



Brian K. Grim, Mayor

JAN - 3 2017



Regular Council Agenda  
February 7, 2017

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**Description**

Approval of the Work Session Minutes of January 4, 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

3<sup>rd</sup> Flood Conference Room  
Western MD Station Center  
13 Canal Street  
Cumberland, MD 21502

Wednesday, January 4, 2017  
1:00 p.m.

**PRESENT for Mayor and City Council:** Brian K. Grim, President; Council Members David Caporale, Richard J. Cioni, and Eugene Frazier; Seth Bernard via conference phone

**PRESENT for Western Maryland Delegation:** Senator George Edwards; Delegates Jason Buckel, Michael McKay, and Wendell Beitzel

Mayor Grim stated that the City Council had discussed and considered many community needs and had identified several priority areas for 2017 for which the Mayor and Council were requesting the Delegation's support and advocacy through legislative and other measures of support. Mayor Grim outlined the following issues.

### **I. Opioid Proliferation and Police Funding**

The City of Cumberland is struggling with a growing opioid addiction and illegal drug (heroin) proliferation. The problems are not unique to Cumberland and stem throughout the state. The City recognizes the direct tie to strains on EMS and police services, who are on the front lines.

The City requests initiation of a state grant program to assist fire and EMS services in funding the growing costs of the epidemic, and continued support for the Governor's Office of Crime Control and Prevention (GOCCP) grants to help target the worst offenders.

The City also requests investigation into methods of recouping costs of narcans use when first responders arrive on the scene. The City was interested in supporting legislation to enable the cost of services provided in relation to overdoses and narcans use to be charged back to those abusing the services. These costs could be collected through a means such as attachment to property tax bills or forfeiture of income tax refunds.

In discussion:

The Allegany County Health Department provides narcans free of charge and discussion should be had with the Health Department to determine whether fire and EMS services could be provided a certain amount up front.

There would probably be something coming out of the Governor's office to curb opiate use. Efforts were underway to work with all physicians and pharmacies to build a data base that would show who was prescribing meds and who was buying. Statistics show that 8% of opiate users became hooked through prescription drugs and 50,000 deaths occurred last year because of opiate overuse. Delegate Bucket noted that enabling legislation to recoup costs through property or income taxes did not address those users who did not own property.

## **II. Blight eradication and recovery**

The City continues to engage in city-wide blight removal efforts on a neighborhood by neighborhood basis, as well as targeted efforts to attract economic development, new infill housing, and small business creation. The State has been supportive of the City's blight removal efforts through SGIF funding and Allegany County has begun a program to also award municipalities with funding for blight removal. While the City has been very aggressive in blight removal the past six years, the number of structures falling into blighted status has increased.

The City requests the Delegation's support for future City grant requests for SGIF funding as well as investigation into allocation of a blight relief fund to the City to make room for economic development and improve neighborhoods.

The City further requests consideration of enabling legislation to allow municipalities to go after additional assets of property owners, including attaching to personal property taxes. A similar law was recently established in Keyser, WV.

In discussion:

Delegate Buckel asked the City to provide more specifics regarding what penalties the City wanted for violation of the code and which Sections would be affected so that information can be provided to the people who would draft the legislation. January 21<sup>st</sup> was the bill filing deadline that needed to be met in order to have a guaranteed hearing date set.

Senator Edwards recommended that the City talk with MML regarding what should be included in the legislation because sometimes if something was done for one city, it had to be done for all. Delegate McKay discussed a growing problem involving the tendency of nursing home advisors to encourage houses to sit vacant if the owners have entered a nursing home and the amount of the liens against the property start to accumulate and end up being more than the house is worth. The residents of the State of Maryland then end up on the hook because the house has not value. He stated there may need to be a 10% cap put on the amount of liens that can placed against a property.

## **III. Route 51 Terminus**

The City recognizes the need to reroute traffic at the Route 51 (Industrial Boulevard) intersection near the Wendy's area because of the challenges access the interstate or accessing properties such as Canal Place, Footer's and the Fairfield, particularly if positioned on the east bound side of the road.

The City believes, having spoken with development professionals, that this area is ripe for redevelopment, but development cannot happen without a major realignment of the roadways to the location of the Cumberland Steel Building. Redevelopment would bring significant boost to the city and county tax base and is consistent with the principle of Smart Growth.

The City is seeking support from the Delegation for requests to the State Highway Administration to review a significant change, as well a future funding to provide for the necessary upgrades and changes.

In discussion:

Mr. Rhodes, City Administrator, discussed that all of the City's interstate exits were underdeveloped. The Route 51 intersection had a physical barrier that the City cannot resolve by itself, but had interest for redevelopment in that area if improvements were made to allow fuller access to the other side.

Senator Edwards recommended approaching the State Highway Administration with a general discussion as to what the City would like them to look at. The Delegation can arrange a meeting with top officials in the State to look at the issue. If the City can come up with a generalized approach, it may be possible to arrange a meeting during the PACE time frame.

#### **IV. CSX Bridge Support**

The City has been asked by CSX to take responsibility for multiple bridges that the City believes are actually owned by CSX. The City cannot afford to take on the costs of this critical infrastructure and does not believe that it should be responsible, however CSX has made it clear that they will not otherwise replace the bridges at Washington Street, Cumberland Street, and Fayette Street. Any resolution that involves future City ownership of new infrastructure requires support from the state and federal government for replacement.

It is the City's understanding at this point that CSX has no intention of replacing the bridges, which means that EMS services, school buses, etc., cannot cross the bridges and places the neighborhoods in an inconvenient and dangerous scenario. Mayor Grim stated that it was CSX's plan to remove the bridges.

In discussion:

Mr. Rhodes stated that the City had not been able to get anywhere in discussions with CSX because the City did not have a big enough stake at the table.

Delegate McKay stated that the citizens of Cumberland cannot take on the responsibility for the bridges. He stated the Delegation should work to have these issues tacked onto the Howard Street Bridge Rehabilitation Project and use approval of that project as leverage to encourage CSX to take on these local issues.

Senator Edwards recommended first contacting the railroad representative at the Maryland Department of Transportation, who has open communication with all the railroads, to see what approach they would suggest.

Mr. Rhodes stated that CSX was not denying that they built the bridges, but was contending that they do not have to continue maintenance and they do not plan to do so. Rhodes noted that CSX does much for the community and the City does not want to disrupt that relationship, but the City does have fiscal limitations to deal with and is limited in what it can take on. The City has been unable to produce documents that officially state that the bridges belong to CSX.

The cost to replace each bridge to today's standards would be \$3-6 million. CSX proposed that the City take on responsibility for the bridges in order to qualify the work for federal funding. The Washington Street Bridge, however, cannot be rebuilt to modern standards without taking out neighborhood homes, therefore the work would not qualify for federal funding.

#### **V. North-South Corridor**

The City continues to stress the need for an alignment of Route 220 following the plan for Corridor B with the terminus at Exit 42 (Greene Street / McMullen Highway) on Interstate 68, rather than a spur along Winchester Highway.

#### **VI. Revitalization of Downtown Cumberland**

Although there is no pending request for funding right now, the City asked for the Delegation's ultimate support of efforts to revitalize Downtown Cumberland and engage in a significant infrastructure replacement project.

In discussion:

Senator Edwards noted that the Governor's Office had allocated a good bit of federal funding recently to Hagerstown, therefore the next juncture could reasonably be Cumberland. He stated the Delegation would need a specific plan stating who was participating at the city, state, and private levels. The more specifics the Delegation had, the easier it would be to ask for funding. Mr. Rhodes stated that information would be forthcoming and the City fully expected to be at the table financially.

Senator Edwards asked that his office be made aware of when City representatives would be at PACE so that meetings could be set up with representatives from the State Highway Administration and the railroad representative with the Transportation Department.

#### **VII. ADJOURNMENT**

The meeting adjourned at 2:12 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

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



Regular Council Agenda  
February 7, 2017

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**Description**

Approval of the Closed Session Minutes of January 3, 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, January 3, 2017 at 5:15 p.m.

Second Floor Conference Room, City Hall

On Tuesday, January 3, 2017, the Mayor and City Council met in closed session at 5:15 p.m. in the second floor conference room of City Hall to discuss IAFF Local #1715 contract negotiations relative to an economic wage re-opener and appointments to a Citizen Advisory Commission on organizational wages and benefits.

Persons in attendance included Mayor Grim; Council Members <sup>FRAZIOR</sup>~~Alt-Myers~~, Bernard, Caporale, and Cioni; City Administrator Rhodes; City Solicitor Cohen, ~~and~~ City Clerk Woodring, *Fire Chief Dunn*

On a motion made by Bernard and seconded by Cioni, Council voted 5-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:17 p.m.

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

This statement is made by:

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

JAN - 3 2017

Item # 6



Regular Council Agenda  
February 7, 2017

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**Description**

Summary Statement of Closed Meeting held Tuesday, February 7, 2017 at 5:30 p.m.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
February 7, 2017

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**Description**

Public Hearing - presentation of CDBG program accomplishments and receipt of requests from agencies for FY17 funding

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
February 7, 2017

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**Description**

Order authorizing the execution of a Second Amendment to the IAFF Local #1715 Collective Bargaining Agreement dated July 1 2014 through June 30, 2017

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

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

DATE: February 7, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, the Mayor and City Council be and are hereby authorized to execute a Second Amendment to the IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland and dated July 1, 2014 through June 30, 2017.

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**Mayor Brian K. Grim**

TABLED: **January 17, 2017**

PASSED: \_\_\_\_\_

**SECOND AMENDMENT TO IAFF LOCAL #1715 COLLECTIVE  
BARGAINING AGREEMENT WITH THE MAYOR AND CITY COUNCIL  
OF CUMBERLAND, MD JULY 1, 2014 THROUGH JUNE 30, 2017**

This Second Amendment to IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland, MD July 1, 2014 through June 30, 2017 ("Second Amendment") is made and effective this 7th day of February, 2017, by and between the Mayor and City Council of Cumberland (the "Employer") and International Association of Firefighters, AFL-CIO, Local #1715 (the "Union").

**WITNESSETH**

**NOW THEREFORE**, in consideration of the premises and the stipulations hereinafter set forth and pursuant to the reopener negotiations which were conducted as required by Article 31, Section 2 of the IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland, MD July 1, 2014 through June 30, 2017 (the "Agreement"), the parties hereto covenant and agree as follows:

1. **Amendment of Article 7, Sections 3(a), (b) & (c) of Agreement.** Effective retroactive to January 1, 2017, Article 7, Sections 3(a), (b) and (c) of the Agreement are amended in the manner set forth in the Exhibit A attached hereto and made a part hereof. **NOTE:** The language which is stricken out in Exhibit 1 is deleted from the text of the Agreement.

2. **Amendment of Article 7, Section 5 of Agreement.** Effective retroactive to January 1, 2017, Article 7, Section 5 of the Agreement is amended as follows:

**Section 5: Captains and Junior Captains.** William Davis, Christopher Ratliff and Samuel Wilson shall have the option of becoming Captains (management) or Junior Captains (members of the collective bargaining unit). Those individuals who elect to become Junior Captains shall retain their current pay classification and longevity increases as well as their seniority. References to Captains as contained in this Agreement shall not include Junior Captains as Junior Captains are below the rank of Captain and Junior Captains are part of the collective bargaining unit and Captains are not. Any Employee promoted to management will receive 1 (one) longevity step increase, at the next scheduled step. **Effective the date of this Second Amendment, the rank of Junior Captain is eliminated, except that those currently holding that rank shall continue to do so until they retire, leave their employment in the City Fire Department or get promoted.**

**NOTE:** The highlighted language shows additions to the existing language of the Agreement.

3. **Amendment of Article 24, Section 1 of Agreement.** Effective retroactive to January 1, 2017, Article 24, Section 1 of the Agreement is amended as follows: Effective retroactive to January 1, 2017, the Appendix A attached hereto shall supercede and take the place of the Appendix A attached to the Agreement.

4. **Amendment of Article 24, Section 3 of Agreement.** Effective July 1, 2017, Article 24, Section 3 of the Agreement is amended in the following manner.

**SECTION 3:** Pursuant to Section 1 of Article 24 of this Agreement, Employees are salaried employees of the Employer and therefore do not have an hourly rate of pay. For the limited purpose of this Article, Employees who accept temporary assignments to positions with higher pay grades than the pay grades of their regularly assigned positions shall be paid for each hour worked or fraction of an hour worked in the higher pay grades. Such additional pay shall be known as "acting pay." The acting pay differentials associated with the higher pay grades which shall be paid according to the per hour increases as follow:

ACTING POSITION	DIFFERENTIAL
EQUIPMENT OPERATOR	\$ .65
LIEUTENANT	\$ .75
<del>JUNIOR CAPTAIN</del>	<del>\$ .80</del>
CAPTAIN	\$ .85

~~The rates set forth in the table above shall become effective upon the effective date of the change in the Employer's health insurance provider from the current provider to Cigna.~~

When an acting officer is needed as the officer on the Ladder Truck, he will receive acting captain pay.

**NOTE:** The language which is stricken out is deleted from the text of the Agreement.

5. **Effective Date.** The changes to the Agreement effected by the preceding sections of this Second Amendment are made effective retroactive to January 1, 2017.

6. **Limited Modification.** Except as specifically modified by this Second Amendment, all terms and conditions of the Agreement remain unchanged, in full force and effect, and are hereby ratified and confirmed by the parties hereto in all respects.

7. **Miscellaneous Provisions.**

7.1. **Invalidity.** Should any Article, Section, or portion thereof, of this Second Amendment be held unlawful and unenforceable by any Court of competent jurisdiction, such decision of the Court shall apply only to the specific Article, Section, or portion thereof, directly specified in the decision; provided, however, that upon such a decision, the parties agree, as soon as practical, to negotiate a substitute for the invalidated Article, Section, or portion thereof.

7.2. **Binding Effect.** This Second Amendment shall inure to the benefit of the parties hereto and it shall be binding upon them and their respective successors and assigns.

7.3. **Captions.** The captions and various sections and paragraphs of this Second Amendment have been inserted only for the purposes of convenience. Such captions are not a part of this

Second Amendment and shall not be deemed in any manner to modify, explain, enlarge or restrict any of the provisions of this Second Amendment.

7.4. **Construction of Second Amendment.** This Second Amendment, having been executed in the State of Maryland, shall be construed, interpreted and enforced under the laws of the State of Maryland.

7.5. **Counterparts.** This Second Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the parties acknowledge that this Second Amendment is their act and that they have executed it on the day and year first above written:

**MAYOR AND CITY COUNCIL OF CUMBERLAND**

\_\_\_\_\_  
BRIAN K. GRIM  
Mayor

\_\_\_\_\_  
DAVID CAPORALE  
Councilman

\_\_\_\_\_  
SETH D. BERNARD  
Councilman

\_\_\_\_\_  
RICHARD J. CIONI  
Councilwoman

\_\_\_\_\_  
EUGENE T. FRAZIER  
Councilman

**ATTEST:**

\_\_\_\_\_  
MARJORIE A. WOODRING  
City Clerk

**INTERNATIONAL ASSOCIATION OF  
FIREFIGHTERS  
AFL-CIO, LOCAL #1715**

\_\_\_\_\_  
KENNETH MCKENZIE  
President

**ATTEST:**

\_\_\_\_\_  
CODY PEARCE  
Secretary

## EXHIBIT A

### SECTION 3:

(a) Promotion to Lieutenant ~~and Junior Captain~~:

Appointments to permanent rank of Lieutenant ~~and Junior Captain~~ will be made to the person otherwise eligible for appointment whom shall have placed in any of the first five (5) positions of the promotional list as calculated by the use of the formula herein provided. When two (2) appointments are made from said list, the sixth and seventh individuals shall be added to the list so as to provide five (5) names for consideration. In the event an individual on the list leaves employment of the Employer, the next person on the list will move up.

(b) Promotional Testing for Lieutenant ~~and Junior Captain~~:

▪ **PHASE I:**

1) **Written exam:** For promotions to Lieutenant ~~or Junior Captain~~, a written examination will be conducted for all eligible personnel, per job descriptions, who apply for said examination. Tests will be administered by the Human Resources Office. For ~~Fire~~ Lieutenant ~~and Junior Captain~~, the written test will consist of operational and management questions, operational questions will be from the material used by the University of Maryland Fire and Rescue Institute Fire Officer Programs, reading material for management questions will be at the discretion of the Employer. For ~~both Fire~~ Lieutenant ~~and Junior Captain~~, a passing grade of 70% is required. All Employees who pass with a 70% or higher will proceed to Phase II and be given an oral interview.

2) **Test Date**

Tests for Lieutenant ~~and Junior Captain~~ will be given during March of every odd-numbered year, unless the promotional list is exhausted. If the list is exhausted, a test will be given as soon as possible after the last promotion from the list. If less than eight (8) months remain before a regular test date, no test shall be required before the regular test date.

### 3) Eligibility

To sit for the Lieutenant exam, a candidate must have the following:

- a.) Five (5) years with the Cumberland Fire Department on the last day of the month in which the test is given.
- b.) Successful completion of MIFRI Fire Officer I course or meet the qualifications of the National Board on Fire Service Qualifications to be certified as Fire Officer I.
- c.) Successful completion of Pumps class prior to the application due date.

~~To sit for the Junior Captain Exam, a candidate must have the following:~~

- ~~a.) Candidate must meet all requirements for the Lieutenant exam.~~
- ~~b.) Candidate must have completed the Lieutenant probationary period by the end of the month in which the test is given.~~
- ~~c.) Successful completion of MIFRI Fire Officer 2 course or meet the qualifications of the National Board on Fire Service Qualifications to be certified as a Fire Officer 2.~~

#### ▪ PHASE II:

1) An oral interview process involving independent evaluators will be conducted. The interview will consist of two parts and will make up 50% of the final grade. The interviewers shall be instructed to develop and ask a total of eight questions. Four questions shall relate to emergency scene tactics and response analysis. Four questions will relate to management and personnel issues. Each candidate shall be asked the same questions and be given the same amount of time to answer. Each question shall be weighted equally.

2) The final score of candidates shall be calculated by averaging the written test score and the oral interview score. No passing grade shall be required for the oral interview. The interview panel shall add the score of the written test to the interview score to get a composite and determine list/ranking

of candidates - promotion list will combine 50% of written test result and 50% of oral interview to form a Promotion List with the person with the overall highest composite score finishing highest as first on the list.

3) If a tie develops on the rankings, five (5) of the written test questions will have been predetermined and pre-disclosed as tie breakers. Tied candidates who have answered the highest number of these questions correctly achieve the higher ranking for tie breaking purposes. If a tie still exists, seniority by date of hire will be the final tie breaker.

4) The eligibility list shall remain in effect for a period of two (2) years.

.....

(e) The above revised promotion system will become effective for Lieutenant ~~and Junior Captain~~ Promotions that take place after the current list's expiration. The process outlined above will commence at least 45 days prior to the current list's expiration dates so as to cause no lapse in time when the Promotion Lists for Lieutenant ~~and Junior Captain~~ will exist. Said new Promotion Lists shall not become effective until the above expiration dates have occurred.

**APPENDIX A**

Fire Longevity / Pay Scale  
 FY 2017 – Effective January 1, 2017

## Annual Salary Schedule

<b><u>Rank</u></b>	<b>Start of Year #</b>							
	<b>Step</b>							
	<u>1</u>	<u>3</u>	<u>5</u>	<u>7</u>	<u>10</u>	<u>15</u>	<u>20</u>	<u>25</u>
Junior Captain EMT-P	54,040	55,391	56,776	58,196	59,652	62,633	65,765	69,053
Junior Captain CRT-I	50,722	51,989	53,290	54,623	55,989	58,788	61,726	64,813
Junior Captain	47,403	48,589	49,804	51,049	52,326	54,941	57,688	60,573
LT/EMT-P	49,897	51,160	52,424	53,751	55,079	57,833	60,725	63,762
LT/EMT-I	49,461	50,697	51,964	53,264	54,596	57,326	60,192	63,201
LT/EMT	43,770	44,865	45,986	47,136	48,314	50,731	53,268	55,931
EO/EMT-P	42,542	43,619	44,695	45,828	46,959	49,309	51,774	54,362
EO/EMT-I	42,169	43,224	44,304	45,411	46,548	48,876	51,319	53,886
EO/EMT	37,318	38,251	39,207	40,187	41,193	43,253	45,416	47,686
FF/EMT-P	39,282	40,277	41,271	42,317	43,362	45,531	47,805	50,197
FF/EMT-I	38,937	39,912	40,909	41,932	42,981	45,131	47,386	49,756
FF/EMT	34,459	35,320	36,203	37,109	38,037	39,939	41,935	44,032



Regular Council Agenda  
February 7, 2017

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**Description**

Ordinance (*1st reading*) - to repeal Section 2-246 and 2-248 of the City Code thereby eliminating the provisions pertaining to the Economic Development Commission

**Approval, Acceptance / Recommendation**

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL SECTIONS 2-246 TO 2-248 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PERTAINING TO THE ECONOMIC DEVELOPMENT COMMISSION."

WHEREAS, the Economic Development Commission was formed for the general purpose of encouraging and facilitating economic development in the City;

WHEREAS, the Mayor and City Council have contracted with the Cumberland Economic Development Corporation to perform the functions formerly served by the Economic Development Commission; and

WHEREFORE, this ordinance is intended to abrogate the Economic Development Commission and effect its removal from the City Code.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Sections 2-246 to 2-248 of the Code of the City of Cumberland (1991 Edition) be and they are hereby repealed in their entirety.

SECTION 2: AND BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_ day of February, 2017.

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

ATTEST:

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



Regular Council Agenda  
February 7, 2017

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**Description**

Ordinance (*1st reading*) - to repeal and reenact with amendments Sections 10-89 through 10-94 pertaining to business licensing and Chapter 10 Article IV, Sections 10-111 to 10-159 pertaining to automatic amusement devices and arcades

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO: (1) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-89 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PERTAINING TO THE PREPARATION OF FORMS RELATIVE TO THE ISSUANCE OF CERTAIN LICENSES IN ORDER TO REFLECT NEW PRACTICE IN THAT THE CHIEF OF POLICE WILL NO LONGER BEING INVOLVED IN THE LICENSING PROCESS; (2) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-90 OF THE SAID CODE PERTAINING TO MAKING CERTAIN APPLICATIONS IN ORDER TO ADOPT CURRENT PRACTICE; (3) REPEAL SECTION 10-91 OF THE SAID CODE PERTAINING TO AFFIDAVITS OF INTENTION TO CONDUCT PERMANENT BUSINESS AND THE REQUIREMENTS OF BONDS THEREFOR; (4) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-92 OF THE SAID CODE FOR THE PURPOSE OF ABROGATING THE REQUIREMENT THAT A LICENSE BE ISSUED IN ORDER TO CONDUCT CERTAIN COMMERCIAL ACTIVITIES AND RETAIN THE LICENSE REQUIREMENT FOR TEMPORARY BUSINESSES; (5) REPEAL SECTION 10-93 OF THE SAID CODE PERTAINING TO THE DURATION OF LICENSES AND THE PRORATION OF THE LICENSING FEES; (6) REPEAL AND REENACT WITH AMENDMENTS SECTION 10-94 OF SAID CODE PERTAINING TO THE DISPLAY OF LICENSE TAGS IN ORDER TO ADOPT CURRENT PRACTICE; AND (7) REPEAL CHAPTER 10, ARTICLE IV (SECTIONS 10-111 TO 10-159) PERTAINING TO AUTOMATIC AMUSEMENT DEVICES AND ARCADES"

WHEREAS, Section 10-89 of the Code of the City of Cumberland (1991 Edition) provides that either the city clerk or chief of police shall prepare certain forms relative to the issuance of certain licenses and, since the chief of police will no longer be involved in the licensing process as provided for by the changes to the Code effected

by this ordinance, it is appropriate to relieve the chief of those obligations;

WHEREAS, Section 10-90 of the said Code provides that certain applications shall be made to the city clerk who shall present them to the city council and, in that this procedure is inconsistent with current protocols, the requirement that they be submitted to the city council is being eliminated;

WHEREAS, Section 10-92 of the said Code provides that business licenses are required for parking lots, shooting galleries, pawnbrokers, junk dealers, clairvoyants, palmists, fortune tellers, phrenologists and similar businesses, sound trucks, hotels, used car lots, and temporary businesses;

WHEREAS, similarly Sections 10-111 and 10-159 impose licensing fees and other regulations on automatic amusement devices and arcades;

WHEREAS, the revenue realized from the issuance of such licenses ranged from \$900.00 to \$2,500.00 per year in the five (5) full fiscal years preceding the passage of this Ordinance;

WHEREAS, factoring in the costs of advertising public notice and staff time devoted to the processing of the paperwork required for the issuance of the licenses, the collection of the fees and the follow-up required to collect from tardy payors, the benefit realized by the City in charging and collecting these fees is negligible;

WHEREAS, notwithstanding the foregoing, retaining the license requirement for temporary businesses will enable the City to continue its oversight of temporary commercial ventures, such as holiday-time fireworks stands, as the

Mayor and City Council deem the regulation of such businesses to be in the best interests of the City;

WHEREAS, Section 10-91 is an antiquated provision that is not enforced and is inconsistent with the changes being made to Section 10-92;

WHEREAS, Section 10-93, pertaining to the duration of licenses and the proration of license fees, is no longer required because temporary business licenses will be the only licenses issued under Article III of Chapter 10 of the City Code after the passage of this Ordinance and Section 10-93 is inconsistent with those provisions and the manner in which they have been applied to temporary business licenses;

WHEREAS, Section 10-94, pertaining to the display or license tags, no longer reflects current practice and is being amended accordingly; and

WHEREAS, since Sections 10-111 through 10-159 are antiquated in that there are no arcades in the City and automatic amusement devices are largely located in casinos outside of the City, those provisions need to be repealed.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 10-89 of the Code of the City of Cumberland (1991 Edition) is hereby repealed and reenacted with amendments to read as follows:

**Sec. 10-89. - Preparation of forms.**

The city clerk shall prepare suitable applications, permit blanks, license certificates or other forms in order to provide for the practical application and enforcement of this article at the expense of the city.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 2: AND BE IT FURTHER ORDAINED, that Section 10-90 of the said City Code is hereby repealed and reenacted with amendments to read as follows:

**Sec. 10-90. - Application.**

Any person desiring to engage in or conduct any of the businesses or occupations licensed under this article shall make application to the city clerk.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 3: AND BE IT FURTHER ORDAINED, that Sections 10-91 and 10-93 of the said City Code are hereby repealed. Sections 10-92 and 10-94 of the said Code are hereby renumbered as Sections 10-91 and 10-93.

SECTION 4: AND BE IT FURTHER ORDAINED, that Section 10-92 (being renumbered as Section 10-91) of the said City Code is repealed and reenacted with amendments to read as follows:

**Sec. 10-91. - Fees.**

Upon approval of an application for a license required by this article by the city council, the city clerk shall issue licenses upon payment of the following fees:

- (1) *Temporary business license.* For temporary businesses for the sale of goods, wares, or merchandise, either wholesale or retail, the fee shall be three hundred seventy-five dollars (\$375.00). Such licenses shall be effective for a period of two (2) months from the date of their issuance and may be renewed for two (2) like periods thereafter upon payment of an additional fee of three hundred seventy-five dollars (\$375.00) per period, said licenses to be effective for a total duration of no more than six (6) months. For

the purposes of this subsection, a temporary business is a business wherein the proprietor is not the owner of the building or premises upon which such business is conducted and has a lease for a term of less than one (1) year.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 5: AND BE IT FURTHER ORDAINED, that Section 10-94 (being renumbered as Section 10-92) of the said City Code is repealed and reenacted with amendments to read as follows:

**Sec. 10-92. - Display of license tags.**

Any person who is required to pay a license fee to the city and who has received from the city a license as evidence of such payment shall display such license at all times in a prominent place.

[A text-edited version of this section is set forth in the Exhibit 1 attached hereto]

SECTION 6: AND BE IT FURTHER ORDAINED, that Chapter 10, Article IV (Sections 10-111 TO 10-159) of the said City Code is hereby repealed.

SECTION 7: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2017.

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

ATTEST:

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

## EXHIBIT 1

### **Sec. 10-89. - Preparation of forms.**

The city clerk shall prepare suitable applications, permit blanks, license certificates or other forms in order to provide for the practical application and enforcement of this article at the expense of the city.

### **Sec. 10-90. - Application.**

Any person desiring to engage in or conduct any of the businesses or occupations licensed under this article shall make application to the city clerk.

### **Sec. 10-91. - Fees.**

Upon approval of an application for a license required by this article by the city council, the city clerk shall issue licenses upon payment of the following fees:

- (1) *Temporary business license.* For temporary businesses for the sale of goods, wares, or merchandise, either wholesale or retail, the fee shall be three hundred seventy-five dollars (\$375.00). Such licenses shall be effective for a period of two (2) months from the date of their issuance and may be renewed for two (2) like periods thereafter upon payment of an additional fee of three hundred seventy-five dollars (\$375.00) per period, said licenses to be effective for a total duration of no more than six (6) months. For the purposes of this subsection, a temporary business is a business wherein the proprietor is not the owner of the building or premises upon which such business is conducted and has a lease for a term of less than one (1) year.

### **Sec. 10-92. - Display of license tags.**

Any person who is required to pay a license fee to the city and who has received from the city a license as evidence of such payment shall display such license at all times in a prominent place.



Regular Council Agenda  
February 7, 2017

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**Description**

Order authorizing the use of open containers of alcohol in certain defined areas of the downtown from 12:00 p.m. on March 12, 2017 through 2:00 a.m. on March 13, 2017 for the Hooley Pub Crawl; with the exception that open glass containers shall not be permitted

**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: February 7, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland,**

**THAT**, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted for the defined period of 12:00 p.m. on March 11, 2017 through 2:00 a.m. on March 12, 2017, within the confines of the following areas:

- Mechanic at Bedford Street south to Harrison Street;
- Harrison East to Queen City Drive
- Queen City Drive north to Baltimore Street;
- Baltimore Street west to George Street;
- George Street north to Butler Alley;
- Butler Alley to Frederick and Bedford Streets by way of Centre Street;
- with extensions to Queen City Pavement / Gulf Memorial Drive.

Notwithstanding the foregoing, open glass containers shall not be permitted in the area defined above and Section 11-113 (a) of the City Code shall remain in force and effect as to glass open containers of alcoholic beverages in that area.

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**Brian K. Grim, Mayor**

# Open Container Area



0 105 210 420 630 Feet

 Item # 12  
Open Container Area



Regular Council Agenda  
February 7, 2017

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**Description**

Order accepting the proposal of Burgmeier's Hauling, Inc. to provide two (2) additional years service to the Municipal Solid Waste Hauling Services Contract (17-13-M) at \$787,096/yr. for years 4 and 5 for trash hauling; \$152,775/yr. for years 4 and 5 for recycling; \$115/hour for years 4 and 5 for bulk pickup; and accepting the proposal from Waste Management - Mountainview Landfill, Inc. to accept municipal waste at the rate of \$35.08/ton for FY18 and \$35.68/ton for FY19

**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: February 07, 2017**ORDERED, by the Mayor and City Council of Cumberland, Maryland**

THAT, the proposal of Burgmeier's Hauling, Inc., 1356 Old Sixth Avenue Road, P.O. Box 929, Altoona, PA 16601, to provide two (2) additional years of service for the "Municipal Solid Waste Hauling Services Contract" (17-13-M), be and is hereby accepted based on the following:

## I. Hauling to Mt. View Landfill / twice weekly pickup:

Year 4	An amount not to exceed \$787,096.00
Year 5	An amount not to exceed \$787,096.00

## II. Recycling Services / weekly pickup

Year 4	An amount not to exceed \$152,775.00
Year 5	An amount not to exceed \$152,775.00

## III. Bulk Pickup

Year 4	\$115/hour
Year 5	\$115/hour

**BE IT FURTHER ORDERED**, that the two (2) additional years of service shall be provided in accordance with all provisions and stipulations set forth in the "Municipal Solid Waste Hauling Services (Curbside Garbage / Recycling Collection Contract) (Project No. 17-13-M), approved by the Mayor and City Council on April 8, 2014 by Order No. 25,635.

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



Regular Council Agenda  
February 7, 2017

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**Description**

Order accepting the bid of Historitecture, LLC to provide services for the Cumberland Historic Survey Project in the amount not-to-exceed \$19,425 and rejecting all other bids. \$17,000 of this project is to be funded through a Certified Local Government Subgrant.

**Approval, Acceptance / Recommendation**

See attached staff recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

\$17,000 - Certified Local Government Subgrant

\$2,425 - General Fund

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

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

DATE: February 07, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

**THAT,** the bid of Historitecture, LLC, 26 Parkside Boulevard, LaVale, Maryland, for the Cumberland Historic Survey Project be and is hereby accepted in the amount not to exceed Nineteen Thousand, Four Hundred Twenty-five Dollars (\$19,425.00); and

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

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**Mayor Brian K. Grim**

**Funding:**

\$17,000 – Certified Local Government Subgrant

\$ 2,425 – City of Cumberland

**Bids:**

Johnson, Mirmiran & Thompson	\$16,998.41
Historitecture, LLC	\$19,425.00
Commonwealth Heritage Group, Inc.	\$64,993.00
Robinson & Associates, Inc.	\$79,469.90

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**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**TO:** JEFF RHODES, MAYOR AND CITY COUNCIL, MARGIE WOODRING  
**FROM:** KATHY MCKENNEY, COMMUNITY DEVELOPMENT PROGRAMS MANAGER  
**SUBJECT:** CUMBERLAND HISTORIC SURVEY PROJECT STAFF RECOMMENDATION  
**DATE:** 2/2/2017  
**CC:** HISTORIC PRESERVATION COMMISSION

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Per the City of Cumberland's Procurement Policy, the Request for Proposals was advertised to solicit competitive bids. The purpose of this project The Cumberland Historic Preservation Commission has determined that updates are needed to the nearly forty-year-old comprehensive inventory for the Maryland Inventory of Historic Properties. Since the last update, additional structures or districts should now be considered for eligibility for inclusion in the National Register of Historic Places. The City of Cumberland seeks a qualified contractor to produce an individual Maryland Inventory of Historic Properties (MIHP) form for the Jane Gates House and to produce a minimum of three MIHP survey district forms, including a final survey report which outlines the project methodology, recommendations, and results. In addition, one-to-two page Determination of Eligibility (DOEs) forms should be completed on the Gates House and the three survey districts (The Dingle, Canada/Viaduct, and White Oaks).

The bids were publicly opened by the City Clerk on Wednesday, January 11, 2017 at 2:30pm. The bids received were as follows:

<b>Cumberland Historic Survey Project</b>		
Bid Opening: January 11, 2017 - 2:30 p.m., City Hall Council Chambers		
<b>Company</b>	<b>Total Bid</b>	<b>Affadavit</b>
<b>Commonwealth Heritage Group, Inc</b> 535 North Church St. West Chester, PA 19380	\$ 64,993.00	Yes
<b>Historitecture LLC</b> 26 Parkside Blvd LaVale, MD 21502	\$ 19,425.00	Yes
<b>Robinson &amp; Associates, Inc</b> 1909 Q Street NW Washington, DC 20009	\$ 79,469.90	Yes
<b>Johnson, Mirmiran &amp; Thompson</b> 72 Loveton Circle Sparks, MD 21152	\$ 16,998.41	Yes

The project is funded, in part, through a Certified Local Government subgrant that has been awarded to the Mayor and City Council and requires Maryland Historical Trust staff to be part of the consultant selection process. On January Heather Barrett of the Maryland Historical Trust participated with City staff in interviews with representatives from the firms that provided the two lowest bids

The staff review team determined that the lowest bid received from Johnson, Miriman & Thompson lacked a demonstration of project team experience working with the Maryland Inventory of Historic Properties process. Therefore, their bid was not recommended. Instead, the review team recommends that the bid received from Historitecture, LLC be approved since their submitted bid was responsive to the Request for Proposals and the project team possesses the minimum qualifications to undertake and complete the project.

The funding source is 001.080P.201 FY 2017.  
 \$17,000.00 – Certified Local Government Subgrant  
 \$2,425.00 – City of Cumberland General Fund



Regular Council Agenda  
February 7, 2017

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**Description**

Order authorizing a Contract of Sale with Gary L. Murphy for the City's purchase of 325 Pennsylvania Avenue for \$21,000; authorizing acceptance of the deed providing settlement contingencies are met; authorizing extension of the closing date for 60 days if necessary; and authorizing the City Administrator and City Solicitor to execute all documentation

**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: October 06, 2015

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

**THAT** the Mayor be and is hereby authorized to execute a Contract of Sale by and between the Mayor and City Council of Cumberland (“Buyer”) and Gary L. Murphy (“Seller”) for the property and improvements thereon located at 325 Pennsylvania Avenue, Cumberland, as recorded among the Land Records of Allegany County, Maryland in Deed Liber 614, folio 920, Tax Account No. 04-018478, for the purchase price of Twenty-one Thousand Dollars (\$21,000); and

**BE IT FURTHER ORDERED**, that the City shall accept the deed effecting the transfer of said property, provided settlement contingencies are met and, upon completion of settlement and recordation of the deed, settlement contingencies shall be deemed to have been met; and

**BE IT FURTHER ORDERED**, that, should it be necessary to extend the date for closing under the terms of the Contract, the City Administrator and City Solicitor are jointly and severally granted the authority to enter into agreements for said purpose, provided the date of the closing is not extended more than sixty (60) days from the originally scheduled closing date; and

**BE IT FURTHER ORDERED**, that the City Administrator and City Solicitor are jointly and severally granted the authority to execute and deliver such documents as are necessary to facilitate or effect the closing for the subject property.

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**Brian K. Grim, Mayor**

## CONTRACT OF SALE

**THIS CONTRACT OF SALE** (“Contract”) is made by and between **Mayor and City Council of Cumberland** (“Buyer”) and **Gary L. Murphy** (“Seller”) and is effective as of the date its execution is completed as shown in the signature provisions on the last page of this Contract before the Addenda.

1. **Property Description.** Seller does agree to sell to Buyer, and Buyer does agree to purchase from Seller, all of the real property and the improvements thereon located at 325 Pennsylvania Avenue, Cumberland, MD 21502 which are described in the deed recorded in the Land Records of Allegany County, Maryland in Deed Liber 614, folio 920 and identified as Tax ID No. 04-018478 (hereinafter referred to as the “Property”).

2. **Purchase Price.** The purchase price for the Property (the “Purchase Price”) is Twenty-One Thousand Dollars (\$21,000.00), which Purchase Price includes the real property and improvements described in Section 1 above.

3. **Payment Terms.** The Purchase Price shall be paid at settlement.

4. **Estate.** The Property is being conveyed in fee simple.

5. **Contingencies.** This Contract and the consummation of the transaction contemplated by its terms are contingent upon the following:

- A. Seller shall deliver the Property to Buyer free of tenants or inhabitants of any kind, with all of any such individuals’ personal property and belongings having been removed. Seller shall be responsible for legally evicting any tenants who may have been leasing the Property.
- B. Seller shall be responsible for the termination and disconnection of all utility services to the Property.
- C. Settlement shall be contingent upon Buyer’s performance of a walk-through inspection of the Property within 48 hours prior to settlement in order to confirm that the Property will be delivered to Buyer in accordance with the terms of Sections 5 and 8 of this Contract. Buyer shall have the right to waive this contingency and proceed to settlement without conducting the said inspection.

Notwithstanding the foregoing, Buyer shall have the right to insist that Seller perform as required in subparagraphs A and B above. In that regard, Buyer shall have the right to bring an action to specifically enforce those provisions in the event they are not met within the time frame set for settlement as provided for hereinafter.

6. **Representations & Warranties.** The Property is being sold in as-is condition, without any express or implied warranties or representations made as to its condition or otherwise, and subject to all defects, if any, known or unknown.

7. **Risk of Loss.** The Property is to be held at the risk of Seller until legal title has passed or possession has been given to Buyer.

8. **Possession.** Seller agrees to give Buyer possession and occupancy of the Property at the time of settlement. Seller will deliver the Property in substantially the same physical condition as of the date of his execution of this Contract but free of personal property and all junk, trash and debris. Any personal property, junk, trash or debris left on the Property shall be deemed to be abandoned and Buyer may dispose of it in any manner it sees fit, including, but not limited to, selling it or disposing of it as rubbish.

9. **Adjustments.** All public, private or community water and/or sewer charges, including any deferred sewer and water tap fees, homeowners association charges and all other public, private or governmental charges or assessments, excluding liens which must be paid prior to deed recordation, which may exist, whether such have been levied or not, and excluding real estate taxes are to be adjusted and apportioned as of the date of settlement, and will be assumed and paid thereafter by Buyer. Notwithstanding the foregoing, Buyer agrees to abate the real estate taxes it is due and it either secure abatement of the real estate taxes due to Allegany County, Maryland or it will pay them.

10. **Deed and Title.** Upon payment of the Purchase Price, a deed for the Property containing covenants of special warranty and further assurances shall be executed at Seller's expense by Seller, which shall convey the Property to Buyer. Title to the Property shall be good and merchantable, free of liens and encumbrances, except as specified herein and except use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property.

Buyer shall prepare the deed effecting the conveyance of this transaction. Said deed and a Land Records Intake Sheet shall be prepared at Buyer's expense.

11. **Agency/Real Estate Commission.** Seller and Buyer warrant and represent that no real estate broker participated in the procurement or negotiation of this Contract. Each party agrees to defend, indemnify, and hold the other harmless for any claim for real estate commissions arising by reason of the indemnifying party's breach of this warranty. The provisions of this paragraph shall survive settlement and the delivery, acceptance and recordation of the deed for the Property or the termination of this Contract.

12. **Settlement.** Settlement shall occur no later than forty-five (45) days after the effective date of this Contract. However, the parties shall endeavor to ho to settlement as soon as possible following the satisfaction of the contingency set forth in Section 5.A of this Contract.

13. **Notice Of Disclosure Or Disclaimer Statements.** Buyer is advised that under Maryland law (Real Property Article, Section #10-702), a purchaser is entitled to receive from a seller a written Residential Property Condition Disclosure Statement on a form provided by the

Maryland Real Estate Commission or a Written Residential Property Disclaimer Statement on a form provided by the Maryland Real Estate Commission. A seller must deliver the completed Disclosure or Disclaimer Statement to a purchaser on or before the buyer enters into a contract of sale (with the exception of a Land Installment Contract, an Option to Purchase Agreement and a Lease Agreement containing an option to purchase provision in which case the disclosure or disclaimer statement must be delivered to the purchaser before the execution of the contract).

If the Disclosure or Disclaimer Statement is delivered by the seller later than 3 days after the seller enters into a contract of sale with a purchaser, the contract is void. A purchaser who does not receive the Disclosure or Disclaimer Statement on or before the execution of a contract by a purchaser has the unconditional right, upon written notice to the seller or the seller's agent, to rescind the contract of sale at any time before the receipt of the Disclosure or Disclaimer Statement or within five (5) days following receipt of the Disclosure or Disclaimer Statement and to the immediate return of any deposit. However, purchaser's right to rescind the contract terminates if not exercised before making a written application to a lender for a mortgage loan, if the lender discloses in writing at or before the time application is made that the right to rescind terminates upon submission of the application.

The following has also been made a part of this Contract:

- ( ) Property Disclosure Statement
- (X) Property Disclaimer Statement

**14. Documentary Stamps, Recordation, Transfer Taxes.** All transfer and recordation taxes and fees payable in connection with the sale of the Property shall be paid by Buyer.

**15. Lead Based Paint Hazards.** Title X, Section 1018, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the "Act"), requires the disclosure of certain information regarding lead-based paint and lead-based paint hazards in connection with the sale of residential real property. Unless otherwise exempt, the Act applies only to housing constructed prior to 1978. A seller of pre-1978 housing is required to disclose to the buyer, based upon the seller's actual knowledge, all known lead-based paint hazards in the property and provide the buyer with any available reports in the seller's possession relating to lead-based paint or lead-based paint hazards applicable to the property. The seller, however, is not required to conduct or pay for any lead-based paint risk assessment or inspection. At the time that the offer to purchase is entered into by the buyer, the seller is required to provide the buyer with the EPA pamphlet entitled "Protect Your Family From Lead In Your Home" and a "Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards" form.

The seller is required under the Act to provide the buyer with a ten (10) day time period (or other mutually agreeable time period) for the buyer, at the buyer's expense, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards unless the buyer waives such assessment or inspection by indicating such waiver on the Lead-Based Paint Disclosure form. The seller and any agent involved in the transaction are required to

retain a copy of the completed Lead-Based Paint Disclosure form for a period of three (3) years following the date of settlement.

**A SELLER WHO FAILS TO GIVE THE REQUIRED LEAD-BASED PAINT DISCLOSURE FORM AND EPA PAMPHLET MAY BE LIABLE UNDER THE ACT FOR THREE TIMES THE AMOUNT OF DAMAGES AND MAY BE SUBJECT TO BOTH CIVIL AND CRIMINAL PENALTIES.**

Seller represents and warrants to Buyer intending that Buyer rely upon such warranty and representation, that the property: was constructed prior to 1978. Seller and Buyer agree, represent and warrant, each unto the other, that no binding and enforceable contract shall be deemed to exist or to have been formed unless the requirements of the Act have been complied with prior to the execution of this Contract by Seller and Buyer. Seller and Buyer represent and warrant that each intended, as a material term of the offer and acceptance, that the requirements of the Act be complied with as an express condition of the formation of a binding and enforceable contract by and between the parties. Buyer and Seller acknowledge by their respective initials below that they have read and understand the provisions of this section.

\_\_\_\_\_ Buyer's Initials \_\_\_\_\_  Seller's Initials

16. **Assignability.** This Contract may not be assigned without the written consent of Seller, said consent not to be unreasonably withheld.

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

18. **Entire Agreement.** This Contract and any addenda thereto contain the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.

19. **Maryland Law Applies.** This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable by means of an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and both parties waive the right to claim that such a proceeding is commence in an inconvenient forum or one that lacks proper venue.

20. **Breach of Contract and Default.** Buyer and Seller are required and agree to make full settlement in accordance with the terms of this Contract and acknowledge that failure to do so constitutes a breach hereof. In the event of a breach, each of the parties hereto is entitled to pursue such rights and remedies as may be available, in law or in equity, including, without limitation, an action for specific performance of this Contract and/or monetary damages. If either party defaults, the party committing the default, whether Buyer or Seller, shall reimburse the non-defaulting party for the reasonable attorneys' fees that party incurred as a result of the default.

21. **Binding Effect.** This Contract shall be binding upon the parties hereto and each of their respective heirs, personal representatives, administrators, executors, successors, assigns, and guardians

22. **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.

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

24. **Counterparts.** This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

25. **Signing by Facsimile or Other Electronic Means.** Each of the parties hereto expressly authorizes and agrees to sign facsimile and/or other electronically transmitted copies of this Agreement. Facsimile and/or other electronically transmitted copies shall have the same binding effect as would a signed original counterpart of the Agreement once delivered to the other party.

26. **Addenda.** The Contract is subject to the following attached Addenda which are made a part hereof: (1) Maryland Residential Disclaimer Statement; and (2) Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazard.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto as of the date written beneath those signatures.

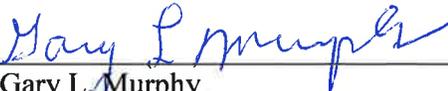
WITNESS:

MAYOR AND CITY COUNCIL OF CUMBERLAND

\_\_\_\_\_

By: \_\_\_\_\_  
Brian K. Grim

 \_\_\_\_\_

\_\_\_\_\_  
Date  
  
Gary L. Murphy  
  
\_\_\_\_\_  
Date

## MARYLAND RESIDENTIAL PROPERTY DISCLOSURE AND DISCLAIMER STATEMENT

Property Address: 325 Pennsylvania Avenue, Cumberland, MD 21502  
 Legal Description: Allegany County, Maryland Land Records Deed Liber 614, folio 920

### NOTICE TO SELLER AND PURCHASER

Section 10-702 of the Real Property Article, *Annotated Code of Maryland*, requires the owner of certain residential real property to furnish to the purchaser either (a) a RESIDENTIAL PROPERTY DISCLAIMER STATEMENT stating that the owner is selling the property "as is" and makes no representations or warranties as to the condition of the property or any improvements on the real property, except as otherwise provided in the contract of sale, or in a listing of latent defects; or (b) a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing defects or other information about the condition of the real property actually known by the owner. Certain transfers of residential property are excluded from this requirement (see the exemptions listed below).

10-702. EXEMPTIONS. The following are specifically excluded from the provisions of §10-702:

1. The initial sale of single family residential real property:
  - A. that has never been occupied; or
  - B. for which a certificate of occupancy has been issued within 1 year before the seller and buyer enter into a contract of sale;
2. A transfer that is exempt from the transfer tax under §13-207 of the Tax-Property Article, except land installment contracts of sales under §13-207(a) (11) of the Tax-Property Article and options to purchase real property under §13-207(a)(12) of the Tax-Property Article;
3. A sale by a lender or an affiliate or subsidiary of a lender that acquired the real property by foreclosure or deed in lieu of foreclosure;
4. A sheriff's sale, tax sale, or sale by foreclosure, partition, or by court appointed trustee;
5. A transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
6. A transfer of single family residential real property to be converted by the buyer into use other than residential use or to be demolished; or
7. A sale of unimproved real property.

Section 10-702 also requires the owner to disclose information about latent defects in the property that the owner has actual knowledge of. The owner must provide this information even if selling the property "as is." "Latent defects" are defined as: Material defects in real property or an improvement to real property that:

- (1) A purchaser would not reasonably be expected to ascertain or observe by a careful visual inspection of the real property; and
- (2) Would pose a direct threat to the health or safety of:
  - (i) the purchaser; or
  - (ii) an occupant of the real property, including a tenant or invitee of the purchaser.

## MARYLAND RESIDENTIAL PROPERTY DISCLAIMER STATEMENT

NOTICE TO OWNER(S): Sign this statement only if you elect to sell the property without representations and warranties as to its condition, except as otherwise provided in the contract of sale and in the listing of latent defects set forth below; otherwise, complete and sign the RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

Except for the latent defects listed below, the undersigned owner(s) of the real property make no representations or warranties as to the condition of the real property or any improvements thereon, and the purchaser will be receiving the real property "as is" with all defects, including latent defects, which may exist, except as otherwise provided in

the real estate contract of sale. The owner(s) acknowledge having carefully examined this statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

The owner(s) has actual knowledge of the following latent defects: The property is generally in good condition. We do not know of specific hazards, but the city inspected the property and should be aware of any latent defects.

Owner Gary L. Murphy  
Gary L. Murphy

Date 2/01/2017

The purchaser(s) acknowledge receipt of a copy of this disclaimer statement and further acknowledge that they have been informed of their rights and obligations under §10-702 of the Maryland Real Property Article.

Purchaser \_\_\_\_\_  
Mayor and City Council of Cumberland, by Brian K. Grim, Mayor

Date \_\_\_\_\_

**Disclosure of Information on Lead-Based Paint and/or Lead-Based Hazards**

**Lead Warning Statement**

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

**Seller's Disclosure (initial)**

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and report available to the seller (check (i) or (ii) below):

(i) Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Buyer's Acknowledgment (initial)**

(c) Buyer has received copies of all information listed above.

(d) Buyer has received the pamphlet *Protect Your Family from Lead in Your Home*.

(e)\_\_\_ Buyer has (check (i) or (ii) below):

(i)\_\_\_ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii)\_\_\_ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

**Agent's Acknowledgment (initial)**

(f) M.A. Agent has informed the seller of the seller's obligations under 42 U.S.C. 485 2d and is aware of his/her responsibility to ensure compliance.

**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer: \_\_\_\_\_ Date: \_\_\_\_\_  
 Mayor and City Council of Cumberland,  
 by Brian K. Grim, Mayor

Seller: Gary L. Murphy \_\_\_\_\_ Date: 2/1/2017  
 Gary L. Murphy

## IMPORTANT!

### Lead From Paint, Dust, and Soil in and Around Your Home Can Be Dangerous if Not Managed Properly

- Children under 6 years old are most at risk for lead poisoning in your home.
- Lead exposure can harm young children and babies even before they are born.
- Homes, schools, and child care facilities built before 1978 are likely to contain lead-based paint.
- Even children who seem healthy may have dangerous levels of lead in their bodies.
- Disturbing surfaces with lead-based paint or removing lead-based paint improperly can increase the danger to your family.
- People can get lead into their bodies by breathing or swallowing lead dust, or by eating soil or paint chips containing lead.
- People have many options for reducing lead hazards. Generally, lead-based paint that is in good condition is not a hazard (see page 10).



# Protect Your Family From Lead in Your Home



United States  
Consumer Product  
Safety Commission



United States  
Department of Housing  
and Urban Development

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## Are You Planning to Buy or Rent a Home Built Before 1978?

Did you know that many homes built before 1978 have **lead-based paint**? Lead from paint, chips, and dust can pose serious health hazards.

### Read this entire brochure to learn:

- How lead gets into the body
- About health effects of lead
- What you can do to protect your family
- Where to go for more information

### Before renting or buying a pre-1978 home or apartment, federal law requires:

- Sellers must disclose known information on lead-based paint or lead-based paint hazards before selling a house.
- Real estate sales contracts must include a specific warning statement about lead-based paint. Buyers have up to 10 days to check for lead.
- Landlords must disclose known information on lead-based paint and lead-based paint hazards before leases take effect. Leases must include a specific warning statement about lead-based paint.

### If undertaking renovations, repairs, or painting (RRP) projects in your pre-1978 home or apartment:

- Read EPA's pamphlet, *The Lead-Safe Certified Guide to Renovate Right*, to learn about the lead-safe work practices that contractors are required to follow when working in your home (see page 12).



## Consumer Product Safety Commission (CPSC)

The CPSC protects the public against unreasonable risk of injury from consumer products through education, safety standards activities, and enforcement. Contact CPSC for further information regarding consumer product safety and regulations.

### CPSC

4330 East West Highway  
Bethesda, MD 20814-4421  
1-800-638-2772  
cpsc.gov or saferproducts.gov

## U. S. Department of Housing and Urban Development (HUD)

HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. Contact HUD's Office of Healthy Homes and Lead Hazard Control for further information regarding the Lead Safe Housing Rule, which protects families in pre-1978 assisted housing, and for the lead hazard control and research grant programs.

### HUD

451 Seventh Street, SW, Room 8236  
Washington, DC 20410-3000  
(202) 402-7698  
hud.gov/offices/lead/

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U. S. EPA Washington DC 20460  
U. S. CPSC Bethesda MD 20814  
U. S. HUD Washington DC 20410

EPA-747-K-12-001  
September 2013

Item # 15

## Simple Steps to Protect Your Family from Lead Hazards

### If you think your home has lead-based paint:

- Don't try to remove lead-based paint yourself.
- Always keep painted surfaces in good condition to minimize deterioration.
- Get your home checked for lead hazards. Find a certified inspector or risk assessor at [epa.gov/lead](http://epa.gov/lead).
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Regularly clean floors, window sills, and other surfaces.
- Take precautions to avoid exposure to lead dust when remodeling.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe certified renovation firms.
- Before buying, renting, or renovating your home, have it checked for lead-based paint.
- Consult your health care provider about testing your children for lead. Your pediatrician can check for lead with a simple blood test.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children avoid fatty (or high fat) foods and eat nutritious meals high in iron and calcium.
- Remove shoes or wipe soil off shoes before entering your house.

## U. S. Environmental Protection Agency (EPA) Regional Offices

The mission of EPA is to protect human health and the environment. Your Regional EPA Office can provide further information regarding regulations and lead protection programs.

<p><b>Region 1</b> (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)</p> <p>Regional Lead Contact U.S. EPA Region 1 5 Post Office Square, Suite 100, OES 05-4 Boston, MA 02109-3912 (888) 372-7341</p>	<p><b>Region 6</b> (Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribes)</p> <p>Regional Lead Contact U.S. EPA Region 6 1445 Ross Avenue, 12th Floor Dallas, TX 75202-2733 (214) 665-2704</p>
<p><b>Region 2</b> (New Jersey, New York, Puerto Rico, Virgin Islands)</p> <p>Regional Lead Contact U.S. EPA Region 2 2890 Woodbridge Avenue Building 205, Mail Stop 225 Edison, NJ 08837-3679 (732) 321-6671</p>	<p><b>Region 7</b> (Iowa, Kansas, Missouri, Nebraska)</p> <p>Regional Lead Contact U.S. EPA Region 7 11201 Renner Blvd. WWPD/TOPE Lenexa, KS 66219 (800) 223-0425</p>
<p><b>Region 3</b> (Delaware, Maryland, Pennsylvania, Virginia, DC, West Virginia)</p> <p>Regional Lead Contact U.S. EPA Region 3 1650 Arch Street Philadelphia, PA 19103 (215) 814-2088</p>	<p><b>Region 8</b> (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)</p> <p>Regional Lead Contact U.S. EPA Region 8 1595 Wynkoop St. Denver, CO 80202 (303) 312-6966</p>
<p><b>Region 4</b> (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)</p> <p>Regional Lead Contact U.S. EPA Region 4 AFC Tower, 12th Floor, Air, Pesticides &amp; Toxics 61 Forsyth Street, SW Atlanta, GA 30303 (404) 562-8998</p>	<p><b>Region 9</b> (Arizona, California, Hawaii, Nevada)</p> <p>Regional Lead Contact U.S. EPA Region 9 (CMD-4-2) 75 Hawthorne Street San Francisco, CA 94105 (415) 947-4280</p>
<p><b>Region 5</b> (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)</p> <p>Regional Lead Contact U.S. EPA Region 5 (DT-8J) 77 West Jackson Boulevard Chicago, IL 60604-3666 (312) 886-7836</p>	<p><b>Region 10</b> (Alaska, Idaho, Oregon, Washington)</p> <p>Regional Lead Contact U.S. EPA Region 10 Solid Waste &amp; Toxics Unit (WCM-128) 1200 Sixth Avenue, Suite 900 Seattle, WA 98101 (206) 553-1200</p>

## Lead Gets into the Body in Many Ways

### Adults and children can get lead into their bodies if they:

- Breathe in lead dust (especially during activities such as renovations, repairs, or painting that disturb painted surfaces).
- Swallow lead dust that has settled on food, food preparation surfaces, and other places.
- Eat paint chips or soil that contains lead.

### Lead is especially dangerous to children under the age of 6.



- At this age, children's brains and nervous systems are more sensitive to the damaging effects of lead.
- Children's growing bodies absorb more lead.
- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.

### Women of childbearing age should know that lead is dangerous to a developing fetus.

- Women with a high lead level in their system before or during pregnancy risk exposing the fetus to lead through the placenta during fetal development.

## For More Information

### The National Lead Information Center

Learn how to protect children from lead poisoning and get other information about lead hazards on the Web at [epa.gov/lead](http://epa.gov/lead) and [hud.gov/lead](http://hud.gov/lead), or call **1-800-424-LEAD (5323)**.

### EPA's Safe Drinking Water Hotline

For information about lead in drinking water, call **1-800-426-4791**, or visit [epa.gov/lead](http://epa.gov/lead) for information about lead in drinking water.

### Consumer Product Safety Commission (CPSC) Hotline

For information on lead in toys and other consumer products, or to report an unsafe consumer product or a product-related injury, call **1-800-638-2772**, or visit CPSC's website at [cpsc.gov](http://cpsc.gov) or [saferproducts.gov](http://saferproducts.gov).

### State and Local Health and Environmental Agencies

Some states, tribes, and cities have their own rules related to lead-based paint. Check with your local agency to see which laws apply to you. Most agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards. Receive up-to-date address and phone information for your state or local contacts on the Web at [epa.gov/lead](http://epa.gov/lead), or contact the National Lead Information Center at **1-800-424-LEAD**.

Hearing- or speech-challenged individuals may access any of the phone numbers in this brochure through TTY by calling the toll-free Federal Relay Service at **1-800-877-8339**.

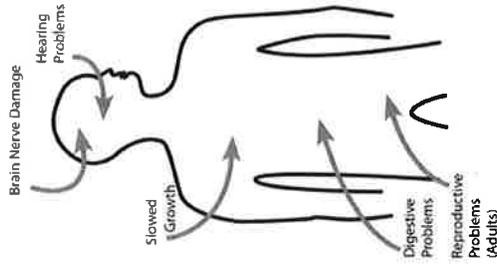
## Health Effects of Lead

**Lead affects the body in many ways.** It is important to know that even exposure to low levels of lead can severely harm children.

### In children, exposure to lead can cause:

- Nervous system and kidney damage
- Learning disabilities, attention deficit disorder, and decreased intelligence
- Speech, language, and behavior problems
- Poor muscle coordination
- Decreased muscle and bone growth
- Hearing damage

While low-lead exposure is most common, exposure to high amounts of lead can have devastating effects on children, including seizures, unconsciousness, and, in some cases, death.



Although children are especially susceptible to lead exposure, lead can be dangerous for adults, too.

### In adults, exposure to lead can cause:

- Harm to a developing fetus
- Increased chance of high blood pressure during pregnancy
- Fertility problems (in men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain

## Check Your Family for Lead

**Get your children and home tested if you think your home has lead.**

Children's blood lead levels tend to increase rapidly from 6 to 12 months of age, and tend to peak at 18 to 24 months of age.

Consult your doctor for advice on testing your children. A simple blood test can detect lead. Blood lead tests are usually recommended for:

- Children at ages 1 and 2
- Children or other family members who have been exposed to high levels of lead
- Children who should be tested under your state or local health screening plan

**Your doctor can explain what the test results mean and if more testing will be needed.**

## Other Sources of Lead

**While paint, dust, and soil are the most common sources of lead, other lead sources also exist:**

- **Drinking water.** Your home might have plumbing with lead or lead solder. You cannot see, smell, or taste lead, and boiling your water will not get rid of lead. If you think your plumbing might contain lead:
  - Use only cold water for drinking and cooking.
  - Run water for 15 to 30 seconds before drinking it, especially if you have not used your water for a few hours.
- Call your local health department or water supplier to find out about testing your water, or visit [epa.gov/lead](http://epa.gov/lead) for EPA's lead in drinking water information.
- **Lead smelters** or other industries that release lead into the air.
- **Your job.** If you work with lead, you could bring it home on your body or clothes. Shower and change clothes before coming home. Launder your work clothes separately from the rest of your family's clothes.
- **Hobbies** that use lead, such as making pottery or stained glass, or refinishing furniture. Call your local health department for information about hobbies that may use lead.
- **Old toys and furniture** may have been painted with lead-containing paint. Older toys and other children's products may have parts that contain lead.<sup>4</sup>
- Food and liquids cooked or stored in **lead crystal or lead-glazed pottery or porcelain** may contain lead.
- Folk remedies, such as "**greta**" and "**azarcon**," used to treat an upset stomach.

<sup>4</sup> In 1978, the federal government banned toys, other children's products, and furniture with lead-containing paint (16 CFR 1303). In 2008, the federal government banned lead in most children's products. The federal government currently bans lead in excess of 100 ppm by weight in most children's products (76 FR 44463).

## Renovating, Remodeling, or Repairing (RRP) a Home with Lead-Based Paint

If you hire a contractor to conduct renovation, repair, or painting (RRP) projects in your pre-1978 home or childcare facility (such as pre-school and kindergarten), your contractor must:

- Be a Lead-Safe Certified firm approved by EPA or an EPA-authorized state program
- Use qualified trained individuals (Lead-Safe Certified renovators) who follow specific lead-safe work practices to prevent lead contamination
- Provide a copy of EPA's lead hazard information document, *The Lead-Safe Certified Guide to Renovate Right*



**RRP contractors working in pre-1978 homes and childcare facilities must follow lead-safe work practices that:**

- **Contain the work area.** The area must be contained so that dust and debris do not escape from the work area. Warning signs must be put up, and plastic or other impermeable material and tape must be used.
- **Avoid renovation methods that generate large amounts of lead-contaminated dust.** Some methods generate so much lead-contaminated dust that their use is prohibited. They are:
  - Open-flame burning or torching
  - Sanding, grinding, planing, needle gunning, or blasting with power tools and equipment not equipped with a shroud and HEPA vacuum attachment and
  - Using a heat gun at temperatures greater than 1100°F

- **Clean up thoroughly.** The work area should be cleaned up daily. When all the work is done, the area must be cleaned up using special cleaning methods.

- **Dispose of waste properly.** Collect and seal waste in a heavy duty bag or sheeting. When transported, ensure that waste is contained to prevent release of dust and debris.

To learn more about EPA's requirements for RRP projects visit [epa.gov/getleadsafe](http://epa.gov/getleadsafe), or read *The Lead-Safe Certified Guide to Renovate Right*.

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## Where Lead-Based Paint Is Found

In general, the older your home or childcare facility, the more likely it has lead-based paint.<sup>1</sup>

**Many homes, including private, federally-assisted, federally-owned housing, and childcare facilities built before 1978 have lead-based paint.** In 1978, the federal government banned consumer uses of lead-containing paint.<sup>2</sup>

Learn how to determine if paint is lead-based paint on page 7.

### Lead can be found:

- In homes and childcare facilities in the city, country, or suburbs,
- In private and public single-family homes and apartments,
- On surfaces inside and outside of the house, and
- In soil around a home. (Soil can pick up lead from exterior paint or other sources, such as past use of leaded gas in cars.)

Learn more about where lead is found at [epa.gov/lead](http://epa.gov/lead).

<sup>1</sup> "Lead-based paint" is currently defined by the federal government as paint with lead levels greater than or equal to 1.0 milligram per square centimeter (mg/cm), or more than 0.5% by weight.

<sup>2</sup> "Lead-containing paint" is currently defined by the federal government as lead in new dried paint in excess of 90 parts per million (ppm) by weight.

## Identifying Lead-Based Paint and Lead-Based Paint Hazards

**Deteriorating lead-based paint (peeling, chipping, chalking, cracking, or damaged paint)** is a hazard and needs immediate attention. **Lead-based paint** may also be a hazard when found on surfaces that children can chew or that get a lot of wear and tear, such as:

- On windows and window sills
- Doors and door frames
- Stairs, railings, banisters, and porches

**Lead-based paint is usually not a hazard if it is in good condition** and if it is not on an impact or friction surface like a window.

**Lead dust** can form when lead-based paint is scraped, sanded, or heated. Lead dust also forms when painted surfaces containing lead bump or rub together. Lead paint chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when the home is vacuumed or swept, or when people walk through it. EPA currently defines the following levels of lead in dust as hazardous:

- 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) and higher for floors, including carpeted floors
- 250  $\mu\text{g}/\text{ft}^2$  and higher for interior window sills

**Lead in soil** can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. EPA currently defines the following levels of lead in soil as hazardous:

- 400 parts per million (ppm) and higher in play areas of bare soil
- 1,200 ppm (average) and higher in bare soil in the remainder of the yard

**Remember, lead from paint chips—which you can see—and lead dust—which you may not be able to see—both can be hazards.**

The only way to find out if paint, dust, or soil lead hazards exist is to test for them. The next page describes how to do this.

## Reducing Lead Hazards, continued

If your home has had lead abatement work done or if the housing is receiving federal assistance, once the work is completed, dust cleanup activities must be conducted until clearance testing indicates that lead dust levels are below the following levels:

- 40 micrograms per square foot ( $\mu\text{g}/\text{ft}^2$ ) for floors, including carpeted floors
- 250  $\mu\text{g}/\text{ft}^2$  for interior window sills
- 400  $\mu\text{g}/\text{ft}^2$  for window troughs

For help in locating certified lead abatement professionals in your area, call your state or local agency (see pages 14 and 15), or visit [epa.gov/lead](http://epa.gov/lead), or call 1-800-424-LEAD.

## Reducing Lead Hazards

**Disturbing lead-based paint or removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.**

- In addition to day-to-day cleaning and good nutrition, you can **temporarily** reduce lead-based paint hazards by taking actions, such as repairing damaged painted surfaces and planting grass to cover lead-contaminated soil. These actions are not permanent solutions and will need ongoing attention.
- You can minimize exposure to lead when renovating, repairing, or painting by hiring an EPA- or state-certified renovator who is trained in the use of lead-safe work practices. If you are a do-it-yourselfer, learn how to use lead-safe work practices in your home.
- To remove lead hazards permanently, you should hire a certified lead abatement contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not permanent control.

**Always use a certified contractor who is trained to address lead hazards safely.**

- Hire a Lead-Safe Certified firm (see page 12) to perform renovation, repair, or painting (RRP) projects that disturb painted surfaces.
- To correct lead hazards permanently, hire a certified lead abatement professional. This will ensure your contractor knows how to work safely and has the proper equipment to clean up thoroughly.

ite # 15

## Checking Your Home for Lead

You can get your home tested for lead in several different ways:

- A lead-based paint **inspection** tells you if your home has lead-based paint and where it is located. It won't tell you whether your home currently has lead hazards. A trained and certified testing professional, called a lead-based paint inspector, will conduct a paint inspection using methods, such as:
  - Portable x-ray fluorescence (XRF) machine
  - Lab tests of paint samples
- A **risk assessment** tells you if your home currently has any lead hazards from lead in paint, dust, or soil. It also tells you what actions to take to address any hazards. A trained and certified testing professional, called a risk assessor, will:
  - Sample paint that is deteriorated on doors, windows, floors, stairs, and walls
  - Sample dust near painted surfaces and sample bare soil in the yard
  - Get lab tests of paint, dust, and soil samples
- A combination inspection and risk assessment tells you if your home has any lead-based paint and if your home has any lead hazards, and where both are located.

Be sure to read the report provided to you after your inspection or risk assessment is completed, and ask questions about anything you do not understand.



## Checking Your Home for Lead, continued

In preparing for renovation, repair, or painting work in a pre-1978 home, Lead-Safe Certified renovators (see page 12) may:

- Take paint chip samples to determine if lead-based paint is present in the area planned for renovation and send them to an EPA-recognized lead lab for analysis. In housing receiving federal assistance, the person collecting these samples must be a certified lead-based paint inspector or risk assessor
- Use EPA-recognized tests kits to determine if lead-based paint is absent (but not in housing receiving federal assistance)
- Presume that lead-based paint is present and use lead-safe work practices

There are state and federal programs in place to ensure that testing is done safely, reliably, and effectively. Contact your state or local agency for more information, visit [epa.gov/lead](http://epa.gov/lead), or call **1-800-424-LEAD (5323)** for a list of contacts in your area.<sup>3</sup>

<sup>3</sup> Hearing- or speech-challenged individuals may access this number through TTY by calling the Federal Relay Service at 1-800-877-8399.

## What You Can Do Now to Protect Your Family

**If you suspect that your house has lead-based paint hazards, you can take some immediate steps to reduce your family's risk:**

- If you rent, notify your landlord of peeling or chipping paint.
- Keep painted surfaces clean and free of dust. Clean floors, window frames, window sills, and other surfaces weekly. Use a mop or sponge with warm water and a general all-purpose cleaner. (Remember: never mix ammonia and bleach products together because they can form a dangerous gas.)
- Carefully clean up paint chips immediately without creating dust.
- Thoroughly rinse sponges and mop heads often during cleaning of dirty or dusty areas, and again afterward.
- Wash your hands and your children's hands often, especially before they eat and before nap time and bed time.
- Keep play areas clean. Wash bottles, pacifiers, toys, and stuffed animals regularly.
- Keep children from chewing window sills or other painted surfaces, or eating soil.
- When renovating, repairing, or painting, hire only EPA- or state-approved Lead-Safe Certified renovation firms (see page 12).
- Clean or remove shoes before entering your home to avoid tracking in lead from soil.
- Make sure children avoid fatty (or high fat) foods and eat nutritious meals high in iron and calcium. Children with good diets absorb less lead.



Regular Council Agenda  
February 7, 2017

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**Description**

Order appointing Mayor and Council members and City staff to various board and commissions

**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: February 7, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland,**

**THAT**, the following Council Members and staff be and are hereby appointed as designated City representatives and/or appointees to the following Boards and Commissions:

<b>BOARD / COMMISSION</b>	<b>APPOINTEE</b>	<b>STATUS</b>
Allegany County Museum	David Caporale	Council Representative
Allegany County Solid Waste Committee	Raquel Ketterman, Environmental Technician	Staff Representative
Blighted Property Committee	Brian Grim	Council Representative
Canal Place Preservation & Development Authority	David Caporale	Council Representative
Cumberland/Allegany County Industrial Foundation (CACIF)	Brian Grim	Council Representative
Downtown Development Commission (DDC)	Brian Grim	Council Representative – Non-voting member
Evitts Creek Steering Committee	Brian Grim Seth Bernard	Council Representatives – Voting members
Historic Preservation Commission	Seth Bernard	M&CC ex officio - Voting member
Human Relations Commission	Eugene Frazier	Council Representative – Non-voting member
Human Resources Development Commission	Eugene Frazier	Council Representative
Let's Beautify Cumberland! Committee	Richard Cioni	Council Representative
Neighborhood Advisory Commission	Seth Bernard Richard Cioni	Both voting members
Parks & Recreation Board	Seth Bernard Richard Cioni	Council Representatives – Non-voting
Planning & Zoning Commission	David Caporale	M&CC ex officio - Voting member only in case of tie
Tri-County Council of Western MD	Shawn Hershberger	Staff Representative
Western Maryland Scenic Railroad	Eugene Frazier	Council Representative

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**Brian K. Grim, Mayor**



Regular Council Agenda  
February 7, 2017

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**Description**

Order authorizing an Amnesty Program for past due personal property taxes, to allow that accumulated interest and penalties be waived on each account on the condition that a lump sum payment is received for all years due by March 31, 2017

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

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

DATE: February 07, 2017**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

THAT, the City Comptroller be and is hereby authorized to establish an amnesty program for past due personal property taxes, to allow that accumulated interest and penalties shall be waived on each personal property account on the condition that a lump sum payment is received for all years due by March 31, 2017.

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**Mayor Brian K. Grim**



Regular Council Agenda  
February 7, 2017

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**Description**

Letter from Sharon Ellsworth, Co-Race Director, asking permission to hold the "3rd Annual ACAS Howards 25K Run" and "Paws on the Pavement 5K" in Cumberland on August 20, 2017 at 7:00 am and 8:00 am, respectively, along with the "Sweet Pea Shuffle Dog Walk" on August 19, 2017. The Cumberland Police Department has reviewed this event and provided approval to proceed.

**Approval, Acceptance / Recommendation**

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



**Howard's Run Festival**  
**PO Box 5244**  
**Cresaptown MD 21505**

January 11, 2017

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

Dear Mr. Rhodes,

This letter is to request permission to hold the Third Annual ACAS Howards 25K Run and Paws on the Pavement 5K. Race will be held on August 20, 2017 at 8am for the 5K and the 25K will start at 7am in Frostburg, We are adding The Sweet Pea Shuffle where people can walk dogs on Saturday, the 19<sup>th</sup> which will be held during our Packet Pickup.

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

The 25K race will start at the Frostburg Depot and will run on the Great Allegany Passage into Cumberland and finish at the Canal Place. The race is a 15.5 (25K) point to point race. There will be a 4 hour time limit. The 5K will start at 8am at the arch at The Train Station and run up the Passage and return back to the same finish as the 25K at the arch.

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

We appreciate your consideration in this, which we think will be another successful event for the Shelter. We donated \$9000.00 to the shelter in 2016! And this year will be bigger and better!

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

Sincerely,

Sharon Ellsworth

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



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

