



MINUTES

Mayor and Council Meeting

Thursday, September 15, 2022 - 3:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

The Mayor and Council Meeting of the City of Frostburg was called to order on Thursday, September 15, 2022, at 3:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

PRESENT: Adam Ritchey, Commissioner of Public Works
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED: Donny Carter, Commissioner of Finance

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1 CALL TO ORDER

- a) *Please note that due to technical difficulties, the audio is unavailable until timestamp 8:04. Please refer to the written minutes.*
- b) Mayor Flanigan called the meeting to order at 3:00 PM.

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

- a) The Frostburg Blessing was given by Police Chief Nicholas Costello.

4 ROLL CALL

Mayor Flanigan, Commissioner Grove, Commissioner Forsythe, and Commissioner Ritchey were present. Commissioner Carter was excused.

5 APPROVAL OF THE AGENDA

Commissioner Forsythe made a motion to approve the agenda as presented. The motion was seconded by Commissioner Grove, a vote was taken, and the agenda was approved unanimously.

6 APPROVAL OF THE MINUTES

- a) Minutes from the August Council Meeting

Moved by Commissioner of Public Works Adam Ritchey, seconded by
Commissioner of Public Safety Kevin Grove

Commissioner Ritchey made a motion to approve the minutes from the August 2022 City Council meeting and September 8th Closed Meeting as presented. The motion was seconded by Commissioner Grove, a vote was taken, and the minutes were approved unanimously.

Carried

- b) Sealed Minutes and Summary of Closed Meeting on September 8, 2022

Moved by Commissioner of Public Works Adam Ritchey, seconded by
Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Sealed Minutes and Summary of Closed Meeting on September 8, 2022.

Carried

7 SPECIAL PRESENTATIONS AND REQUESTS

- a) There were no special presentations or requests for the Council's consideration.

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Monthly Reports of the City Departments; Vote of the Mayor and City Council.

Carried

9 PUBLIC HEARINGS

a) Combined Sewer Overflow Monthly Public Hearing

Public Works Director Hayden Lindsey provided an update regarding the current and upcoming phases of the ongoing Combined Sewer Overflow project. Director Lindsey indicated that Phase IX-B is projected to be completed by Winter 2022. Phase IX-C which includes work on Center Street is slated to be complete by the end of September 2022. These phases are currently underway. Phase X-A is in the design/funding phase and is expected to be put out to bid in Winter 2022 or Spring 2023.

Commissioner Ritchey requested that Director Lindsey provide an update regarding the status of the city-wide paving project. Director Lindsey indicated that the bulk of work has been completed. Commissioner Forsythe then requested an update on the status of the Columbia Gas improvements in the Armstrong Avenue neighborhood. Director Lindsey indicated that this neighborhood is slated for re-paving once the Columbia Gas repairs are complete.

10 OLD BUSINESS

There was no Old Business for discussion.

11 NEW BUSINESS

a) **RESOLUTION 2022-42** Approve American Rescue Plan Act Projects/Programs

6

- Storage building for Parks and Recreation Department
- Design for Accessible Fishing Pier at Piney Dam

Public Works Director, Hayden Lindsey, presented Resolution 2022-42 involving approval of projects proposed to be funded using American Rescue Plan Act funds.

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2022-42; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-42 Approve ARPA Projects](#)

- b) **RESOLUTION 2022-43** Approve proposal from Micro-Tech Designs, Inc. to enter into a contract for a system upgrade at the Frostburg Water Treatment Plant in the amount of \$255,367.00. 7

Public Works Director, Hayden Lindsey, presented Resolution 2022-43 involving a request to enter into a contract for a system upgrade at the Frostburg Water Treatment Plant.

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-43; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-43 Micro-Tech Designs](#)

- c) **RESOLUTION 2022-44** Award contract to Hite Roofing (Hite Associates, Inc.) in the amount of \$45,000 for the replacement of the roof at the Frostburg Water Department. 8

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-44; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-44 Hite Roofing-Wtr Dept. Roof](#)

- d) **RESOLUTION 2022-45** Approve Reimbursement and Release Agreement with Columbia Gas of Maryland, Inc. 9

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2022-45; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-45 Columbia Gas Reimburse & Release](#)

- e) **RESOLUTION 2022-46** Authorize Change Order to Design Contract with Bennett, Brewer & Associates, LLC for the Day Camp/Childcare facility A/E Services 10

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe,
seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2022-46; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-46 Change Order Day Camp](#)

- f) **RESOLUTION 2022-47** Approve proposal for Utility Rate Study services and Authorize the execution of a contract. 11

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-47; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-47 NewGen Wtr Rate Proposal](#)

12 REPORT OF THE FROSTBURG POLICE DEPARTMENT
Chief Nicholas Costello

13 REPORT OF THE FROSTBURG FIRE DEPARTMENT
Matt McMorran, Logistics Chief/PIO

14 OPEN PUBLIC COMMENT

15 ADJOURNMENT

16 Halloween Parade - Thursday, October 27
Trick or Treating - Sunday, October 30

Mayor

City Administrator

RESOLUTION 2022-42

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING CERTAIN PROJECTS AND PROGRAMS TO BE IMPLEMENTED USING THE AMERICAN RESCUE PLAN ACT FUNDS.

WHEREAS, The City of Frostburg has been allocated \$8.379 M through the State and Local Coronavirus Relief Funds as part of the American Rescue Plan Act; and,

WHEREAS, The City is to spend these funds in accordance with the Final Rule and supplementary guidelines issued by the U.S. Treasury; and,

WHEREAS, the Council will review projects and approve staff to proceed with project or program implementation in order to obligate the entirety of the funds by December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Frostburg approves the use of American Rescue Plan Act funds for the following programs and projects:

- Purchase of materials and concrete for a Storage Building for the Parks and Recreation Department
- Design of an Accessible Fishing Pier at Piney Dam, in anticipation of Garrett County Project Open Space grant funding the majority of construction costs.

ADOPTED this 15th day of September, 2022.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-43

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING A CONTRACT FOR A SYSTEM UPGRADE WITH MICRO-TECH DESIGNS, INC. TO UPGRADE THE WATER TREATMENT PLANT.

WHEREAS, the City of Frostburg owns the Frostburg Water Treatment Plant and contracts Maryland Environment Service to operate the plant; and

WHEREAS, the technology at the plant and the various controllers are antiquated and a complete system upgrade has been recommended to achieve long term operating stability while also maintaining the highest standards to prevent cyber threats; and

WHEREAS, Micro-Tech Designs, Inc., have managed the control and communication hardware and software at the Frostburg Water Treatment Plant for many years and possess a high level of familiarity with the plant.

NOW, THEREFORE, be it resolved that the Council of the City of Frostburg hereby approves a proposal with Micro-Tech Designs, Inc. in the amount of \$255,367.00 and further authorize the City Administrator or Director of Public Works to execute any and all documents related to the performance of the following work:

SCADA Computer Upgrade	\$28,839.00
Main Control Panel PLC.....	\$49,376.00
Filter Control Panel PLC	\$46,116.00
Finished Water PLC	\$32,021.00
Equalization Level Monitoring.....	\$14,783.00
Hydro PLC.....	\$21,635.00
Piney Dam PLC.....	\$43,012.00
Instrumentation/Spare Upgrade	\$19,585.00

ADOPTED this 15th day of September, 2022.

Frostburg Mayor and Council

BY 

W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-44

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND AUTHORIZING A CONTRACT FOR THE REPLACEMENT OF THE ROOF OF THE FROSTBURG WATER DEPARTMENT.

WHEREAS, The City of Frostburg's Water Department's Roof has exceeded its useful life and is leaking; and,

WHEREAS, the City of Frostburg solicited quotes from various roofing contractors and advertised on e-Maryland Marketplace Advantage and received only 2 bids; and,

WHEREAS, The Director of Public Works considered re-bidding, but based on multiple conversations with area firms, they would not submit a bid at this time, and in consultation with the Commissioner of Water, Parks and Recreation, it is recommended that the contract is approved for the sole bidder.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Frostburg, Maryland authorize the Director of Public Works to award the contract to the low bidder, Hite Roofing (Hite Associates, Inc.) in the amount of \$45,000.00 for the replacement of the Water Department roof.

ADOPTED this 15th day of September, 2022.

Frostburg Mayor and Council

BY



W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-45

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPROVING A REIMBURSEMENT AND RELEASE AGREEMENT WITH COLUMBIA GAS RELATED TO REPAVING A PORTION OF CITY STREETS.

WHEREAS, Columbia Gas has offered to pay for the paving of certain streets or a portion thereof, that were affected by the gas line replacement work during 2022 and the impact they had on the condition of the City's roadways; and,

WHEREAS, in order to receive the funds to cover the cost of paving, Columbia Gas has requested the City release Columbia Gas from future claims in the specific area.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor and Council do hereby approve a Reimbursement and Release Agreement with Columbia Gas, in which the City will be reimbursed up to \$904,973.85 for the completion of the work.

ADOPTED this 15th day of September 2022.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-46

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING CHANGE ORDER 1 FOR THE DESIGN OF THE FROSTBURG DAY CAM AND CHILD CARE FACILITY.

WHEREAS, the original design contract did not call for the design engineer to provide a complete contract bid package, advertise the bid, and assist the Director of Public Works in evaluating the bids and review contract documents as needed; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Frostburg hereby approves Change Order Number 1 with Bennett, Brewer & Associates, LLC., in the amount of \$8,600.00, for a new contract total of \$68,035.00

ADOPTED this 15th day of September 2022.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-47

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING ENTERING INTO A CONTRACT FOR THE PERFORMANCE OF A UTILITY RATE STUDY.

WHEREAS, the City of Frostburg's water, sewer, water surcharge, and sewer surcharge rates have been structured in the same manner for at least 15 years; and,

WHEREAS, the City anticipates changes in the future debt service and operating and maintenance costs for both water and sewer; and,

WHEREAS, there are several factors complicating the City's utility rate structure, including a Public Service Commission ruling affecting the water rates for City customers, outside of City customers, and the customers supplied water through County systems; and, Consent Order requirements related to Combined Sewer Overflows, and the costs for sewage treatment from the City of Cumberland, passed through from LaVale Sanitary Commission, and Allegany County Utilities; and,

WHEREAS, the need to reevaluate the utility rate structure has been recognized by the Mayor and City Council and staff issued a request for proposals accordingly; and,

WHEREAS, four competitive proposals were received and evaluated by the City staff in Finance and Administration, and the proposal was selected, in accordance with the Procurement Policy, staff have recommended a proposal that best addresses the needs of Frostburg.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Frostburg hereby accepts a proposal from NewGen Strategies and Solutions, LLC, in the estimated amount of \$44,900, and further authorizes the City Administrator to execute a contract with the firm and sign any and all related documents.

ADOPTED this 15th day of September 2022.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator