



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

AGENDA

M&CC Regular Meeting
57 N. Liberty Street, City Hall, Cumberland, MD

DATE: June 18, 2019

OPEN SESSION – 6:15 PM

I. Pledge of Allegiance

II. Roll Call

III. Statement of Closed Meeting

- 1. Summary Statement of the closed meeting of June 11, 2019

IV. Director's Reports

(A) Engineering

- 1. Engineering Department monthly report for May, 2019

(B) Public Works

- 1. Maintenance Division monthly report for May, 2019

(C) Administrative Services

- 1. Administrative Services monthly report for May, 2019

(D) Police

- 1. Police Department monthly report for May, 2019

(E) Utilities - Flood, Water, Sewer

- 1. Utilities Division - Flood/Water/Sewer monthly report for May, 2019

V. Approval of Minutes

- 1. Approval of the Executive Session Minutes of May 1, 2019, and the Regular Session Minutes of May 21, 2019

VI. New Business

(A) Orders (Consent Agenda)

- 1. Order 26,460** - adopting a revised Family and Medical Leave Policy (FMLA) to be effective this date
- 2. Order 26,461** - accepting the bid of Casey Smith LLC dba Service Pro for FY2019 Non-Residential Grass Mowing Services in the estimated unit price of \$38,400 with the option to renew for one (1) additional year upon mutual consent
- 3. Order 26,462** - accepting the bid of Casey Smith LLC dba Service Pro for the FY2019 Residential Grass Mowing Services in the estimated total unit price of \$45,460 with the option to renew for one (1) additional year upon mutual consent
- 4. Order 26,463** - authorizing the Chief of Police to execute a Project Agreement with the MD Highway Safety Office (SHA) to accept a FY20 Pedestrian Safety Grant for \$2,000 for police overtime support for the period July 1, 2019 – June 30, 2020
- 5. Order 26,464** - accepting the sole source proposal from Carl Belt, Inc., in the total estimated unit price of \$91,005 to construct upgrades to the Marbles Court at Constitution Park, funded by a Community Parks and Playground Grant
- 6. Order 26,465** - extending the contract with EBA Engineering, Inc., to December 31, 2019 (currently authorized through June 30, 2019), to provide ESRI Workforce Software services with no additional cost to the City and with no other aspects of the contract being changed
- 7. Order 26,466** - authorizing the donation of \$22,500 to the Western Maryland Scenic Railroad
- 8. Order 26,467** - authorizing payment to Allegany County Government for invoices pertaining to the Replacement of Bridge No. A-C-06 on Baltimore Street over Wills Creek Project, as Allegany County will be paying the Maryland Department of Transportation directly and seeking reimbursement from the City for its cost share portion estimated at \$34,276.39, which is 20% of the total estimated project cost of \$171,381.95
- 9. Order 26,468** - authorizing the City Solicitor to register the City's official trade name as "City of Cumberland" with the State Department of Assessments and Taxation
- 10. Order 26,469** - lifting provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the downtown mall on Sunday, July 14, 2019 from 11 a.m. until 5 p.m. to accommodate the Cumberland Pride Festival; notwithstanding that open glass containers shall not be permitted
- 11. Order 26,470** - lifting the provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the top level of the George Street Garage on Wednesday, June 19, 2019 from 7:00 - 10:00 p.m. to accommodate the Wednesday Night Welcome Party

of the Lambda Car Club International Grand Invitational; notwithstanding that open glass containers of shall not be allowed

VII. Public Comments

All public comments are limited to 5 minutes per person

VIII. Adjournment

Item Attachment Documents:

1. Summary Statement of the closed meeting of June 11, 2019

Mayor and City Council of Cumberland

Closed Session Summary

June 11, 2019 at 6:05 p.m.

Second Floor Conference Room, City Hall

On June 11, 2019, the Mayor and City Council met in closed session at 6:05 p.m. in the second floor conference room of City Hall to discuss the potential location of new businesses in the city. Authority to close the session was provided by Section 3-305 (b) (4) of the General Provisions Article of the Annotated Code of Maryland.

Persons in attendance included Mayor Raymond Morris; Council Members Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie Marchini; City Administrator Jeff Rhodes, City Solicitor Michael Cohen, City Clerk Marjorie Woodring, CEDC Executive Director Paul Kelly, and CEDC Economic Development Specialist Matt Miller

On a motion made by Council Member Marchini and seconded by Council Member Frazier, Council voted 5-0 to close the session.

No actions were voted upon and the meeting was adjourned at 6:15 p.m.



Raymond M. Morris, Mayor

Entered into the public record on _____

Item Attachment Documents:

1. Engineering Department monthly report for May, 2019

City of Cumberland, Maryland
Engineering Division - Monthly Report

| Capital Projects | | | | | | May 31, 2019 | |
|------------------|-------------|--|--|-----------------------|---|--------------|----------------|
| Order | Project No. | Project Name | Description | Phase | Comments | Updated By | Date of Update |
| 2008 | 05-08-S | Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad) | Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1). | Design | NO CHANGE This project has been complicated because of location of the sewer lines deep under the CSX Yards. The project has not been funded through MDE which will prevent us from moving forward. Engineering will continue to apply for funds and present this project at PACE until it is funded. | RLS | 5/15/2019 |
| 2010 | 01-10-WWTP | CSO Storage Facility At WWTP | CSO storage and handling facility in accordance with LTCP | Construction | Cells 1 and 2, and the lower portion of the pump house have passed the leak test and backfilling of the exterior walls in those areas has started. The only remaining wall pour if the one section of the outer wall of cell 5. Overall work is 75% complete based on contract value. | PJD | 6/10/2019 |
| 2013 | 1-13-FPM | Misc Flood Control System Concrete Repairs | Repairs to various points of FCS system per USACOE inspection | Design | NO CHANGE - Project is on hold until project 40-18-FPM can be executed due to permitting through MDE and US Army Corps of Engineers | RLS | 5/15/2019 |
| 2013 | 4-13-SWM | Avirett Development at 12313 Messick Road | Development at Messick Road, north of the proposed Chessie Federal Credit Union site. | Design | NO CHANGE - Currently not a high priority project. | PJD | 5/14/2019 |
| 2013 | 12-13-FPM | Flood Control Encroachment Tree Project | Removal of Trees along Flood Wall and Levees per requirements of US Army Corps of Engineers specifications (See also Project 2-17-FPM) | Construction | NO CHANGE Shipping Container blocking access to trees to be removed to complete project. | PTE | 6/10/2019 |
| 2014 | 04-14-WWTP | Sludge Screening Study/Design | Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to revive rags in the future. | Design | NO CHANGE Need/Benefit of the project is being reevaluated, and for now the project is on hold. Design is complete and the project will remain on this report for the time being. | RLS | 4/2/2018 |
| 2014 | 10-14-M | Amtrak Station Streetscape Improvements - Baltimore Street Rail Connection | ADA improvements to curbs and sidewalks along Baltimore Street from George Street to Chessie System Railroad Tracks. | Construction Closeout | UPDATE - Project complete, awaiting final reimbursement from SHA | JRD | 5/15/2018 |
| 2014 | 13-14-M | Mechanic Street Access Road Improvement Project | Repaving and ADA ramp improvements to the section Mechanic Street from I-68 to Bedford Street. Includes improvements to the block of Bedford Street from N. Centre to N. Mechanic Street and Baltimore Street to the Bridge. | Construction | Belt Paving began work on April 1, 2019. Estimate one has been submitted for payment. Work is progressing in the area around the Public Safety Building and on Frederick Street. Mainly full depth patching and sidewalk replacements. | KAR | 6/12/2019 |
| 2014 | 19-14-M | Greene Street Complete Street Plan | Planning Study for Greene Street | Planning | NO CHANGE - The Design Report from Alta Planning + Design was submitted and presented to the Mayor and City Council. The plan to start work on Construction Funding Applications has been delayed because of the Baltimore Street Project, which would have been competing for the same funds. This project still needs to be done and should be a priority in the future. | RLS | 6/1/2017 |

City of Cumberland, Maryland
Engineering Division - Monthly Report

| Capital Projects | | | | | | May 31, 2019 | |
|------------------|-------------|--|---|----------|---|--------------|----------------|
| Order | Project No. | Project Name | Description | Phase | Comments | Updated By | Date of Update |
| 2015 | 9-15-M | Potomac River Walk | The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA | Study | UPDATE -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC. | KAR | 5/14/2019 |
| 2015 | 18-15-S | CSO Water Quality Analysis | Base line data collection for analysis of future CSO needs after CSO Storage is on line. | Planning | UPDATE Project continues. Stream sampling ongoing on a monthly basis pre storage and post storage. Three staff were certified for sampling in April. | RJK | 5/16/2019 |
| 2015 | 19-15-M | WWTP & Collection System Asset Management Plan | Development of an Asset Management Plan | Planning | UPDATE Asset Management Program/Capital Improvement implementation. SOPs, Dashboard development and Workforce app are part of 2019 work. | RJK | 5/16/2019 |
| 2015 | 21-15-M | Washington Street Lighting | Install decorative lighting along Washington Street | Complete | First Phase of project complete. Electric Conduit has been installed. Street has been milled and paved. Reimbursement was submitted to MD for the release of State Bind Funds. | KAR | 4/11/2018 |
| 2015 | 23-15-M | Flood Insurance Rate Map (FIRM) Modernization and Implementation | Update FIRMs and the Floodplain Ordinance, and conduct an outreach to the community to apprise landowners of the impact of those changes. | Planning | NO CHANGE - The Letter of Final Determination date is now October, 2018, with a projected effective date of April, 2019. | PJD | 1/3/2019 |
| 2016 | 5-16-SWM | Gasoline and Manual Car Wash Station - Willowbrook Road | L.C. Nixon Development Company Car Wash and Gas Station development of an existing property into a Gas Station and manual car wash. | Design | NO CHANGE - Work can start as soon as the Owner desires. | PJD | 5/14/2019 |
| 2016 | 12-16-M | Baltimore Street Access Improvement - Final Design | The purpose of the New Baltimore Street Town Center project is to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall. | Design | EADS provided a preliminary construction cost estimate, as well as a letter stating their perspective on in increase in their contract value. A meeting to discuss the latter is scheduled for June 12, 2019. | PJD | 6/10/2019 |
| 2016 | 17-16-M | Stage Renovations at Liberty Street Stage | Replace wood stage with Concrete | Design | NO CHANGE - This project would be unnecessary if the Baltimore Street Access project is executed. The project will remain on this list until the Baltimore Street project moves to construction. | RLS | 5/15/2019 |
| 2016 | 18-16-BR | John J. McMullen, Bridge No. A-C-01 Repairs | Bridge Repair | Design | NO CHANGE - This project is being placed on hold due to needs at other bridges. Once Baltimore Street and Cumberland Street are replaced, this project will proceed. | RLS | 12/4/2018 |
| 2016 | 19-16-S | 78" Parallel Pipeline from Mill Race to CSO | 78" Pipeline to CSO tank in accordance with Consent Decree | Design | UPDATE - 30% design has begun with final design being completed in 2020. WRA is currently directing sub-contractors to begin the NEPA evaluation. We are also working on gaining access to the Bohrer Property in order complete NEPA related work | RLS | 6/13/2019 |

City of Cumberland, Maryland
Engineering Division - Monthly Report

| Capital Projects | | | | | | May 31, 2019 | |
|------------------|-------------|--|--|--------------|---|--------------|----------------|
| Order | Project No. | Project Name | Description | Phase | Comments | Updated By | Date of Update |
| 2017 | 2-17-FPM | Flood Control Encroachment removal Project | The City as the Local Sponsor of the Flood Control Project is expected to maintain the easements along the Flood Control Project, however the area along Wills Creek and other areas were never given any comments until the Corps of Engineers standards changed. Completion of this project is necessary to allow the City to get a Satisfactory rating on its annual Flood Control Inspections. | Planning | NO CHANGE - This project has been delayed because of other work, but must be done. A tree removal project has been bid out and a contractor selected to do the work of removing trees in the encroachment area. | RLS | 7/11/2018 |
| 2017 | 3-17-M | Route 51 Bridge 12" Waterline Replacement | Replace water line on bridge as part of SHA Bridge Deck Project | Construction | NO CHANGE - The contract for the bridge replacement has been awarded but the water line is not expected to be replaced until FY21 due to construction phasing. | RLS | 5/15/2019 |
| 2017 | 8-17-M | Baseline Water Quality Sampling Evitts Creek Water Company | Western Pennsylvania Conservancy to provide detailed technical and scientific consulting to the ECWC including: Habitat Characterization and Baseline Water Quality Sampling. | Construction | UPDATE Spring sampling took place May 21, 2019. Fall sampling will take place around October 2019. | RJK | 6/11/2019 |
| 2017 | 09-17-M | Non Residential Grass Mowing | Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others. | Construction | NO CHANGE One year extension of project will continue through FY 19 | KAR | 5/14/2019 |
| 2017 | 10-17-M | Residential Grass Mowing | Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos. | Construction | NO CHANGE One year extension of project will continue through FY 19 | KAR | 5/14/2019 |
| 2017 | 13-17-RE | Constitution Park Sound Garden | A sound garden/sound park has been proposed of Constitution Park. This would be a collection of Outdoor Musical Instruments used for recreation and education. | COMPLETE | COMPLETE - Soundgarden has been installed as of early April 2019 within the existing playground across from the amphitheater. Kathy McKenney sent the final report to the Arts Council for the Placemaking grant. Parks and Recreation is coordinating with the Allegany Arts Council for a small ribbon cutting to announce its installation. | JAT | 5/14/2019 |
| 2017 | 18-17-M | Maryland Avenue Development | This is not an Engineering Project, but included here to cover future department work with the development. | Design | NO CHANGE - The department is supporting Cumberland Gateway LLC with historical records and will review stormwater design in the future. | RLS | 5/15/2019 |
| 2017 | 19-17-M | Recycle Coach App | Smart phone app for recycling schedules | Planning | NO CHANGE App will be updated for new schedule as of July 1, 2019. Users may have to re-register. | RJK | 5/11/2019 |
| 2017 | 20-17-WFP | Return on Environment Plan | Bedford County Comp Plan - Optional localized study | Study | NO CHANGE | RJK | 5/16/2019 |
| 2017 | 21-17-PSB | Public Safety Building Underground Storage Tank Removal | Heating Oil Underground Storage Tank (UST) - Not in use/reviewing removal option | Planning | NO CHANGE | RJK | 5/16/2019 |

City of Cumberland, Maryland
Engineering Division - Monthly Report

| Capital Projects | | | | | | May 31, 2019 | |
|------------------|-------------|--|---|--------------|--|--------------|----------------|
| Order | Project No. | Project Name | Description | Phase | Comments | Updated By | Date of Update |
| 2017 | 22-17-RE | Constitution Park and Area Plan (Bike & Walking Paths) | Using MPO Funds through Allegany County this project will work to develop a plan for paths through the Park and also provide connection link to City streets, as well as the WMHS (hospital) and ACM on Willowbrook Road. | Complete | COMPLETE - Final report is complete. Parks and Recreation is working on analyzing and implementing the plan. Engineering has offered to assist when needed. | JAT | 5/14/2019 |
| 2017 | 24-17-S | Investigation of Floodwall Underdrain Leak at Valley Street Bridge | Ascertain the source of the sewage that is leaking into the floodwall under drain noted at an under drain box about 90 feet upstream of the Valley Street Bridge, and develop a plan and cost estimate to effect repairs. | Planning | NO CHANGE - No flow has been seen in manhole, waiting for Will's Creek water level to lower to reinspect. Leak appears to have been addressed by removing Burgmeier Septic. The underdrain pump has been removed and not odor is being detected. The situation will continue to be evaluated. | RLS | 5/15/2019 |
| 2017 | 29-17-UTIL | VOID See 19-15-M | VOID | | | | |
| 2017 | 30-17-WWTP | 40 CFR 441 Compliance - Dental Dischargers | Collection of 1-time compliance reports from dental offices that remove amalgam. | Planning | NO CHANGE Thirteen (13) dental offices have returned their 1-time compliance report to date. Dental offices have until July 2020 to comply with this new Federal regulation. | RJK | 5/11/2019 |
| 2017 | 31-17-W | Decatur Street 24" Crosstown Water Main Replacement | Prior to designing the water main replacement a more detailed Water Model analysis of the City's system will be done to make sure the issues are being properly addressed. Design will follow. | Design | The proposal due date has been changed to 6/12/19, based on changes in bonding requirements. | PJD | 6/10/2019 |
| 2018 | 02-18-RE | Cavanaugh Ball Field Lighting Project | Purchase and installation of new MUSCO lighting system planned for installation | Complete | COMPLETE Lights have been installed all new conduit and wire was installed. | KAR | 5/14/2019 |
| 2018 | 03-18-SWM | First People's FCU ATM Site-415 Mechanic St | Site changes involving ATM facility and addition to existing garage, as well as milling and overlaying existing paved surface. | Design | SWM Plan approved. This can be the last month for this project to be reported. | PJD | 6/8/2018 |
| 2018 | 04-18-SWM | Grand Avenue Gas Line | Columbia Gas project on Grand Avenue | Planning | Columbia Gas project | KAR | 12/12/2018 |
| 2018 | 08-18-BR | Cumberland Street Bridge Replacement | This project will replace the bridge structure. | Design | NO CHANGE - MDOT has confirmed funding and appointed a consultant for the design of the bridge. Currently waiting for MDOT to provide notice to proceed to Jacobs/EBA to begin design work. | RLS | 5/15/2019 |
| 2018 | 09-18-BR | Baltimore Street Bridge Replacement | This project will replace the bridge structure. | Design | NO CHANGE - Wilson T Ballard has begin the preliminary investigation of the project per the federal process. Design work will continue through FY20. Construction will be contingent on MDOT approval to proceed. | RLS | 5/15/2019 |
| 2018 | 21-18-WWTP | Repaint Primary Clarifier Equipment | This project includes the repainting of the primary clarifier equipment at the WWTP. The steel equipment will be prepared and painted, as well as the effluent channels. Two primary clarifiers and two thickener stations will be repaired | Construction | UPDATE - Project is at 50% completion and work will be stopped due to air temperatures. Construction has resumed and expected to be completed by the end of June | RLS | 6/13/2019 |

City of Cumberland, Maryland
Engineering Division - Monthly Report

| Capital Projects | | | | | | May 31, 2019 | |
|------------------|-------------|---|--|----------------------|---|--------------|----------------|
| Order | Project No. | Project Name | Description | Phase | Comments | Updated By | Date of Update |
| 2018 | 22-18-M | Solid Waste and Recycling Collection | Contract documents for the FY20 garbage and recycling collection bid process | Planning | UPDATE Burgmeier's Hauling will be starting new contract July 1. Recycling infor to be mailed to all trash customers June 15 (or about). Radio and Newspaper PSAs are being distributed! | RJK | 6/11/2019 |
| 2018 | 23-18-WWTP | FY 2019 MDE Energy Grant Optimization of the Aeration System at the WRF | Application through MDE for energy grants for WWTP or WFPs | Construction Bidding | UPDATE Bids Received April 24. Carl Belt to be awarded bid after MDE reviews/approvals. Still awaiting MDE approval to isseu NTP. | RJK | 6/11/2019 |

City of Cumberland, Maryland

Engineering Division - Monthly Report

| Program Projects Update | | | | | | | May 31, 2019 |
|-------------------------|----------------------------|--|--|-----------------------|---|------------|----------------|
| Order | Department | Program/Project Name | Description | Phase | Comments | Updated By | Date of Update |
| | PUBLIC WORKS | Curbside Recycling | Curbside recycling program started in the City of Cumberland July 1, 2014 | Ongoing | NO CHANGE | RJK | 11-Jun-19 |
| | PUBLIC WORKS | Solid Waste Management Board | County Board for planning and discussion of County-wide recycling and solid waste issues | Ongoing | NO CHANGE Meeting monthly. Planning and budgeting for HHW collection. Requests to WRF for \$3,000 and NEFCO for \$1,000 | RJK | 11-Jun-19 |
| | WWTP | Cumberland Pretreatment Program | City Ordinance No. 3251 regulates industrial and significant dischargers to Cumberland's sewer and POTW. There are 4 Significant Industrial Users (SIUs) permitted under this Ordinance. Program may also regulate non-significant users that pose a threat or cause problems to the system or POTW. | Regulatory | UPDATE Scheduling 2019 annual site inspections at this time. Next report due July 20, 2019. | RJK | 11-Jun-19 |
| | WWTP | POTW NPDES Permit | Requirements for compliance | Annual/As Needed | NO CHANGE - Renewal application mailed June 1, 2018. Awaiting MDE communication/site visits. | RJK | 11-Jun-19 |
| | WWTP/CSO | CSO Consent Decree Compliance Reporting | Reporting/Inspections | Semi-Annual/As Needed | UPDATE Semi Annual Report to be submitted by July 10, 2019. To include Annual Connections report. Working on report at this time. Consent Decree limits new connections to 23,000 gpd. | RJK | 11-Jun-19 |
| | Watershed | Evitts Creek Steering Committee | Cross-jurisdictional committee working on source water protection efforts. | | UPDATE Next Quarterly Meeting July 18, 2019. | RJK | 2-Jan-19 |
| | STC | Shade Tree Commission | Care of trees along city rights of way and in parks. | NA | UPDATE Spring planting delayed by weather events and other issues. | PTE | 10-Jun-19 |
| | Evitts Creek Water Company | Forest Stewardship Plan (aka Resource Management Plan) | Management of the forested property around Lakes Gordon and Koon | NA | UPDATE - Plan given to Evitts Creek Steering Committee for final approval. Plan will then go to Mayor and City Council for approval and then to PA DCNR for approval. | PTE | 14-May-19 |

Item Attachment Documents:

1. Maintenance Division monthly report for May, 2019

MAINTENANCE DIVISION REPORT
May 2019

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
MAY 2019**

- **POTHOLES AND COMPLAINTS**
 - Potholed 40 Streets & 13 Alleys using 50 tons of hot mix asphalt
- **TRAFFIC CONTROL SIGNS/STREET NAME SIGNS**
 - Installed/Repaired 44 Traffic Control Signs
 - Repaired 1 Handicap sign
 - Installed 1 Street Name Sign
 - Painted 11 curbs
- **STREET SWEEPING**
 - 540 miles
 - 53 loads
- **MISCELLANEOUS**
 - Completed 69 Work Orders
 - Cleaned Underpass, McMullen Bridge, Washington St Bridge, Fayette St Bridge, Cumberland St Bridge & Welch Ave. drainage ditch 4 times.
 - Picked up 3 dead animals
 - Deployed traffic counter @ George St Parking Garage
 - Picked up trash/discarded items on 3 occasions
 - Set up traffic control for a block party @ 400 block of Washington St
 - Set up & tear down traffic control for Allegany Prom
 - Performed emergency sink hole repairs @ 603 Pine Ave & Durham Dr
 - 2 employees attended the Roadside Tree Care Class @ New Germany State Park
 - Transported multiple items to Board of Ed. For E-Cycling
 - Hauled mulch, soil & debris for Day of Caring & Sharing
 - Completed Domino's Paving for Pizza Program blacktop repairs
 - Cleaned Municipal Center shop & lot

| STREET MAINTENANCE - MAY 2019 | | 5/1-5/3 | 5/6-5/10 | 5/13-5/17 | 5/20-5/24 | 5/28-5/31 | TOTAL |
|--|----------|---------|----------|-----------|-----------|-----------|-------|
| SERVICE REQUEST COMPLETED | | 17 | 16 | 11 | 15 | 10 | 69 |
| PAVING PERFORMED | TONS | | | | | | 0 |
| CONCRETE WORK | CY | | | | | | 0 |
| UTILITY HOLES REPAIRED | WATER | | 1 | | | | 1 |
| | SEWER | | | | 1 | | 1 |
| | CY | | 1.25 | | | | 1.25 |
| | TONS | | | | 4.5 | | 4.5 |
| POTHOLE FILLING | STREETS | 8 | 8 | 8 | 11 | 5 | 40 |
| | ALLEYS | 3 | 3 | | 2 | 5 | 13 |
| | DAYS | 3 | 3 | 3 | 2 | 3 | 14 |
| | Cold Mix | | | | | | 0 |
| | TONS | 9.5 | 13.0 | 7.0 | 9.5 | 11.0 | 50 |
| PERMANENT PATCH | CY | | | | | | 0 |
| | TONS | | 22 | | 1 | 3 | 26 |
| COMPLAINTS COMPLETED | | | | | | | 0 |
| | CY | | | | | | 0 |
| | TONS | | | | | | 0 |
| TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED | | | 34 | | 10 | | 44 |
| STREET NAME SIGNS REPAIRED/INSTALLED | | | 1 | | | | 1 |
| HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED | | | 1 | | | | 1 |
| | | | | | | | 0 |
| | | | | | | | 0 |
| PAINTING PERFORMED | BLUE | | 1 | | | | 1 |
| | YELLOW | | 1 | | 1 | | 2 |
| | RED | | 5 | | 3 | | 8 |
| PAVEMENT MARKINGS INSTALLED | No. | | 1 | | | | 1 |
| STREET CLEANING | LOADS | 5 | 13 | 10 | 17 | 8 | 53 |
| | Miles | 56 | 119 | 104 | 170 | 91 | 540 |
| SWEEPER DUMPS HAULED TO LANDFILL | TONS | 33.0 | | | | 14.0 | 41 |
| SALT BARRELS - PICK UP, FILL | DAYS | | | | | | 0 |
| CLEANED BALTIMORE ST. UNDERPASS | | 1 | 1 | | 1 | 1 | 4 |
| CLEAN SNOW EQUIPMENT | Days | | | | | | 0 |
| BRUSH REMOVAL/TREE WORK | Areas | 1 | 1 | 4 | | | 6 |
| Check Drains/Clean Debris | DAYS | | | | | 1 | 1 |
| LEAF PICK UP | Loads | | | | | | 0 |

Picked up trash/discarded furniture on 3 different occasions

Deployed traffic counter @ George St Parking Garage

Set up traffic control for a block party @ 400 block of Washington St

Performed emergency sink hole repairs @ 603 Pine Ave & Durham Dr

2 employees attended the Roadside Tree Care class @ New Germany State Park

Transported multiple items to Board of Ed. For E-Cycling

Picked up 3 dead animals

Hauled mulch, soil & debris for Day of Caring & Sharing

Setup & tear down traffic control for Allegany Prom

Completed Domino's Paving for Pizza Program blacktop patching

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
MAY 2019**

- Constitution Park and Area Parklets
 - Cleaned up garbage 3 times a week
 - Prepared pavilions & Activities Building for rentals
 - Hosted “Delabration “ event & other Sunday concerts @ Ampitheatre

- Ball Fields
 - Drug Flynn Field 3 times
 - Lined Flynn Field 17 times
 - Lined Nonneman Field 4 times
 - Lined Northcraft Field 9 times
 - Lined Galaxy Soccer Field 2 times
 - Drug Cavanaugh Field 3 times
 - Lined Cavanaugh Field 11 times
 - Drug Long Field 1 time
 - Lined Long Field 7 times
 - Lined JC Field 11 times
 - Drug Abrams Field 1 time
 - Lined Abrams Field 10 times

- Miscellaneous Work
 - Mowed parklets 11 days
 - Mowed ball fields 12 days
 - Mowed @ Mason’s Complex 5 days
 - Mowed @ Constitution Park 15 days
 - Performed basic housekeeping @ Municipal Building
 - Cleaned the Craft House & Activities Building
 - Performed preventative maintenance on trimmers & blowers
 - Prepared feed & bedding for ducks & geese @ the Duck Pond
 - Cleaned & performed preventative maintenance on Park & Rec vehicles
 - Made repairs to bathrooms @ Mason’s Complex & Constitution Park
 - Worked overtime 2 weekdays mowing & trimming @ Constitution Park for “Delabration” event
 - Worked overtime on weekends to pick up trash @ all parks & parklets
 - Hauled mulch, soil & debris for Day of Caring & Sharing

Fleet Maintenance
May 2019

| | |
|---|------------|
| Total Fleet Maintenance Projects | 161 |
| Central Services | 0 |
| Code Enforcement | 0 |
| DDC | 0 |
| Engineering | 6 |
| Fire | 11 |
| Flood | 2 |
| Municipal Parking | 2 |
| P & R Maintenance | 11 |
| Police | 45 |
| Public Works | 0 |
| Sewer | 17 |
| Snow Removal | 0 |
| Street Maintenance | 18 |
| Vehicle Maintenance | 14 |
| Water Distribution | 13 |
| Water Filtration | 0 |
| WWTP | 0 |
| Scheduled Preventive Maintenance | 20 |
| Field Service Calls | 2 |
| Total Work Orders Submitted | 51 |
| Risk Management Claims | 0 |
| Fork Lift Inspections | 0 |

Item Attachment Documents:

Administrative Services monthly report for May, 2019

Administrative Services Monthly Report for May, 2019

June 18, 2019

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of May 2019:

Management Information Systems (MIS) Department

May 2019

Statistics

294 completed help desk requests

212 open help desk requests

Activities

Major department initiatives in the past month include:

- Continued working with Community Development on new software deployment project
- Went live with new agenda/minutes system
- Continue making network changes to update our environment and improve security
- Assist with setting up new electronic cash registers for park pool and day camp
- Replace old smartphones with units that would work on AT&T FirstNET for first responders

Parks and Recreation

May 2019

Reservations for the six covered Pavilions at Constitution Park continue to be taken for the 2018 season. Rental Fees are \$ 100.00 for the Large Pavilion and \$ 75.00 for the Small Pavilion. 29 reservations were made in the month of May.

Usage of the Pavilions – Month of May– 37 pavilions reserved and used

Day of Caring and Sharing Friday May 17, 2019 – Parks & Recreation Department was able to participate by providing facilities for the program. The Constitution Park playgrounds received new mulch, the garden area within the park and cleaning the Day camp buildings and the concession building were all completed as part of the Day of Caring and Sharing. Volunteers from Rocky Gap casino, The Finan Center, Western MD. Correctional Center and the Cumberland Garden club worked at the facilities.

City Marble Tournament play was held on May 14th for Girls and Boys. Jovie Breitfeller, Flintstone Elementary won the girls championship and Lindsay Fleming was the runner up. Kodi Wright won the boy's championship and Harley Twigg, was the runner up. All four champions are eligible to participate in the 92nd National Marble tournament in Wildwood NJ, June 16 - 21, 2019. Students from the following school participated in the program: Braddock Middle School, Washington Middle School, John Humbird Elementary, Flintstone Elementary, and Northeast Elementary and West Side. The City Tournaments were attended by approximately 100 spectators and participants.

80th Season - Constitution Park Pool – The Park Pool opened Memorial Day weekend with a good attendance. The pool is scheduled to open for the season June 13, the last of school for Allegany County public schools.

Delebration - pre-Delfest Party in the Park – Event featuring “Serene Green” and “Folkenphunk” musical groups performed at the event held at Constitution Park on Wednesday May 22. Sponsored by the Recreation Advisory with funding provided by the City of Cumberland and several local sponsors. Attendance 450.

Sunday in the Park series began on May 26 with the Potomac concert Band scheduled to perform its traditional Memorial Day concert at Constitution Park Amphitheater. Inclement weather stopped the concert shortly after it began.

Seasonal Services: Amusement Park ticket sale, Park pool passes, registration and fees for the summer day camp, picnic kits and sport supplies

Baseball/ Softball League play and practices for May utilizing city fields and facilities:

Pee Wee League/ T Ball began at Long, Al Abrams and Cavanaugh
Girls Softball League at Jaycee and Northcraft, Cavanaugh field
Dapper Dan Little League Baseball at Long Field & Al Abrams
Industrial League at Mason
Co-ed League at Mason
Spring Soccer – Y league and AVID Soccer Club using fields at Mason complex
School Tennis Team at the Park Tennis Courts

Constitution Park – Park watchman began work on weekends May 6 and continued in the month of May including the Memorial Day Holiday. Park Restrooms are open and closed, and Pavilion reservations are monitored along with other activities at the park.

Day Camp Registration Applications were distributed to City and other area schools.

Meetings attended:

- Fishing Rodeo Meeting with Mike Cornachia
- Pool Staff meeting - May 19, 2019
- May Recreation Advisory Board meeting – May 13,
- Staff meetings
- Summer Lunch Program Training
- Meeting related to Park Del Fest Event
- Insurance Meeting

Upcoming:

- 71st Annual Battie Mixon Fishing Rodeo – Saturday June 1, 2019 in Oldtown MD
- Park pool daily operations to begin June 13, 2019
- Seasonal Day Camp personnel training – June 10 - 15
- Constitution Park Day Camp, Summer Lunch program,
- Summer Swimming lessons at the park pool on Monday June 17, 2019– continues for eight weeks
- Weekly Sunday in the park concert series continue
- National Marbles tournament in Wildwood NJ – Local winners will represent Cumberland, June 16-21, 2019. Renee Mahwinney-Truly will serve as coach and hold practice each evening at the Constitution Park Marble Rings.
- June Recreation Advisory Board meeting – Monday June 10
- First Movie and Swim night at the Park Pool is scheduled for Friday June 14

Continued areas of work

- Continue work related to all seasonal events programs:
Day Camp, Pool operations, Concerts and Movies, Pavilion reservations, Field reservations, Summer Lunch Program, etc.

Comptroller's Office

April & May 2019

Activity Report – April 2019

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of April 2019.

On April 1, 2019 the City had a cash balance of \$2.4 million. Disbursements exceeded receipts by \$1.1 million resulting in a cash balance of \$1.3 million at April 30, 2019.

As of April 30, 2019, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund) \$ 1,792,714

| | Beg Balance | New Billing | Collections | Bad Debt | Ending Balance |
|------------|---------------------|-------------|-------------------|-------------|---------------------|
| FY 2019 | \$ 1,316,009 | \$ - | \$ 194,866 | \$ - | \$ 1,121,143 |
| FY 2018 | 565,239 | - | 73,631 | - | 491,608 |
| FY 2017 | 184,800 | - | 112,446 | - | 72,354 |
| FY 2016 | 32,875 | - | 257 | - | 32,618 |
| FY 2015 | 29,111 | - | 79 | - | 29,032 |
| FY 2014 | 17,906 | - | 23 | - | 17,883 |
| FY 2013 | 13,723 | - | - | - | 13,723 |
| FY 2012 | 7,857 | - | 301 | - | 7,556 |
| FY 2011 | 3,482 | - | - | - | 3,482 |
| Prior FY's | 3,315 | - | - | - | 3,315 |
| | <u>\$ 2,174,317</u> | <u>\$ -</u> | <u>\$ 381,603</u> | <u>\$ -</u> | <u>\$ 1,792,714</u> |

The current year tax receivable balance is comprised of the following:

| | |
|-------------------------------------|---------------------|
| Real property (non-owner occupied) | \$ 635,444 |
| Non-Corp Personal Property | 4,751 |
| Corporate Personal Property | 76,392 |
| Real Property (semiannual payments) | 404,556 |
| Real Property (Half Year) | - |
| | <u>\$ 1,121,143</u> |

The City liquidity position continues to be strong as illustrated in the cash and investments table following table. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

Cash and Investment Summary

April 30, 2019

| | Cash | Investments |
|---------------------|--------------|---------------|
| Beginning Balance | \$ 2,397,667 | \$ 15,749,028 |
| Add: | | |
| Cash Receipts | 4,989,562 | 32,460 |
| Investment Transfer | - | - |
| Less: | | |
| Disbursements | 6,075,155 | - |
| Investment Transfer | - | - |
| Ending Balance | \$ 1,312,074 | \$ 15,781,488 |
| Restricted | \$ 317,044 | \$ 6,810 |

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects.

Restricted Cash

| | 4/1/2019 | Increase | Utilization | 4/30/2019 |
|--------------------|------------|----------|-------------|------------|
| Police Seizures | \$ 105,058 | \$ 5,274 | \$ 21,300 | \$ 89,032 |
| Bowers Trust | 80,830 | - | 7,300 | 73,530 |
| Restricted Lenders | 106,341 | - | - | 106,341 |
| Other | 52,241 | - | 4,100 | 48,141 |
| | \$ 344,470 | \$ 5,274 | \$ 32,700 | \$ 317,044 |

Restricted Investments

| | 4/1/2019 | Increase | Utilization | 4/30/2019 |
|-----|----------|----------|-------------|-----------|
| DDC | \$ 6,810 | \$ - | \$ - | \$ 6,810 |
| | \$ 6,810 | \$ - | \$ - | \$ 6,810 |

Other restricted cash in includes demolition bond deposits held and solicited donations for the Al Abrams Field, a Joe Maphis statue and for a P&R Sound Garden at Constitution Park community projects. The Sound Garden cash was utilized on the project during April. Bowers Trust funds were utilized on the Sound Garden project. The police seizure cash was utilized for tactical helmets and other police accessories/equipment.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

Capital Projects and Associated Debt:

The table below illustrates undrawn Maryland CDA bond proceeds and the accumulated debt draws and grants received associated with the ongoing Combined Sewer Overflow (CSO) projects.

Available Bond Proceeds

| | 4/1/2019 | Utilization | 4/30/2019 |
|----------|---------------------|--------------------|---------------------|
| CDA 2014 | \$ 696,158 | \$ - | 696,158 |
| CDA 2015 | 1,762,737 | \$ - | 1,762,737 |
| CDA 2017 | 155,303 | \$ - | 155,303 |
| CDA 2018 | 2,243,722 | - | 2,243,722 |
| | \$ 4,857,920 | \$ - | \$ 4,857,920 |

CSO Projects Debt Draws

| | 4/1/2019 | Utilization | 4/30/2019 |
|--------------------|----------------------|---------------------|----------------------|
| Evitts Creek Debt | \$ 143,260 | \$ - | \$ 143,260 |
| Evitts Creek Grant | - | - | - |
| WWTP Debt | 2,137,157 | 129,229 | 2,266,386 |
| WWTP Grant | 14,960,078 | 904,618 | 15,864,696 |
| | \$ 17,240,495 | \$ 1,033,847 | \$ 18,274,342 |

There were no CDA draws in April.

The Wastewater Treatment Plant (WWTP) CSO project is over 50% complete. The WWTP CSO March draw requests were for \$904K in BRF grants and \$129K in new debt. The WWTP CSO project is expected to be completed in October 2019.

The Evitts Creek CSO project is temporarily on hold as we are seeking funding to expand the project.

Activity Report – May 2019

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of May 2019.

On May 1, 2019 the City had a cash balance of \$1.3 million. Disbursements exceeded receipts by \$737K resulting in a cash balance of \$575K at May 31, 2019.

As of May 31, 2019, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)

\$ 1,719,807

| | Beg Balance | New Billing | Collections | Bad Debt | Ending Balance |
|------------|---------------------|-------------|------------------|-------------|---------------------|
| FY 2019 | \$ 1,121,143 | \$ - | \$ 49,658 | \$ - | \$ 1,071,485 |
| FY 2018 | 491,608 | - | 21,841 | - | 469,767 |
| FY 2017 | 72,354 | - | 1,398 | - | 70,956 |
| FY 2016 | 32,618 | - | 10 | - | 32,608 |
| FY 2015 | 29,032 | - | - | - | 29,032 |
| FY 2014 | 17,883 | - | - | - | 17,883 |
| FY 2013 | 13,723 | - | - | - | 13,723 |
| FY 2012 | 7,556 | - | - | - | 7,556 |
| FY 2011 | 3,482 | - | - | - | 3,482 |
| Prior FY's | 3,315 | - | - | - | 3,315 |
| | <u>\$ 1,792,714</u> | <u>\$ -</u> | <u>\$ 72,907</u> | <u>\$ -</u> | <u>\$ 1,719,807</u> |

The current year tax receivable balance is comprised of the following:

| | |
|-------------------------------------|---------------------|
| Real property (non-owner occupied) | \$ 607,767 |
| Non-Corp Personal Property | 2,640 |
| Corporate Personal Property | 82,523 |
| Real Property (semiannual payments) | 378,555 |
| Real Property (Half Year) | - |
| | <u>\$ 1,071,485</u> |

The City liquidity position continues to be strong as illustrated in the cash and investments table following table. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

Cash and Investment Summary**May 31, 2019**

| | Cash | Investments |
|---------------------|--------------|---------------|
| Beginning Balance | \$ 1,312,074 | \$ 15,781,488 |
| Add: | | |
| Cash Receipts | 7,505,156 | 31,601 |
| Investment Transfer | - | - |
| Less: | | |
| Disbursements | 8,242,066 | - |
| Investment Transfer | - | - |
| Ending Balance | \$ 575,164 | \$ 15,813,089 |
| Restricted | \$ 336,312 | \$ 6,810 |

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects.

Restricted Cash

| | 5/1/2019 | Increase | Utilization | 5/31/2019 |
|--------------------|------------|-----------|-------------|------------|
| Police Seizures | \$ 89,032 | \$ - | \$ - | \$ 89,032 |
| Bowers Trust | 73,530 | 19,268 | - | 92,798 |
| Restricted Lenders | 106,341 | - | - | 106,341 |
| Other | 48,141 | - | - | 48,141 |
| | \$ 317,044 | \$ 19,268 | \$ - | \$ 336,312 |

Restricted Investments

| | 5/1/2019 | Increase | Utilization | 5/31/2019 |
|-----|----------|----------|-------------|-----------|
| DDC | \$ 6,810 | \$ 40 | \$ - | \$ 6,850 |
| | \$ 6,810 | \$ 40 | \$ - | \$ 6,850 |

Other restricted cash includes demolition bond deposits held and solicited donations for the Al Abrams Field, and the Joe Maphis statute projects. We received a Bowers' Trust disbursement of \$19,268 in May.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

Capital Projects and Associated Debt:

The table below illustrates undrawn Maryland CDA bond proceeds and the accumulated debt draws and grants received associated with the ongoing Combined Sewer Overflow (CSO) projects.

Available Bond Proceeds

| | 5/1/2019 | Utilization | 5/31/2019 |
|----------|--------------|--------------|--------------|
| CDA 2014 | \$ 696,158 | \$ (120,516) | 575,642 |
| CDA 2015 | 1,762,737 | \$ - | 1,762,737 |
| CDA 2017 | 155,303 | \$ (33,549) | 121,754 |
| CDA 2018 | 2,243,722 | - | 2,243,722 |
| | \$ 4,857,920 | \$ (154,065) | \$ 4,703,855 |

CSO Projects Debt Draws

| | 5/1/2019 | Utilization | 5/31/2019 |
|--------------------|---------------|-------------|---------------|
| Evitts Creek Debt | \$ 143,260 | \$ - | \$ 143,260 |
| Evitts Creek Grant | - | - | - |
| WWTP Debt | 2,266,386 | 120,516 | 2,386,902 |
| WWTP Grant | 15,864,696 | 843,611 | 16,708,307 |
| | \$ 18,274,342 | \$ 964,127 | \$ 19,238,469 |

There were no CDA draws in April.

The Wastewater Treatment Plant (WWTP) CSO project is over 50% complete. The WWTP CSO May draw requests were for \$844K in BRF grants and \$121K in new debt. The WWTP CSO project is expected to be completed in October 2019.

The Evitts Creek CSO project is temporarily on hold as we are seeking funding to expand the project.

Respectfully submitted,

Jeff Rhodes
City Administrator

Item Attachment Documents:

1. Police Department monthly report for May, 2019



City of Cumberland Department of Police

Monthly Report

May 2019



City of Cumberland Department of Police

Monthly Report

May 2019

Part 1 Crimes for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|---------------------|------|------|----------------|------|------|-----------------|------|------|------|------|------|
| Aggravated Assaults | 11 | 8 | B & E (All) | 28 | 25 | Murder | 0 | 0 | Rape | 2 | 2 |
| Robbery | 4 | 0 | Theft - Felony | 3 | 1 | Theft - Vehicle | 3 | 3 | | | |

Selected Criminal Complaints for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|---------------------|------|------|-------------------|------|------|-------------------|------|------|-----------------|------|------|
| Theft - Misdemeanor | 40 | 27 | Theft - Petty | 30 | 29 | Domestic Assaults | 45 | 26 | CDS | 87 | 62 |
| Disturbances | 185 | 211 | DOP/Vandalism | 26 | 28 | Indecent Exposure | 2 | 5 | Sex Off - Other | 10 | 1 |
| Suicide | 1 | 0 | Suicide - Attmpt. | 1 | 0 | Tampering M/V | 0 | 0 | Abuse - Child | 1 | 3 |
| Trespassing | 19 | 19 | Assault on Police | 3 | 4 | Assault Other | 35 | 34 | | | |

Selected Miscellaneous Incidents for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|--------------------|------|------|------------------|------|------|-----------------|------|------|---------------------|------|------|
| Alcohol Violations | 3 | 8 | Juvenile Compl. | 14 | 19 | Missing Persons | 10 | 1 | School Resource | 122 | 115 |
| School Threat | 0 | 2 | Sex Off. Regist. | 11 | 11 | Truancy | 6 | 16 | Death Investigation | 7 | 7 |

Selected Traffic Incidents for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|-----|------|------|-----------|------|------|-----------|------|------|--------------|------|------|
| DWI | 9 | 15 | Hit & Run | 29 | 19 | M/V Crash | 70 | 72 | Traffic Stop | 252 | 522 |

Selected Service Calls for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|---------------------|------|------|-----------------|------|------|------------------|------|------|---------------------|------|------|
| Alarms | 72 | 46 | Assist Motorist | 37 | 40 | Check Well-Being | 112 | 118 | Foot Patrol | 58 | 81 |
| Assist Other Agency | 65 | 61 | Bike Patrol | 11 | 7 | Special Events | 22 | 16 | Suspicious Activity | 89 | 74 |

Arrests Totals for the Month

| | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 | | 2018 | 2019 |
|---------------|------|------|--------------|------|------|----------------|------|------|-------------------|------|------|
| M/V Citations | 50 | 99 | M/V Warnings | 192 | 427 | Adult Criminal | 194 | 180 | Juvenile Criminal | 21 | 38 |

Total Incidents Reported : **2018 2019**
2,541 2,715


Charles Hinnant - Chief of Police

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

MAY 2019

SWORN PERSONNEL: 47 SWORN OFFICERS

| | |
|-----------------|------------|
| Administration | 5 officers |
| Squad D1 | 7 officers |
| Squad N1 | 8 officers |
| Squad D2 | 8 officers |
| Squad N2 | 7 officers |
| C3I/C3IN | 5 officers |
| School Resource | 2 officers |
| Academy | 3 officers |
| Military leave | 2 officers |

CIVILIAN EMPLOYEES: 7 full time, 11 part time

| | |
|--------------------------|----------------|
| CPD Office Associate | 1 full time |
| CPD Records Clerk | 1 full time |
| Safe Streets Coordinator | 1 full time* |
| CPD Patrol Assistant | 1 full time |
| CPD Crime Analyst | 1 full time* |
| CPD Drug Coordinator | 1 full time* |
| CPD Maintenance | 1 part time |
| C3I Office Associate | vacant |
| C3IN Office Associate | 1 part time** |
| C3I Office Associate | 1 part time ** |
| MPA Supervisor | 1 part time |
| Parking Meter Supervisor | 1 full time |
| Parking Enforcement | 2 part time |
| MPA Garage Attendants | 2 part time |
| Code Enforcement | 3 part time |

* = Grant funded

** = Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 1219 HOURS
COMP TIME USED: 149 HOURS
SICK TIME USED: 120 HOURS

YEAR TO DATE (beginning 7/1/18): 9317 HOURS
YEAR TO DATE (beginning 7/1/18): 2426 HOURS
YEAR TO DATE (beginning 7/1/18): 1557 HOURS

OVERTIME REPORT

OVERTIME WORKED: 173 HOURS
HOSPITAL SECURITY: 193 HOURS
COURT TIME WORKED: 146 HOURS

YEAR TO DATE (beginning 7/1/18): 3455 HOURS
YEAR TO DATE (beginning 7/1/18): 1499 HOURS
YEAR TO DATE (beginning 7/1/18): 2153 HOURS

TRAINING

49 officers trained during 13 different sessions for a total of 296 hours

Item Attachment Documents:

1. Utilities Division - Flood/Water/Sewer monthly report for May, 2019

| Utilities Division Activity Report for May 19 WATER | | | | | |
|---|-------------|-------------|-------------|-------------|----------------|
| REQUEST | W/E 5/10/19 | W/E 5/17/19 | W/E 5/24/19 | W/E 5/31/19 | MONTHLY TOTALS |
| Service Technicians | | | | | |
| NON READS/Go backs | 81 | 30 | 19 | 34 | 164 |
| VACANT Accounts report | | | | | 0 |
| FINAL READS/TURN ONS/SHUT OFFS | 3 | | | | 3 |
| CURB/METER BOX MAINTENANCE | | | | | 0 |
| LEAK INVESTIGATIONS/turn off-on | 8 | 3 | 2 | 2 | 15 |
| METER/STOP INVESTIGATIONS | 3 | 13 | 7 | 4 | 27 |
| REPAIR WIRING/GET READING | | 1 | | | 1 |
| ORANGE TAG FOR REPAIRS | 26 | 13 | 11 | 8 | 58 |
| YELLOW TAG FOR H/L USAGE/APPT | | | 1 | | 1 |
| RED/PINK TAG FOR SHUT OFF | | | 1 | | 1 |
| TURN WATER ON | 22 | 37 | 45 | 25 | 129 |
| TURN WATER OFF | | 1 | | 21 | 22 |
| NONPMT/BAD CK/AGREE SHUT OFFS | | 32 | 48 | | 80 |
| SHUT OFF RECCECKS | | 79 | 68 | | 147 |
| PULL METERS - READS/SPAC/WR OFF | 1 | 1 | 4 | 1 | 7 |
| PUT METERS BACK ON LINE/READS | | | | | 0 |
| REPLACE/REPAIR METER/LID/VALVE | | | | 1 | 1 |
| DIRTY WATER/ODOR | | | | | 0 |
| SVC SEPARATIONS/INVESTIGATIONS | | | 1 | | 1 |
| INSTALL COUPLERS/PLUGS/LOCK | | 1 | 2 | | 3 |
| NEW METER/DIAL | 9 | 2 | 3 | 2 | 16 |
| METER FIELD TESTS-Residential | 1 | | | | 1 |
| METER TESTS - Industrial | | | | | 0 |
| Ind - Register/Chamber Chg Out | | 1 | 1 | | 2 |
| Industrial - Chamber Cleaning | | | | | 0 |
| Industrial - Strainer Cleaning | | | | | 0 |
| HYDRANTS FLUSHED | | | | 1 | 1 |
| PRESSURE CHECK/NO WATER | | | | | 0 |
| MOVE METERS OUTSIDE/READINGS | | 4 | 11 | 7 | 22 |
| SP Change Outs/Repairs/Reactivates/Move | 22 | 8 | 17 | 10 | 57 |
| Replace/Reattach smartpoint antenna | 1 | | | | 1 |
| INSULATE METER BOXES | | | | | 0 |
| FREEZE UPS/METERS & LINES | | | | | 0 |
| CCP - BACKFLOW/RETRO | 2 | 4 | 11 | 7 | 24 |
| HYDRANT/IRRIGATION METER | | | | | 0 |
| Total | | | | | 784 |
| Pipe Technicians | | | | | |
| LINE LOCATOR | 160 | 58 | 122 | 61 | 401 |
| TAPS SERVICED | 19 | 4 | 13 | 10 | 46 |
| LEAKS REPAIRED | 2 | 3 | 1 | 2 | 8 |
| KING @ LEXINGTON - PREP FOR HYD VALVE | 3 | | | | 3 |
| INSTALLED 4" VALVE ON HYD/KING@LEX | 3 | | | | 3 |
| CLEANED AROUND & BACKFILLED HYD/KING | 3 | | | | 3 |
| CUT OFF SERVICE - 206 POTOMAC ST | 3 | | | | 3 |
| SPRING HYDRANT FLUSHING | 2 | | 2 | 2 | 8 |
| TOPSOILED 518 REGINA | | 2 | | | 2 |
| SAW CUT 1315 BEDFORD FOR TAP ON THURS | | 2 | | | 2 |
| KENT AVE - TOOK VALVE BOX TO SHAFFER | | 2 | | | 2 |
| GREASED & REPLACED BEARINGS - 2 HYDS | | 2 | | | 2 |
| GREASED & REPLACED BEARINGS- Cleveland | | 2 | | | 2 |
| REPAIRED HYD HIT BY CAR/BALT & WAVERLY | | | 2 | | 2 |
| GREASED HYD-REPLACED BEARING/CAMDEN | | | 2 | | 2 |
| GREASED HYD-REPLACED BEARING/ADAMS | | | 2 | | 2 |
| GREASED & REPAIRED HYD #260 | | | 4 | | 4 |
| GREASED HYD-REPLACED BEARING/CENTRE | | | 3 | | 3 |
| 15 N CENTRE - SET HYD HIT BY VEHICLE | | | 2 | | 2 |
| REPLACED CAP ON HYD - 112 CENTRE ST | | | 2 | | 2 |
| RESET HYD THAT WAS HIT - PENN & 4TH | | | | 2 | 2 |
| MARKED LINES ON FAYETTE ST | | | | 2 | 2 |
| | | | | | 0 |
| | | | | | 0 |
| | | | | | 0 |

| Watershed | | | | | |
|---|--|--|--|--|------|
| Line Locating training | | | | | |
| Went over 36" mains on iPad - stopped by Engineering to go over map & have some things changed | | | | | |
| Cut trees from water & fire lines (several days) | | | | | |
| Weedeated water & fire lines | | | | | |
| Placed blue post on valve & marked with paint | | | | | |
| Replaced side board on 320 | | | | | |
| Lowered valve boxes on Cherrywood & Nemacolin and Bishop Walsh & Nemacolin | | | | | |
| Line locate - Mass Ave @ Industrial Blvd | | | | | |
| Investigated 400 block of Independence St - 24" water main | | | | | |
| Had meeting with Tim Murphy @ Ridgeley regarding crane truck | | | | | |
| 448 Seymour St - fixed valve box | | | | | |
| Investigated leak on Eastman Road | | | | | |
| Worked on leak on Harrison St | | | | | |
| Mowed inside plant | | | | | |
| Performed truck maintenance | | | | | |
| Set two air conditioning units on Public Works building | | | | | |
| Removed trees off Eastman Rd water line and around old stop to fix leak and install meter box | | | | | |
| Mowing at plant | | | | | |
| 11514 Bedford Rd - Vactored down on locate to expose line - could not find | | | | | |
| Moved in equipment to excavate job - backfilled & hauled in stone | | | | | |
| 11514 Bedford Rd - Excavated hole for 4" tap & installed tapping saddle & 4" valve | | | | | |
| Made 4" tap on 12" main - Skewers/Bedford Rd (started backfilling) | | | | | |
| Skewers - Ran 4" pipe to parking lot & backfilled | | | | | |
| Worked on leak- Frederick St | | | | | |
| Picked up cold mix at Keystone Lime | | | | | |
| Flushed hydrants to remove air from lines | | | | | |
| Line Locates - Eastman Rd & Dehaven Rd | | | | | |
| 502 Warren - House electric was ground to water line. Cut in new meter & transformer blew in AC unit/Replaced transformer | | | | | |
| Hauled stumps & backfilled meter box/ Eastman Rd | | | | | |
| Took backhoe back to dam | | | | | |
| | | | | | |
| Projects | | | | | |
| Projects - | | | | | 0 |
| GRAND TOTAL | | | | | 1290 |

May 2019 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates
Check sewage regulators
Run gate operators
Safety meeting
Take out gate operator on Rt. 28 levee for repairs (5-17-19)
Put gate operator back in service (5-30-19)
Corps. Inspection
Start of mowing season

SEWER BRANCH

| | |
|-------------------------------|----------------------------------|
| Calls answered | 7 |
| Service lines opened | 0 |
| Owner's trouble | 7 |
| Traced lines/main | 391 |
| Mains Repairs/ Replace | 0 |
| Sewer taps installed/replaced | 0 |
| Cleaned catch basins | 19 |
| Cleanouts installed | 1 |
| Televised sewer mains | 1,290 FEET |
| Televised sewer lines | 0 |
| Call outs/ overtime | 11 callouts/ 30.5 hours overtime |

| | |
|---|-------------|
| Weekly check of overflows, pits | 5 |
| Catch basin repair/rebuild | 3 |
| Flushed mains | 630 Feet |
| Gallons of water used | 5,000 Gals. |
| 608 Flush truck | 1,000 Gals. |
| 605 Vac-con truck | 4,000 Gals. |
| Fairview @ Valley St. catch basin repair/rebuild | |
| Smith St. catch basin repair in alley | |
| 326 Valley St. installed cleanout repair service line to main | |
| 518 Conrad Ave. repair sewer tap and replace storm line | |
| Windsor Rd. @ Circus repair inlet reset grate | |
| Wills Creek Ave. @ Karns Ave. replace storm pipe | |
| Clean drains at service center | |
| Leaf pick up at part for park and rec. | |
| Hydro 8 sites for water | |
| Hydro 2 sites for sewer | |
| Closed out 16 work orders | |
| Safety meeting | |

Item Attachment Documents:

1. Approval of the Executive Session Minutes of May 1, 2019, and the Regular Session Minutes of May 21, 2019



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

MINUTES

Regular Meeting
City Hall Council Chambers

DATE: May 21, 2019

I. 6:15 P.M. - Convene in Open Session

II. Pledge of Allegiance

III. Roll Call

PRESENT

Mayor Raymond M. Morriss
Councilman Seth Bernard
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini
Councilman Richard J. "Rock" Cioni

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Marjorie Woodring, City Clerk;
Police Lieutenant Rocky Reed; Fire Chief Donald Dunn

IV. Statement of Closed Meeting

1. Summary Statement of Closed Meeting held May 14, 2019

Mayor Morriss announced that a Closed Session had been held on May 14, 2019 at 4:30 p.m. and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

V. Presentations

1. Comments to be received from Burgmeier's Hauling on the City's trash and recycling program.

Due to unforeseen circumstances, Burgmeier's Hauling will reschedule their Mayor and City Council Meeting discussion at a later date.

VI. Director's Reports

A. Administrative Services

1. Administrative Services monthly report for April, 2019

B. Engineering

1. Engineering Division monthly report for April, 2019

C. Fire

1. Fire Department monthly report for April, 2019

D. Utilities - Flood, Water, Sewer

1. Utilities Division (water / flood / sewer) monthly report for April, 2019

Motion to approve the reports was made by Councilman Bernard, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

VII. Approval of Minutes

1. Approval of the Regular Session Minutes of March 5, April 2, and April 16, 2019

Motion made by Councilman Cioni, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

VIII. Public Hearings

1. Public Hearing to receive comment regarding the City's intent to not adopt the State's recommended Constant Yield Tax Rate and instead hold to the City's current real property tax rate of \$1.0595 per \$100 of assessed value

Convened: 6:21 p.m.

Mr. Rhodes provided background on the yearly Constant Yield Rate Hearing and discussed the City's decision to hold to the current real property tax rate and not adopt the State's recommended rate. He advised that the City is not changing the tax rate, but there is a projection that they may see more revenue because of it.

Mayor Morriss opened up the floor for comments. Greg Larry, Cumberland Times-News, asked if the rate was suggested by the State. Rhodes confirmed, saying it was an estimate based on the assessed value.

Mayor Morriss noted that some people will see their taxes go up, or down, as their assessment goes up or down.

Adjourned: 6:24 p.m.

2. Public Hearing to receive comment on the proposed Zoning Map Amendment (ZMA #12-04) requested by First Peoples Community FCU to rezone six (6) parcels of land at the intersection of Elm Street and Spring Street from Urban Residential (R-U) to Business Commercial (B-C) to allow for the construction of a free-standing, single story credit union building with drive through

Convened: 6:24 p.m.

Mr. Rhodes provided background on First Peoples FCU's rezoning request and provided an aerial snapshot of the area, adding that the Planning Commission has already heard the request and had recommended approval to the Mayor and Council. He added that First Peoples had acquired the land and done their own demolition, and said that in response to some concern over increased traffic in the area, it will be monitored and any adjustments needed will be made.

Mayor Morriss opened up the floor for questions. Being none, the Hearing was closed.

Adjourned: 6:28 p.m.

IX. New Business

(A) Resolutions

Resolution No. R2019-02 - approving the application and receipt of financing for 2019 Community Legacy Projects

Mr. Rhodes reviewed the projects presented by Community Development Program Manager Kathy McKenney at the last Mayor and Council meeting.

- Centre City Parking Garage Improvements
- YMCA De-humidification Project
- Neighborhoods Matter Program in the Historic Districts

Motion made by Councilwoman Marchini, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

(B) Ordinances

Mr. Rhodes reviewed each Ordinance prior to vote, and Mayor Morriss noted that several work sessions had been held prior to this meeting and the Mayor and Council had reviewed and discussed these numbers thoroughly.

Ordinance No. 3848 (1st reading) - providing for the City Tax Levy for FY20 (Real Estate 1.0595 per \$100 of assessed value / Personal Property 2.648 per \$100 of assessed value)

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilman Frazier.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3849 (*1st reading*) - proving for the annual appropriation for the General Fund for FY20

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3850 (*1st reading*) - providing for the annual appropriation for the Water Fund for FY20

The Ordinance was presented in title only for its first reading.

Mr. Rhodes answered questions about the Decatur Street water line study, saying it concluded that the water line deterioration was due to age, stress and strain on the line, and it needs replaced. He added that due to pressure problems new valves have been put in prior to the line replacement.

Motion made by Councilman Cioni, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3851 (*1st reading*) - providing for the annual appropriation for the FY20 Sewer Fund

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3852 (*1st reading*) - providing for the annual appropriation for the Special Purpose Funds for FY20

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Frazier, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3853 (*1st reading*) - to repeal and reenact, with amendments, Section 24-86 of the City Code to provide for a water rate increase, effective July 1, 2019

The Ordinance was presented in title only for its first reading.

Mr. Rhodes explained that this is the 2nd year of the was agreed to last year, which was three 5% increases over the next three years rather than one large increase, and provided comparisons of rates in surrounding communities.

Motion made by Councilman Cioni, Seconded by Councilman Frazier.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3854(*1st reading*) - to repeal and reenact Section 21-8.1(a) of the City Code to provide new rates for refuse collection effective July 1, 2019

The Ordinance was presented in title only for its first reading.

Mr. Rhodes advised that the trash service for the City was recently bid out, with Burgmeier's Hauling being selected again this year. He advised that there is a cost increase of \$4.02 per month, which is fixed for 3 years, and provided comparisons with other communities.

Motion made by Councilman Cioni, Seconded by Councilman Bernard.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Ordinance No. 3855 (*1st reading*) - to repeal and reenact with amendments Section 17-26 and 17-27 of the City Code regarding establishment of the Planning and Zoning Commission to correct references to the Annotated Code, clarify the role of the members, provide for an alternate member, include a residency requirement, and incorporate statutory provisions regarding removal of members

The Ordinance was presented in title only for its first reading.

Mr. Rhodes advised that other than the fact that they the change is providing for an alternate voting member at the request of the Planning Commission, this is a housekeeping matter to make it read the way the State Code reads.

Motion made by Councilman Frazier, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

(C) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Morriss called for questions or comments.

Motion made by Councilwoman Marchini, Seconded by Councilman Frazier.
Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

Order No. 26,450 - accepting the sole source proposal from Gwin Dobson & Foreman to provide construction phase engineering services associated with the Water Reclamation Facility Aeration Blower Replacement Project (23-18-WWTP) for the estimated lump sum fee of \$38,950

Order No. 26,451 - authorizing execution of a Cellular Tower Ground Lease Agreement with Shenandoah Mobile, LLC regarding their use of a parcel of land in Constitution Park and granting certain easements for the installation of a communications tower for an initial term of five (5) years, subject to four (4) renewal periods of five (5) years each; yearly rent of \$12,000 subject to annual adjustments; and being contingent upon approval of the Board of Zoning Appeals and obtaining necessary building permits and other government approvals

Mr. Rhodes answered questions regarding the revenue generated by the cell tower, stating that it possibly could be directed to Parks and Recreation improvements, and adding that if the Mayor and Council wanted to consider that, they didn't have to answer right now.

Order No. 26,452 - authorizing execution of a Donation Agreement with Millard D. Robertson (Donor) regarding property at 101 North Cedar Street (Tax Acct. No. 04-006852 / Allegany County Land Records Book 548, page 539), authorizing acceptance of the deed, allowing for the extension of the closing date if necessary, and authorizing the City Administrator and City Solicitor to sign documents necessary for the transfer

Order No. 26,453 - reappointing Thomas Farrell to the Zoning Board of Appeals for a three-year term that will be effective retroactive to January 15, 2019 and continuing through January 15, 2022

Order No. 26,454 - authorizing the Chief of Police to accept a State Aid for Police Protection (SAPP) Fund Grant for FY20 in the amount of \$493,136 for the period 7/1/19 – 6/30/20 to be used to provide adequate police protection in the city of Cumberland

Order No. 26,455 - lifting the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," in Constitution Park from 5 PM until 10PM on Wednesday, May 22, 2019 to accommodate the Pre Del-Fest event in the park; notwithstanding that open glass containers shall not be permitted

Kenneth Wilmot expressed his disagreement with having alcohol allowed in Constitution Park. The Mayor and Council explained that it was only one day from 5:00 pm to 10:00 pm, and there will be police presence.

X. Letters / Petitions

1. Letter from the City Clerk advising that the petition period for Charter Amendment Resolution Nos. 145, 146, and 147 have passed and no petitions for referendum were filed, therefore each Charter Amendment became effective the 24th day of April, 2019

The Mayor and Council provided a consensus.

2. Letter from the South Cumberland Library requesting permission to close a portion of First Street in front of the Library's main entrance and parking lot from 4 PM - 8 PM on June 20, 2019 for a community block party. The Police, Fire, and Public Works Departments have reviewed this request and have expressed no concerns with regard to the event.

The Mayor and Council provided a consensus for the event.

XI Public Comments

All public comments are limited to 5 minutes per person.

Nick Gelles, 317 Pearl Street, expressed his displeasure and concern with the ongoing situation on Pine Avenue.

Terry Murphy, 706 Washington Street, asked for an update on the West Side bridges issue. Mayor Morriss advised that the City is waiting for engineering reports and will get in touch with the Washington Street Association when they are available to be reviewed.

Mr. Rhodes expressed his thanks to City Comptroller Ken Tressler for his efforts on the budget, saying his work is instrumental in putting the numbers together and evaluating the City's alternatives. Mayor Morriss offered his appreciation of Ken's clear explanation of the budget process.

XII. Adjournment

With no further business at hand, the meeting adjourned at 7:06 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk

Mayor and City Council of Cumberland

Closed Session Minutes

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

Second Floor Conference Room

Wednesday, May 1, 5:45 p.m.

The Mayor and City Council convened in open session at 5:45 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b)(4) of the General Provisions Article of the Annotated Code of Maryland to discuss proposals for the development of the East Side School site.

MOTION: Motion to enter into closed session was made by Councilman Bernard, seconded by Councilwoman Marchini, and was passed on a vote of 3-0.

PRESENT: Raymond M. Morriss, President; Council Members Seth Bernard and Laurie Marchini

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Marjorie Woodring, City Clerk; Paul Kelly, Executive Director of the CEDC; Matt Miller, Economic Development Specialist

Item Attachment Documents:

1. **ORDER 26,460** - adopting a revised Family and Medical Leave Policy (FMLA) to be effective this date

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

ORDER NO. _____

DATE: June 18, 2019

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

THAT, the attached and revised Family and Medical Leave Policy, dated June 18, 2019, be and is hereby adopted and effective this date and shall replace the previous policy adopted February 29, 2000.

Raymond M. Morriss, Mayor

FAMILY AND MEDICAL LEAVE POLICY

Revised June 18, 2019

1. PURPOSE

The purpose of this Family and Medical Leave Policy is to define the City of Cumberland's policies and procedures with regard to family and medical leave under the Family and Medical Leave Act ("FMLA").

Employees who have been employed for at least one (1) year, and for at least 1,250 hours during the preceding twelve (12)-month period are eligible for family and medical leave.

Family or medical leave will consist of appropriate accrued paid leave and unpaid leave. If leave is requested for an employee's own *serious health condition*, the employee shall use all of his or her accrued paid vacation leave, sick and safe leave, sick leave or personal leave, if leave is requested for any of the other reasons listed below, an employee shall use all of his or her accrued paid vacation or personal leave before using sick and safe leave and sick leave. The remainder of the leave period will then consist of unpaid leave.

2. DEFINITIONS

The terms set forth below are defined as follows:

Continuing treatment by a health care provider: A period of *incapacity* of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of *incapacity* relating to the same condition, that also involves:

- (a) Treatment two (2) or more times, within thirty (30) days of the first day of *incapacity*, unless extenuating circumstances exist, by a *health care provider*, by a nurse under direct supervision of a *health care provider*, or by a *provider of health care services* (e.g., physical therapist) under orders of, or on referral by, a *health care provider*; or
- (b) Treatment by a *health care provider* on at least one (1) occasion, which results in a regimen of continuing treatment under the supervision of the *health care provider*.
- (c) The requirement in paragraphs (a) and (b) of this definition for *treatment by a health care provider* means an in-person visit to a *health care provider*. The first in-person treatment visit must take place within seven (7) days of the first day of *incapacity*.
- (d) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30)-day period shall be determined by the *health care provider*.
- (e) The term *extenuating circumstances* in paragraph (a) means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the *health care provider*. Whether a given set of circumstances are extenuating depends on the facts.

Essential Functions: The basic job duties an employee must be able to perform, with or without reasonable accommodation. Factors to consider in determining if a function is essential include:

- (a) whether the reason the position exists is to perform that function;
- (b) the number of other employees available to perform the function or among whom the performance of the function can be distributed; and
- (c) the degree of expertise or skill required to perform the function.

Written job descriptions shall be considered as evidence of *essential functions*. Other kinds of evidence include:

- (a) the actual work experience of present or past employees in the job,
- (b) the time spent performing a function,
- (c) the consequences of not requiring that an employee perform a function, and
- (d) the terms of a collective bargaining agreement.

Health Care Provider:

- (a) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or
- (b) *others capable of providing health care services.*

Incapacity: Inability to work, attend school or perform other regular daily activities due to the *serious health condition*, treatment therefore, or recovery therefrom.

Intermittent leave: FMLA leave taken in separate blocks of time due to a single qualifying reason.

Others capable of providing health care services includes:

- (a) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;
- (b) Nurse practitioners, nurse-midwives, clinical social workers and physician assistants who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;
- (c) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an City that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a *health care provider* other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement;
- (e) Any *health care provider* from whom the City or the City's group health plan's benefits manager will accept certification of the existence of a *serious health condition* to substantiate a claim for benefits; and
- (f) A *health care provider* listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

Parent: The biological parent of an employee or an individual who stood in place of the parent to an employee when the employee was a *son* or *daughter*. In-laws are not *parents*.

Qualifying exigency: A federal call to active duty or a state call to active duty by order of the President of the United States.

Reasonable safety concerns: A reasonable belief of significant risk of harm to the individual employee or others. In determining whether *reasonable safety concerns* exist, the City should consider the nature and severity of the potential harm and the likelihood that potential harm will occur.

Reduced Leave Schedule: A leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:

- (a) in patient care in a hospital, hospice, or residential medical care facility.
- (b) Continuing treatment by a health care provider.

Son or Daughter: The term *son or daughter* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in place of the *parent*, who is:

- (a) under eighteen (18) years of age; or
- (b) eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability, i.e., a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

Spouse: A husband or wife, as the case may be.

Unable to perform the functions of the position: An employee is *unable to perform the functions of the position* where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the *essential functions* of the employee's position. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the *essential functions* of the position during the absence for treatment.

3. REASONS FOR & DURATION OF LEAVE

A. Reasons for & Duration of Leave, Generally

Except for the purposes of subsection (f) below, all employees who meet the applicable time of service and other requirements shall be granted family or medical leave consisting of appropriate accrued paid leave and unpaid leave, for a period of twelve (12) weeks (during any fiscal year) for the following reasons:

- (a) the birth of the employee's *child* and in order to care for the *child*;
- (b) the placement of a *child* with the employee for adoption or foster care;
- (c) to care for a *spouse, child or parent* who has a *serious health condition*;
- (d) a *serious health condition* that renders the employee incapable of performing the functions of his or her job.
- (e) Because of any *qualifying exigency* arising out of the fact that the employee's *spouse, son, daughter, or parent* is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status); and
- (f) To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the covered servicemember.

The entitlement to leave for the birth or placement of a *child* for adoption or foster care will expire twelve (12) months from the date of the birth or placement.

Employees may take twenty-six (26) weeks (during any fiscal year) to care for a covered servicemember with a *serious injury or illness*.

B. Holidays' Effect on Leave Duration

For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if an employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA entitlement unless the employee was otherwise scheduled and expected to work during the holiday. Similarly, if for some reason the City's business activity has temporarily ceased and employees generally are not expected to report for work for one (1) or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or summer vacation or the City closing the facility in which the employee work for repairs), the days the City's activities have ceased do not count against the employee's FMLA leave entitlement.

4. INTERMITTENT & REDUCED SCHEDULE LEAVE

If *Intermittent leave* or leave on a *reduced leave schedule* is taken because of one's own *serious health condition*, to care for a *spouse, parent, son, or daughter* with a *serious health condition*, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an *intermittent* or *reduced leave schedule*. The treatment regimen and other information described in the certification of a *serious health condition* and in the certification of a serious injury or illness, if required by the City, addresses the medical necessity of *intermittent leave* or leave on a *reduced leave schedule*. Leave may be taken *intermittently* or on a *reduced leave schedule* when medically necessary for planned and/or unanticipated medical treatment of a *serious health condition* or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a *serious health condition* or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a *serious health condition* or a covered servicemember with a serious injury or illness.

Intermittent leave may be taken for a *serious health condition* of a *spouse, parent, son, or daughter*, for the employee's own *serious health condition*, or a serious injury or illness of a covered servicemember which requires treatment by a *health care provider* periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of *intermittent leave* would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a *reduced leave schedule* is an employee who is recovering from a *serious health condition* and is not strong enough to work a full-time schedule.

Intermittent or *reduced schedule leave* may be taken for absences where the employee or family member is *incapacitated* or unable to perform the *essential functions* of the position because of a *chronic serious health condition* or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a *health care provider*.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave *intermittently* or on a *reduced leave schedule* only if the City agrees. Such a schedule reduction might occur, for example, where an employee, with the City's agreement, works part-time after the birth of a child, or takes leave in several segments. The City's agreement is not required, however, for leave during which the expectant mother has a *serious health condition* in connection with the birth of her child or if the newborn child has a *serious health condition*.

Leave due to a *qualifying exigency* may be taken on an *intermittent* or *reduced leave schedule* basis.

When an employee takes FMLA leave on an *intermittent* or *reduced leave schedule* basis, the City must account for the leave using an increment no greater than the shortest period of time that the City uses to account for use of other forms of leave provided that it is not greater than one (1) hour and provided further that an employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken.

5. PROCEDURE FOR REQUESTING LEAVE

In all cases, an employee requesting leave must complete the attached Application for Family and Medical Leave and return it to the department director/chief or the City Administrator. The Application must be hand-delivered and will not be effective until the employee physically delivers it to one of these officials. Hand-delivery to a designee or anyone purporting or purported to accept delivery for the department director/chief or City Administrator shall be ineffective. **Upon the receipt of the Application, the department director/chief or City Administrator must immediately provide copies as follows: by hand delivery to (i) the Human Resources Department, City Administrator, Assistant City Administrator and Personnel Director and (ii) by hand-delivery or e-mail to the City Solicitor.**

An employee intending to take family or medical leave because of an expected birth or placement, a planned medical treatment, or for any foreseeable reason must submit an Application for Family and Medical Leave at least thirty (30) days before the leave is to begin. For foreseeable leave due to a *qualifying exigency*, notice must be provided as soon as practicable, regardless of how far in advance such leave is foreseeable. If leave is to begin within thirty (30) days, an employee must give notice to his or her department director/chief and to the Personnel Office as soon as the necessity for the leave arises. If thirty (30) days' notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. Failure to provide the Application within the timeframes set forth in this paragraph will result in a reduction of the amount of leave required by this FMLA Policy for so long as the City is unable to make adjustments in shifts or other adverse effects upon departmental operations as a result of the employee's failure to provide this thirty (30) day notice, but said reduction in the amount of leave shall be no less than thirty (30) days.

6. MEDICAL CERTIFICATION WITH APPLICATION

An application for leave based on the *serious health condition* of the employee or the employee's spouse, son, daughter or parent must also be accompanied by a Medical Certification Statement completed by a *health care provider*. The certification must state the date on which the health condition commenced and the probable duration of the condition, as well as the other matters set forth in the forms attached hereto. If the circumstances giving rise to the request for leave are not foreseeable, the medical certification must be provided within five (5) business days of the date the leave commences.

If the employee is requesting leave to care for a *spouse, child or parent*, the certification must so state, along with an estimate of the amount of time the employee will be needed. If the employee has a *serious health condition*, the certification must state that the employee cannot perform the functions of his or her job.

7. CITY PROCEDURE FOLLOWING RECEIPT OF APPLICATION

A. Designation Notice

When the City has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a medical certification), the City must notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances. Only one (1) designation notice is required for each FMLA-qualifying reason per applicable 12-month period. The form for the designation notice is attached hereto.

If the City has sufficient information to designate the leave as FMLA leave immediately after receiving an employee's Application for Family and Medical Leave, the City must provide the employee with the Designation Notice within five (5) business days.

The City's decision to designate leave as FMLA-qualifying must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is *incapacitated*, the employee's *spouse*, adult *son or daughter*, *parent*, doctor, etc., may provide notice to the City of the need to take FMLA leave). In any circumstance where the City does not have sufficient information about the reason for an employee's use of leave, the City should inquire further of the employee or the spokesperson to ascertain whether leave is potentially FMLA-qualifying. Once the City has acquired knowledge that the leave is being taken for a FMLA-qualifying reason, the City must notify the employee within five (5) business days.

B. Further Inquiry/Medical Clarification Regarding Incomplete Applications & Subsequent Medical Certifications

i. Clarification/Authentication

In all cases, the City should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the City may find it necessary to inquire further to determine if the leave is because of a *serious health condition* and may request medical certification to support the need for such leave. Failure to respond to reasonable inquiries from the City regarding the leave request may result in denial of FMLA protection if the City is unable to determine whether the leave is FMLA-qualifying.

If an employee submits a complete and sufficient certification signed by the health care provider, the City may not request additional information from the *health care provider*. However, the City may contact the *health care provider* for purposes of *clarification* and *authentication* of the medical certification (whether initial certification or recertification) after the City has given the employee an opportunity to cure any deficiencies within seven (7) calendar days. To make such contact, the City must use a *health care provider*, a human resources professional, a leave administrator, or a management

official. Under no circumstances, however, may the employee's direct supervisor contact the employee's *health care provider*.

For purposes of these regulations, *authentication* means providing the *health care provider* with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document; no additional medical information may be requested. *Clarification* means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response.

The City may not ask a *health care provider* for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule (*see* 45 CFR parts 160 and 164), which governs the privacy of individually-identifiable health information created or held by HIPAA-covered entities, must be satisfied when individually-identifiable health information of an employee is shared with the City by a HIPAA-covered *health care provider*. If an employee chooses not to provide the City with authorization allowing the City to clarify the certification with the health care provider, and does not otherwise clarify the certification, the City may deny the taking of FMLA leave if the certification is unclear. It is the employee's responsibility to provide the City with a complete and sufficient certification and to clarify the certification if necessary.

A request for *clarification* or *authentication* can be made as to the initial medical certification as well as the second and third ones as described in subsection A.iii of this section of the Policy.

ii. Timeframes for Clarifying/Correcting Deficiencies

In the event the City requests a medical certification after the certification presented in connection with the request for FMLA leave, the employee must provide the requested certification to the City within fifteen (15) calendar days after the City's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

As to the medical certification submitted with the application for FMLA leave and any subsequent certifications, the employee must provide a complete and sufficient medical certification. The City shall advise an employee whenever the City finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the City receives a certification, but one (1) or more of the applicable entries have not been completed. A certification is considered insufficient if the City receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The City must provide the employee with seven (7) calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the City are not cured in the resubmitted certification, the City may deny the taking of FMLA leave, as provided below.

(a) Foreseeable leave. In the case of foreseeable leave, if an employee fails to provide certification in a timely manner, the City may deny FMLA coverage until the required certification is provided. For example, if an employee has fifteen (15) days to provide a certification and fails to do so for forty-five (45) days without sufficient reason, the City can deny FMLA protections for the thirty (30)-day period following the expiration of the fifteen (15)-day time period, if the employee takes leave during such period.

(b) Unforeseeable leave. In the case of unforeseeable leave, the City may deny FMLA coverage for the requested leave if the employee fails to provide a certification within fifteen (15) calendar days from receipt of the request for certification unless not practicable due to extenuating circumstances. For example, in the case of a medical emergency, it may not be practicable for an employee to provide the required certification within fifteen (15) calendar days. Absent such extenuating circumstances, if the employee fails to timely return the certification, the City can deny FMLA protections for the leave following the expiration of the fifteen (15)-day time period until a sufficient certification is provided. If the employee never produces the certification, the leave is not FMLA leave.

(c) Recertification. An employee must provide recertifications within the time requested by the employer (which must allow at least fifteen (15) calendar days after the request) or as soon as practicable under the particular facts and circumstances. If an employee fails to provide a recertification within a reasonable time under the particular facts and circumstances, then the City may deny continuation of the FMLA leave protections until the employee produces a sufficient recertification. If the employee never produces the recertification, the leave is not FMLA leave. Recertification does not apply to leave taken for a qualifying exigency or to care for a covered servicemember.

(d) Fitness-for-duty certification. When requested by the City, the employee must provide medical certification, at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's *serious health condition*, that the employee is fit for duty and able to return to work. The City may delay restoration until the certification is provided. Unless the employee provides either a fitness-for-duty certification or a new medical certification for a *serious health condition* at the time FMLA leave is concluded, the employee may be terminated.

A certification that is not returned to the City is not considered incomplete or insufficient, but constitutes a failure to provide certification.

iii. Second opinion

If the City has reason to doubt the validity of a medical certification, it may require the employee to obtain a second opinion at the City's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to FMLA benefits, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the City's established leave policies. In addition, FMLA leave will be denied if the employee or the employee's family member fails to authorize his or her *health care provider* to release all relevant medical information pertaining to the *serious health condition* at issue if requested by the *health care provider* designated to provide a second opinion in order to render a sufficient and complete second opinion.

The City is permitted to designate the *health care provider* to furnish the second opinion, but the selected *health care provider* may not be employed on a regular basis by the City. The City may not regularly contract with or otherwise regularly utilize the services of the *health care provider* furnishing the second opinion unless the City is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one (1) or two (2) doctors practice in the relevant specialty in the vicinity).

iv. Third opinion

If the opinions of the employee's and the City's designated *health care providers* differ, the City may require the employee to obtain certification from a third *health care provider*, again at the City's expense. This third opinion shall be final and binding. The third *health care provider* must be designated or approved jointly by the City and the employee. The City and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the City does not attempt in good faith to reach agreement, the City will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, if the City refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith. FMLA leave will be denied if the employee or the employee's family member fails to authorize his or her *health care provider* to release all relevant medical information pertaining to the *serious health condition* at issue if requested by the *health care provider* designated to provide a third opinion in order to render a sufficient and complete third opinion.

v. Copies of opinions

The City is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within five (5) business days unless extenuating circumstances prevent such action.

vi. Travel expenses.

If the City requires the employee to obtain either a second or third opinion, it must reimburse the employee or family member for any reasonable out of pocket travel expenses incurred to obtain the second and third medical opinions. The City may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

8. BENEFITS COVERAGE DURING LEAVE

During a period of family or medical leave, an employee will be retained on the City of Cumberland's health plan under the same conditions that applied before leave commenced. To continue health coverage the employee must continue to make any contributions that he or she made to the plan before taking leave.

An employee is not entitled to the accrual of any seniority or employment benefits that would have occurred if not for the taking of leave. An employee who takes family or medical leave will not lose any employment benefits that accrued before the date leave began.

9. INTENT TO RETURN TO WORK

The City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The City must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

If an employee gives unequivocal notice of an intent not to return to work, the City's obligations under FMLA to maintain health benefits (subject to COBRA requirements) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the City may require that the employee provide the City with reasonable notice (*i.e.*, within two (2) business days) of the changed circumstances where foreseeable. The City may also obtain information on such changed circumstances through requested status reports.

10. RESTORATION OF EMPLOYMENT FOLLOWING LEAVE

An employee eligible for family and medical leave will be restored to his or her old position or to a position with equivalent pay, benefits, and other terms and conditions of employment.

An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An City must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment.

If the employee is unable to perform an *essential function* of the position because of a physical or mental condition, including the continuation of a *serious health condition* or an injury or illness also covered by workers' compensation, the employee has no right to restoration to another position under the FMLA. The City's obligations may, however, be governed by the Americans with Disabilities Act, state leave laws, or workers' compensation laws.

As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own *serious health condition*, an employee must obtain and present certification from his/her *health care provider* that he/she is able to resume work. The City may seek a fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification from the employee's *health care provider* must certify that the employee is able to resume work and is able to perform the *essential functions* of the employee's job. The City may not delay the employee's return to work while contact with the *health care provider* is being made for the purpose of obtaining *clarification* regarding the contents of the fitness-for-duty certification. No second or third opinions on a fitness-for-duty certification may be required. The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The City may delay restoration to employment until an employee submits a required fitness-for-duty certification unless a designation notice (see attachments to this policy) is timely provided to the employee. If the City provides the notice required, an employee who does not provide a fitness-for-duty certification or request additional FMLA leave, if it has not already been exhausted, is no longer entitled to reinstatement under the FMLA.

The City is not entitled to a fitness-for-duty certification to return to duty for each absence taken on an *intermittent* or *reduced leave schedule*. However, the City is entitled to a fitness-for-duty certification to return to duty for such absences up to once every thirty (30) days if *reasonable safety concerns* exist regarding the employee's ability to perform his or her duties, based on the *serious health condition* for which the employee took such leave. In order to require a fitness-for-duty certification, the City shall

inform the employee at the same time it issues, or as part of, the designation notice that for each subsequent instance of *intermittent* or *reduced schedule leave*, the employee will be required to submit a fitness-for-duty certification unless one has already been submitted within the past thirty (30) days.

*** The foregoing provisions were taken from the regulations promulgated in accordance with the FMLA, to-wit: 29 CFR Subtitle B Chapter V – Subchapter C – Part 825.

11. APPLICABILITY OF FEDERAL FMLA REGULATIONS

The regulations pertaining to FMLA leave are set forth in the Code of Federal Regulations (CFR) as set forth in the reference above. Even though they are not set forth in full herein, they remain applicable in all instances and, therefore, are incorporated by reference into the terms of this Policy.

12. AFFECT OF FMLA ON LEAVE ACCRUAL/OTHER CITY BENEFITS

While on FMLA leave, an employee will not accrue paid leave of any kind.

Since FMLA leave is unpaid, voluntary deductions cannot be taken from an employee's pay while an employee is on such leave. During such times as an employee is on FMLA leave, the City assumes no responsibility and shall not be liable for the obligations paid by means of such deductions. By way of example, if union dues are regularly deducted from an employee's pay, while on FMLA leave, the employee shall be solely responsible for remitting those dues to his/her union.

Further, if an employee is on City's health insurance plan, that individual will be responsible for paying the City that portion of the premium regularly deducted from his/her pay. Failure to remit those payments for two (2) pay periods will result in the termination of that employee's insurance coverage unless the City Comptroller, City Administrator or Assistant City Administrator, provide written authorization for an extension of time. Regardless of whether or when health insurance coverage is cancelled, employees shall remain liable to the City for the portion of the premium they are obligated to pay.

ATTACHMENTS

1. Application for Family or Medical Leave
2. Certification of Health Care Provider for Employee's Serious Health Condition
3. Certification of Health Care Provider for Family Member's Serious Health Condition
4. Designation Notice (generally, must be submitted to employee within 5 business days of receipt of Certification of Health Care Provider (see Section 7.A of Policy)
5. Fitness for Duty Certification

City of Cumberland

Application for Family or Medical Leave

Name: _____ Department: _____

Current Address: _____

Job Title: _____

Submit this form to your department director/chief or the City Administrator at least 30 days before the leave is to commence, when possible. When submission of this form 30 days in advance is not possible, submit it as soon as possible and state the reason(s) why it was not possible to submit the form within the said 30 days. _____

Have you taken family or medical leave in the past year? Yes ☐ No ☐

If your answer to the preceding question is yes, provide the inclusive dates. _____

I am requesting leave for the following reason [check one]:

☐ My own serious health condition ***

☐ Serious health condition of my:

☐ Spouse Name: _____

☐ Child Name: _____

☐ Parent Name: _____

☐ Birth of child Expected delivery date: _____

☐ Placement of a child with me for adoption or foster care

☐ A federal call to active duty or a state call to active duty by order of the President for my spouse child or parent

☐ To care for a covered servicemember with a serious injury or illness and I am the spouse, son, daughter, parent, or next of kin of the covered servicemember

I have ☐ have not ☐ previously taken FMLA for this reason for the same set of circumstances I am seeking FMLA leave for now

*** The term "serious medical condition" has a specific definition. That definition is set forth in the attached Rider. In providing the information required herein, you must utilize that definition every time the term is utilized.

DATES OF LEAVE REQUESTED:

☐ I request leave from _____ to _____

☐ I request intermittent leave according to the following schedule: _____

☐ I request a reduced schedule leave according to the following schedule: _____

Provide any information you want the City to consider in support of this application: _____

NOTE: If a request based on an employee's serious health condition or the serious health condition of an employee's spouse, child, or parent, **a medical certification using the forms attached to the City's Family and Medical Leave Policy must be provided** when you submit this Application, provided however, if the request for leave is as a result of an unforeseeable event, the medical certification must be provided within five (5) business days of the date the leave commences.

I understand that a failure to return to work at the end of my leave period, which under FMLA is a maximum period of 12 weeks (or 26 weeks to care for a servicemember with a serious injury or illness), may be treated as a resignation unless an extension has been agreed upon and approved in by the City of Cumberland.

EMPLOYEE CERTIFICATION

I certify under the penalties of perjury that the statements made in this Application for Family or Medical Leave are true and correct to the best of my knowledge, information and belief.

Employee signature

Date

RIDER TO APPLICATION FOR FAMILY OR MEDICAL LEAVE

The term *serious health condition*, as set forth in the Application for Medical Leave, is a defined term which is set forth in the Code of Federal Regulations which implement the Family and Medical Leave Act. That term as well as the other defined terms referenced in the definition of *serious health condition* are set forth below and must be utilized in filling out the Application.

Serious health condition means an illness, injury, impairment or physical or mental condition that involves *inpatient care* as defined in [Section] 825.114 or *continuing treatment by a health care provider* as defined in [Section] 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of [Section] 825.113 are met [i.e. a mental condition that involves *inpatient care* or *continuing treatment by a health care provider*].

Inpatient care is defined in Section 114 as follows:

Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility, including any period of incapacity as defined in §825.113(b), or any subsequent treatment in connection with such inpatient care.

Continuing treatment by a health care provider is defined in Section 115 of the regulations as:

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment*. A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. *See also* §825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

**Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)**

U.S. Department of Labor

Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003

Expires: 8/31/2021

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

___ No ___ Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Will the patient need to have treatment visits at least twice per year due to the condition? ___ No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment: _____

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: ___ No ___ Yes.

If so, identify the job functions the employee is unable to perform: _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ☐ No ☐ Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ☐ No ☐ Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
☐ No ☐ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ☐ No ☐ Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
☐ No ☐ Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Signature of Health Care Provider

Date _____

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

MANAGEMENT:

**ATTACH JOB
DESCRIPTION
OR LIST OF
ESSENTIAL
FUNCTIONS**

SUPPLEMENT TO CERTIFICATION OF HEALTH CARE PROVIDER FOR EMPLOYEE'S SERIOUS HEALTH CONDITION

The Certification of Health Care Provider for Employee's Serious Health Condition is supplemented as follows. To the extent there are any inconsistencies between this Supplement and the Certification, the terms of this Supplement shall take precedence.

PART A. The "condition" referenced in this part means a *serious health condition* as defined in the FMLA regulations, specifically, 29 CFR Subtitle B Chapter V – Subchapter C – Part 825 – Section 102. That definition is as follows:

Serious health condition means an illness, injury, impairment or physical or mental condition that involves *inpatient care* as defined in [Section] 825.114 or *continuing treatment by a health care provider* as defined in [Section] 825.115. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of [Section] 825.113 are met [i.e. a mental condition that involves *inpatient care* or *continuing treatment by a health care provider*].

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A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(a) *Incapacity and treatment.* A period of incapacity of more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times, within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.

(3) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven days of the first day of incapacity.

(4) Whether additional treatment visits or a regimen of continuing treatment is necessary within the 30-day period shall be determined by the health care provider.

(5) The term *extenuating circumstances* in paragraph (a)(1) of this section means circumstances beyond the employee's control that prevent the follow-up visit from occurring as planned by the health care provider. Whether a given set of circumstances are extenuating depends on the facts. For example, extenuating circumstances exist if a health care provider determines that a second in-person visit is needed within the 30-day period, but the health care provider does not have any available appointments during that time period.

(b) *Pregnancy or prenatal care.* Any period of incapacity due to pregnancy, or for prenatal care. *See also* §825.120.

(c) *Chronic conditions.* Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) *Permanent or long-term conditions.* A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(e) *Conditions requiring multiple treatments.* Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, for:

(1) Restorative surgery after an accident or other injury; or

(2) A condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or

treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

SECTION A.4. The statement of other relevant medical facts shall include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), and any other regimen of continuing treatment.

Certification of Health Care Provider for
Family Member's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

OMB Control Number: 1235-0003

Expires: 8/31/2021

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave to care for a covered family member with a serious health condition to submit a medical certification issued by the health care provider of the covered family member. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees' family members, created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave to care for a covered family member with a serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 29 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form to your employer. 29 C.F.R. § 825.305.

Your name: _____
First Middle Last

Name of family member for whom you will provide care: _____
First Middle Last

Relationship of family member to you: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Employee Signature _____ Date _____

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer, fully and completely, all applicable parts below. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the patient needs leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), or genetic services, as defined in 29 C.F.R. § 1635.3(e). Page 3 provides space for additional information, should you need it. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____) _____ Fax: (_____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

☐ No ☐ Yes. If so, dates of admission: _____

Date(s) you treated the patient for condition: _____

Was medication, other than over-the-counter medication, prescribed? ☐ No ☐ Yes.

Will the patient need to have treatment visits at least twice per year due to the condition? ☐ No ☐ Yes

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

☐ No ☐ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ☐ No ☐ Yes. If so, expected delivery date: _____

3. Describe other relevant medical facts, if any, related to the condition for which the patient needs care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient's need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

4. Will the patient be incapacitated for a single continuous period of time, including any time for treatment and recovery? ☐ No ☐ Yes.

Estimate the beginning and ending dates for the period of incapacity: _____

During this time, will the patient need care? ☐ No ☐ Yes.

Explain the care needed by the patient and why such care is medically necessary:

5. Will the patient require follow-up treatments, including any time for recovery? ☐ No ☐ Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary: _____

6. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? ☐ No ☐ Yes.

Estimate the hours the patient needs care on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient, and why such care is medically necessary:

7. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? ____ No ____ Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: ____ times per ____ week(s) ____ month(s)

Duration: ____ hours or ____ day(s) per episode

Does the patient need care during these flare-ups? ____ No ____ Yes.

Explain the care needed by the patient, and why such care is medically necessary: _____

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

Signature of Health Care Provider

Date

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210.

DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.

treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

(f) Absences attributable to incapacity under paragraph (b) or (c) of this section qualify for FMLA leave even though the employee or the covered family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three consecutive, full calendar days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

SECTION A.4. The statement of other relevant medical facts shall include information on symptoms, diagnosis, hospitalization, doctor visits, whether medication has been prescribed, any referrals for evaluation or treatment (physical therapy, for example), and any other regimen of continuing treatment.

Designation Notice
(Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division



OMB Control Number: 1235-0003

Expires: 8/31/2021

Leave covered under the Family and Medical Leave Act (FMLA) must be designated as FMLA-protected and the employer must inform the employee of the amount of leave that will be counted against the employee's FMLA leave entitlement. In order to determine whether leave is covered under the FMLA, the employer may request that the leave be supported by a certification. If the certification is incomplete or insufficient, the employer must state in writing what additional information is necessary to make the certification complete and sufficient. While use of this form by employers is optional, a fully completed Form WH-382 provides an easy method of providing employees with the written information required by 29 C.F.R. §§ 825.300(c), 825.301, and 825.305(c).

To: _____

Date: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided.
We received your most recent information on _____ and decided:

____ Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

____ Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks will be counted against your leave entitlement: _____

____ Because the leave you will need will be unscheduled, it is not possible to provide the hours, days, or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

____ You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

____ We are requiring you to substitute or use paid leave during your FMLA leave.

☒ You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your position ☒ is ☐ is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

Additional information is needed to determine if your FMLA leave request can be approved:

____ The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not practicable under the particular circumstances despite your diligent good faith efforts, or your leave may be denied.
(Provide at least seven calendar days)

(Specify information needed to make the certification complete and sufficient)

____ We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

____ Your FMLA Leave request is Not Approved.

____ The FMLA does not apply to your leave request.

____ You have exhausted your FMLA leave entitlement in the applicable 12-month period.

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

It is mandatory for employers to inform employees in writing whether leave requested under the FMLA has been determined to be covered under the FMLA. 29 U.S.C. § 2617; 29 C.F.R. §§ 825.300(d), (e). It is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 10 – 30 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND THE COMPLETED FORM TO THE WAGE AND HOUR DIVISION.**

MANAGEMENT:

**ATTACH JOB
DESCRIPTION
OR LIST OF
ESSENTIAL
FUNCTIONS**

FAMILY & MEDICAL LEAVE ACT (FMLA) FITNESS FOR DUTY CERTIFICATION

DO NOT PROVIDE MEDICAL DOCUMENTATION TO YOUR SUPERVISOR – SUBMIT DIRECTLY TO HR LEAVE COORDINATOR

Prior to returning to work, you must provide a Fitness for Duty Certification verifying whether you are able to return to work, if you have any job-related restrictions and the duration of any restrictions. You must return this completed Fitness for Duty Certification form to Human Resources as requested, or your return to work may be delayed or denied under the FMLA.

Please have your health care provider complete this form, and return it to Human Resources by: _____

☐ Attached are the essential functions of the employee's position.

SECTION A: TO BE COMPLETED BY EMPLOYEE

I give permission to my health care provider to supply Human Resources with the requested data for the purpose of determining whether I am fit to return to work after my FMLA leave. In addition, I authorize my health care provider to provide to Human Resources data regarding my fitness to return to work for the purposes of clarifying or authenticating information previously provided, or to provide missing information. I understand that the data I provide will be accessed by authorized personnel whose jobs reasonably require access, such as FMLA leave coordinators or claims management specialists.

Employee Name: _____ Employee ID: _____

Employee Signature: _____ Date: _____

SECTION B: TO BE COMPLETED BY HEALTH CARE PROVIDER

The employee is required to provide a complete and sufficient Fitness for Duty Certification, completed by his or her health care provider, prior to returning to work from FMLA leave.

This certification is being sought only with regard to the particular health condition that caused the employee's need for FMLA leave.

If a list of the essential functions of the employee's position is included with this form, please consider these essential functions as you review the employee's fitness for duty.

Date of medical examination: _____

☐ I certify that, with regard to the particular health condition that caused the employee's need for FMLA leave, the employee is fit for duty and able to resume work.

☐ Full/unrestricted duty, effective: _____ ☐ Modified duty, effective: _____

If modified duty, please describe restrictions, as well as duration of restrictions:

☐ The employee is not released to return to work.

I hereby certify that I have examined the employee named above, and declare that the statements made in this Fitness for Duty Certification are true and correct.

Provider name: _____ Phone number: _____

Provider signature: _____ Date: _____

Address: _____

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 DISCLOSURE

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Item Attachment Documents:

- 2. Order 26,461** - accepting the bid of Casey Smith LLC dba Service Pro for FY2019 Non-Residential Grass Mowing Services in the estimated unit price of \$38,400 with the option to renew for one (1) additional year upon mutual consent

Council Agenda Summary

Meeting Date: June 18, 2019

Key Staff Contact: Kim Root

Item Title:

Order 26,461 accepting the bid of Casey Smith LLC dba Service Pro for FY2019 Non-Residential Grass Mowing Services in the estimated unit price of \$38,400 with the option to renew for one (1) additional year upon mutual consent

Summary:

It is the Department of Engineering's recommendation to award the 2019 Grass Mowing Non Residential Contract to the low responsive bidder Service Pro, in the estimated unit price of \$38,400.00. Two other bids were received – one responsive from AJ's Lawn Care in the amount of \$60,000, and one non-responsive bid from Snyder's General Services in the amount of \$35,960, which was rejected for noncompliance with bid specs after evaluation of bids. The contract period for this bid is July 1, 2019, to June 30, 2021, with a one year extension possible at the end of the initial contract period upon mutual consent.

Issues and Considerations:

Snyder's General Services did not acknowledge receipt of Addendum No. 2 issued for this contract, which was a requirement stated in the bid specs.

| | |
|---|-----------------|
| <i>Fiscal Impact:</i> | |
| Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Budget: | 001.078.20100 |
| Value of award: | \$38,400.00 |
| If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Match provisions: | Enter Text Here |
| Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.) | |

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

ORDER NO. 26,461

DATE: June 18, 2019

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

THAT, the bid of Casey Smith LLC dba ServicePro, 15707 Saint Patrick's Church Road, NW, Mount Savage, Maryland 21545, to provide services for the 2019 **Non-Residential Grass Mowing Contract** (11-19-M) be and is hereby accepted in the estimated unit price of Thirty Eight Thousand, Four Hundred Dollars (\$38,400); and

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

Raymond M. Morriss, Mayor

Budget - Parks Department 001.078.20100

Order of bids:

| Company | Bid Amount |
|--------------------------------|--|
| Casey Smith LLC dba ServicePro | \$38,400 |
| AJ's Lawn Care | \$60,000 |
| Snyder's General Services | \$35,960 (Rejected for non-compliance) |

Project Title:

2019 Grass Mowing Contract - Non Residential Properties

Project Description:

Mowing of Residential City Owned Properties

City Project:

11-19-M

Bid Opening

Date and Time:

May 30, 2019 @ 2:30 PM

Location:

Council Chambers, City Hall, Cumberland, MD 21502

| | | | Snyder General Servie's 15105 Mt Savage RD Mt Savage, MD 21545 | | Casey Smith LLC DBA Service Pro 15707 Saint Patricks Church RD NW Mt Savage, MD 21545 | | AJ's Lawncare 11115 New York Ave NW Cumberland, MD 21502 | |
|---|-------|------------------------------------|--|----------------------------|--|----------------------------|--|----------------------------|
| LOCATION | UNITS | Est. # of cuttings per contract | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION |
| McMullen Bridge | EACH | 20 | \$ 175.00 | \$ 3,500.00 | \$ 250.00 | \$ 5,000.00 | \$ 450.00 | \$ 9,000.00 |
| High Bedford Street | EACH | 20 | \$ 110.00 | \$ 2,200.00 | \$ 115.00 | \$ 2,300.00 | \$ 150.00 | \$ 3,000.00 |
| Chamber of Commerce & City Hall | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 55.00 | \$ 1,100.00 | \$ 50.00 | \$ 1,000.00 |
| Lamont Street | EACH | 20 | \$ 100.00 | \$ 2,000.00 | \$ 125.00 | \$ 2,500.00 | \$ 275.00 | \$ 5,500.00 |
| Queen City Drive | EACH | 20 | \$ 150.00 | \$ 3,000.00 | \$ 175.00 | \$ 3,500.00 | \$ 225.00 | \$ 4,500.00 |
| Ridgedale Reservoir and Pump Station | EACH | 20 | \$ 190.00 | \$ 3,800.00 | \$ 215.00 | \$ 4,300.00 | \$ 175.00 | \$ 3,500.00 |
| Oldtown RD @ White Oaks Plaza | EACH | 20 | \$ 40.00 | \$ 800.00 | \$ 45.00 | \$ 900.00 | \$ 100.00 | \$ 2,000.00 |
| Public Safety Building | EACH | 20 | \$ 100.00 | \$ 2,000.00 | \$ 125.00 | \$ 2,500.00 | \$ 150.00 | \$ 3,000.00 |
| Memorial Hospital Campus | EACH | 20 | \$ 220.00 | \$ 4,400.00 | \$ 250.00 | \$ 5,000.00 | \$ 500.00 | \$ 10,000.00 |
| Memorial Hospital Parking Areas | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 25.00 | \$ 500.00 | \$ 100.00 | \$ 2,000.00 |
| Fort Hill Reservoir | EACH | 20 | \$ 75.00 | \$ 1,500.00 | \$ 80.00 | \$ 1,600.00 | \$ 250.00 | \$ 5,000.00 |
| East Side School | EACH | 20 | \$ 205.00 | \$ 4,100.00 | \$ 175.00 | \$ 3,500.00 | \$ 100.00 | \$ 2,000.00 |
| 411 Frederick Street (Fire House) | EACH | 20 | \$ 45.00 | \$ 900.00 | \$ 40.00 | \$ 800.00 | \$ 50.00 | \$ 1,000.00 |
| Viaduct Area (between Mechananic and Centre Sts) | EACH | 20 | \$ 45.00 | \$ 900.00 | \$ 60.00 | \$ 1,200.00 | \$ 80.00 | \$ 1,600.00 |
| Seneca Water Tank and Pump Station | EACH | 20 | \$ 63.00 | \$ 1,260.00 | \$ 30.00 | \$ 600.00 | \$ 50.00 | \$ 1,000.00 |
| 600 Fayette Street | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 10.00 | \$ 200.00 | \$ 20.00 | \$ 400.00 |
| Giaritta Park | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 45.00 | \$ 900.00 | \$ 50.00 | \$ 1,000.00 |
| Queen City Drive (2) | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 100.00 | \$ 2,000.00 | \$ 225.00 | \$ 4,500.00 |
| Total Bid \$ | | | \$ 34,960.00 | | \$ 38,400.00 | | \$ 60,000.00 | |

Item Attachment Documents:

- 3. Order 26,462** - accepting the bid of Casey Smith LLC dba Service Pro for the FY2019 Residential Grass Mowing Services in the estimated total unit price of \$45,460 with the option to renew for one (1) additional year upon mutual consent

Council Agenda Summary

Meeting Date: June 18, 2019

Agenda Item Number: City Project No. 10-19-M

Key Staff Contact: Kim Root

Item Title:

Order 26,462 accepting the bid of Casey Smith LLC dba Service Pro for the FY2019 Residential Grass Mowing Services in the estimated total unit price of \$45,460 with the option to renew for one (1) additional year upon mutual consent

Summary:

It is the Engineering Department's recommendation to award the 2019 Grass Mowing Residential Contract to the low responsive bidder Service Pro, LLC in the estimated unit price of \$45,460. Four other bids were received and are further detailed below. With bid corrections applied, AJ's Lawn Care bid in the amount of \$91,000, Snyder's General Services bid in the amount of \$70,260, Arnolds Lawn Care in the amount of \$67,500, and Prestige Lawncare and Landscaping, Inc in the amount of \$66,500. The contract period for this bid is July 1, 2019 to June 30, 2021 with a one year extension possible at the end of the initial contract period.

Issues and Considerations:

Arnolds Lawn Care

Did not complete the second part of the bid table correctly taking this bid out of low bid status. The discrepancy caused an increase in the bid of \$32,000.00

Prestige Lawn Care

Did not complete the second part of the bid table correctly which caused an increase in the bid of \$7,200.00

AJ's Lawncare

This bidder was correct in bidding with a stated bid of \$91,000.00

Snyder General Service's

Did not complete the second part of the bid table correctly which caused an increase in the bid of \$18,200
Also only 1 of 2 issued addenda were acknowledged.

| | |
|---|-----------------|
| <i>Fiscal Impact:</i> | |
| Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Budget: | 001.078.20100 |
| Value of award: | \$45,460.00 |
| If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Match provisions: | Enter Text Here |
| Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.) | |

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

ORDER NO. 26,462

DATE: June 18, 2019

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

THAT, the bid of Casey Smith LLC dba ServicePro, 15707 Saint Patrick's Church Road, NW, Mount Savage, Maryland 21545, to provide services for the 2019 Grass Mowing Residential Contract (10-19-M) be and is hereby accepted in the estimated total unit price of Forty-Five Thousand, Four Hundred Sixty Dollars (\$45,460); and

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

Raymond M. Morriss, Mayor

Budget - Parks Department 001.078.20100

Order of bids:

| Company | Bid Amount |
|---------------------------------|-------------------|
| Casey Smith LLC dba ServicePro | \$45,460 |
| Prestige Lawncare & Landscaping | \$66,500 |
| Arnolds Lawn Care | \$67,500 |
| AJ's Lawn Care | \$91,000 |
| Snyder General Services | \$70,260 |

Project Title:

2019 Grass Mowing Contract - Residential Properties

Project Description:

Mowing of Residential City Owned Properties

City Project:

10-19-M

Bid Opening

Date and Time:

May 30, 2019 @ 2:30 PM

Location:

Council Chambers, City Hall, Cumberland, MD 21502

| | | | Arnolds Lawn Care 143 E. Offutt Street Cumberland, MD 21502 | | Prestige Lawncare & Lanscaping INC 12914 6th Ave Box N1 Cumberland, MD 21502 | | Casey Smith LLC DBA Service Pro 15707 Saint Patricks Church RD NW Mt Savage, MD 21545 | | AJ's Lawncare 11115 New York Ave NW Cumberland, MD 21502 | | Snyder General Servie's 15105 Mt Savage RD Mt Savage, MD 21545 | |
|--|-------|--|---|----------------------------|--|----------------------------|--|----------------------------|--|----------------------------|--|----------------------------|
| LOCATION | UNITS | Est. # of cuttings per contract period | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION | UNIT PRICE PER CUTTING | TOTAL COST FOR LOCATION |
| 2 Altamont Terrace | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 38.00 | \$ 760.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 80.00 | \$ 1,600.00 |
| 27 Ridgeway Terrace | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 43.00 | \$ 860.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 80.00 | \$ 1,600.00 |
| 114-116 Winton Place | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 25.00 | \$ 500.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 35.00 | \$ 700.00 |
| 130 Columbia Ave | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 28.00 | \$ 560.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 45.00 | \$ 900.00 |
| 231 Henderson Ave | EACH | 20 | \$ 25.00 | \$ 500.00 | \$ 38.00 | \$ 760.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 30.00 | \$ 600.00 |
| 451 Pine Ave | EACH | 20 | \$ 25.00 | \$ 500.00 | \$ 45.00 | \$ 900.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 150.00 | \$ 3,000.00 |
| 500 Kingsley Place | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 30.00 | \$ 600.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 25.00 | \$ 500.00 |
| 520 Baltimore Ave | EACH | 20 | \$ 25.00 | \$ 500.00 | \$ 15.00 | \$ 300.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 40.00 | \$ 800.00 |
| 532 Centre Street | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 30.00 | \$ 600.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 48.00 | \$ 960.00 |
| 604-606 Hill Street | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 45.00 | \$ 900.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 63.00 | \$ 1,260.00 |
| 659 Green Street | EACH | 20 | \$ 45.00 | \$ 900.00 | \$ 85.00 | \$ 1,700.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 145.00 | \$ 2,900.00 |
| 728 Baker Street & 850 Sperry Terrace | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 60.00 | \$ 1,200.00 | \$ 55.00 | \$ 1,100.00 | \$ 100.00 | \$ 2,000.00 | \$ 34.00 | \$ 680.00 |
| | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 60.00 | \$ 1,200.00 | \$ 40.00 | \$ 800.00 | \$ 100.00 | \$ 2,000.00 | \$ 63.00 | \$ 1,260.00 |
| 910 Maryland Ave | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 38.00 | \$ 760.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 54.00 | \$ 1,080.00 |
| Arch Street @ First Street | EACH | 20 | \$ 25.00 | \$ 500.00 | \$ 22.00 | \$ 440.00 | \$ 30.00 | \$ 600.00 | \$ 100.00 | \$ 2,000.00 | \$ 26.00 | \$ 520.00 |
| Arch Street Properties | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 250.00 | \$ 5,000.00 | \$ 100.00 | \$ 2,000.00 | \$ 100.00 | \$ 2,000.00 | \$ 90.00 | \$ 1,800.00 |
| Baltimore Ave Areas | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 400.00 | \$ 8,000.00 | \$ 70.00 | \$ 1,400.00 | \$ 100.00 | \$ 2,000.00 | \$ 300.00 | \$ 6,000.00 |
| Baltimore Ave/ Goethe Street | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 350.00 | \$ 7,000.00 | \$ 200.00 | \$ 4,000.00 | \$ 100.00 | \$ 2,000.00 | \$ 200.00 | \$ 4,000.00 |
| Central Ave | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 100.00 | \$ 2,000.00 | \$ 40.00 | \$ 800.00 | \$ 100.00 | \$ 2,000.00 | \$ 120.00 | \$ 2,400.00 |
| Chestnut Street | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 20.00 | \$ 400.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 100.00 | \$ 2,000.00 |
| Columbia Street | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 128.00 | \$ 2,560.00 | \$ 95.00 | \$ 1,900.00 | \$ 100.00 | \$ 2,000.00 | \$ 120.00 | \$ 2,400.00 |
| Davidson Street | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 60.00 | \$ 1,200.00 | \$ 60.00 | \$ 1,200.00 | \$ 100.00 | \$ 2,000.00 | \$ 100.00 | \$ 2,000.00 |
| Dingle Area | EACH | 20 | \$ 55.00 | \$ 1,100.00 | \$ 50.00 | \$ 1,000.00 | \$ 75.00 | \$ 1,500.00 | \$ 100.00 | \$ 2,000.00 | \$ 80.00 | \$ 1,600.00 |
| Evergreen Terrace | EACH | 20 | \$ 55.00 | \$ 1,100.00 | \$ 60.00 | \$ 1,200.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 100.00 | \$ 2,000.00 |
| Fort Hill Ave | EACH | 20 | \$ 45.00 | \$ 900.00 | \$ 28.00 | \$ 560.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 30.00 | \$ 600.00 |
| Independence Street | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 42.00 | \$ 840.00 | \$ 60.00 | \$ 1,200.00 | \$ 100.00 | \$ 2,000.00 | \$ 80.00 | \$ 1,600.00 |
| Industrial Blvd | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 45.00 | \$ 900.00 | \$ 88.00 | \$ 1,760.00 | \$ 100.00 | \$ 2,000.00 | \$ 95.00 | \$ 1,900.00 |
| Maryland Ave Properties | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 350.00 | \$ 7,000.00 | \$ 350.00 | \$ 7,000.00 | \$ 100.00 | \$ 2,000.00 | \$ 195.00 | \$ 3,900.00 |
| Mt Vernon Steps | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 30.00 | \$ 600.00 | \$ 40.00 | \$ 800.00 | \$ 100.00 | \$ 2,000.00 | \$ 35.00 | \$ 700.00 |
| New Hampshire Ave | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 75.00 | \$ 1,500.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 65.00 | \$ 1,300.00 |
| North Brooke Ave | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 45.00 | \$ 900.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 50.00 | \$ 1,000.00 |
| Pine Ave @ Central Ave (Parklet) | EACH | 20 | \$ 30.00 | \$ 600.00 | \$ 15.00 | \$ 300.00 | \$ 35.00 | \$ 700.00 | \$ 100.00 | \$ 2,000.00 | \$ 70.00 | \$ 1,400.00 |
| Seton Drive @ Bishop Walsh RD | EACH | 20 | \$ 25.00 | \$ 500.00 | \$ 10.00 | \$ 200.00 | \$ 10.00 | \$ 200.00 | \$ 100.00 | \$ 2,000.00 | \$ 20.00 | \$ 400.00 |
| Virginia Ave | EACH | 20 | \$ 35.00 | \$ 700.00 | \$ 50.00 | \$ 1,000.00 | \$ 70.00 | \$ 1,400.00 | \$ 100.00 | \$ 2,000.00 | \$ 85.00 | \$ 1,700.00 |
| Williams Road @ Old Williams RD | EACH | 20 | \$ 50.00 | \$ 1,000.00 | \$ 60.00 | \$ 1,200.00 | \$ 45.00 | \$ 900.00 | \$ 100.00 | \$ 2,000.00 | \$ 120.00 | \$ 2,400.00 |

Part 1 Bid \$

\$ 24,500.00

\$ 55,400.00

\$ 41,160.00

\$ 70,000.00

\$ 59,460.00

| Arnolds Lawn Care 143 E. Offutt Street Cumberland, MD 21502 | | | | | |
|---|-------|---------------------------------|--------------------------------|------------------------|-----------------------|
| LOT SIZE | UNITS | A Est # of Properties | B UNIT PRICE PER CUTTING | C Est # of Cuttings | TOTAL COST (AxBxC) |
| 1-7,500 SF | EACH | 9 | \$ 200.00 | 20 | \$ 36,000.00 |
| 7,501 - 15,000 SF | EACH | 1 | \$ 350.00 | 20 | \$ 7,000.00 |
| PART 2 BID\$ | | | | \$ | 43,000.00 |

Arnolds Lawn Care

Total BID
 \$ 67,500.00

| Prestige Lawncare & Lanscaping INC 12914 6th Ave Box N1 Cumberland, MD 21502 | | | | | |
|--|-------|---------------------------------|--------------------------------|------------------------|-----------------------|
| LOT SIZE | UNITS | A Est # of Properties | B UNIT PRICE PER CUTTING | C Est # of Cuttings | TOTAL COST (AxBxC) |
| 1-7,500 SF | EACH | 9 | \$ 45.00 | 20 | \$ 8,100.00 |
| 7,501 - 15,000 SF | EACH | 1 | \$ 150.00 | 20 | \$ 3,000.00 |
| PART 2 BID\$ | | | | \$ | 11,100.00 |

Prestiage Lawncare& Landscaping INC

Total Bid
 \$ 66,500.00

| AJ's Lawn Care 11115 New York Ave NW Cumberland, MD 21502 | | | | | |
|---|-------|---------------------------------|--------------------------------|------------------------|-----------------------|
| LOT SIZE | UNITS | A Est # of Properties | B UNIT PRICE PER CUTTING | C Est # of Cuttings | TOTAL COST (AxBxC) |
| 1-7,500 SF | EACH | 9 | \$ 100.00 | 20 | \$ 18,000.00 |
| 7,501 - 15,000 SF | EACH | 1 | \$ 150.00 | 20 | \$ 3,000.00 |
| PART 2 BID\$ | | | | \$ | 21,000.00 |

AJ's Lawncare

Total Bid
 \$ 91,000.00

| Casey Smith LLC DBA Serivce Pro 15707 Saint Patrick's Church RD NW | | | | | |
|--|-------|---------------------------------|--------------------------------|---------------------------|-----------------------|
| LOT SIZE | UNITS | A Est # of Properties | B UNIT PRICE PER CUTTING | C Est # of Cuttings | TOTAL COST (AxBxC) |
| 1-7,500 SF | EACH | 9 | \$ 20.00 | 20 | \$ 3,600.00 |
| 7,501 - 15,000 SF | EACH | 1 | \$ 35.00 | 20 | \$ 700.00 |
| PART 2 BID\$ | | | | \$ | 4,300.00 |

Casy Smith LLC, DBA Service Pro

Total Bid
 \$ 45,460.00

| Snyder General Service's 15105 Mt Savage RD Mt. Savage, MD 21545 | | | | | |
|--|-------|---------------------------------|--------------------------------|---------------------------|-----------------------|
| LOT SIZE | UNITS | A Est # of Properties | B UNIT PRICE PER CUTTING | C Est # of Cuttings | TOTAL COST (AxBxC) |
| 1-7,500 SF | EACH | 9 | \$ 50.00 | 20 | \$ 9,000.00 |
| 7,501 - 15,000 SF | EACH | 1 | \$ 90.00 | 20 | \$ 1,800.00 |
| PART 2 BID\$ | | | | \$ | 10,800.00 |

Snyder General Service's

Total Bid
 \$ 70,260.00

Item Attachment Documents:

- 4. Order No. 26,463** - authorizing the Chief of Police to execute a Project Agreement with the MD Highway Safety Office (SHA) to accept a FY20 Pedestrian Safety Grant for \$2,000 for police overtime support for the period July 1, 2019 – June 30, 2020

Council Agenda Summary

Meeting Date: June 4, 2019

Agenda Item Number:

Key Staff Contact: Captain Chuck Ternent

Item Title:

Order No. 26,463 authorizing the Chief of Police to execute a Project Agreement with the MD Highway Safety Office (SHA) to accept a FY20 Pedestrian Safety Grant for \$2,000 for police overtime support for the period July 1, 2019 – June 30, 2020

Summary:

Authorize the Chief of Police to accept a Maryland Highway Safety Office grant for FY20 in the amount of \$2,000 for police overtime concentrating on pedestrian safety to include pedestrian safety checkpoints

Issues and Considerations:

| | |
|--|-----------------|
| <i>Fiscal Impact:</i> | |
| Is this item budgeted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Budget: | Enter Text Here |
| Value of award: | \$2,000 |
| If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Is there grant funding being used? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Match provisions: | Enter Text Here |
| Is this a sole source purchase? <input type="checkbox"/> Yes <input type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.) | |

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

ORDER NO. 26,463

DATE: June 18, 2019

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

THAT, the Chief of Police be and is hereby authorized to execute a Project Agreement by and between the Cumberland Police Department and the Maryland Highway Safety Office of the State Highway Administration (MHSO) to accept a FY20 Maryland Highway Safety Office "Pedestrian Safety" Grant for Two Thousand Dollars and No Cents (\$2,000.00) for police overtime support concentrating on pedestrian safety to include pedestrian safety checkpoints, for the period July 1, 2019 through June 30, 2020.

Mayor Raymond M. Morriss

PROJECT AGREEMENT

6601 Ritchie Highway
Glen Burnie, MD 21062

PHONE 410-787-4050 FAX 410-787-4020

The formal approval of this Project Agreement and the obligation of funds to it are contingent upon the availability of anticipated federal funds, as determined by Congress, Maryland statute, or other federal or state action.

PROJECT TITLE: CPD MHSO PEDESTRIAN SAFETY

FOR MHSO USE ONLY

PROJECT NUMBER: LE-Cumberland PD-2020-334

PROJECT AGENCY: Cumberland Police Department

PROJECT AGENCY ADDRESS: 20 Bedford Street, Cumberland, MD-21502

FUND RECIPIENT: Cumberland Police Department

FUND RECIPIENT ADDRESS: 20 Bedford Street, Cumberland, MD-21502


FEDERAL IDENTIFICATION NUMBER: 52-6000786

The undersigned agree that the Project Agency will carry out the Project within the dates of the Project Period, in accord with the general programmatic and financial requirements set forth in the agreement, and in compliance with the Project Conditions. Reimbursement is limited to actual eligible expenditures, the total of which is not to exceed the amount of Funds Obligated from MHSO. Furthermore, the Project Agency certifies that it is eligible under grant guidelines to receive grant funds; can accept a reimbursable grant; can successfully implement the project at the indicated funding level; and accepts the provisions of the entire Agreement including its Project Conditions. Costs cannot be incurred prior to the Project Start Date listed below.

| BUDGET CATEGORIES | MHSO FUNDS |
|--|-------------------|
| Salary and Benefits | \$0.00 |
| Law Enforcement Overtime | \$2,000.00 |
| Training / Conference and Accommodations | \$0.00 |
| Mileage | \$0.00 |
| Contractual Services | \$0.00 |
| Equipment | \$0.00 |
| Other Direct Costs | \$0.00 |
| Indirect Costs | \$0.00 |
| Total | \$2,000.00 |

The Project Director and Authorizing Official signing below cannot be the same person, nor can they be the Financial Official listed in the grant.

PROJECT DIRECTOR & AUTHORIZING OFFICIAL SIGNATURES

| PROJECT DIRECTOR | AUTHORIZING OFFICIAL |
|---|--|
| NAME: Chuck Ternent | NAME: Charles Hinnant |
| TITLE: Lieutenant | TITLE: Chief |
| AGENCY: Cumberland Police Department | AGENCY: Cumberland Police Department |
| ADDRESS: | ADDRESS: |
| PHONE: (301) 759-6475 FAX: | PHONE: (301) 759-6475 FAX: |
| E-MAIL: chuck.ternent@cumberlandmd.gov | E-MAIL: charles.hinnant@cumberlandmd.gov |
| SIGNATURE & DATE:  06/13/19 | SIGNATURE & DATE: |

FOR MHSO USE ONLY

PROJECT PERIOD START DATE: 07/01/2019

FUNDS OBLIGATED FROM MHSO:

PROJECT PERIOD END DATE: 06/30/2020

\$2,000.00

MHSO DIRECTOR APPROVAL (SIGNATURE & DATE)

MARYLAND HIGHWAY SAFETY OFFICE
FFY 2020 PROJECT TERMS AND CONDITIONS

I. Project Administration

It is understood and agreed by the Project Agency and Fund Recipient (Grantee) that grant funds received in support of this grant are subject to applicable federal and state laws and regulations and to the following applicable controls, terms and conditions:

1. Availability of Funds

- a. It is mutually understood between the Grantee and the Maryland Highway Safety Office (MHSO) that this grant may have been executed (the Terms and Conditions signed by the Grantee and the Project Agreement signed by both parties) for the mutual benefit of both parties before ascertaining the availability of anticipated federal funds, as determined by Congress, Maryland statute, or other federal or state action to avoid program and fiscal delays that would occur if the grant were executed after that determination was made.

The grant is valid and enforceable only if sufficient funds are made available to the state by the United States Government for the purpose of this program. In addition, this grant is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress or MHSO that may affect the provisions, terms, or funding of this grant in any manner.

Reimbursement extends only to those costs incurred during the period of the project, and for which quarterly reports are submitted no later than thirty (30) days after the end of the reporting period, and in the case of the fourth quarter report, thirty (30) days after the project period end date (September 30th).

The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this grant shall be amended to reflect any reduction in funds. If at any time during the term of this grant award, federal funds become reduced or eliminated, the MHSO may immediately terminate or reduce the grant award upon a thirty (30) day written notice to the Grantee.

The MHSO has the option to void the grant under the thirty (30) day cancellation clause or to amend the grant to reflect any reduction in funds.

Funds are awarded under Catalog of Federal Domestic Assistance (CFDA). The MHSO will provide quarterly CFDA funding reports to the Grantee.

- b. This grant will be conducted and administered in accordance with applicable federal, state and local laws, rules and other requirements, using acceptable financial management, record-keeping, procurement and property control systems as outlined in 49 CFR Part 18 - Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or 49 CFR Part 19 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals and other Non-Profit Organizations (as applicable) and in accordance with the MHSO grant management guidelines.

2. Unallowable Costs

- a. Supplanting is defined as the replacement of routine and/or existing state or local expenditures with the use of federal grant funds for the cost of activities that constitute general expenses required to carry out the overall responsibility of a state or local agency. The Grantee shall not use grant funds to supplant state or local funds, or other resources that would otherwise have been made available for the grant program.
- b. In addition to supplanting, the following program administration costs are also prohibited:
- Entertainment costs including amusement and social activities and any costs directly associated with such costs (such as tickets to shows or sporting events, meals, lodging, rentals, transportation and gratuities)
 - Promotional items such as gifts, models, and souvenirs for public relations and advertising costs.
 - Alcoholic beverages for any consumption purposes including training settings for law enforcement

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

- Contributions and donations, including cash, property and services to others
 - Cost of fundraising, including financial campaigns and solution of capital contributions
 - Fines, penalties, damages and other settlements resulting from violations or non-compliance
 - Contingency provision for contributions to a contingency reserve or similar provision for unforeseen events excluding self-insurance reserves
 - Costs not recovered under one MHSO grant are unallowable under another MHSO grant
 - Highway construction, maintenance or design-related projects
 - Office furniture and fixtures
 - Automated traffic enforcement systems
 - Truck scales and traffic signal preemption systems
 - Cost of training for employees of federal and military agencies
- c. Prohibition on Using Grant Funds to Check for Helmet Usage (applies to subrecipients as well as States).
- The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

3. Procurement

The Maryland Highway Safety Office (MHSO) and its grantees are required to follow the Maryland state purchasing requirements for any purchases made with state and federal funding. These requirements apply to all types of purchases – equipment, supplies, printed materials, services, and any other items purchased for the use of the grant programs.

- a. All purchases shall have at least three prices/quotes, offer, or bids to ensure we are paying an acceptable price and performing as a good steward of State and Federal funds. This stewardship must be documented to show that good faith efforts have been made to make the best use of funds. This could include a simple step of researching on the internet and capturing screen shots of the item and pricing, as well as any shipping and handling costs. This assures that the item is purchased for the most reasonable price/value. These quotes/bids are valid for one year or in the case of grant funded items, for the life of the grant.

For MHSO purposes, for Category I items (under \$5,000) this includes soliciting information on vendor pricing through company websites, as long as the information shown on the pricing clearly indicates the product and the costs of any needed accessories and additional costs such as shipping and handling. Price comparisons must be “apples to apples” in terms of the same specifications for the products from each potential vendor.

- b. Preferred Providers: The State of Maryland maintains a policy of giving “preferred provider” status to agencies which benefit disadvantaged populations within the state where reasonable. These include Maryland Correctional Enterprises, Blind Industries and Services of Maryland, and Community Service Providers (including “individuals-with-disability-owned businesses”). See Procurement policy for more information.

It is a requirement of Maryland State Procurement Regulations to at least verify if the product or services being purchased are available through these agencies, and to get a competitive quote from them if they offer the product or service. These Preferred Providers are called “selling entity” within the regulations.

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

- c. For items over \$5,000, contact your MHSO Program Manager as these must be approved by NHTSA prior to purchase.

For all purchases, refer to the MHSO Small Procurement Process policy for more information prior to making a purchase. Failure to follow this process may result in denial of reimbursement.

4. Nondiscrimination (applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities"). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
 - **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), and **Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 16851686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
 - **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 1213112189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and

- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and subagreement and in every solicitation for a subcontract or sub-agreement, that receives Federal funds under this program.

5. Buy America Act (applies to subrecipients as well as States)

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase only steel, iron and manufactured products produced in the United States with Federal funds, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification to and approved by the Secretary of Transportation. The MHSO must assist Grantees with the waiver process. Any manufactured product with the exception of all motor vehicles, with a purchase price of \$5,000 or less per unit cost is waived from the Buy America Act requirement (23 U.S.C. 313: Pub. L. 110-161.)

6. Privacy Protection

All agencies and organizations with access to or use of any personal information whatsoever from the Maryland Motor Vehicle Administration records shall comply with MVA's Privacy Protection Policy as a condition precedent to receiving access or use and payment under this grant.

7. Debarment and Suspension

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION (applies to subrecipients as well as States)

Instructions for Lower Tier (subrecipient) Participant Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

8. Drug-Free Workplace

The signatories for the grant certify that the Grantee will provide a drug-free workplace in accordance with the Federal Drug-free Workplace Act of 1988 (49 CFR Part 29 Subpart F).

9. Lobbying

CERTIFICATION REGARDING FEDERAL LOBBYING (applies to subrecipients as well as States)

Certification for Contracts, Grants, Loans, and Cooperative Agreements The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

contract, grant, loan, or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

RESTRICTION ON STATE LOBBYING (applies to subrecipients as well as States)

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

10. Political Activity (Hatch Act) (applies to subrecipients as well as States)

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501–1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

11. Document Retention and Access

Pursuant to the requirements of 49 CFR Part 18, Sect. 18.42 - Retention and Access Requirements for Records, all records shall be retained for three years from the date the final quarterly report is submitted to the MHSO. If there is an action resulting from an audit or other action started before the expiration of the three-year period, the records shall be retained until completion of the action and resolution of all issues, or the end of the three-year period, whichever is later. The MHSO, other state agencies and appropriate federal authorities have the right of access to any books, documents, papers, or other records in order to perform audits and examinations or make excerpts and transcripts for as long as the records are retained.

12. Program Income

Some highway safety projects conduct activities that generate income to cover present and future costs. When Grantees earn money for their services or products, they may be earning what is defined in the federal regulations as "program income." Income earned by the Grantee with respect to the conduct of the grant (e.g. sale of publications, registration fees, service charges, etc.) must be accounted for fully and applied to project purposes or used to reduce costs. Program income that remains unexpended after the grant ends shall continue to be committed to the original grant objectives.

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

As defined in 23 CFR, Part 1200.24, program income means gross income earned by the Grantee from grant-supported activities. Such earnings may include but are not limited to:

- Income from service fees
- Sale of commodities fabricated under the grant
- Usage or rental fees of equipment (property) acquired with grant funds
- Conference or training registration fees when the grantee is the host agency

Grantees must record the receipt of program income as a part of the reimbursement claim process. Grantees are required to reduce the amount of grant funds requested for reimbursement based on the amount of income generated from the activity. A note in the reimbursement claim should be placed by the Grantee noting "program income" is offsetting the cost of this claim reimbursement.

13. Local Benefit Requirement

In order to support a high visibility enforcement campaign, coupled with a corresponding education model necessary to change driver behavior, the MHSO will coordinate paid and earned media statewide and in local jurisdictions to complement enforcement efforts. The outreach may include the following: TV and/or radio spots, digital ads, billboards, print ads, press releases, social media, posters and/or flyers. These outreach efforts will be coordinated statewide so as to ensure effective distribution of media spots for the local benefit. The project director signifies his/her understanding of the media component of the mobilization and approves the use of these public outreach techniques within his/her jurisdiction.

14. Audit

Provisions of the Single Audit Act of 1996 (P.L. 104-156) and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations, require an agency/organization which expends more than \$750,000 in federal funds in a year to provide a single or program-specific audit for each year. Any Grantee meeting this criterion shall ensure the submittal of one copy of each required audit report directly to the Federal Audit Clearinghouse within thirty (30) days of the report's issuance. The audit shall study and evaluate the internal accounting and administrative controls to the extent considered necessary to assess the integrity of the systems as required by generally accepted auditing standards, the standards for financial and compliance audits contained in the Standards for Audit of Governmental Organizations, Programs, Activities, and Functions issued by the U.S. General Accounting Office, the Single Audit Act of 1996, and the provisions of OMB Circular 2 CFR 200.501, .516. Grantees which are not subject to the provisions of OMB Circular A-133 shall provide an annual audit report of their organization's financial statements if requested.

15. Indirect Costs

If indirect costs were approved in the grant, the Grantee must furnish required documentation per MHSO's Indirect Cost Policy before indirect costs shall be reimbursed.

II. Project Management

1. Equipment Approvals, Management & Monitoring

- a. For all major equipment purchases and replacement purchases with a useful life of more than one year and an acquisition cost of \$5,000 or more in value, MHSO shall receive prior written approval from the NHTSA Regional Administrator. This procedure is required by 23 CFR §1200.31 and NHTSA's Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants. The regulations look to the cost of the equipment regardless of the portion of funding supported by Federal or other funds if the total cost was \$5,000 or more. The unit cost for equipment is the unit's purchase price plus any accessories necessary to make the equipment operational for its intended purpose. The Grantee shall ensure that the purchase has received the appropriate approvals prior to the

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

funds being expended. The Buy America Act must be adhered to at all times when purchasing approved equipment.

- b. All equipment, regardless of the description in the grant proposal requires a pre-approval in the e-grant system.
- c. Grantees are required to complete an Equipment Accountability Form when claiming reimbursement for the approved item(s). The Equipment Accountability Form is to be completed in MHSO's electronic grant system.
- d. It is the responsibility of the Grantee to institute and maintain required inventory records consistent with 49 CFR Part 18.32 DOT Implementation of Common Rule.
- e. The MHSO, as part of its oversight responsibility, shall systematically monitor Grantees with grant-funded equipment to ensure that grantees are in compliance with all federal requirements for property management and inventory. MHSO shall monitor Grantee compliance with applicable federal requirements during on-site monitoring visits. Equipment and other property acquired under a grant for use in highway safety projects shall be used and kept in operation for highway safety purposes. The Grantee agrees to comply with all requirements and accompany the MHSO to the on-site physical inventory inspection.
- f. *All equipment approved for purchase by MHSO for the purpose of improving highway safety shall become temporary property of the Grantee. Thus, all maintenance and care of the equipment shall rest with the receiving agency. MHSO recommends that the grantee agency maintain an inventory control system to ensure adequate safeguards to prevent loss, damage, or theft of the property. MHSO recommends that the inventory control system include a record and tagging system. MHSO reserves the right to collect the equipment at any time and may elect to allow the Grantee to keep the equipment at the end of the grant period as long as it will continue to be used for highway safety purposes.*
- g. Equipment shall be used by the Grantee for the purpose for which it was acquired as long as needed, whether or not the program continues to be supported by MHSO funds. When no longer needed for the original program, the equipment may be used in other traffic safety activities. Permission to dispose of the equipment must be obtained from MHSO before any action can be taken regarding the equipment. The Grantee must complete the bottom portion of MHSO's Equipment Accountability Form for disposal approval. If the equipment is no longer needed for the purpose for which it was acquired and will not be used for another highway safety project, the equipment may, at the option of the MHSO, become the property of the MHSO.

2. Other Direct Costs

All Materials under Other Direct Costs need to go through the MHSO approval process. Any items where the MVA/MHSO logo or highway safety messaging is warranted must go through the electronic grants pre-approval process. If the Grantee bypasses the pre-approval processes, the MHSO reserves the right to deny the reimbursement expenses. The Grantee should work with their MHSO Program Manager to ensure all pre-approvals are worked through the approval processes correctly.

3. Media & Advertising for Highway Safety Messages

Any funds obligated by this grant for the purchase of paid media are subject to the NHTSA-issued Guidelines for States Using Funds for Purchasing Advertising Space for Highway Safety Messages. The guidelines suggest a strategic communications approach that advocates the use of a sustained high visibility enforcement model coupled with communication resources to be implemented at targeted times and locations based on problem identification. The objective is to influence and sustain year-round behavioral change while getting return on investment and future improvements in highway safety.

4. Travel / Conference and Accommodations

- a. Grantee travel specifically detailed in the grant proposal may require a pre-approval in the electronic grant system. However, if a Grantee only provided minimal or generic travel information, the Grantee is required to submit a pre-approval request for the specific travel. The MHSO reserves the right to deny any travel or

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

training expenses if the Grantee bypasses the MHSO's pre-approval process.

- b. Reimbursement for travel costs shall be subject to the requirements and limitations set forth in the State Travel Regulations established by the Maryland Department of Budget and Management.
- c. Meals that are not provided during a training and or conference are the responsibility of the agency or the individual attending training or the conference, and will not be a reimbursable expense for the grantee except for very limited exceptions that must be pre-approved by the MHSO Chief or Deputy Chief.

5. Contractual Services

The Grantee may not enter into a contract with a contractor for any work specified in the grant without prior written consent from the MHSO. The Grantee shall furnish to the MHSO the contract for review and approval prior to contracting the work with the contractor. The MHSO reserves the right to deny reimbursement expenses if the Grantee bypasses MHSO's pre-approval process.

The Grantee, however, shall remain fully responsible for the work to be done by its contractor(s) and shall assure compliance with all the requirements of the grant and Project Terms and Conditions.

6. Project Modifications

If the costs reflected in the cost categories of the grant need to be adjusted, written approval shall be obtained from the MHSO prior to making any expenditure through a project modification. Budget modifications shall be obtained by submitting a Project Modification Request in the electronic grant system, detailing a clear justification to support the request. At no time shall salary and benefits be moved from one position to another without an approved project modification from the MHSO.

7. Other Conditions, as Directed

If the Grantee is a law enforcement agency, the following conditions apply:

- a. Any law enforcement agency receiving funds for overtime enforcement is strongly encouraged to follow the guidelines established for vehicular pursuits currently issued by the International Association of Chiefs of Police.
- b. Due to the number of fatal and serious crashes occurring during nighttime hours, especially involving impairment and speed, along with lower nighttime seat belt usage, a minimum of 50% of all grant funded overtime enforcement operations (except grant funded nighttime seatbelt operations) are intended to be conducted during the nighttime.
- c. Law enforcement agencies using overtime funds are required to use the best available data to plan and implement enforcement operations (for example: location(s), day of week, time of day should be based on crash and/or citation data).
- d. Scheduled federally funded overtime should not exceed six (6) hours in a 24 hour time period.
- e. The high visibility enforcement model should be used with overtime enforcement operations funded by this grant. This means that when overtime is worked it should be supported by media outreach (for example: press releases, social media, radio and/or television). The MHSO can assist the law enforcement agency with outreach if requested. Participation in all mobilizations/traffic safety enforcement events sponsored by the NHTSA and/or the MHSO is required. An HVE detail consists of two or more officers.
- f. In the event an officer working an MHSO overtime funded assignment is called away from the overtime detail to handle another matter or agency work (calls for service, investigations, lengthy back-ups for incidents other than traffic stops, etc.), the time spent for the non-MHSO work may not be charged to MHSO. Only actual hours worked for the MHSO overtime assignment may be claimed on the law enforcement log for reimbursement. Officer and public safety should always remain a top priority, and responsible discretion should be exercised as to when an officer should be pulled from the MHSO funded effort.

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

- g. The Certification for the law enforcement overtime portion of any quarterly claim must be certified (signed) by a sworn command officer within that Agency.

III. Project Reporting

1. Quarterly Reports & Reimbursement Claims

- a. A quarterly reimbursement claim must be submitted by the Grantee to the MHSO by January 30, April 30, July 30, and October 30 (or monthly as agreed upon by the Grantee and the MHSO). Failure to submit timely, complete and accurate progress reports and claims within thirty (30) days after the quarter ends may constitute Grantee's irrevocable waiver of any right to thereafter recover from MHSO any part of those waived grant sums which may thereafter be reallocated or reverted by MHSO.
- b. A completed quarterly report shall be submitted by the Grantee whether or not reimbursable expenditures have been made since submittal of the prior period report.
- c. All quarterly reports shall be accompanied by approved supporting documentation (refer to the MHSO supporting document checklist for a full listing of approved documentation). The approved documentation must be uploaded in the electronic grant system.
- d. Requests for reimbursement shall be limited to those expenditures made consistent with the provisions of this Project Agreement and the cost principles set forth in 22 CFR Part 225 - Cost Principles for State, Local and Indian Tribal Governments (OMB Circular A-87), 2 CFR Part 220 - Cost Principles for Educational Institutions (OMB Circular A-21), or 2 CFR Part 230 - Cost Principles for Nonprofit Organizations (OMB Circular A-122) , as applicable, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
- e. All grants include a maximum amount eligible for reimbursement (reimbursement limitation). Reimbursement costs are the actual costs not to exceed the originally estimated costs. At no time can salary and benefits be moved from one position to another without an approved project modification from the MHSO.
- f. MHSO will withhold or disallow grant payments, reduce or terminate grant funds, and/or deny future grant funding anytime a Grantee fails to comply with any applicable term or condition of this grant.
- g. Claims received after the cutoff date may not be reimbursed. Grantees are responsible for informing their accounting office of the reimbursement claim submission deadlines.
- h. Expenditures incurred prior to the grant execution date, or for costs not outlined in the approved grant will be denied for reimbursement.

FFY 2020 PROJECT TERMS AND CONDITIONS (Cont'd)

We, the officials named below, hereby certify that we have read and understand the above described Project Terms and Conditions and are duly authorized to legally bind the Grantee to abide by them.

Chuck Tement

Project Director's Name

Date Signed

Project Director's Signature

Charles Hinnant

Authorizing Official's Name

Date Signed

Authorizing Official's Signature

GRANT APPLICATION

PROJECT DETAILS

| | |
|---|--|
| FUNDING: Law Enforcement | PROGRAM AREA: Pedestrian/Bicycle |
| APPLICATION #: LE-Cumberland PD-2020-334 | PROJECT TITLE: CPD MHSO PEDESTRIAN SAFETY |
| PROJECT AGENCY: Cumberland Police Department | FUND RECIPIENT AGENCY: Cumberland Police Department |
| ADDRESS: 20 Bedford Street, Cumberland, MD-21502 | PROJECT START DATE: 07/01/2019 |
| DUNS #: 01-009-5024 | PROJECT END DATE: 06/30/2020 |
| FEDERAL TAX ID: 52-6000786 | STATUS: Project Agreement Documents in Creation |

CONTACT DETAILS

| | |
|---|---|
| PROJECT DIRECTOR: Chuck Tement | PROJECT COORDINATOR: Andrew Tichnell |
| TITLE: Lieutenant | TITLE: Lt. |
| PHONE: (301) 759-6475 | PHONE: (301) 759-6471 |
| E-MAIL: chuck.tement@cumberlandmd.gov | E-MAIL: andy.tichnell@cumberlandmd.gov |
| FISCAL OFFICER: Cindy Hartley | AUTHORIZING OFFICIAL: Charles Hinnant |
| TITLE: | TITLE: Chief |
| PHONE: (301) 759-6400 | PHONE: (301) 759-6475 |
| E-MAIL: cindy.hartley@cumberlandmd.gov | E-MAIL: charles.hinnant@cumberlandmd.gov |

TRANSPARENCY ACT

Does your agency receive \$25,000 or more from the Maryland Highway Safety Office? **No**

Does your Agency receive 80%, and \$25,000,000 or more, of its Annual Gross Revenues from Federal Awards? **No**

Does the public have access to information about the compensation of your Agency's executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934, or section 6104 of the Internal Revenue Code of 1986? **Yes**

TOP 5 HIGHLY COMPENSATED OFFICERS

None

STATEWIDE PROGRAM PARTICIPATION

Street Smart: **Yes**

STRATEGY SELECTION

Promote safe behaviors of all road users appropriate for the environment through education and enforcement initiatives: **No**

Create and improve pedestrian and bicycle safety culture in Maryland including the promotion and implementation of legislation and training of professionals and stakeholders about best safety practices: **Yes**

Identify and promote safe driving and pedestrian behaviors for all motorists and public safety professionals at the scene of emergency events: **No**

PROBLEM IDENTIFICATION

- Non-motorists are defined here as pedestrians (on foot) and bicyclists. In Allegany County, very few fatalities or serious injuries occur among these populations. Pedestrian fatalities have fluctuated slightly over the past three years, from one (2015) to zero (2016) to zero (2017), while serious injuries have followed a similar pattern with zero (2015) and one (2016). This value increased slightly with 4 in 2017.

Additional data or information to support your proposed project: Pedestrian and bicycle safety has been identified as an issue in the City of Cumberland our agency has recently experienced a rise in pedestrian crashes and in fact the Cumberland Police Department has made it one of our department-wide goals and objectives for 2019. We are also a bicycle friendly city and are at the intersection of the Great Allegheny Passage and the C&O Canal, which is a large attraction for recreational and competitive bicycling. The Cumberland Police Department investigates an average of 1,174 vehicle accidents each year. Among these vehicle crashes we usually experience 11 involving pedestrians (9 in 2017, 11 in 2016, 12 in 2018). During 2018, we experienced 12 pedestrian crashes including several serious injuries and one fatality. So far in the first 3 months of 2019 we have experienced 4 additional pedestrian vehicle accidents to include 2 children being struck and one of those being a hit and run. In fact, as recently as April 1st the local YMCA contacted the Chief of Police and expressed concern over safety of its patrons who use a pedestrian crossing in front of their facility. Historically, the City had been experiencing only a few pedestrian involved crashes each year. The City of Cumberland is not alone with seeing an increase in pedestrian crashes. For 2019, the Cumberland Police Department would like to start a pedestrian safety campaign. This goal will be monitored by Lt. Tichnell and can be achieved by:

Starting a media and social media campaign stressing vehicle and pedestrian safety

Initiate a study identifying the areas where most pedestrian crashes occur

Increase general traffic enforcement in these areas

Conduct a pedestrian checkpoint in these areas educating pedestrians and warning against distracted walking

Conduct special enforcement activities in pedestrian crosswalk areas targeting vehicles not stopping for pedestrians as well as jaywalking laws

Work with the street department to evaluate signs, markers, and lights in crosswalk areas.

Train the departments crash reconstructionist in pedestrian crash investigation

Reduce pedestrian involved vehicle crashes

The Cumberland Police Department would like to use MHSO grant funding to conduct several pedestrian safety checkpoints throughout the city. These checkpoints would include the stopping of pedestrians as well as vehicles at busy intersections and distributing literature on pedestrian safety. After a few of these checkpoints would be initially done we would then place officers at these intersections for enforcement purposes writing citations for crosswalk violations and jaywalking.

BUDGET SUMMARY

| BUDGET CATEGORIES | REQUESTED AMOUNT |
|--------------------------|-------------------|
| Law Enforcement Overtime | \$3,360.00 |
| Total | \$3,360.00 |

LAW ENFORCEMENT OVERTIME

| TYPE OF ENFORCEMENT | OT HOURS WORKED | AVERAGE OT HOURLY RATE | CALCULATED AMOUNT | REQUESTED AMOUNT |
|---------------------|-----------------|------------------------|-------------------|-------------------|
| Pedestrian/Bicycle | 96.00 | \$35.00 | \$3,360.00 | \$3,360.00 |
| | | | \$3,360.00 | \$3,360.00 |

DOCUMENTS

| |
|------|
| None |
|------|

NOTES

| TYPE | DESCRIPTION | CREATED BY | CREATED DATE |
|--------------------------|---|------------|------------------------|
| Law Enforcement Overtime | They asked for 3,360 we will be approving 2,000 | jhipps | 04/12/2019 08:01:00 AM |

Item Attachment Documents:

5. **Order 26,464** - accepting the sole source proposal from Carl Belt, Inc., in the total estimated unit price of \$91,005 to construct upgrades to the Marbles Court at Constitution Park, funded by a Community Parks and Playground Grant

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

ORDER NO. 26,464

DATE: June 18, 2019

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

THAT, the sole source proposal from Carl Belt, Inc., 11521 Milnor Avenue, Cumberland, MD 21501-1210, to upgrade the Marbles Court at Constitution Park be and is hereby accepted in the total estimated unit price of Ninety-One Thousand, Five Dollars (\$91,005).

Raymond M. Morriss, Mayor

Funding: Parks & Playgrounds Grant

C A R L B E L T
I N C O R P O R A T E D
C O N T R A C T I N G . . E N G I N E E R I N G

Telephone: 301-729-8900
FAX Number: 301-729-0163

11521 MILNOR AVENUE
UPPER POTOMAC INDUSTRIAL PARK

POST OFFICE BOX 1210
CUMBERLAND, MARYLAND 21501-1210

June 14, 2019

City of Cumberland
57 North Liberty Street
Cumberland, MD 21502

ATTN: MR. ROBERT SMITH, P.E.

RE: NEW MARBLE COURTS AT CONSTITUTION PARK

Dear Mr. Smith:

Attached please find our proposal for the new Marble Courts at Constitution Park.

Should you have any questions or comments, please contact me.

Sincerely,
CARL BELT, INCORPORATED



David W. Snyder
Estimator / Project Manager

CB-19-093

Cc: CBjr/JB/DM/BM/MF/SF/File

BID FORM

| ITEM NO. | ITEM | UNITS | QTY | UNIT PRICE | TOTAL COST |
|----------------------------------|-------------------------------------|-------|-----|-------------|--------------------|
| 1 | Mobilization | LS | LS | \$1,400.00 | \$1,400.00 |
| 2 | Construction Stakeout | LS | LS | \$4,360.00 | \$4,360.00 |
| 3 | Temporary Orange Construction Fence | LF | 350 | \$ 8.30 | \$2,905.00 |
| 4 | Marble Court | EA | 5 | \$9,850.00 | \$49,250.00 |
| 5 | Accessible Marble Court | EA | 1 | \$14,155.00 | \$14,155.00 |
| 6 | Underdrain | LF | 160 | \$ 28.00 | \$4,480.00 |
| 7 | Underdrain Outlet | LF | 70 | \$ 39.00 | \$2,730.00 |
| 8 | Site Grading | LS | LS | \$2,445.00 | \$2,445.00 |
| 9 | Placing and Furnishing Topsoil | LS | LS | \$3,600.00 | \$3,600.00 |
| 10 | Turfgrass Establishment | LS | LS | \$2,580.00 | \$2,580.00 |
| 11 | Tree Felling and Stump Removal | LS | LS | \$3,100.00 | \$3,100.00 |
| TOTAL- ITEMS 1 THROUGH 11 | | | | | \$91,005.00 |

WRITTEN TOTAL: Ninety One Thousand and Five Dollars and 00/100 Cents

90 County

State of Maryland License

01401477

01725312

01639111



CARL BELT INC
PO BX 1210
CUMBERLAND MD 21502

CARL BELT INC
11521 MILNOR AVE
CUMBERLAND MD 21502

19

| CODE | UNIT | TYPE OF LICENSE | NO OF LIC | COST |
|------|------|---|-----------|-------|
| 77 | 015 | CONSTRUCTION FIRM (NOT FOR HOME IMPROVEMENT) | 1 | 15.00 |

DATE OF ISSUE
MO DAY YR
04/10/2019

MONTHS PAID
12

| | |
|--------------|-------|
| ISSUING FEES | 2.00 |
| TOTAL | 17.00 |
| AMOUNT PAID | 17.00 |

THIS LICENSE MUST BE PUBLICLY DISPLAYED
AND EXPIRES ON **APRIL 30, 2020**

ISSUED BY

DAWNE D. LINDSEY, CLERK OF CIRCUIT COURT
30 WASHINGTON STREET
CUMBERLAND, MARYLAND 21502 (301)777-5922

MCR

Item Attachment Documents:

6. Order 26,465 extending the contract with EBA Engineering, Inc., to December 31, 2019 (currently authorized through June 30, 2019), to provide ESRI Workforce Software services with no additional cost to the City and with no other aspects of the contract being changed

Council Agenda Summary

Meeting Date: June 18, 2019

Agenda Item Number: Enter Text Here

Key Staff Contact: Raquel Ketterman
Kim Root

Item Title:

Order 26,465 extending the contract with EBA Engineering, Inc., to December 31, 2019 (currently authorized through June 30, 2019), to provide ESRI Workforce Software services with no additional cost to the City and with no other aspects of the contract being changed

Summary:

Since the contract funding has not yet been exhausted, EBA is requesting extension of the contract's term through December 31, 2019 to enable EBA to continue to provide technical support services.

Issues and Considerations:

Enter Text Here

| | |
|---|-----------------|
| <i>Fiscal Impact:</i> | |
| Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Budget: | 003.320.20100 |
| Value of award: | \$0.00 |
| If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Match provisions: | Enter Text Here |
| Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.) | |

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

ORDER NO. 26,465

DATE: June 18, 2019

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

THAT, the current contract with EBA Engineering, Inc., 1525 Oregon Pike, Suite 202, Lancaster, PA 17601-7300, currently approved through June 30, 2019, be and is hereby extended through December 31, 2019 with no additional cost to the City and with no other aspects of the contract being changed.

Raymond M. Morriss, Mayor



EBA Engineering Inc.
1525 Oregon Pike, Suite 202
Lancaster, PA 17601-7300

☎ 717.399.7007
F 717.399.7015
W ebaengineering.com

May 22, 2019

Ms. Raquel Kettermann
Environmental Specialist
57 N. Liberty Street
Cumberland, MD 21502

RE: Project 4526-01: Provide Professional GIS/Asset Management Consulting and
Implementation Services - Project Term Extension

Dear Ms. Kettermann:

Per the contract signed with the City of Cumberland, MD (the City) on December 19, 2018, EBA was tasked with implementing Esri's workforce, Esri's Operations Dashboard, and providing as needed technical support. The contract term is set to expire on June 30, 2019 unless the date is extended in writing through mutual agreement of both parties. Since the project's funding has not yet been exhausted, EBA is requesting to extend the contract term's end date to December 31, 2019. All other aspects of the contract will remain unchanged. This contract extension will enable EBA to continue providing technical support services as described in the contracted scope of services. If you agree to the proposed contract term extension, please sign, scan, and return the signature page to me via email (bruce.stauffer@ebaengineering.com) or mail.

Sincerely,

EBA Engineering, Inc.

Bruce E. Stauffer, Vice President
Geospatial Technologies & Asset Management



EBA Engineering Inc.
1525 Oregon Pike, Suite 202
Lancaster, PA 17601-7300

o 717.399.7007
f 717.399.7015
w ebaengineering.com

Contract: 19-15-M "Provide Professional GIS/Asset Management Consulting and Implementation Services" in the amount of \$18,800. Remains unchanged.

EBA Engineering Project Number 4526-01

Original Contract Term: December 19, 2018 – June 30, 2019

Amended Contract Term: December 8, 2017 – December 31, 2019

The undersigned, representing EBA Engineering, Inc. and the City of Cumberland, MD agree to amend the original contract end date from June 30, 2019 until December 31, 2019. All other terms will remain unchanged.

On Behalf of the City of Cumberland, Maryland (Client)

By: Robert Smith
Robert Smith, City Engineer

5/28/19
Date

On Behalf of EBA Engineering, Inc. (Consultant)

By: Bruce E. Stauffer
Bruce E. Stauffer, Vice President
Geospatial Technology and Asset Management Division

May 22, 2019
Date

Item Attachment Documents:

7. **Order 26,466** - authorizing the donation of \$22,500 to the Western Maryland Scenic Railroad

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

ORDER NO. 26,466

DATE: June 18, 2019

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

THAT, the donation of Twenty Two Thousand, Five Hundred Dollars (\$22,500) to the Western Maryland Scenic Railroad be and is hereby approved.

Raymond M. Morriss, Mayor

Fund: 001.032 City Hall Budget

Item Attachment Documents:

8. ORDER 26,467 - authorizing payment to Allegany County Government for invoices pertaining to the Replacement of Bridge No. A-C-06 on Baltimore Street over Wills Creek Project, as Allegany County will be paying the Maryland Department of Transportation directly and seeking reimbursement from the City for its cost share portion estimated at \$34,276.39, which is 20% of the total estimated project cost of \$171,381.95

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

ORDER NO. 26,467

DATE: June 18, 2019

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

THAT, with regard to Order No. 26,384 accepting the sole source proposal from MD Department of Transportation (SHA) to provide engineering services for the Replacement of Bridge No. A-C-06 on Baltimore Street over Wills Creek Project, authorization is hereby granted to make payment to Allegany County Government for invoices pertaining to this project as the County will be paying MDOT directly for the work and seeking reimbursement from the City for those payments; and

BE IT FURTHER ORDERED, that, as previously authorized, the City's portion of the cost shall be a total estimated amount of \$34,276.39, which is 20% of the total estimated cost of \$171,381.95.

Raymond M. Morriss, Mayor

Funding: City 20% cost share / 115.099Y.63000



Margie Woodring <margie.woodring@cumberlandmd.gov>

Fwd: FW: Message from acpwd_scan

1 message

Robert Smith <robert.smith@cumberlandmd.gov>

Fri, Jun 7, 2019 at 2:37 PM

To: Margie Woodring <margie.woodring@cumberlandmd.gov>, Kim Root <kim.root@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

We are starting to receive bills for the design of the Baltimore Street Bridge project. MDOT actually bills the county directly for these projects. The County will be paying the MDOT invoice and then invoicing the City to recoup their funds. I incorrectly set up M&CC Order 26,384 that identifies MDOT as the party to receive the payment. Can we revise the order at the next regular M&CC meeting to revise this order to allow us to reimburse Allegany County Commissioners/Government (or whatever the formal name of the organization is)? Early on in the process, Adam Patterson asked for MDOT to bill the City directly and they advised that could not be done. I didn't realize at the time how the payment would actually be processed, so sorry.

The attached invoice is for \$33.35 and the county will be paying this invoice. The county will issue the City an invoice in the future once the total payments reach a larger value. Please advise what you need from me in order to proceed with reimbursing the County. Thanks.

Robert Smith, P.E.
Cumberland City Engineer
57 N. Liberty Street
Cumberland, MD 21502
Office 301-759-6600
Direct 301-759-6601
Cell 301-268-1180
FAX 301-759-6608
email: robert.smith@cumberlandmd.gov

----- Forwarded message -----

From: **Adam Patterson** <adam.patterson@alleganygov.org>

Date: Thu, Jun 6, 2019 at 10:30 AM

Subject: FW: Message from acpwd_scan

To: Robert Smith <robert.smith@cumberlandmd.gov>

Bobby,

Please see attached. This is an invoice for PE on Balt St Bridge. Give me a call to discuss when convenient.

Thanks,



Adam Patterson, P.E.
Deputy Director of Public Works
Allegany County Government

t: 301-876-9561 | m: 240-727-2961

w: <http://www.alleganygov.org>

a: Allegany County Government

701 Kelly Road
Cumberland, Maryland 21502

From: ksweitzer@alleganygov.org <ksweitzer@alleganygov.org>

Sent: Thursday, June 6, 2019 9:55 AM

To: adam.patterson@alleganygov.org

Subject: Message from acpwd_scan



Sacpwd_scan19060608540.pdf
1881K

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

INVOICE

ALLEGANY COUNTY DPW
MR. ADAM PATTERSON, P.E., DEPUTY DIRECTOR DPW
701 KELLY ROAD, SUITE 300
CUMBERLAND MD 21502

CUSTOMER NO.: 0526000870 013

| INVOICE NO | INVOICE DATE | DUE DATE | INVOICE AMOUNT |
|------------|--------------|----------|----------------|
| AG010279 | 05/28/19 | 06/28/19 | \$33.35 |

| MM/DD/YY | -----NARRATIVE----- | QTY | UNIT COST | EXTENSION |
|----------|---------------------|-----|-----------|-----------|
| 05/28/19 | TOTAL AMOUNT DUE | 1 | \$33.35 | \$33.35 |

TOTAL INVOICE \$33.35
=====

ADDITIONAL COMMENTS

PROJECT #AL499M21
TO BILL FOR PRELIMINARY ENGINEERING SERVICES FOR THE REPLACEMENT OF BRIDGE NO.
A-C-06 ON BALTIMORE ST OVER WILLS CREEK IN ALLEGANY COUNTY.

INVOICES ARE CONSIDERED DELINQUENT IF NOT PAID WITHIN 30 DAYS OF THE INVOICE
DATE. DELINQUENT INVOICES MAY BE REPORTED TO CREDIT REPORTING BUREAUS. IN-
VOICES REFERRED TO THE MARYLAND STATE CENTRAL COLLECTION UNIT WILL BE CHARGED
AN ADDITIONAL COLLECTION FEE OF 17% ON UNPAID BALANCES AS PER MARYLAND LAW.

PLEASE CALL (410)545-5738/1-888-742-2455 FOR ADDITIONAL INFORMATION ABOUT THIS
INVOICE.

****PLEASE MAKE CHECK PAYABLE TO: STATE HIGHWAY ADMINISTRATION OF MARYLAND****
MAIL TO: BOX 1636, BALTIMORE, MD 21203



Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

REMITTANCE COPY

ALLEGANY COUNTY DPW
MR. ADAM PATTERSON, P.E., DEPUTY DIRECTOR DPW
701 KELLY ROAD, SUITE 300
CUMBERLAND MD 21502 CUSTOMER NO.:0526000870 013

| CUR DOC NO./SFX | AMOUNT |
|-----------------|----------|
| AG010279 001 | \$33.35 |
| TOTAL INVOICE | \$33.35 |
| DUE DATE : | 06/28/19 |

----- PLEASE DETACH AND RETURN THE COUPON BELOW WITH YOUR PAYMENT -----

| | | |
|---|---------------|--------------|
| ALLEGANY COUNTY DPW | DUE DATE | 06/28/19 |
| MR. ADAM PATTERSON, P.E., DEPUTY DIRECTOR DPW | | |
| 701 KELLY ROAD, SUITE 300 | | |
| CUMBERLAND MD 21502 | INVOICE NO | AG010279 001 |
| | TOTAL INVOICE | \$33.35 |

AG010279103052600087001305010000000000000033357

MAKE CHECK PAYABLE TO :

STATE HIGHWAY ADMINISTRATION OF MD
P. O. BOX 1636
BALTIMORE, MD 21203

AMOUNT ENCLOSED : _____

AL499M21

ALLEGANY COUNTY, DPW

**PRELIMINARY ENGINEERING SERVICES FOR THE REPLACEMENT OF BRIDGE NO.
A-C-06 ON BALTIMORE STREET OVER WILLS CREEK IN ALLEGANY COUNTY**

| | | AL499B21 AMOUNT | TOTAL AMOUNT |
|------------------------|--|----------------------------|-------------------------|
| MAR 19 - APR 19 | TOTAL COST PER PROJECT HISTORY | 166.77 | 166.77 |
| | TOTAL COST | 166.77 | 166.77 |
| | ALLEGANY COUNTY SHARE (20%) | | 33.35 |
| | TOTAL AMOUNT DUE FROM ALLEGANY COUNTY | | 33.35 |

DAFR6960 J02 CSE 11
CYCLE: 05/17/19 17:00 7825 CFY: 19 CFM: 11 LCY: 18 LCM: 00 FICHE: J02
() () () () ()
RUN DATE: 05/18/19 TIME: 00:12:04 R*STARS

STATE HIGHWAY ADMINISTRATION (J02)

PROJECT HISTORY REPORT

PERCENT OF YEAR ELAPSED: 91%

PROJECT HISTORY REPORT

PROJECT HISTORY REPORT
REPORT PERIOD MARCH 2019 - APRIL 2019

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***** REPORT PERIOD MARCH 2019 - APRIL 2019 ***** PRD V
***** PROJECT: AI499B01 ***** PAGE 3
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PROJECT: AL499E21 FISCAL YEAR: 19 PE FOR BALTIMORE STREET BRIDGE *****PAGE 3

| AGENCY | MULTI PURPOSE | INVOICE/UNIT | HOURS | VENDOR/EMPLOYEE NAME | EFFECTIVE DATE | DOCUMENT NUMBER/SFX | AMOUNT |
|--------|---------------|--------------|-------|----------------------|----------------|---------------------|--------|
| OBJECT | INDEX | CODE | | | | | |

NET REVENUES/(EXPENDITURES) FOR FY 19

LIFE-TO-DATE BEGINNING BALANCE

00

CURRENT PERIOD TOTAL

LIFE-TO-DATE ENDING BALANCE

166.77-

NET REVENUES/(EXPENDITURES) FOR PROJECT/PHASE

AL499B 21

LIFE-TO-DATE BEGINNING BALANCE

00

| | CURRENT PERIOD | TOTAL |
|-----|----------------|-------|
| 166 | 77- | |

166.77-

LIFE-TO-DATE ENDING BALANCE

166.77-

Item Attachment Documents:

- 9. ORDER 26,468** - authorizing the City Solicitor to register the City's official trade name as "City of Cumberland" with the State Department of Assessments and Taxation

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

ORDER NO. 26,468

DATE: June 18, 2019

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

THAT, the City Solicitor be and is hereby authorized to officially register "City of Cumberland" as the City's trade name with the State Department of Assessments and Taxation.

Raymond M. Morriss, Mayor

Item Attachment Documents:

- 10. ORDER 26,469** - lifting provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the downtown mall on Sunday, July 14, 2019 from 11 a.m. until 5 p.m. to accommodate the Cumberland Pride Festival; notwithstanding that open glass containers shall not be permitted

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

ORDER NO. 26,469

DATE: June 18, 2019

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

THAT, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted in the areas of the downtown mall noted on the attached map on Sunday, July 14, 2019 from 11:00 a.m. until 5:00 p.m., to accommodate the Cumberland Pride Festival being held that date.

NOTWITHSTANDING THE FOREGOING, open glass containers shall not be permitted.

Raymond M. Morriss, Mayor

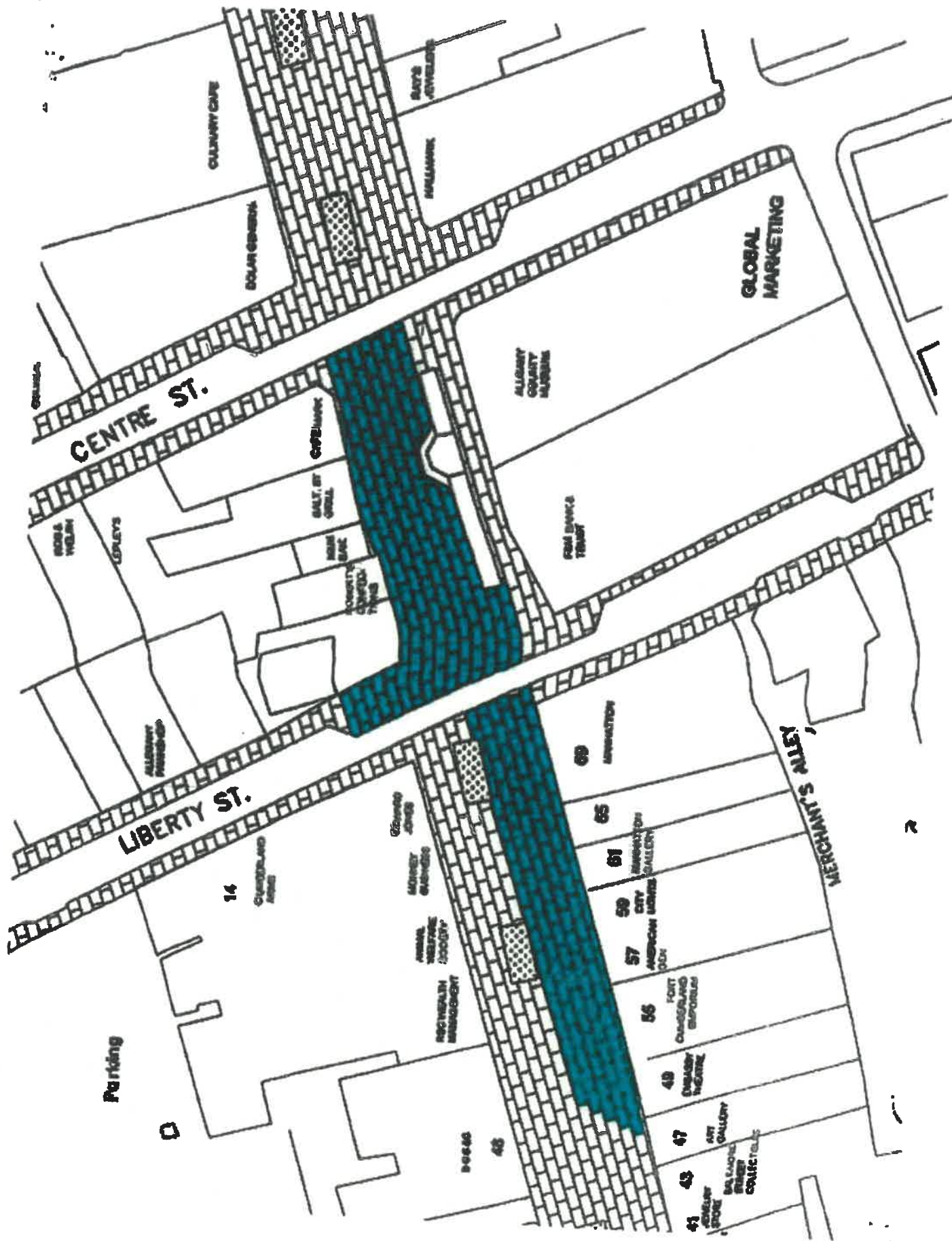
Dear City Council,

As organizer of Cumberland Pride, I am asking for an open container permit on the downtown mall per the attached map, for Sunday, July 14th from 11 a.m. until 5 p.m. which is the duration of the festival. We are asking for this as we have live entertainment on the McCoury Family stage and are encouraging the downtown restaurants to remain open for the festival. We would like to encourage participants to enjoy the entertainment while consuming food and beverage from the local establishments on Baltimore Street.

Thank you for your consideration. Further questions can be directed to me at 301-876-2898 or cumberlandpride@gmail.com

Thoughtfully,
Jacqueline McKenzie

A handwritten signature in black ink, appearing to read 'JMcK', with a horizontal line extending to the right.



Item Attachment Documents:

- 11. ORDER 26,470** - lifting the provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the top level of the George Street Garage on Wednesday, June 19, 2019 from 7:00 - 10:00 p.m. to accommodate the Wednesday Night Welcome Party of the Lambda Car Club International Grand Invitational; notwithstanding that open glass containers of shall not be allowed

Tri-Valley Region, LCCI

443-564-7268 12100 Blake Lane, Cumberland MD 21502



May 15, 2019

City of Cumberland
57 North Liberty Street
Cumberland, Md 21502

Dear Mayor & City Council

I am writing to you as chairperson of the 2019 Lambda Car Club International Grand Invitational, my non-profit car club's annual car show, to request permission of use of the top two levels of the George St. parking garage from June 18th through June 23rd; and to close the portion of Baltimore Street between George St and Queen City Drive on Saturday, June 22nd between the hours of 8am-5pm.

The Lambda Car Club International; which is the largest LGBT collector car organization in North America. National membership is at 2,200, and there are 32 active regions throughout the U.S. All vehicles of any age or condition are welcome at club events. Regionally we are the second largest region with 119 member and one of the most active regions. As you know we have chosen Cumberland to host our annual Grand Invitational Car Show. It is expected this show will attract 200-250 attendees and around 150 vehicles.

I am requesting use of the George St. Parking Garage for two purposes. First, I am requesting permission to use the top two levels as our primary parking location Tuesday, June 18th through Sunday, June 23rd. Having access to the garage would provide for a covered and secluded place that members can park their vehicles while visiting Cumberland. We have contracted with Scottie's Security to patrol the area from mischief and to protect against vehicle damage. Providing this access will help ensure that these guests to our city feel secure and leave the City of Cumberland without the negative experience of having their vehicles damaged while visiting with us. Use of the covered area of the parking garage will also be needed as a backup rain location in case of inclement weather during our public show June 22nd.

Second purpose to obtaining use of the top of the parking garage is to host our Wednesday Night Welcome Party, to which you all are invited. Specifically this event is organized to welcome the members and to highlight the taillights and great lighting features of our city skyline. It will be held Wednesday, June 19th from 7pm to 10pm. It would include music, an ice cream sundae bar, perhaps some entertainment from the Cumberland Pride Committee, and a cash bar. The cash bar is being provided by Friends Aware, and is being used as a fundraiser for that organization. Friends Aware is responsible for obtaining a one day event liquor license and all other responsibilities associated with providing cash bar at the event. This Welcome Party is a private event and is only open to invited guests and identifications and credentials will be checked prior to event entrance. LCCI's insurance provider has reviewed the city's special event insurance requirements and agrees to all terms of the requirements.

My request to close the public roadway of Baltimore Street between George Street and Queen City Drive on June 22nd between 8am to 5pm is to extend the auto show display area. Primarily our display area will be hosted on the Baltimore Street Mall and the cross streets of Liberty and Center Streets, but with 150 vehicles I will have to extend up this small portion of public roadway and into the ground lot of the Ramada Parking Lot. I have already requested that the DDC close Liberty and Center Streets. In addition, the DDC has also obtained the City's Parks and Rec Department's portable stage that will be used at the Baltimore Street/Queen City Drive Intersection as our second stage during the event.

I hope that you vote in the affirmative to provide my organization use of the George Street Parking Garage and the closure of the mentioned portion of Baltimore Street for the above detailed event. If more information needed or if you have any specific questions I will gladly answer them. I look forward to working with you on this event and the upcoming events. Sincerely yours,

Sincerely,

Kyle P. Blake

2019 Grand Invitational Chairman
Lambda Car Club International

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

ORDER NO. 26,470

DATE: June 18, 2019

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

THAT, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted on the top level of the George Street Garage on Wednesday, June 19, 2019, from 7:00 – 10:00 p.m., to accommodate the Wednesday Night Welcome Party of the Lambda Car Club International Grand Invitational being held that date.

NOTWITHSTANDING THE FOREGOING, open glass containers shall not be permitted.

Raymond M. Morriss, Mayor