Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilman Brian R. Lepley

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

AGENDA

M&CC Regular Public Meeting
57 N. Liberty Street Cumberland, MD 21502

DATE: March 04, 2025

OPEN SESSION – 6:15 PM

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

Presentations

1. Celebrating the retirements of Joe Powell and Rusty Pyles

Approval of Minutes

1. Approving the Closed Session Minutes, Open Work Session Minutes and Regular Session Minutes of February 18, 2025

Public Comments – FOR AGENDA ITEMS ONLY

All public comments are limited to 5 minutes per person

Unfinished Business

(A) Ordinances

1. Ordinance 4006 (*2nd & 3rd readings*) - providing for the closure of a 10-feet wide alley identified by the City as Alley 144, running from the Eastern right of way line of Seymour Street East to the Western right of way line of the 15-feet wide alley identified by the City as Alley 137, bound on both sides by lands owned by the Trustees of the Church of God

New Business

(A) Ordinances

1. Ordinance 4007 (*1st reading*) - providing for the issuance and sale of an aggregate principal amount not to exceed $5,200,000 of general obligation bonds of the Mayor and City Council of Cumberland

(B) Orders (Consent Agenda)

1. Order 27,633 - accepting the bid from Victory Trenchless for CIP Sewer Lines on Beechwood in the amount of $105,221.34, utilizing the Buyboard pricing agreement

2. Order 27,664 – authorizing appointments to the Human Relations Commission and the Administrative Appeals Board

3. Order 27,665 - granting the City's attorneys and the City Solicitor the authority to consent to changes to the draft of the Third Amended and Restated Tolling Agreement with CSX Transportation, Inc. which they believe to be in the best interests of the City

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

1. Approving the Closed Session Minutes, Open Work Session Minutes and Regular Session Minutes of February 18, 2025

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502
2nd Floor Conference Room
Tuesday, February 18, 2025; 4:00 p.m.

On February 18, 2025, the Mayor and City Council met in closed session at 4:00 p.m. in the 2nd Floor Conference Room in City Hall for the purpose of immediately closing the meeting to discuss Board and Commission appointments, to receive legal advice regarding a potential new Ordinance and to receive legal advice and input from staff regarding the waiver of a conflict of interest and to receive legal advice regarding matters pertaining to a sewer line relining project. Authority to close the session is provided by Sections 3-305(b)(1)(i) and (b)(7) of the General Provisions Article of the Annotated Code of Maryland.

MOTION: Motion to enter into Closed Session was made by Council Member Frazier seconded by Council Member Cioni, and was passed on a vote of 4-0.

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni, Jimmy Furstenberg, and Brian Lepley

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; City Solicitor, Michael Cohen, City Legal Representation; Erik Pilsk

Mayor and City Council of Cumberland

WORK SESSION

City Hall 2nd Floor Conference Room
57 N. Liberty Street
Cumberland, MD 21502
Tuesday, February 18, 2025; 4:45 pm

PRESENT: Mayor Raymond M. Morriss; Council Members: Richard Cioni, Eugene Frazier, James Furstenberg, Brian Lepley.

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Chief Ternent; Michael Cohen, City Solicitor

Media: Hannah Fout, WCBC

I. PROPERTY TAX CREDITS FOR PUBLIC SAFETY OFFICERS

Mr. Silka opened the discussion and advised of an update to the State Code which allows for property tax abatement for any Public Safety Officer residing in the City for Council to take in to consideration.

The concern was raised regarding Police Officers who leave to go work for the County. Since it is an incentive for recruitment, not providing it would diminish that ability. The key point is that the City currently provides a tax abatement for City Police Officers living within the City limits. If this policy were to be implemented, it would also extend tax abatements to Public Safety Officers who reside in the City but are not employed by the City.

It was agreed unanimously that the policy change should not be moved forward.

II. DISCUSSION ON A COMMUNITY WIDE CLEAN-UP DAY

Mr. Silka opened the discussion and informed the Council members that he had been approached about organizing a city cleanup day, suggesting that it be scheduled around Earth Day. A discussion ensued among the Council Members and all were in agreeance to move forward with organizing the event.

III. REVIEW OF THE PUBLIC MEETING AGENDA OF FEBRUARY 18, 2025

Mr. Silka informed the Council Members of the consultant attending the Public Hearing for the CDBG 2025 Annual Action Plan.

IV. MAYOR AND CITY COUNCIL UPDATES

- The DDC is looking for sponsors for Farmers Market and Friday After 5. BID letters went out to the property owners and a meeting is set for February 26, 2025 at 6:00 PM at City Hall to discuss survey results.
- The Allegany Museum is partnering with the Embassy Theatre for fundraising, to perform a murder mystery April 3-5. The Allegany Museum is working towards partnering with the Historical Society.
- Continuous monitoring of the events in Annapolis is ongoing, and if necessary, Mayor Morriss and Mayor Logsdon from Frostburg can testify before the House and Senate.

V. ADJOURNMENT

With no further business at hand, the meeting adjourned at 5:10 p.m.
Respectfully Submitted,

Allison K. Layton__________________________
City Clerk

Minutes approved on_________________________

Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilman Brian R. Lepley

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

MINUTES

M&CC Regular Public Meeting
57 N. Liberty Street, Cumberland, MD 21502

DATE: February 18, 2025

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

PRESENT:

Council Member Richard J. "Rock" Cioni
Council Member Eugene T. Frazier
Council Member James L. Furstenberg, III
Council Member Brian R. Lepley
President Raymond M. Morriss,

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

IV. Statement of Closed Meeting

1. On February 11, 2025, the Mayor and City Council met in closed session at 4:00 p.m. in the 2nd Floor Conference Room in City Hall for the purpose of immediately closing the meeting to discuss the Memorial Hospital RFP and a new business prospect interested in locating in Cumberland. Authority to close the session is provided by Sections 3-305(b)(4) and (b)(14) of the General Provisions Article of the Annotated Code of Maryland.

2. On February 18, 2025, the Mayor and City Council met in closed session at 4:00 p.m. in the 2nd Floor Conference Room in City Hall for the purpose of immediately closing the meeting to discuss Board and Commission appointments, to receive legal advice regarding a potential new Ordinance and to receive legal advice and input from staff regarding the waiver of a conflict of interest and to receive legal advice regarding matters pertaining to a sewer line relining project. Authority to close the session is provided by Sections 3-305(b)(1)(i) and (b)(7) of the General Provisions Article of the Annotated Code of Maryland.

V. Director's Reports

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

(A) Administrative Services

1. Administrative Services Monthly Reports for January 2025

(B) Public Works

1. Maintenance Division Monthly Report for January 2025

(C) Fire

1. Fire Department Monthly Report for January 2025

(D) Police

1. Police Department Monthly Report for January 2025

(E) Utilities Division – Water/Sewer

1. Utilities Division Monthly Report for January 25, 2025

VI. Approval of Minutes

<u>Motion</u> to approve the minutes was made by Council Member Lepley, seconded by Council Member Frazier, and was passed on a vote of 5-0

1. Approving the Open Work Session Minutes and Regular Session Minutes of February 4, 2025 and the Closed Session Minutes and Open Work Session Minutes of February 11, 2025

VII. Public Hearing

Convened: 6:21 PM

1. A public hearing for the Community Development Block Grant (CDBG) 2025 Annual Action Plan and the 2025-2029 Consolidated Five Year Plan, including a presentation by Ochoa Urban Collaborative regarding the CDBG community needs assessment and market analysis and the draft of the City of Cumberland Citizen Participation Plan

   Manuel Ochoa with Ochoa Urban Collaborative greeted the Mayor and City Council members. He started by updating the 2025-2029 Consolidated Plan, which is currently in progress. The plan intends to drive goals, strategies and projects for the next 5 years based on community needs. A draft of the Citizen Participation Plan will be open for public comment which has the elements the HUD requires.

   He advised of community engagement in the form of outreach, public hearings, a 20-member advisory committee, media strategy and accepting public comments. Committee members include Cumberland Economic Development Commission (CEDC), Social Services, Downtown Development Commission (DDC), Chamber of Commerce and Homeless Service providers. March 18, 2025 will be the next hearing, the consolidated draft plan will be ready for review on May 6, 2025 and hoping to return in mid-June with the final plan.

   Abigail Ferretti began the discussion that as an Urban Economist she thinks about the context. And upon reviewing data from the Census Cumberland shows some growth over a 10-year span. Demographics show a population decline of 2169 residents since 2010. 72% of households are single or two persons, 53% are homeowners and 1/3 are 55 or older. The median income in Cumberland is $45,915 and $55,000 in the County. In 2022 30% of households earned less than $25,000. 23% of Cumberland residents have a disability.

Sales shows that 71% of homes are single family detached and sell for a median price of $130,000. The rental market in Cumberland is currently at 2%, with short-term rentals contributing to this market. Households should allocate no more than 45% of income on housing and transportation. The Renter Housing Cost Burden used by HUD shows how many renters spend more on housing than their earned income. For Cumberland that number is 50% (960 households) are spending 67% of their income on housing.

Jesse Bardsley Urban Planner and Data Analyst from Ochoa Urban Collaborative discussed the survey responses, revealing that 30% of participants reside in the City but do not work there. Additionally, 40% reported that their homes require repairs and have structural issues. In terms of safety, 70% of respondents feel their neighborhood is safe, while 12% believe it is unsafe.

When residents were asked how they would like to see the funds allocated, the choices were as followed:

- Infrastructure- adding new community facilities such as senior and youth centers. Additionally, street and sewer reconstruction.
- Economic Development – job training/skill improvement. Additionally, was commercial rehabilitation
- Goals – transforming vacant and abandoned properties as well as increasing the supply of affordable housing.
- Quality of life – vetting new employers, more public transportation and reducing crime

Lee Borror explained that the Community Development Block Grant (CDBG) is funding provided by the US Department of Housing and Urban Development. The funding is designated for use in the City to support low- to moderate-income individuals. At this time the estimated allocation amount is $750,000. Factors considered during the application process include capacity and expertise of the requestor.

Public comments begin tonight and will continue through March 18, 2025. Draft Analysis of Impediments to Fair Housing will start March 18 and go through April 18, 2025. Proposed projects received will be available at the Public Hearing on May 6, 2025 and will be available through public comment through June 6, 2025 and will be approved for vote on June 17, 2025. At this time comments from individuals or organizations who submitted applications for funds are welcomed.

Vic Rezendes Vice President of the Allegany Museum explained that the museum is applying for the funds for a Climate Control System. A requirement from the Institute for Library Museum Sciences to be accredited a Smithsonian affiliate. The cost for this project is $1M. At this time, $495K of grant funding has been secured as well as $250K from the State of Maryland. Due to a deadline to allocate funds from the secured grant, this funding is urgent for project completion. The total amount needed for completion is $250K.

To help cover operating costs, the organization leases out spaces along with fundraising and donations received and they barely break even which does not provide the funds for Capital Projects such as this.

Patricia Painter representing the Allegany Youth Enrichment Program (AYEPS) informed the application request is for funds to replace one of the oldest elevators in Maryland. Having multiple students and youths with disabilities makes participating in programs challenging for them.

Jim Raley representing the Archway Station as the Executive Director is present to talk about the SOAR grant they received last year from CDBG. The goal for the funding is to provide social security benefits to low to moderate residents within the city. The individuals being served are homeless or in jeopardy and qualify for a modified system called SOAR. They funding would allow them to keep serving individuals in need.

Brad Dressman representing the Department of Social Services is requesting $50K to help individuals with rent and utility costs.

Nicole Brant representing Allegany County HRDC is requesting funding for four different projects.

1. Homeless Prevention - Currently they receive federal grant funds for homeless prevention but the funds are depleted by the end of the year due to rent and utility increases. And this year utility costs have increased due to OHEP.

2. Closing Costs - Funds for closing costs would assist first time home buyers.
3. Shelf stable meals - An average of 225 meals are delivered to seniors to help those in need of nutritious meals
4. Delivery truck for meals – Due to trucks that are in need of repair, replacement is imperative for food deliveries

Rhonda Pick representing the Family Crisis Resource Center which was established in 1978 and is a private non-profit agency. The Center provides services to victims of domestic violence, sexual assaults, stalking and human trafficking and offers a program 7 days a week. Some programs offer shelters, and a 24-hour hotline.

The application they are submitting is requesting $40K to provide the Family Community Resource Center (FCRC) to have 24-hour coverage. Some of the shelters only have staffing during the day which creates a dangerous situation for overnight safety. During FY2024 FCRC provided services to 460 victims of domestic violence and sexual assault and are projecting to surpass that amount for FY2025. Having shelter coverage allows victims to speak with an advocate at any time and provides a path moving forward.

The application for the Abuse Intervention Program is requesting funds of $30K. The funds will provide services to perpetrators of domestic violence. The Abuse Intervention Program (AIP) holds users accountable by providing non-violent relationship skills. 93% of those who complete the program do not re-offend.

Mayor Morriss thanked all who attended and spoke on behalf of their organization

Hearing Adjourned: 7:22 PM

VIII. Public Comments – Agenda Items Only

No public comments

IX. New Business

(A) Resolutions

1. Resolution R2025-03 (*1 reading only*) - Authorizing the City of Cumberland to apply for a Certificate of Waiver/Authorization of unmanned aircraft as a Public Aircraft Operator for purposes of providing support to the City of Cumberland Emergency Services

   READING: The resolution was submitted in title only for its reading. **<u>Motion</u>** to approve the resolution was made by Council Member Fraizer, seconded by Council Member Cioni, and was passed on a vote of 5-0.

(B) Ordinances

1. Ordinance 4006 (*1st reading*) - providing for the closure of a 10-feet wide alley identified by the City as Alley 144, running from the Eastern right of way line of Seymour Street East to the Western right of way line of the 15-feet wide alley identified by the City as Alley 137, bound on both sides by lands owned by the Trustees of the Church of God

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

(C) Orders (Consent Agenda)

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **<u>Motion</u>** to approve each item was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

1. Order 27,654 - authorizing the Chief of the Fire Department to accept a grant from the Community Foundation for the Alleghenies in the amount of $1,000 for the purpose of fire prevention in the community through the distribution of smoke detectors and carbon monoxide detectors to Cumberland residents in need

2. Order 27,655 - approving the sole source purchase from Southern States Cooperative of heating oil for the Water Reclamation Facility and the Water Filtration Plant in the estimated amount of $58,045.15 for 23,000 gallons, being the current cost as of February 6, 2025

3. Order 27,656 - approving the renewal of the maintenance service contract with Southern Corrosion, Inc. for the Water Tank Maintenance Service Contract (Project 2023-03-WTR), in the not to exceed lump sum cost of $136,541.20 for FY25

4. Order 27,657 - authorizing the execution of Change Order No. 2 with Civil & Environmental Consultants, Inc., for costs associated with obtaining information on the water levels to do future hydraulic modeling for the River Park and North Branch Potomac Industrial Dam Removal project (City Project 2022-39-FPM), in an increased amount of $37,980, bringing the total project price not to exceed $130,080.00, with the costs being covered by Canal Place's Economic Development Administration funds, which will be transferred to the City

5. Order 27,658 - declaring certain City-owned property at 403-405 Central Avenue, 417 Central Avenue and 212 Baltimore Avenue to be surplus and authorizing them for sale

6. Order 27,659 - authorizing new parking regulations for the parking spaces on Baltimore Street, Liberty Street and Centre Street, effective 30 days after passage of this Order

7. Order 27,660 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure for a portion of Cat Alley, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation

8. Order 27,661 - accepting the report of the City Administrator advising that, with regard to the proposed public right of way closure at the Unnamed Alley, he observed no damages caused to the adjacent property owners as a result of the closure, and any added value would be formally determined by the Maryland Department of Assessments and Taxation

9. Order 27,662 - authorizing the execution of an amendment to the Maryland Historical Trust (MHT) 2024 Certified Local Government grant agreement originally approved on August 5, 2024 by Order No. 27,528 with MHT to increase funding in an amount not to exceed $3,750 to be used for amending the Downtown Cumberland National Register District Agreement, and authorizing the City Comptroller to accept these funds

Public Comments

All public comments are limited to 5 minutes per person, no comments were made.

Charles Floto spoke on behalf of Let's Beautify Cumberland regarding the park above Patterson Ave asking for help.

Mr. Silka advised the West End Neighborhood group is maintaining that area with community gardens.

Keith Mikula addressed the Mayor and City Council of an issue that he is experiencing on the West Side with Bergmeier Hauling not picking up trash or recycling. He mentioned six different occasions and that is creates an issue with debris blowing around the neighborhood.

Mayor Morriss advised that when the Landfill is closed due to inclement weather, trash and recycling is not picked up. Notices are on the website updating residents of these schedule changes as well as emails if subscribed to the alerts.

Jo Ryan played a song and asked for a prayer to be held after the pledge of allegiance at every meeting. Mayor Morriss advised he would look in to it.

XI. Adjournment

With no further business at hand, the meeting adjourned at 7:40 p.m.

Minutes approved on____________________

Raymond M. Morriss, Mayor ____________________________

ATTEST: Allison K. Layton, City Clerk ______________________________

File Attachments for Item:

1. Ordinance 4006 (*2nd & 3rd readings*) - providing for the closure of a 10-feet wide alley identified by the City as Alley 144, running from the Eastern right of way line of Seymour Street East to the Western right of way line of the 15-feet wide alley identified by the City as Alley 137, bound on both sides by lands owned by the Trustees of the Church of God

ORDINANCE NO. 4006

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO PROVIDE FOR THE CLOSURE OF A 10-FEET WIDE ALLEY IDENTIFIED BY THE CITY AS ALLEY 144, RUNNING FROM THE EASTERN RIGHT OF WAY LINE OF SEYMOUR STREET EAST TO THE WESTERN RIGHT OF WAY LINE OF THE 15 FEET WIDE ALLEY IDENTIFIED BY THE CITY AS ALLEY 137, THE SAID ALLEY TO BE CLOSED BEING BOUNDED ON BOTH SIDES BY LANDS OWNED BY THE TRUSTEES OF THE CHURCH OF GOD, THE SAID ALLEY TO BE CLOSED BEING LOCATED IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND.

WHEREAS, the Mayor and City Council of Cumberland received a petition from the Trustees of the Church of God (the "Church") requesting the closure of the alley (the "Alley") generally described in the titling of this Ordinance and identified as "ALLEY (10')" on the plat (the "Plat") attached hereto and incorporated by reference herein as **Exhibit A.**

WHEREAS, the Alley is entirely bounded by property owned by the Church as shown on the Plat. Therefore, consistent with Section 127A of the City Charter, the entirety of the Alley shall be conveyed to the Church upon the passage of this Ordinance.

WHEREAS, the metes and bounds description for the Alley is attached hereto and incorporated by reference herein as **Exhibit B**.

WHEREAS, the City Clerk served a personal notice in writing upon each property owner to be affected by the passage of the proposed Ordinance more than ten (10) days before March 4, 2025; and

WHEREAS, in the opinion of the Mayor and City Council of Cumberland, the public welfare and convenience require that the Alley be closed.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND AS FOLLOWS:

SECTION 1: The Alley is closed. It shall be conveyed from the City to the Church as provided for hereinafter.

SECTION 2: The said Mayor and City Council of Cumberland shall ascertain whether any and what amount in value of damage shall be caused by the aforesaid closure for which the owners or possessors of any property located along the Alley, or portions thereof, should be compensated, and shall assess and levy generally on the property of the persons benefitted by the closure of the street the whole or any part of the expense which shall be incurred in closing the same.

SECTION 3: The City Administrator or his designee shall submit a report to the City Clerk setting forth his findings regarding what amount of damages, if any, shall have been caused by the aforesaid closure of Alley, and the names of the owners or possessors of such property along which said streets now pass, and the amount of damages for which they shall be compensated or benefits for which they shall be assessed, and whether said damages arising from the closure shall be assessed generally on the whole assessable property within the City of Cumberland or specially on the property of the person benefitted by the closure; and, in the event of any of said damages being assessed and levied in whole or in part on any property of the persons benefitted, the names of the owners of the property specially benefitted, with a description of said property by reference to the Land Records of Allegany County, and the amount so levied and assessed. The Mayor and City Council shall consider the matter of the City Administrator's report and make determinations regarding the subject matter of the report at a meeting held no sooner than fifteen (15) days after the date of the passage of this Ordinance.

SECTION 4: Any person feeling aggrieved or injured by the decision of said Mayor and City Council of Cumberland regarding the subject matter of the City Administrator's report shall have the right of an appeal to the Circuit Court at a trial by jury, as provided in Section 128 of the Charter of the City of Cumberland (1991 Edition), upon filing a written notice of appeal with the City Clerk within thirty (30) days after the Mayor and City Council of Cumberland shall have made their return.

SECTION 5: The benefits assessed by said Mayor and City Council of Cumberland shall be liens upon the property of the persons benefitted to the extent of such assessment and shall be payable within sixty (60) days after the date of the meeting at which the Mayor and City Council of Cumberland makes its determinations regarding the subject matter set forth in the City Administrator's report, and the collection of the same shall be enforced by *scire facias* in the same manner as paving liens are collected by the Mayor and City Council; and a written record of the said Mayor and City Council's determinations shall be filed for record and reported in the Mechanics' Lien Record in the Clerk's Office in the Circuit Court for Allegany County, and the assessment therein shall be liens upon the properties respectively assessed from the time of such recording, such recording to be effected no sooner than the expiration of the aforesaid sixty (60) day period.

SECTION 6: Upon the collection of all benefits assessed and the payment of the damages ascertained, or the waiver of this provision by the parties interested, if applicable, the Alley shall be closed, and the Mayor shall be empowered to execute the deed effecting the conveyance described therein.

SECTION 7: This Ordinance shall take effect from the date of its passage.

Passed the ____ day of _____________, 2025.

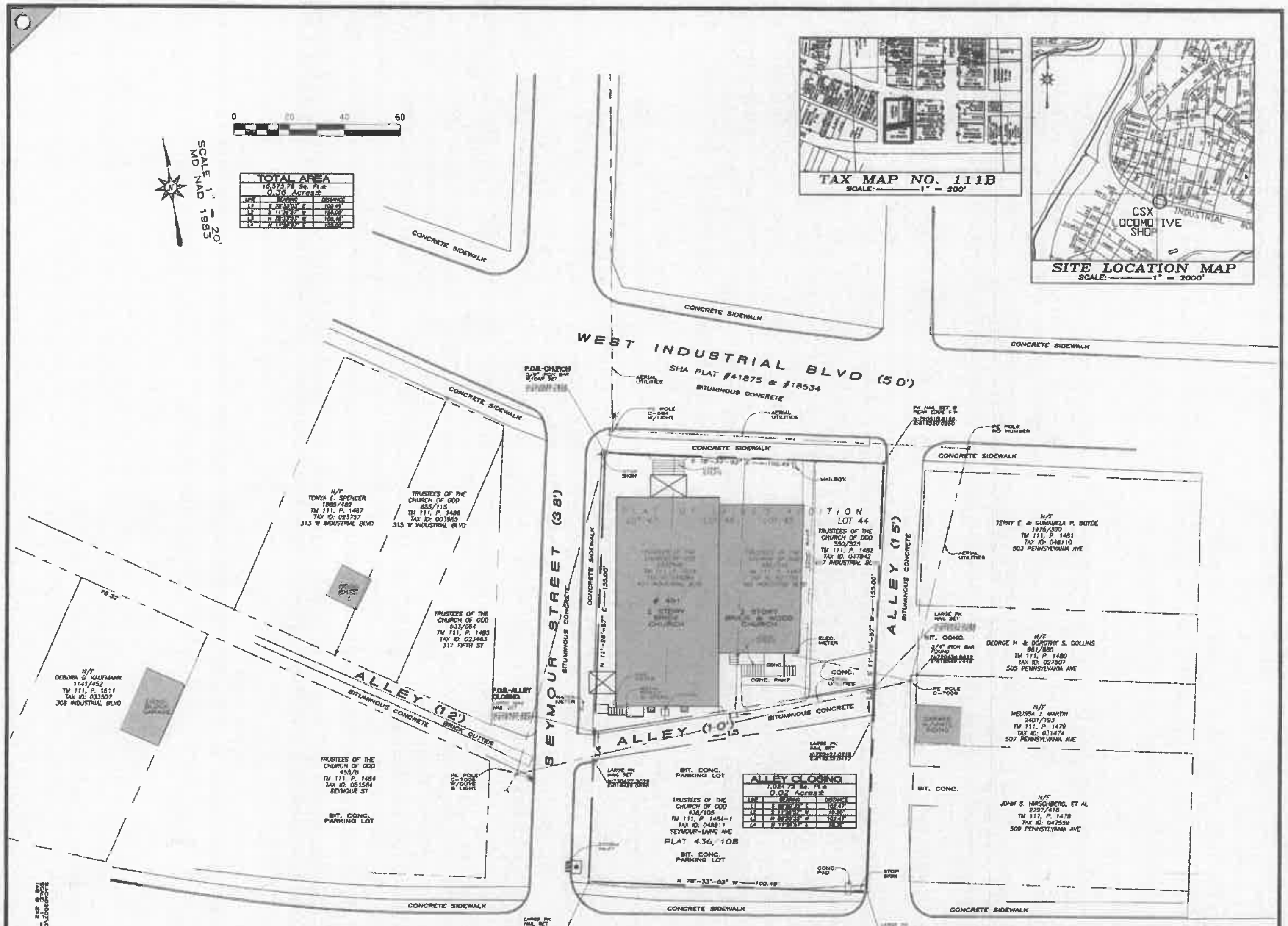
Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

EXHIBIT A

Plat



TOTAL AREA		
15,575.78 Sq. Ft.± 0.36 Acres±		
LINE	BEARING	DISTANCE
L1	[illegible]	100.49'
L2	[illegible]	155.00'
L3	[illegible]	100.49'
L4	[illegible]	155.00'

ALLEY CLOSING		
1,024.73 Sq. Ft.± 0.02 Acres±		
LINE	BEARING	DISTANCE
L1	[illegible]	102.47'
L2	[illegible]	10.30'
L3	[illegible]	102.47'
L4	[illegible]	[illegible]

SURVEYOR'S CERTIFICATION

I hereby certify that in JULY, 2024 I made a survey of the [illegible] hereon and that this [illegible] made in accordance with the field notes and computations [illegible] said survey. I further certify that [illegible] and accurate.

Michael R. [illegible]
Property Line Surveyor
MD REG. No. 443
EXP. DATE: 3/8/2024

CITY OF CUMBERLAND ENGINEERING DEPARTMENT
CITY OF CUMBERLAND ENGINEER ____ DATE ____

ALLEY CLOSING
FOR
GATEWAY WEST CHURCH OF GOD
LOCATED AT
401 WEST INDUSTRIAL BLVD
ALLEGANY COUNTY — ELECTION DISTRICT NO. 4
CUMBERLAND — MARYLAND

COUGHENOUR SURVEYING
coughsurveying@verizon.net
P.O. BOX 309 · ELLERSLIE, MD 21529
TELEPHONE NO. 301-777-7222 · CELL: 301-697-4141

PREPARED FOR:
GATEWAY WEST CHURCH OF GOD
401 S. INDUSTRIAL BLVD
CUMBERLAND, MD 21502

7-30-24

DATE	REVISIONS:

DATE: JUNE, 2024
SCALE: 1" = 20'
FIELD BOOK: 3345GATEWAY.CRD
DRAWN BY: D.L. COUGHENOUR
CHECKED BY: M.R. COUGHENOUR
APPROVED BY: M.R. COUGHENOUR

DRAWING NUMBER:
1 of 1
PROJECT NUMBER:
224033-3345

JUL30,2024-5:43pm   \\S\DEANNA-PS\PS224033-3345-GATEWAY.dwg

EXHIBIT B

ALLEY CLOSING FOR GATEWAY CHURCH

ALL that piece or parcel of land being found as an Alley (10 feet) between Seymour Street (38 feet) and East and West Industrial Blvd and an Alley (15 feet) at lands now or formerly Trustees of the Church of God found in Liber 255, Folio 446, Liber 466, Folio 543 and Liber 550, Folio 525 and Liber 436, Folio 105

BEGINNING for the same at a large mag nail set at the intersection of the Easterly limits of said Seymour Street and the Northerly limits of said Alley (10 feet) at the common Southeasterly corner with said lands of Trustees of the Church of God found in Liber 255, Folio 446; thence binding with the Northerly limits of said Alley (10 feet) and lands of Trustees of the Church of God lands found in said Liber 255, Folio 446 and Liber 466, Folio 543 and Liber 550, Folio 525

1) South 89 degrees 50 minutes 35 seconds East 102.47 feet to a large pk nail set at the intersection of the said Northerly limits of said Alley (10 feet) and the Westerly limits of an Alley (15 feet); thence binding with the limits of the said Alley (15 feet)

2) South 11 degrees 26 minutes 57 seconds West 10.20 feet to a large pk nail set at the intersection of the Southerly limits of the said Alley (10 feet) and the said Westerly limits of said Alley (15 feet) at the Northeasterly corner of said lands of Trustees of the Church of God found in Liber 436, Folio 105; thence binding with the common line with said Trustees of the Church of God found in Liber 436, Folio 105

3) North 89 degrees 50 minutes 35 seconds West 102.47 feet to a large pk nail set at the intersection of the Easterly limits of said Seymour Street and the Southerly limits of said Alley (10 feet); thence binding with the said Easterly limits of Seymour Street

4) North 11 degrees 26 minutes 57 seconds East 10.20 feet to the point of beginning

Containing 1,024.72 square feet± or 0.02 acres± as surveyed by Coughenour Surveying June, 2024.

File Attachments for Item:

. Ordinance 4007 (*1st reading*) - providing for the issuance and sale of an aggregate principal amount not to exceed $5,200,000 of general obligation bonds of the Mayor and City Council of Cumberland

ORDINANCE NO. 4007

MAYOR AND CITY COUNCIL OF CUMBERLAND INFRASTRUCTURE BONDS, 2025 SERIES A

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE OF MAYOR AND CITY COUNCIL OF CUMBERLAND, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE "ISSUER"), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIVE MILLION TWO HUNDRED THOUSAND DOLLARS ($5,200,000.00) OF GENERAL OBLIGATION BONDS OF THE ISSUER, TO BE KNOWN AS THE "MAYOR AND CITY COUNCIL OF CUMBERLAND INFRASTRUCTURE BONDS, 2025 SERIES A" (OR BY SUCH OTHER OR ADDITIONAL DESIGNATION OR DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN, THE "BONDS"), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR (I) FINANCING, REIMBURSING AND/OR REFINANCING COSTS OF THE PROJECTS GENERALLY IDENTIFIED HEREIN AS (A) NEW AND/OR REPLACEMENT VEHICLES AND VEHICLE IMPROVEMENTS/EQUIPMENT, (B) FACILITY AND INFRASTRUCTURE IMPROVEMENTS, (C) STREET IMPROVEMENTS, AND/OR (D) WATER SYSTEM, SEWER SYSTEM AND FLOOD CONTROL IMPROVEMENTS AND EQUIPMENT, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND AND/OR OTHER RESERVES, AND/OR (III) PAYING OR REIMBURSING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE ISSUER; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE OR COME DUE; PROVIDING FOR THE FORMS, TENOR, DENOMINATIONS, MATURITY DATE OR DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING, WITHOUT LIMITATION, THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS, AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF INTEREST ON THE BONDS.

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RECITALS

WHEREAS, Mayor and City Council of Cumberland (the "Issuer") is a municipal corporation of the State of Maryland organized under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and operating under the Charter and other applicable law; and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorize the Community Development Administration (the "Administration"), a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to the authority of the Act, the Issuer has determined to issue its general obligation bonds in one or more series in the aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars ($5,200,000.00) (the "Bonds," as defined herein) for the purpose of providing all or a portion of the funds necessary for: (i) financing, reimbursing and/or refinancing costs of all or a portion of any components of the Project (as defined in Section 1(a) hereof), (ii) funding a portion of a capital reserve fund and/or other reserves required by the Administration under the Program identified below, and/or (iii) paying or reimbursing issuance and other costs related to the Bonds; and

WHEREAS, the Issuer proposes to issue and sell the Bonds to the Administration, in connection with the Local Government Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and to obtain a loan or loans from the Administration pursuant to the Program (collectively, the "Loan"); and

WHEREAS, the Issuer intends to authorize the execution and delivery of the Bonds and all other documents, agreements, certificates and other materials related to the issuance, sale and delivery of the Bonds and the Loan; and

WHEREAS, the Administration intends to issue one or more series of its Local Government Infrastructure Bonds to finance the Loan and other loans to be financed pursuant to the Program.

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BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

Section 1. Authorization, Terms, Form of Bonds.

(a) Mayor and City Council of Cumberland (the "Issuer") shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit an aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars ($5,200,000.00) of its general obligation bonds, to be issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), to be known as the "Mayor and City Council of Cumberland Infrastructure Bonds, 2025 Series A" (or by such other or additional designation or designations as required by the Administration (as defined below) prior to issuance, including, without limitation, to identify separate series or subseries (collectively, the "Bonds" and, individually, a "Bond")). The proceeds from the sale of the Bonds shall be used for the public purpose of providing all or a portion of the funds necessary for (i) financing, reimbursing and/or refinancing costs of all or a portion of any components of certain projects identified as follows: (A) new and/or replacement vehicles (including, without limitation, patrol vehicles (including sport utility vehicles), administration vehicles, utility vehicles, light and heavy duty trucks, a fire truck, and equipment for any of the foregoing) and vehicle improvements/equipment for use by various City departments (including, without limitation, a paver and a roller and a skid steer), including the Police, Fire, Street, Parks & Recreation, and Water Distribution departments, (B) facility and infrastructure improvements (including, without limitation, a pole building, a garage lift and garage doors, a storage building, bridge design and construction, and wastewater treatment plant roof replacements/improvements), (C) street improvements (including, without limitation, paving/repaving and traffic control improvements), and/or (D) water system, sewer system and flood control improvements and equipment (including, without limitation, SCADA system equipment and improvements, cross connections, hydrants and valves, water main replacements, ammonia gas modifications, settling basin improvements, a lift, a generator, a master control center, sewer lining, and flood gates), together with, in each such case as is applicable with respect to the project components described in clauses (i)(A) through (D), the acquisition or payment for, improved or unimproved land, necessary property rights, related site and utility improvements, related planning, study, surveying, feasibility, design, architectural, engineering, document development, bidding, permitting, acquisition, demolition, removal, construction, reconstruction, expansion, rehabilitation, renovation, repair, construction management, inspection, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter, stormwater, water and sewer improvements, landscaping, and functionally related activities necessary at the locations or facilities at or near which such undertakings occur, administrative, financial and legal expenses, and related or similar costs, and any such costs that may represent the Issuer's share or contribution to such undertaking (collectively, the "Project"), (ii) funding a portion of a capital reserve fund and/or other reserves required by the Community Development Administration (the "Administration") under the Program identified in subsection (b) below, and/or (iii) paying or reimbursing issuance and other costs related to the Bonds. Notwithstanding the foregoing description of the Project, the Mayor of the Issuer (the "Mayor"), in consultation with the City Administrator of the Issuer (the "City Administrator"), any other appropriate officials

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of the Issuer, and the Administration, is hereby authorized and empowered, on behalf of the Issuer, to determine prior to the sale of the Administration's Bonds (as defined in subsection (c) below) not to apply proceeds of the Bonds to finance, reimburse or refinance costs of any one or more components of the Project due to tax, budgetary or other considerations, including, without limitation, because the Mayor and City Council of the Issuer, the governing body of the Issuer (the "Mayor and City Council"), has determined not to finance, reimburse or refinance the costs of any particular contemplated project or component thereof or because of other moneys becoming available for application to any of the purposes described in clauses (i) – (iii) above.

(b) The Bonds shall be issued as one or more fully registered bond certificate(s) in the aggregate principal amount not to exceed Five Million Two Hundred Thousand Dollars ($5,200,000.00) payable to the Administration as the registered owner thereof. The Bonds shall be issued in such aggregate principal amount or such lesser aggregate principal amount as determined by the Mayor pursuant to subsection (g) below, which shall be equal to the aggregate principal amount of the loan or loans to the Issuer from the Administration (collectively, the "Loan") under the Local Government Infrastructure Financing Program of the Administration (the "Program").

(c) The Bonds shall be dated as of the date of issue, or as of such other date as is specified by the Administration; shall be numbered from R-1 upward or as otherwise required by the Administration; shall be initially registered in the name of the Administration or its designee; shall bear interest from the date of issuance of the Local Government Infrastructure Bonds issued by the Administration (the "Administration's Bonds"), payable semiannually on April 1 and October 1 or on such other days as the Administration may require in connection with the Program, at such annual rate or rates and be payable in annual principal installments on April 1 or on such other day as the Administration may require in connection with the Program at the designated office of the Administration or of the trustee for the Administration's Bonds.

(d) The Bonds shall bear interest at an aggregate rate or rates of interest for a total interest cost (expressed as a yield) not to exceed (1) 4.30 percent for a loan with a maturity of five years or fewer, (2) 4.45 percent for a loan with a maturity in excess of five years but no more than ten years, (3) 4.85 percent for a loan with a maturity in excess of ten years but no more than fifteen years, and (4) 5.30 percent for a loan with a maturity in excess of fifteen years but no more than twenty years, the actual maturity or maturities and rate or rates of interest to be borne by the Bonds to be determined and established by the Mayor acting pursuant to Section 1(g) of this Ordinance.

(e) The Bonds shall be in substantially the form set forth on Exhibit A attached hereto and made a part hereof, which form, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation or obligations to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Bonds are to be issued in connection with the Program in order to provide all or a portion of the funds needed to (i) finance, reimburse and/or refinance all or a portion of the

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costs of any components of the Project, (ii) fund a portion of a capital reserve fund and/or other reserves required by the Administration under the Program, and/or (iii) pay or reimburse issuance costs and other related costs of the Bonds. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer also will execute and deliver in connection with the issuance of the Bonds and the Program any additional documents, agreements, instruments and certificates requested by the Administration (which, together with the Repayment Agreement and the Pledge Agreement, are herein referred to as the "Program Documents"). The Program Documents shall be in such forms and shall contain such terms and conditions as shall be approved by the Mayor and/or the City Administrator as further provided in this Ordinance and as shall be acceptable to, and otherwise approved by, the Administration.

(g) Because this Ordinance is being passed before the details have been finalized for the financing pursuant to which the Administration will issue the Administration's Bonds (the "Administration Financing") that will fund the Loan to the Issuer under the Program, the Mayor is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary or appropriate to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed $5,200,000.00 in aggregate principal amount hereby authorized, subject to final approval by the Administration; accordingly, the Mayor is specifically authorized: (i) to make changes to the aggregate principal amount of the Bonds in order to reflect the final aggregate principal amount of the Loan, not to exceed $5,200,000.00 as approved by the Administration and accepted by the Issuer, (ii) with the assistance of the City Administrator and the Comptroller of the Issuer (the "Comptroller"), to determine the amortization term(s) of the Bonds taking into account the useful lives of the various components of the Project, not to exceed the maximum maturity as set forth in subsection (d) above, and (iii) to authorize and approve an interest rate or rates and payment schedule(s) reflecting the principal and interest payments with respect to the Bonds but not to exceed the maximum total interest cost to be borne by the Bonds for the applicable term(s) as set forth in subsection (d) above.

(h) This borrowing is in conformance with and does not exceed any and all applicable debt limitations under the Charter of the Issuer (the "Charter").

(i) Certain provisions of this Section 1 are subject to the provisions of Section 14(c) of this Ordinance.

Section 2. Execution and Completion of Documents. The Bonds, the Repayment Agreement and the Pledge Agreement shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the City Clerk of the Issuer (the "City Clerk"). The other Program Documents shall be executed on behalf of the Issuer by the Mayor and/or the City Administrator. In the event any official whose signature appears on any of the Bonds or the Program Documents shall cease to be an official prior to the delivery of the Bonds or the Program

Documents, or, in the event any official whose signature appears on any of the Bonds or the Program Documents becomes an official after the date of the issue, the Bonds or the Program Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor is hereby authorized, empowered and directed to complete the applicable form(s) of the Bonds and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in the Mayor's discretion, shall deem necessary or appropriate in order to complete the issuance and sale of the Bonds, as will not alter the substance thereof. The Mayor is hereby authorized, empowered and directed to complete the forms of the Repayment Agreement and the Pledge Agreement and to make modifications, deletions, corrections or other changes thereto in any manner in which the Mayor, in the Mayor's discretion, shall deem necessary or appropriate in order to complete the execution and delivery of the Repayment Agreement and the Pledge Agreement in accordance with the provisions of this Ordinance, as will not alter the substance thereof. Either or both of the Mayor and the City Administrator is hereby authorized, empowered and directed to complete the applicable forms of the other Program Documents and to make modifications, deletions, corrections or other changes thereto in any manner which such official(s), in the discretion of such official(s), shall deem necessary or appropriate in order to complete the execution and delivery of the other Program Documents in accordance with the provisions of this Ordinance, as will not alter the substance thereof. The execution and delivery of the Bonds, the Repayment Agreement and the Pledge Agreement by the Mayor and the execution and delivery of the other Program Documents by the duly authorized applicable official(s) provided for in this Section 2 shall be conclusive evidence of such official's or officials' approval of the forms and substance thereof. To the extent appropriate, additional officials of the Issuer and counsel to the Issuer may be signatories to the Program Documents with respect to facts, representations, certifications, covenants and agreements within the scope of their respective responsibilities or authority. Certain provisions of this Section 2 are subject to the provisions of Section 14(c) of this Ordinance.

Section 3. Registration of Bonds. The City Clerk shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds; provided that, if at any time the registrar of the Bonds needs to take any action in such capacity, the position of the City Clerk is vacant or in the absence, disability or unavailability of the incumbent City Clerk, the authority to act as registrar for the Bonds shall be exercised in the following order of priority: (i) first, by any Assistant City Clerk of the Issuer appointed in accordance with the Charter (an "Assistant City Clerk"), (ii) second, if there is no incumbent Assistant City Clerk or in the absence, disability or unavailability of any Assistant City Clerk, the City Administrator, (iii) third, if the position of the City Administrator is vacant or in the absence, disability or unavailability of the City Administrator, by any acting or interim City Administrator of the Issuer selected in accordance with the Charter, and (iv) fourth, if there is no incumbent acting or interim City Administrator of the Issuer selected in accordance with the Charter or in the absence, disability or unavailability of any such incumbent official, by the Director of Administrative Services of the Issuer (the "Director of Administrative Services"). No security or bond shall be required of any of the officials identified in this Section 3 in the performance of the duties of registrar for the Bonds.

The Issuer may deem and treat the person in whose name any Bond shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Bond and for all other purposes.

Section 4. Prepayment. The Bonds are being issued in connection with the Program and will secure payment of the Administration's Bonds, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer, among other purposes. The Repayment Agreement limits the right of the Issuer to prepay the Bonds in accordance with restrictions upon the right of the Administration to redeem the Administration's Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayments as set forth in the Bonds.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like series or subseries, date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen: (i) may be typewritten, printed or otherwise reproduced in a manner acceptable to the Administration, and (ii) shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 6. Use of Proceeds. The proceeds of the Bonds shall be held and invested by the Administration in its sole discretion and shall be:

(a) Administered and disbursed by the Administration pursuant to the Repayment Agreement. The proceeds of the Bonds shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the Project has been completed and all Development Costs in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next principal installment or installments coming due, payment of interest on the Bonds or prepayment of the Bonds, as permitted by the Administration.

Section 7. Covenants. The Issuer covenants with the Administration and for the benefit of the Administration and the owners from time to time of the Bonds that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the Administration or its designee the principal of the Bonds, premium (if any) and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited ad valorem taxes in the event that available funds are inadequate to make such payment.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, unless other funds are available for payment of principal of, premium, if any, and interest on the Bonds, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the revenues available from the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer will promptly provide to the Administration (or to any person designated by the Administration) all financial information and operating data concerning the Issuer as may be required by the Administration in its discretion in order for the Administration to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, as in effect from time to time, applicable to the Administration's Bonds.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the purchasers and owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the Administration and/or the interests of such purchasers or owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds and the Administration.

Section 9. Pledge of Local Government Payments. As contemplated and authorized by Section 4-229(b) of the Act, the Issuer hereby pledges, assigns and grants a lien and a security interest to the Administration, its successors in trust and assigns, in all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, (i) to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program and (ii) to provide for deposits to the capital reserve fund securing the Bonds and/or other reserves required under the Program the amount of the Issuer's portion of any deficiency in such capital reserve fund and/or such other reserves as the Administration shall require, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds. The Bonds shall be sold for cash in accordance with the terms and provisions of this Ordinance at par, or if a premium or discount is permitted by law, at such premium or discount as is agreed to with the Administration in accordance with the terms and provisions of this Ordinance, and as authorized by Section 4-229(a) of the Act.

Section 11. Sale of Bonds. The Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 4-229(a) of the Act.

Section 12. Authority to Take Action; Publication and Public Hearing.

(a) To the extent not otherwise expressly provided for herein, the appropriate officials and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purpose of this Ordinance and the Program Documents.

(b) As required by the Act, prior to the issuance of the Bonds, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the proposed issuance of the Bonds, which notice shall include the proposed amount of the issue, the nature of the projects to be financed or refinanced, the time and place of the public hearing, the name of the person(s) and address of the place where written comments may be sent, and the Issuer shall hold a public hearing on the proposed issuance of the Bonds. Such actions may be (or have been) taken prior to or simultaneously with the passage of this Ordinance.

(c) The Issuer shall comply with any publication and/or posting requirements set forth in the Charter that are determined to be applicable to this Ordinance.

Section 13. Tax Matters

(a) Any one or more of the Mayor, the City Administrator, the Treasurer of the Issuer (the "Treasurer") and/or the Comptroller shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the "Section 148 Certificate") which complies with the requirements of Section 148 ("Section 148") of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such official or officials are hereby directed to execute the Section 148 Certificate and to deliver the same to the Administration on the date of the issuance of the Bonds. The Section 148 Certificate may be contained within any of the Program Documents at the discretion of the Administration.

(b) The Issuer shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any monies, securities or other obligations to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Issuer covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying official's or officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder that are applicable to the Bonds on the date of issuance of the Bonds and that may subsequently lawfully be made applicable to the Bonds.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officials, officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(e) Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller, on behalf of the Issuer, may make such covenants or agreements in connection with the issuance of Bonds issued hereunder as such official(s) shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Code as such applicable identified official(s) shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including, without limitation, covenants or agreements relating to the investment of the proceeds of such Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds. Such official(s) may also make on behalf of the Issuer any elections, designations or determinations authorized or permitted by the Code or the Arbitrage Regulations.

Section 14. Effective Date; Miscellaneous.

(a) Notwithstanding the provisions of Section 82A(b)(3) of the Charter, pursuant to Section 4-232(c) of the Act, this Ordinance shall take effect from the date of its passage by the Mayor and City Council and its approval by the Mayor, and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the City Clerk, any Assistant City Clerk or the City Administrator, or any such official's successor in office, shall constitute evidence of the contents and provisions hereof.

(b) Subject to the provisions of subsection (c) below, which subsection (c) shall control over the provisions of this subsection (b) in applicable circumstances, any reference to an official of the Issuer in this Ordinance shall be deemed to include any such official serving in an "acting" or "interim" capacity (e.g., the Acting City Administrator of the Issuer or the Interim City Clerk of the Issuer). Any reference to an official of the Issuer in this Ordinance shall be deemed to include references to such official if generally known by another title; titles of officials as used in this Ordinance correspond generally to the titles used in the Charter or the City Code of the Issuer (the "City Code").

(c) (i) It is the intention of the Mayor and City Council that, with respect to the authority granted solely to the Mayor pursuant to Sections 1 and 2 of this Ordinance, if there is a vacancy in the position of the Mayor or in the absence, disability or unavailability of the Mayor, such authority shall be exercised in the following order of priority: (A) first, by any Acting Mayor of the Issuer appointed by the City Council of the Issuer in accordance with the Charter (the "Acting Mayor"), (B) second, if no Acting Mayor has been appointed or in the absence, disability or unavailability of any incumbent Acting Mayor, by the City Administrator, and (C) third, if the position of the City Administrator is vacant or in the absence, disability or unavailability of the City Administrator, by any acting or interim City Administrator designated or appointed in accordance with the Charter.

(ii) It is the intention of the Mayor and City Council that if the position of the City Clerk is vacant or in the absence, disability or unavailability of the City Clerk, the authority to attest to the affixed or reproduced seal of the Issuer on the Bonds, the Repayment Agreement or the Pledge Agreement shall be exercised in the following order of priority: (A) first, by any Assistant City Clerk, (B) second, if no Assistant City Clerk has been appointed or in the absence, disability or unavailability of any Assistant City Clerk, by the City Administrator, (C) third, if the position of the City Administrator is vacant or in the absence, disability or unavailability of the City Administrator, by any acting or interim City Administrator of the Issuer designated or appointed in accordance with the Charter, and (D) fourth, if no acting or interim City Administrator of the Issuer has been designated or appointed in accordance with the Charter or such incumbent official is absent, disabled or unavailable, by the Director of Administrative Services; provided that, the City Administrator or any acting or interim City Administrator of the Issuer may not both execute any of the Bonds, the Repayment Agreement or the Pledge Agreement in accordance with

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Section 14(c) of this Ordinance and attest to the seal of the Issuer affixed to or reproduced on such Bonds, such Repayment Agreement or such Pledge Agreement.

(d) Notwithstanding the foregoing provisions of this Ordinance, but subject to the provisions of subsection (c) above, which subsection (c) shall control over the provisions of this subsection (d) in applicable circumstances, in the event the position of any official who is referred to by title in this Ordinance is vacant at the time any action authorized to be taken by such official in accordance with the provisions of this Ordinance shall occur, and no person has been appointed to such position (including in an acting or interim capacity) and is incumbent in such position, references in this Ordinance to such official shall be deemed to refer to any other appropriate official of the Issuer charged with such responsibilities under the Charter or the City Code or, to the extent not so provided for in the Charter or the City Code, as designated by the Mayor and City Council by motion or other appropriate action, including, without limitation, any applicable "deputy," "associate," or "assistant" official. Written evidence of any such designation shall be provided to the Administration. Notwithstanding the foregoing sentence, in the event two or more officials are charged with responsibility for taking any actions in accordance with the provisions of this Ordinance and only one such position is filled at the applicable time, any such action may be taken solely by the remaining official. References in this Ordinance to the term "official" shall be construed to include "employee" where applicable.

(e) References in this Ordinance to the phrases "to finance," "to pay" or "to fund" or similar phrases shall be deemed to refer to and include "to reimburse" or "to refinance" or similar phrases.

(f) References in this Ordinance to the phrase "including" and similar phrases shall be deemed to refer to and include "including, but not limited to," "including, without limitation," or similar phrases.

(g) To the extent not paid from proceeds of the Bonds, the Issuer shall pay costs of issuance relating to the Bonds from other available sources. References in this Ordinance to "costs of issuance" or "issuance costs" of the Bonds shall be deemed to include the costs of issuance or issuance costs of the Administration's Bonds allocable to the Issuer in accordance with the Program. The Mayor and City Council expressly acknowledges the obligation of the Issuer to pay the allocable fees of the Administration's bond counsel in the event the Issuer withdraws from the Program.

(h) The proceeds of the Bonds, including any premium of the Administration's Bonds that may be allocated to the Issuer, are hereby appropriated for purposes of the Project and the other purposes specified in this Ordinance.

(i) Any actions taken by officials of the Issuer in connection with the Issuer's anticipated participation in the Program prior to the effective date of this Ordinance are hereby ratified, confirmed and approved.

(j) The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for all purposes.

(k) Pursuant to Section 4-232(b) of the Act, this Ordinance shall be subject to petition to referendum by the qualified voters of the Issuer in accordance with Section 82A(c) of the Charter provided that the petition is filed not later than 20 days after this Ordinance is passed by the Mayor and City Council. The provisions of Section 82A(c) of the Charter allowing for a referendum petition to be filed within 30 days following passage of a bond ordinance shall be disregarded and the provisions of Section 4-232(b) of the Act shall control the period in which any referendum petition must be filed.

(l) The Mayor's signature on this Ordinance constitutes and signifies his approval of this Ordinance as required by Section 4-232(a)(1)(ii) of the Act.

(m) The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated hereby.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

____
Raymond M. Morriss
Mayor

ATTEST:

____
Allison K. Layton, City Clerk

Introduced: ____________________, 2025

Passed: ____________________, 2025

Effective: ____________________, 2025

Exhibit A. – Form of Bond

#238608;10002.081

Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

[FORM OF BOND]

EXHIBIT A

United States of America
State of Maryland
Mayor and City Council of Cumberland
Infrastructure Bond, 2025 Series [A]

No. R[A]-_ $_________

Mayor and City Council of Cumberland, a municipal corporation duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to the

Maryland Community Development Administration

or its registered assigns, the principal amount of _______________ Dollars ($__________), plus interest on each unpaid principal installment at rates per annum resulting in the total interest cost ("TIC") (expressed as a yield) set forth on Exhibit A attached hereto, in lawful money of the United States of America, as follows: (a) interest on the outstanding and unpaid principal of this bond shall be due and payable in semiannual payments commencing on __________, 20__, and continuing on the first day of [October] and [April] in each year thereafter until final maturity; and (b) principal of this bond shall be paid commencing on [April 1, 20__] and on [April 1] in each year thereafter until final maturity in the aggregate amount of principal installments as set forth on Exhibit A. Payment of the principal hereof and the interest due hereon shall be made by check mailed to the address of the registered owner of this bond as shown on the registration books maintained by the Issuer, or in such other manner and to such other address as the registered owner of this bond may designate. If any payment of the principal of or interest on this bond shall be due on a day other than a Business Day (defined herein), such payment shall be made on the next Business Day with like effect as if made on the originally scheduled date. A "Business Day" is any day other than a Saturday, Sunday or legal holiday in the State of Maryland observed as such by the Issuer.

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate or rates of interest borne by this bond.

This bond, designated as "Mayor and City Council of Cumberland Infrastructure Bond, 2025 Series [A]" (this "Bond"), is a general obligation bond of the Issuer, and has been duly issued by the Issuer for the purpose of providing all or a portion of the funds necessary for (i) financing, reimbursing and/or refinancing costs of all or a portion of any components of certain projects

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identified as follows: (A) new and/or replacement vehicles (including, without limitation, patrol vehicles (including sport utility vehicles), administration vehicles, utility vehicles, light and heavy duty trucks, a fire truck, and equipment for any of the foregoing) and vehicle improvements/equipment for use by various City departments (including, without limitation, a paver and a roller and a skid steer), including the Police, Fire, Street, Parks & Recreation, and Water Distribution departments, (B) facility and infrastructure improvements (including, without limitation, a pole building, a garage lift and garage doors, a storage building, bridge design and construction, and wastewater treatment plant roof replacements/improvements), (C) street improvements (including, without limitation, paving/repaving and traffic control improvements), and/or (D) water system, sewer system and flood control improvements and equipment (including, without limitation, SCADA system equipment and improvements, cross connections, hydrants and valves, water main replacements, ammonia gas modifications, settling basin improvements, a lift, a generator, a master control center, sewer lining, and flood gates), (ii) funding a portion of a capital reserve fund and/or other reserves required by the Administration (defined below), and/or (iii) paying or reimbursing issuance costs and other costs related to this Bond. Unless paid from other sources, the Issuer covenants that so long as any portion of this Bond is outstanding and not paid, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on this Bond as the same become due and payable.

This Bond is issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, Sections 81 and 82A of the Charter of the Issuer, and Ordinance No. __________ passed by the Mayor and City Council of the Issuer on ______________, 2025 and effective on ________________, 2025 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue hereon.

This Bond is issued in connection with the Local Government Infrastructure Financing Program of the Community Development Administration, a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). This Bond is subject to the terms and conditions of the Repayment Agreement dated as of __________, 2025, between the Issuer and the Administration (the "Repayment Agreement").

This Bond is subject to prepayment by the Issuer to the extent provided in the Repayment Agreement.

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of this Bond shall be applied in accordance with the provisions of the Repayment Agreement.

The Issuer may treat the person in whose name this Bond is registered as the absolute owner hereof, whether or not this Bond shall be overdue, for the purpose of receiving payment thereof

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and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

This Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender this Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take this Bond subject to such condition. In connection with any transfer of this Bond, the Issuer may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer and any reasonable fees or expenses of the Issuer incurred in connection with such transfer.

Principal of this Bond is paid in annual installments and this Bond is subject to partial redemption without any notation of such payment being made on this Bond or the surrender of this Bond for cancellation and the issuance of a new Bond or Bonds in the amount of the unpaid principal hereof. Accordingly, the outstanding principal of this Bond may be less than the stated face amount hereof and any purchaser or transferee of this Bond should contact the Issuer and the prior owner of this Bond to ascertain the outstanding face amount hereof.

As declared by Section 4-231(c) of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, this Bond shall have and possess all the attributes of negotiable instruments as provided in Section 19-224 of the Local Government Article of the Annotated Code of Maryland, as amended. This Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the owner of the delivery of this Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, Mayor and City Council of Cumberland has caused this Bond to be signed in its name by the manual or facsimile signature of its [Mayor] and its corporate seal to be affixed hereto and attested by the manual signature of the [City Clerk], as of ____________, 2025.

(SEAL)

ATTEST:

____
[City Clerk]

MAYOR AND CITY COUNCIL OF CUMBERLAND

By: __________________________
[Mayor]

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EXHIBIT A

BOND PAYMENT SCHEDULE

[Repayment Schedule to be Inserted.]

Each installment of Principal and Interest or Interest alone shall be the aggregate of amounts set forth in this Exhibit A for the date of such payment as shown under the heading designated "[Total]."

File Attachments for Item:

. Order 27,633 - accepting the bid from Victory Trenchless for CIP Sewer Lines on Beechwood in the amount of $105,221.34, utilizing the Buyboard pricing agreement

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

ORDER NO. **27,663** **DATE:** **March 4, 2025**

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

THAT, the proposal from Victory Trenchless, 1455 Skinners Turn Rd, Owings, MD 20736, to provide repairs to the sewer line on Beechwood be and is hereby accepted in the amount not to exceed One Hundred Five Thousand Two Hundred Twenty One Dollars and Thirty Four Cents ($105,221.34); and

BE IT FURTHER ORDERED THAT this pricing is in accordance with City Code Section 2-171(c), which pertains to purchasing cooperatives and state and local government contracts (piggyback contracts).

____
Raymond M. Morriss, Mayor

Budget:
003.399.SS5.63000

Council Agenda Summary

Meeting Date: 3/4/2025

Key Staff Contact: George Chory

Item Title:

Accept Victory Trenchless Proposal for Beechwood CIPP.

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

To accept the proposal from Victory Trenchless for CIPP Sewer Lines on Beechwood in the amount of $105,221.34. Victory Trenchless utilizes the BuyBoard pricing agreements which has competitively bid prices for CIPP related work. These prices are provided by Vortex Services.

The acceptance of this proposal will allow for the sewer line on Beechwood to be repaired in the amount of $105,221.34.

This project is budgeted with City funds.

Amount of Award: $105,221.34

Budget number: 003.399.SS5.63000

Grant, bond, etc. reference: City Funds

VORTEX services

Buyboard Contract No: 731-24

Cumberland, MD - Scope Proposal

Beechwood - 10" Scope

Location	
Segment ID	
Segments	6
Pipe Size (in.)	10
Design Thickness	3.2
CIPP Length	970

Contract Item No.	Description	Unit of Measure	Scope	TOTAL SCOPE	Unit Price	Item Total Cost
I.1C.001	Robotically Reinstated Internal reconnects on all CIPP	EA	3	3	$500.00	$ 1,500.00
I.1C.003	6"-12" CIPP Set-up Charge	LF	970	970	$45.00	$ 43,650.00
I.1C.017	Backyard Easement Setup (6" - 10")	EA	2	2	$3,125.00	$ 6,250.00
1.5A.003	Clean & CCTV Sewer - 10"	LF	970	970	$15.00	$ 14,550.00
I.20B.001	Single Lane Closure	EA	4	4	$2,500.00	$ 10,000.00
I.20E.021	(OL-10-3.6) - UV Liner - 10" x 3.6mm	LF	970	970	$29.83	$ 28,935.10
I.20E.159	(SS10) - 10" Safety Sleeve	EA	8	8	$42.03	$ 336.24
		Seg. Total:	$105,221.34		TOTAL Estimate:	$ 105,221.34

VICTORY TRENCHLESS

Date: February 20, 2025

Subject: Beechwood – 10" UV GRP CIPP Lining Proposal

To: George Chory
Superintendent of Sewer and Storm
CITY OF CUMBERLAND
57 N. Liberty Street, Cumberland, MD 21502

Attn: George Chory – george.chory@cumberlandmd.gov

George-

Victory Trenchless is pleased to submit this proposal to perform the Cured In Place Pipe (CIPP) Lining Installation work on the above mentioned project. For this work we will be utilizing our UV Cured CIPP Lining process and Saertex Lining materials. Please note that the trenchless rehabilitation work proposed will need open man-entry access points at both ends of all pipes which may include modification to existing manhole structures which are excluded from this proposal. From review of Video provided, there are two (2) point repair excavations required to perform the work to adhere to design requirements. These are not included in this proposal. Mobilization to complete the work will not be scheduled prior to Victory Trenchless representatives confirming that the existing pipes are ready to be lined and site conditions will allow access. In addition, this project is being priced utilizing Vortex Services, LLC BuyBoard Contract No. 731-24.

** See attached pricing**

Duration:

We anticipate the installation would take not more than 2 working weeks to complete with material lead time running around 6 weeks. Any non-weather related downtime caused by the client, owner, or otherwise outside of the control of Victory Trenchless will be billed at an hourly and/or daily rate to be negotiated.

Inclusions of Victory Trenchless LLC

- Mobilization to/from the job site
- Provide all labor, material and equipment necessary to install the CIPP liner.
- Cleaning of Sewer Segments prior to CIPP mobilization and installation
- Installation and CIPP Testing per provided specifications
- Maintenance of Traffic and Lane Closures as Priced

Exclusions of Victory Trenchless LLC

- Provisions for access to all relevant manholes and structures necessary for the installation of the CIPP liners. Man entry via manhole/inlet or safely excavated and shored pit will be required at all ends of all pipes the be rehabilitated.
- Cost and performance of point repairs required to properly rehabilitate system.
- Any grout required to reduce or eliminate infiltration that would inhibit lining.
- Adequate Vehicular access to all MHs as needed to install CIPP Liners

- Any/All required permits for access, water, traffic detours, inspection, etc.
- Cost of water in sufficient supply to clean segments prior to installation of CIPP liners (supply water on site).
- Environmental and sound restriction requirements.
- MBE/WBE participation and or local labor requirements.
- Pricing does not include any Wage Rate Requirements as none were provided by General Contractor.
- Bonds of any kind

Sincerely,

Michael P Chretien

Michael Chretien
General Manager

General Terms and Conditions

1. All quotations are based on examination of limited information available at the time of their preparation. If a CCTV inspection by Victory Trenchless LLC (VT)prior to installation indicates that actual conditions are found to be significantly different from those describe or if in our sole judgment, pipes are not capable of being lined by the CIPP method, we reserve the right to withdraw or modify our proposal
2. If such a modification is required, the Owner shall have the right to accept same or to cancel the Order or Contract with reimbursement for the CCTV inspection and any preparatory work performed.
3. Pre-existing Conditions: VT will not be responsible for liability, loss of expense (including damage caused by the backup of basement sewers) where the primary cause of the claim or damage is pre-existing conditions including faulty, inadequate, or defective design, construction, maintenance or repair of property or contamination of the subsurface where the condition existed prior to the start of VT's work. Customer is responsible for loss of service caused by the pre-existing condition at the jobsite.
4. Budget estimates are based on current labor and material costs. Actual timing of a project, job conditions and final specifications may require significant revisions to proposals.
5. Unless specifically stated otherwise in the proposal or contract/order conditions, cleaning of pipes prior to lining will be required and are excluded from the work in our proposal. Where cleaning is included, Owner will provide disposal site for material removed.
6. The Owner or Contractor will provide an adequate source of potable water to clean the pipe.
7. Unless specific stated otherwise we exclude point repairs of collapsed or blocked pipe sections and repairs or alterations of existing facilities.
8. It shall be the responsibility of the Owner or his agent to designate specific services or connections to be opened through a lining. Costs required for such openings are included only if and as stated in a proposal.
9. Unless specifically stated otherwise, we include pumping or flow diversion through or around sections of pipe being lined. We do not include bypassing of service connections, which shall be out of service for the duration of the lining process.
10. Unless specifically stated otherwise, we include only Workers' Compensation, General Liability and Vehicle insurance with our normal limits of coverage applying. Other insurance coverages, if required, may be obtained subject to reimbursement for premiums.
11. Unless specifically stated otherwise, measurement for payments for lining shall extend from center to center of manholes.
12. Included are CCTV inspections after lining.
13. Proposals are predicated on site conditions that are safe for performance within the requirements of OSHA and/or State and Municipal laws.
14. Sales Tax is not included.
15. Invoice for final payment will be submitted five days after completion of the work with payment due Thirty (30) Calendar Days after submission of invoice.
16. These prices are valid for Thirty (30) Days from the date of this proposal.
17. This proposal does not include any provision for the retainage being withheld at the time of completion of this contract; payment to be made in full within Thirty (30) Days.
18. Victory Trenchless LLC warranties the CIPP installation work for a year. If necessary, extended warranty can be provided at an additional price.
19. The Owner shall provide access to all the manholes and structures necessary for the installation of CIPP liner and for bypass purposes.

20. The Owner shall perform any excavations necessary for bypass, traffic control or CIPP installation purposes.

Should the Proposal and General Terms and Conditions be acceptable please have the appropriate authorized person sign below and return.

Cumberland MD	**Victory Trenchless LLC**
Date: ______________________________	Date: ______________________________
Signed: ____________________________	Signed: ____________________________
Name: _____________________________	Name: _Sean E. Merryman_____________
Title: ______________________________	Title: _President___________________

File Attachments for Item:

. Order 27,664 - authorizing appointments to the Human Relations Commission and the Administrative Appeals Board

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _27,664_ **DATE: _March 4, 2025__**

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

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

Board/Commission	***Member***	***Position***	***Term***
Human Relations Commission	Patricia Painter	Seat 3	1/1/25-1/1/28
Human Relations Commission	Renee Kniseley	Seat 4	2/1/25-2/1/28
Administrative Appeals Board	Steven Hartsock	Seat 5	1/1/25-1/1/28

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,665 - granting the City’s attorneys and the City Solicitor the authority to consent to changes to the draft of the Third Amended and Restated Tolling Agreement with CSX Transportation, Inc. which they believe to be in the best interests of the City

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. 27,665 **DATE: March 4, 2025**

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

THAT, the Mayor and City Council grant the City's attorneys and the City Solicitor the authority to consent to changes to the draft of the Third Amended and Restated Tolling Agreement with CSX Transportation, Inc. which they believe to be in the best interests of the City.

____

Raymond M. Morriss, Mayor