



# 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

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## AGENDA

M&CC Regular Public Meeting  
City Hall Council Chambers, 57 N. Liberty Street, Cumberland

DATE: August 17, 2021

### OPEN SESSION

#### Pledge of Allegiance

#### Roll Call

#### Statement of Closed Meeting

1. Summary Statement of closed meetings held August 10 and August 17, 2021

#### Presentations

1. City Star Awards presented to Lisa Wolford, Ed Mullaney, Becky McClarran, Freida Spriggs, and KTK Services

#### Proclamations

1. Proclaiming August 31, 2021 to be Jane Gates Day in the City of Cumberland

#### Director's Reports

##### (A) Administrative Services

1. Administrative Services monthly report for June, 2021

##### (B) Engineering

1. Engineering Division monthly report for July, 2021

##### (C) Fire

1. Fire Department monthly report for July 2021

##### (D) Police

1. Police Department monthly report for July, 2021

## **Unfinished Business**

### **(A) Ordinances**

1. Ordinance 3894 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-30 of the City Code pertaining to tax credits provided for improvements to properties located in the Canal Place Preservation District, National Register sites or districts, and Maryland-designated Certified Heritage Zoning Districts, and clarifying which properties are eligible for the tax credits
2. Ordinance 3895 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-29 of the City Code pertaining to the provision of tax credits for the restoration and preservation of structures having historic or architectural value within the Historic District areas of the city

## **New Business**

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

1. Order 26,855 - authorizing the Chief of Police to accept an FY22 Maryland Criminal Intelligence Network (MCIN) Grant through the Governor's Coordinating Offices in the amount of \$280,223 to be used for contractual salaries, personnel service, and overtime support for increased manpower within allied agencies, the Allegany County Combined Narcotics Unit (C3I/N), and a Peer Recovery Specialist, and to also support crime reduction patrols, targeted enforcement, apprehension, and intelligence gathering
2. Order 26,856 - accepting the proposal of Gwin, Dobson & Foreman, Inc. for engineering services for City Project "Evitts Creek Phase IV - Interceptor Sewer to Pump Station (06-08-S)" in the lump sum cost of \$32,600
3. Order 26,857 - accepting the bid of Long Fence Company, Inc. for the Municipal Service Center Security Fence Contract (09-21-M) in the lump sum cost of \$50,260.00
4. Order 26,858 - authorizing the utilization of American Rescue Plan Act (ARPA) funds in FY22 to provide premium pay upon hours physically worked at a City facility during the period 7/6/20 through 5/15/21 for current employees and former employees who performed services during that time period
5. Order 26,859 - rescinding Order No. 26460 and adopting a revised Family Medical Leave Act (FMLA) Policy effective this date
6. Order 26,860 - authorizing the Chief of Police to accept a GOCCP FY22 Police Recruitment & Retention Grant in the amount of \$19,500 for financial assistance in recruiting and retaining police officers
7. Order 26,861 - rescinding Order No. 24,443 and adopting a revised Workers' Compensation Policy effective this date
8. Order 26,862 - adopting a Social Media Policy

**Public Comments**

All public comments are limited to 5 minutes per person

**Adjournment**

**File Attachments for Item:**

. Administrative Services monthly report for June, 2021

## **Administrative Services Monthly Report for June 2021**

**August 17, 2021**

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 June, 2021.

### **Information Technology Department** June 2021

#### **Statistics**

112 completed help desk requests  
162 open help desk requests

#### **Activities**

Major department initiatives in the past month include:

- Continue resolving issues with and refining mobile data terminal setup
- Continue making changes to update our network environment and improve security
- Continued working with vendor on Cisco phone operating system upgrade
- Assist Finance with personal property tax billing
- E-cycle a dump truck full of surplus computers/electronics

## **Parks and Recreation**

June 2021

**Pavilion Reservations** and usage for the month of June: 41 reservations

New reservation made during the month of June: 28

**Sunday in the Park Concert series:** Summer Series to begin on Sunday July 18, 2021.

Season delayed due to Covid 19 however all State restrictions were lifted as of July 1, 2021.

**73rd Annual Battie Mixon Fishing Rodeo** was held on Saturday June 5, 2021

The event is Co-Sponsored by CSX Railroad, Wal-Mart, the City P&R, Oldtown VFW, Oldtown VFD, National Park Service – C&O Canal, Oldtown Lions Club, MD Department of Natural Resources, and various local businesses and organizations. Attendance was estimated at 1,000 with 538 children registered for the event. Approximately 800 fish were caught during the three-hour event. 26 trophies were awarded – “Casting for Kids” contest awarded 6 trophies Sponsored by the Cooper Family in memory of John W. Cooper IV. Mike Cornachia and the Oldtown Catfish Club organized the event with assistance from The Cumberland Parks & Recreation Department and a large number of volunteers.

**The National Marbles Tournament in Wildwood N.J.** – The Tournament was canceled for the second year (2020 and 2021) due to Covid. The Mason Cup Marble Tournament is scheduled for August 7 & 8, at the Cumberland Marble Rings in Constitution Park

**Baseball/ Softball League** play and practices for June:

The City of Cumberland provides fields for the following leagues:

- Pee Wee League

- Girls Softball League

- Dapper Dan Little League Baseball

- Industrial League

- Co-ed League

- YMCA Soccer League

One Adult Softball Tournament was held Jun 26, 2021

**82<sup>nd</sup> Season - Constitution Park Pool –**

**The Park Pool was open weekends until Allegany County Public Schools closed for the school year on June 8.**

25 Days of Operation – paid Attendance: 4,238

Admissions using pre-purchased swim cards or season passes - 823

Other group usage total – 9

Day Camp Swimming - 135

The Park Pool is open daily 12 noon to 7:00 p.m. in June & July.

Swimming lessons: No Swimming Lesson in June

**Constitution Park Day Camp**

3 Days of Day Camp – Attendance: 143

Daily activities include: Swimming Lesson, Tennis Lessons, Arts & Crafts, Sports, Dance, Breakfast, Lunch, afternoon swimming, Bus transportation (funded by *Department of Social Services*) “Fun Friday Activities”.

Special activities at Day Camp for June: Cooperative *Extension service* provides activities related to nutrition and Healthy Lifestyle – Healthy meals and snacks and exercise included.

**Summer Lunch Program** the Parks & Recreation Department is the sponsor for the Summer Lunch Program in the Cumberland area. Local sites include Constitution Park Day Camp, and YMCA Riverside Summer Day Camp.

**June meals served** – Breakfast: 178 Lunches: 201

**Meetings attended:**

June Recreation Advisory Board meeting

Staff meetings

Day Camp personnel training meetings

Organizational meetings and training for Lunch programs at Constitution Park Day Camp, YMCA – Riverside Day camp program

Planning meetings for seasonal special events – Pool and other programs

Meetings related to Fireworks program

Pee Wee Football Renegades meeting

**Upcoming:**

July 4<sup>th</sup> Celebration and Fireworks

Pool activities to resume –

Water Aerobics, Swimming lessons, Pool parties, and Free Swim and Movie night

Sunday in the Park Concert Series to resume at the Park Amphitheater on July 18.

**Community Development Report**

June 2021

**CODE COMPLIANCE**

**Code Enforcement Activity:**

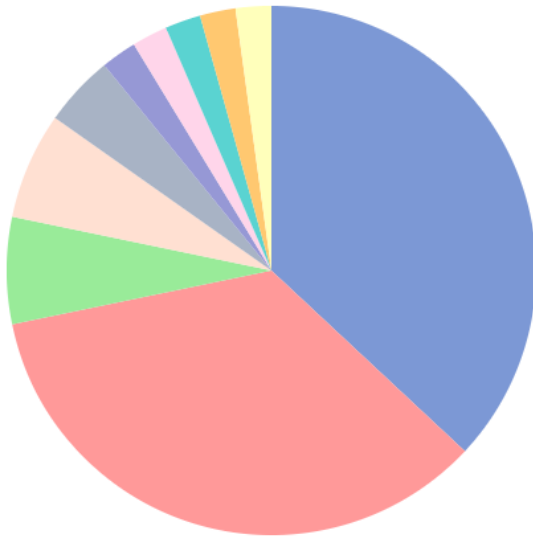
68 new cases received - 32 of those are still open

46 violations were found.

66 cases have been resolved.

Open Date From:  
Open Date To:

06/01/2021  
06/30/2021



Violations by Violation Type		
Cutting of weeds	17	37.0%
Dwellings, yards and lots to be kept clean	16	34.8%
Licensing of rental dwelling units	3	6.5%
Registration of agents	3	6.5%
Duties of owner and operator	2	4.3%
Good repair and safe condition	1	2.2%
Sanitary maintenance	1	2.2%
Standards for good repair and safe condition	1	2.2%
Toilet facilities	1	2.2%
(10) Truck and vehicle parking requirements	1	2.2%

## ISSUED - Permits, Reviews, and Licenses

60 Permits/Reviews issued

### Building

Residential..... 5  
Commercial..... 1

### Demolition

Residential ..... 2  
Commercial ..... 1

### Electrical

Residential ..... 10  
Commercial ..... 1

### Miscellaneous

Residential..... 12  
Commercial..... 1

### Occupancy

Residential..... 0  
Commercial..... 4

### Plumbing

Residential ..... 1  
Commercial ..... 0

### Commercial Signage

Residential ..... 1  
Commercial ..... 2

### Use Public ROW

Total issued..... 9

### Utility

Residential..... 0  
Commercial..... 0

### Rental Licenses

Issued ..... 10

### Rental Inspections.

Conducted: ..... 31  
Passed..... 27  
Failed..... 3  
No status ..... 1

### Certificates of

**Appropriateness**  
Issued..... 5  
Change Amend. .... 2

## Plans, Reviews, Amendments and Appeals

(ZA, SPR, SR, ZMA, ZTA, SRA)

ZA Issued ..... 1

## Revenue from 'Issued' Permits/Reviews

Building Permits..... \$2,063.00  
Miscellaneous Permits..... 180.00  
Occupancy Permits ..... 90.00  
Sign Permits ..... 102.50  
Utility Permits ..... 0.00  
Plan Reviews, Amendments & Appeals ..... 300.00  
Zoning Classification Determination. (info request)..... 0.00  
Municipal Infractions (Citation)..... 0.00  
Certificates of Appropriateness ..... 150.00  
Rental Licenses (new & renewals) ..... 175.00



Paid Rental Inspection Requests ..... 0.00  
**TOTAL ..... \$3060.50**

Demolition Permit – Bonds (partial) ..... \$12,500.00

## COMMUNITY DEVELOPMENT PROGRAMS

June 2021

### Community Development Block Grant Program

Community Development Block Grant (CDBG) Monthly Activity Report						
Activity	Year	Initial Fund	ERR	Contract	Spent	Remain
						\$0.00
correct on 6/30/21	June 1 21					
	PRE-	dr	POST			
		Orig			Spent Activities	Remain
						\$0.00
2014-2018 Funds					Total All	\$0.00
HRDC Emergency						
Housing	2019	\$35,000.00	x	x	\$35,000.00	\$0.00
Admin	2019	\$121,447.70	x	na	\$84,287.10	\$0.00
Fair Housing	2019	\$10,000.00	x	na	\$8,062.41	\$0.00
PHA FCH Sidewalks	2019	\$73,237.67	x	x	\$50,000.00	\$23,237.67
Horizon Goodwill						
Job Training Program	2019	\$11,000.00	x	x	\$7,384.08	\$3,615.92
2019 Total Funds		\$250,685.37	ERR	Contract	Expended	\$26,853.59
Baltimore Street						
Redesign	2020	\$402,700.00	x	Released	\$0.00	\$402,700.00
HRDC Emerg.						
Homeless Prevention	2020	\$25,000.00	x	x	\$12,215.18	\$12,784.82
South Penn						
Playground	2020	\$37,500.00	x	x	\$0.00	\$37,500.00
Admin	2020	\$110,065.20	x	x	\$46,950.16	\$63,115.04
Indirect Cost	2020	\$11,480.80	x	x	\$11,130.75	\$350.05
Fair Housing	2020	\$8,454.00	x	x	\$5,583.51	\$2,870.49
YMCA Gilchrist						
HVAC	2020	\$54,000.00	x	x	\$36,000.00	\$18,000.00
AHEC Dental	2020	\$8,000.00	x	x	\$2,595.40	\$5,404.60

Access							
Assoc. Charities							
Long Term	2020	\$5,000.00	x	x	\$5,000.00	\$0.00	
Assoc. Charities							
Short Term	2020	\$9,000.00	x	x	\$4,060.10	\$4,939.90	
Incredible Years							
Parenting Fam.							
Junct.	2020	\$7,000.00	x	x	\$1,724.89	\$5,275.11	
PHA FCH Sidewalks							
Ph. 2	2020	\$50,000.00	x	x	\$0.00	\$50,000.00	
FCRC Domestic							
Violence Sex.							
Assault							
Shelter/Services	2020	\$10,500.00	x	x	\$9,925.00	\$575.00	
Targeted City PD							
Foot and Bike							
Patrols	2020	\$4,916.00	x	x	\$4,878.52	\$37.48	
Jane's Place, Inc.							
Abused Children							
Services	2020	\$7,900.00	x	x	\$7,900.00	\$0.00	
YMCA Gilcrhist							
Food Program	2020	\$3,842.00	x	x	\$3,842.00	\$0.00	
Constitution Park							
Inclusive							
Playground Ph. 2	2020	\$65,000.00	x	x	\$62,638.82	\$2,361.18	
HRDC Transitional							
Homeless Shelter	2020	\$6,000.00	x	x	\$0.00	\$6,000.00	
2020 Grant Totals		\$826,358.00			\$214,444.33	\$611,913.67	
Program Income	2020						
(July/Aug. draw)	yr.	\$6.99					
Program Income	2020						
(Sept/Oct draw)	yr.	\$6.99					
Program Income	2020						
(Nov draw)	yr.	\$3.80					
Program Income	2020						
(Dec draw)	yr.	\$3.80					
Program Income	2020						
(Jan Draw)	yr.	\$3.80					
Program Income	2020						
(Feb March Draw)	yr.	\$26.15					
Program Income	2020						
(April 21)	yr.	\$3.77					
Program Income	2020						
(May 21)	yr.	\$3.83					
Total PI 2020		\$59.13					
Total					\$613,622.25	\$638,767.26	

as of 6/30/21 *post*  
May 2021 Draw

Community  
Development Block  
Grant CDBG  
Projects

Total All Yrs	\$638,767.26
Grand Total	\$638,767.26

### **Historic Planner/Preservation Coordinator**

June 2021

- Prepared the list, draft resolutions, and power point presentation of recommended neighborhood revitalization program/funding requests from the Sustainable Communities Workgroup for consideration by the Mayor and City Council. These projects were discussed at the 5/28/21 work session, and the resolutions were approved at the 6/1/21 public meeting.
- Sent the DNR Joint Use Agreement to ACM for approval and then to the DNR related to the pending Community Parks and Playgrounds Program funding for the sand volleyball courts on the campus.
- Assisted Melinda Kelleher with guidance on how to use the Maryland DHCD portal in order to submit the MIP and TAG applications to MD DHCD by the 5/21/21 deadline
- Prepared the meeting agenda, public notices, and packets for the 6/9/21 HPC meeting and assisted with the virtual meeting administration during the 6/9/21 meeting.
- Issued all determination letters to applicants whose projects were reviewed by the HPC at their 6/9/21 meeting.
- Met with our Citizenserve account manager, Ray Parker, to review ongoing/repeat platform issues on 6/15/21. Johnna Byers also participated in this meeting. We were able to resolve several of the ongoing issues during the call
- Attended the National Alliance of Preservation Commission's virtual workshop on Preservation and Sustainability on 6/17/21
- Submitted all of the Community Legacy and Strategic Demolition Fund applications to Maryland Department of Housing and Community Development for FY22. I personally wrote 2 of the five individual applications and was assisted by the project contacts for the other three projects.
- Started working with FSU summer intern, Antonia Zais, Geography major, Sustainability Studies minor, who is interested in learning more about the field of historic preservation.
- Worked with City Clerk to resolve the HPC terms discrepancies. Currently, 5 terms are set to expire at the same time whereas they should be staggered at 2-2-3. We have worked this out so that the typographical error that took place for three of the appointments will be corrected pending receiving feedback from the Mayor and City Council
- With help from Finance Department staff, I gathered all available documentation related to the ARC-funded project (2013, completed in 2017) at the HRDC Head Start Center on Seymour Street to prepare for an audit of those ARC funds. No current City staff remained that originally worked with this project and funding.

Respectfully submitted,

Ken Tressler  
Interim City Administrator/  
Director of Administrative Services

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**File Attachments for Item:**

. Engineering Division monthly report for July, 2021

## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
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	<b>UPDATE</b> - WRA received notice from CSX on 7/7/21 stating that they would no longer allow access in yard for any investigative or rehab activities. City and WRA now assessing next steps of negotiation with CSX in order to attain access to failing sewer lines.	MDI	7/22/2021
2008	06-08-S	Interceptor Sewer to Evitts Creek Pump Station Phase IV	This is the sewer along Evitts Creek upstream of the Pump Station	Design	<b>UPDATE</b> - Preliminary engineering contract was advertised for bid on 6/14/21. Bid opening was held on 7/14/21. City is still evaluating bids and will select bidder to be approved by M&CC next week.	MDI	7/22/2021
2013	1-13-FPM	Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Construction	<b>UPDATE</b> - Bid opening was held on 3/17/21, with Carl Belt as the apparent lowest bidder @ \$148,650. MDE approved procurement package on 6/11/21. Project will be on MPW meeting agenda in mid-August for final approval.	MDI	7/22/2021
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	<b>NO CHANGE</b> 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	19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	<b>NO CHANGE</b> - 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
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	<b>NO CHANGE</b> -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC.	RLS	8/9/2019
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	<b>No CHANGE</b> Project continues. Staff are taking regular scheduled stream samples for e-Coli analysis at this time. Rainy days (once a month) are the target for sampling at this time.	RJK	7/20/2021
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	<b>COMPLETE NO CHANGES</b> Asset Management Program/Capital Improvement implementation. Working on Survey 123 and Collector with Sewer & Water Staff. Work is	RJK	7/20/2021
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	<b>UPDATED</b> - The Engineering Department has recieved the latest round of review comments from MDOT SHA. Engineering is working on some of the response to SHA and also working with the City's consultant on the addressing the rest of the reiew comments. Once all of the items have been addressed the full project package will be resubmitted to MDOT SHA.	JRD	7/21/2021

## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2016	17-16-M	Stage Renovations at Liberty Street Stage	Replace wood stage with Concrete	Design	<b>NO CHANGE</b> - 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	Planning	<b>UPDATE</b> - RFP for design phase of project has been prepared and will be advertised in early August. Construction phase also expected to commence in FY22.	MDI	7/22/2021
2016	19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	<b>UPDATE</b> - Design work is on hold until further discussions are held with USACE about gaining their approval for the project. There is no schedule for completing the acquisitions at this time.	RLS	7/27/2021
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	<b>NO CHANGE</b> - 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	<b>UPDATED</b> - The water line work has begun. Will receive update on the status in mid August	RLS	7/27/2021
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	<b>NO CHANGE</b> - Phases 1 & 2 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	RLS	3/26/2021
2017	29-17-UTIL	VOID See 19-15-M	VOID				
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	<b>UPDATE</b> - The project has been awarded to Carl Belt Inc, pending approval from MDE. Currently waiting for approval to issue notice to proceed from MD Board of Public Works.	RLS	7/27/2021
2018	08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	<b>NO CHANGE</b> - The preliminary engineering reports have been submitted and environmental clearance has been approved. Waiting on authorization from MDOT to move into the final engineering stage.	RLS	6/3/2021
2018	09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	<b>NO CHANGE</b> - The PS&E package has been submitted. The City expects to advertise this Spring.	RLS	6/3/2021

## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
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	<p><b>UPDATE</b> Operating in Year 3 of the contract. City accepted a price reduction for the FY22 service year since these 150 units of Oldtowne Apartments have switched to dumpster permits.</p> <p>Additionally, discussions have begun with Waste Management and Burgmeier's Hauling in regards to the FY23 &amp; FY24 renewal rates for trash diverted to the Western Maryland Transfer Station (after Mountainview Landfill closes).</p> <p>Communications resume. Rate proposals to renew the contract for FY23 expected by Jan 1, 2022 for review.</p>	RJK	7/20/2021
2018	25-18-BR	SHA Project: Replacement of MD 51 Bridge Deck	Replace the water line under the industrial blvd bridge under a MDOT bridge rehabilitation project	Construction	Refer to project 3-17-W	RLS	10/11/2018
2018	26-18-M	Ridgeley Levee System Certification					
2018	31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	<b>NO CHANGE</b> - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
2018	32-18-FPM	Rehabilitation Assistance for Flood Damages to Flood Risk Management Projects	Request USACE to make repairs or provide funding to address flood control issues	Planning	<b>NO CHANGE</b> - The USACE has denied financial support due to the flood control being in an unacceptable condition. The City is looking to enter the SWIF program to receive aid to get financial support for construction.	RLS	10/12/2018
2018	43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	<b>NO CHANGE</b> - The bridge has been opened for one lane of traffic. The bridge will be replaced in the future.	RLS	2/26/2020
2018	44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	<b>NO CHANGE</b> - Studies have been returned and subject to CSX negotiations.	RLS	8/5/2019
2019	5-19-M	Virginia Ave Lot Demolition	Remove two structures and retaining walls at 6, 8 and 10 Virginia Ave.	Construction Bidding	<b>NO CHANGE</b> - The grading plan has been approved by ASCD and the project has been turned over to Code Enforcement for demolition	RLS	8/5/2019
2019	7-19-WFP	Filter Building Pilot Study	Perform a study to evaluate the potential to replace current filter building with a new membrane/GAC building in the future. The City is required to perform a pilot study to validate the technology we are proposing to use.	Study	<b>UPDATED</b> - The pilot study is testing is complete and a draft of the final report has been reviewed/commented on by City Staff. Once the report is finalized, a formal report will be provided to the M&CC.	RLS	7/27/2021
2019	10-19-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction	<b>NO CHANGE</b> - Contract underway (No work through winter months)	DTG	7/27/2021
2019	11-19-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	<b>NO CHANGE</b> - Contract underway (No work through winter months)	DTG	7/27/2021
2019	14-19-M	WWTP RMP Compliance Services	RMP Compliance for OSHA 29 CFR 1910	Planning	<b>UPDATE</b> Compliance work continues. RMP review scheduled for July 21, 2021. RMP program updated to comply with OSHA 29 CFR 1910 for chlorine and sulfur dioxide storage on site.	RJK	7/20/2021



## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2019	36-19-WWTP	Blower Building Switchgear Replacement	This project replaced the existing Blower Building Switchgear to reduce the 4160V down to 480V to improve the safety of the building and to adequately protect our equipment.	Construction	<b>UPDATE</b> - Contractor (S&S) began on-site construction in 5/25/21. To date, contractor has installed new transformer, removed one feeder to blower building, and installed conduit/etc in building. New switchgear to arrive on site this week. Construction to continue through August.	MDI	7/22/2021
2020	2-20-M	Frederick St Parking Garage Repairs	Repairing a spalled section of slab on grade in Frederick St parking garage, as well as looking into sealing all concrete driving surfaces	Planning	<b>NO CHANGE</b> - Researching proper repair systems for spalled concrete in parking garages. Working with Street Dept. to determine if city forces can make repairs.	MDI	1/24/2020
2020	6-20-S	Sanitary Sewer Lining Assessment	Performing a cost assessment on relining (CIPP) all sanitary sewer lines within city.	Planning	<b>NO CHANGE</b> - Based on list of "high risk" lines provided by sewer dept, have developed a preliminary cost estimate. Awaiting updated list from most recent cleaning and cameraing prior to moving forward with project.	MDI	3/30/2020
2020	9-20-M	Constitution Park Fill Disposal	Assessing potential clean fill dump sites for Public Works	Planning	<b>NO CHANGE</b> - Public works has intalled all erosion controls and begun placement of fill @ Long Field site. A topo survey has been conducted at site #2 behind the pool. I will be developing a site plan for this site in the near future.	MDI	4/19/2021
2020	11-20-WFP	Koon Dam Repairs	Concrete repairs to the dam structure (spillway and downstream face) per the annual dam inspection recommendations.	Construction	<b>UPDATE</b> - Contractor (Carl Belt) began construction on site on 7/14/21. Construction beginning on north sidewalk. Once north side is complete, Allegheny Restoration will come on site to make spillway repairs (late August).	MDI	7/22/2021
2020	12-20-RE	Long Field Upgrades - Phase 1	Improvements to Long Field Concession and Restroom area. Upgrades include electrical improvements.	Construction	<b>UPDATE</b> - Completed SourceWell contracts with Carl Belt (sitework) and S&S Electric (electrical work) on 6/9/21. Contractors waited until completion of baseball season prior to initiation of work, and will be on site in the next couple weeks. Work includes concessions and restroom upgrades as well as field work.	MDI	7/22/2021
2020	13-20-WWTP	CSO Nine Minimum Controls Annual Review	A requirement of our LTCP and NPDES Report to look at these controls annually		<b>NO CHANGE</b> - NMC report spring 2021; finalized in May. Met with Public Works (WW and Sewer) to update NMC language for 2022.	RJK	7/20/2021
2020	14-20-M	Carver Building Repairs	Project to repair damage to the Carver Building				
2020	15-20-P	South Street Pavement Repairs	Paving the length of South Street while also making ADA and sidewalk improvements	Design	<b>NO CHANGE</b> - The trench repair and paving has been completed by Belt Paving. ADA Improvements are being designed.	JRD	4/21/2021
2020	16-20-M	Queen City Drive ADA Improvements	Project will include upgrading sidewalk for ADA compliance along Queen City Drive at corners of Bedford and Frederick Streets, below McMullen Bridge.	Design	<b>NO CHANGE</b> - Part of CDBG 5-year plan. Developing a set of bid specifications to put to bid around March 2021. Bid documents ready for final internal review.	MDI	12/21/2020
2020	17-20-WWTP	CSO Long-Term Control Plan Projects/Schedule Review	Correspondences with MDE regarding the LTCP Projects and the Consent Decree (CO) end date: October 1, 2023.	N/A	<b>UPDATE</b> - All jurisdictions on the CO will meet with Aqualaw July 23 for guidance on requesting an extension through MDE. Also, reviews and recommendations for LTCPs, project schedules and plans/projections based on storm size.	RJK	7/20/2021
2020	20-20-W	General Permit 17HT Discharges from Tanks Pipes Other	Potable water system general permit for chlorinated discharge regulations regarding streams.	Planning	<b>NO CHANGE</b> Notification from MDE accepting the City's NOI received. Compliance with the new General Permit now underway.	RJK	6/2/2021

## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2020	29-20-S	Locust Grove Force Main & LaVale Water Main Replacement	Joint project between Allegany County Public Works & LaVale Sanitary Commission to replace the force main from the new Locust Grove Pump Station and replace water main to LaVale.		NEW -		
2020	30-20-SWM	Grow West Facility Expansion	SWM Review for proposed expansion of Grow West MD Facility @ the industrial park.	Construction	UPDATE - Contractor has paused construction of expansion due to rise in materials costs. City monitoring SWM situation at incomplete stage. Additionally, contractor has completed new road around facility. City will dedicate new road as public ROW in near future.	MDI	7/22/2021
2020	39-20-M	Chesapeake Conservation Corps Volunteer	Opportunity to have a Corps Volunteer should the City get matched up successfully (positions are conservation work related)	Planning	UPDATE Engineering Division submitted the names of two applicants interested in possibly volunteering in Cumberland. Host and applicant matches to take place mid-June.  Application for Cumberland to Host a volunteer for August 2021 to July 2022 accepted by the CBT. In the process of interviewing interested young adults to work in the Engineering Division - conservation related tasks. Volunteers and host sites get matched based on the interview process.	RJK	6/2/2021
2021	2-21-WWTP	Influent Screening System Upgrade	Design and replacement of a new influent screening system at the headworks of the WWTP.	Design	UPDATE - Low bidder for design services phase of project was Gwin Dobson and Foreman, at a price of \$70,000. Kickoff meeting was held on 5/19/21.	MDI	7/22/2021
2021	3-21-PSB	MDE Small Fuel Burning Boiler Permit					
2021	4-21-W	Route 220 20" Water Main Replacement	Project to replace the 20" water main in Route 220. The water line from I-68 to the State Prison is currently owned by the City. Discussion are being held between the City and County to partner on the project or transfer the asset to the County.	Planning	NO CHANGE - This project is in the planning stages in conjunction with Allegany County.	RLS	4/21/2021
2021	6-21-RE	Constitution Park Wading Pool Filter Renovation	Replace the cracked filter and other improvements to the mechanical building equipment for the wading pool.		NEW -		
2021	7-21-WFP	2021 ECWC Watershed Timber Sale	2021 ECWC Watershed Timber Sale		UPDATED - The timber sale bids have been returned and an award issued to American Hardwood Industries.	RLS	7/27/2021
2021	8-21-WWTP	SCADA System Integration	Solicit bids for a qualified Industrial Control System Integrator to complete the Water/Wastewater SCADA System integration.		NO CHANGE - This is a project to secure integrator services to support both the Water Filtration Plant and Water Reclamation Facilities	RLS	4/21/2021
2021	9-21-M	Municipal Service Center Security Fence	Installation of a security fence at the Municipal Service Center	Construction	UPDATE - This project was put out to bid, but no one attended the mandatory pre-bid. We have reached out to three companies to obtain quotes. As of this time, we have received a response from all three and one quote from Long Fence.	JAT	7/20/2021

## City of Cumberland, Maryland

### Engineering Division - Monthly Report

Capital Projects						July 31, 2021	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2021	10-21-M	Undocumented Rights-of-Way	Decide how undocumented rights-of-way should be dedicated and what form of dedication is need to prevent the rights-of-ways from accidentally being sold.	Study	<b>NO CHANGE</b> - During research for for projects and information requests it was discovered that there are multiple parces of land throughout Cumberland that were purchased for use as a right-of-way, or are being used as right-of-way, that have not been dedicated as right-of-way.	JRD	4/21/2021
2021	12-21-WWTP	Industrial Pretreatment USPI CWT Organics Permit Application	An application to discharge industrial wastewater as a Centralized Waste Treatment facility (Categorical Permit request by existing Significant Industrial User USPI)	Planning	<b>UPDATE</b> - Annual inspection to take place July 27. Engineers GDF will be in attendance as the new permit is drafted and reviewed. The application received on May 27th for USPI Permit to be modified to a Categorical Permit as a Centralized Waste Treatment facility - under the Organics Subcategory. Application packet was updated on 7/19/2021 for further review.  Permit review expected to take about 6-months and requires a review by MDE. The City is consulting with GDF on the permit reveiw.	RJK	7/20/2021
2021	14-21-RE	Constitution Park Splash Pad	The installation of a splash pad and surrounding recreational area in Constitution Park.	Planning	<b>UPDATE</b> - Had a steering committee meeting to discuss options for the splash pad on July 7th. Some preliminary schematic drawings are in the works that will show potential sites at the Constitution Park Pool where the splash pad could feasibly be located to be presented to the steering committee and Mayor and City Council. It will also show other recommended improvements to the surrounding pool area.	JAT	7/20/2021
2021	15-21-W	WATER DISTRIBUTION ANALYSIS and CIP UPDATE 2021	Water system engineering analysis, updated CIP recommendations, particularly concerning the Fort Hill Reservoir, and Asset Management Info for pump stations, PRV Stations and water tanks.	Planning	<b>NEW</b> -		
2021	16-21-M	Downtown ADA Improvements	This project includes the replacement of the curb ramps for compliance with the latest ADA requirements at the following locations: Baltimore/Mechanic intersection on the southwest and northwest corners, Liberty/Dexter intersection at the southeast and southwest corners, Centre/Dexter intersection at the southeast and southwest corners, and Centre/Fredrick intersection on the northeastern side.	Planning	<b>NEW</b> - This is a new Project, a preliminary cost estimate will need to be developed in order to determine the amount of funding needed.	JRD	7/21/2021

**File Attachments for Item:**

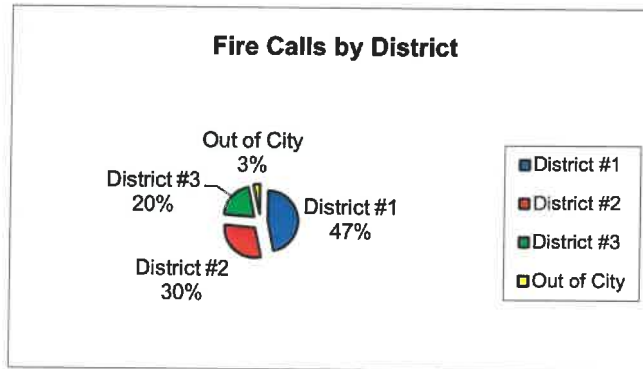
. Fire Department monthly report for July 2021

**REPORT OF THE FIRE CHIEF FOR THE MONTH OF JULY, 2021**  
**Prepared for the Honorable Mayor and City Council and City Administrator**

**Cumberland Fire Department responded to 122 Fire Alarms:**

**Responses by District:**

District #1	57
District #2	36
District #3	25
Out of City	4
	<u>122</u>



**Number of Alarms:**

First Alarms Answered 122

**Calls Listed Below:**

**Property Use:**

Public Assembly	0
Educational	0
Institutional	4
Residential	73
Stores and Offices	8
Manufacturing	1
Storage	1
Special Properties	35
	<u>122</u>

**Type of Situation:**

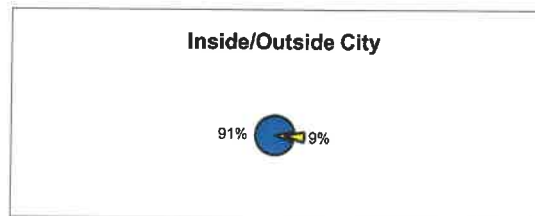
Fire or Explosion	6
Overpressure, Rupture	2
Rescue Calls	58
Hazardous Conditions	5
Service Calls	10
Good Intent Calls	17
False Calls	24
	<u>122</u>

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in July:	\$0.00
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date:	\$0.00
Total Fire Service Fees for Fire Calls Paid in July:	\$320.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	\$320.00

Fire Service Fees for Inspections and Permits Billed in July:	\$0.00
Fire Service Fees for Inspections and Permits Paid in July:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$50.00

### Cumberland Fire Department Responded to 484 Emergency Medical Calls:

In City Calls	442
Out of City Calls	<u>42</u>
Total	484



Total Ambulance Fees Billed by Medical Claim-Aid in July:	\$135,081.51
Ambulance Fees Billed Fiscal Year to Date:	\$60,295.00
Ambulance Fees Paid:	
Revenue received in July 2021:	\$124,226.37
All Ambulance Fees Paid in FY2022:	\$122,754.42

### Cumberland Fire Department Provided 6 Paramedic Assist Calls:

1 Paramedic assist calls within Allegany County	
5 Paramedic assist calls outside of Allegany County	
	<u>6</u>

Corriganville VFD	1
Fort Ashby, WV VFD	1
Ridgeley, WV VFD	2
Wiley Ford, WV VFD	1
Hyndman Area Rescue, PA	<u>1</u>
	6

### Cumberland Fire Department Provided 29 Mutual Aid Calls:

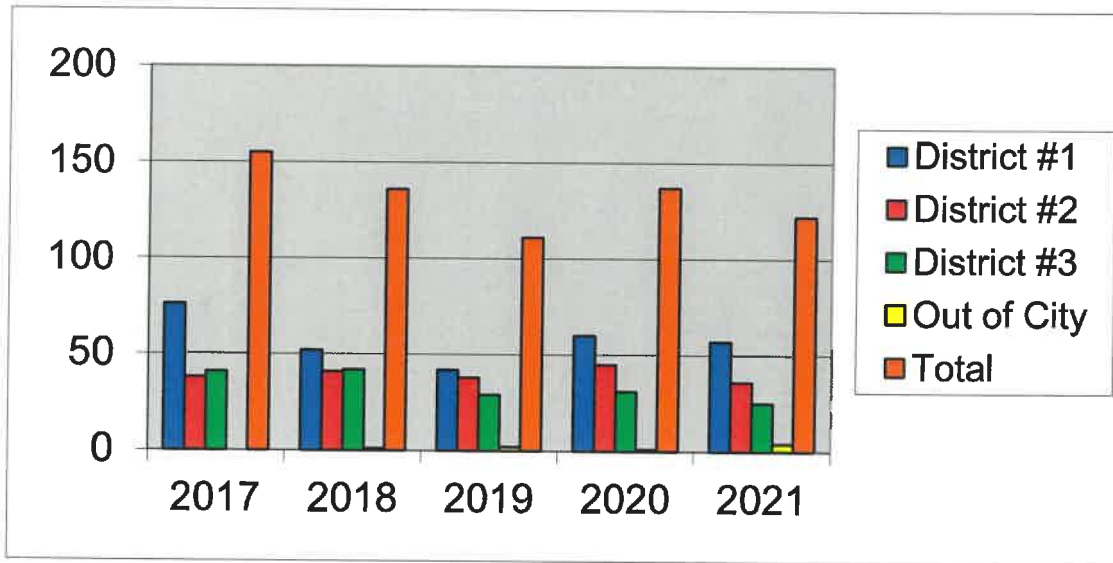
29 Mutual Aid calls within Allegany County	
7 Mutual Aid calls outside of Allegany County	
	<u>36</u>

Bowman's Addition VFD	19
Cresaptown VFD	<u>10</u>
	29

Ridgeley VFD, WV	6
Wiley Ford VFD, WV	<u>1</u>
	7

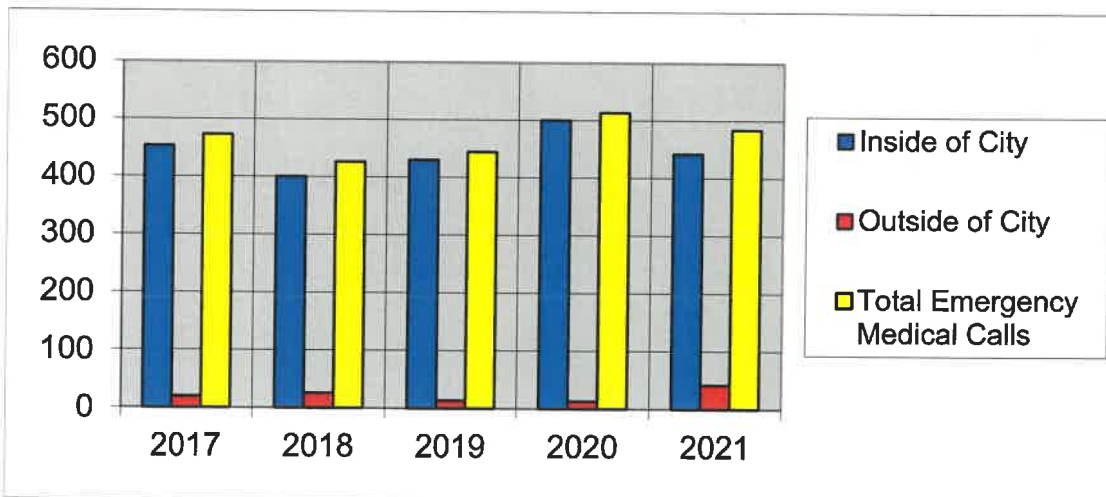
### Fire Calls in the Month of July for a Five-Year Period

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
District #1	76	52	42	60	57
District #2	38	41	38	45	36
District #3	41	42	29	31	25
Out of City	<u>0</u>	<u>1</u>	<u>2</u>	<u>1</u>	<u>4</u>
Total	155	136	111	137	122



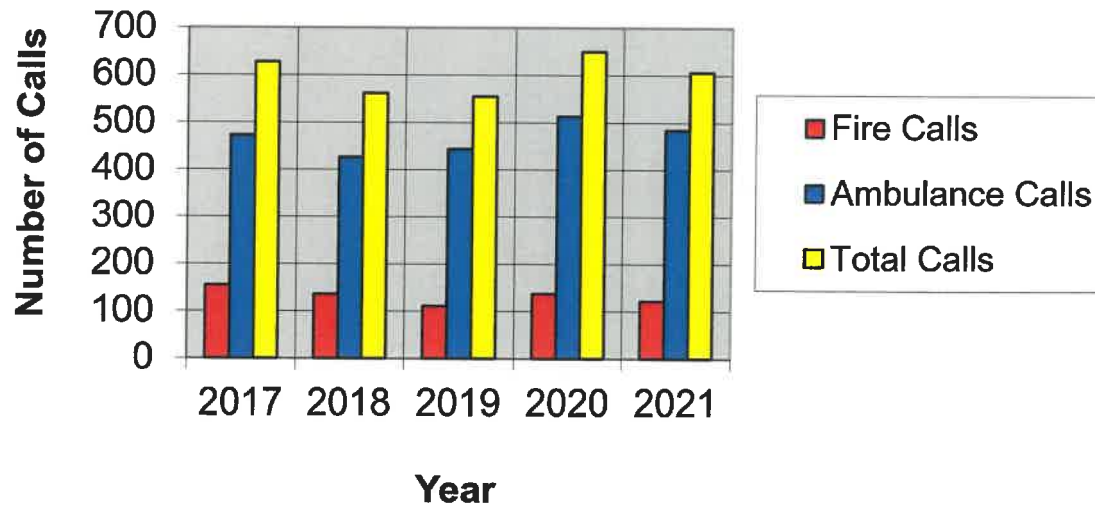
### Ambulance Calls in the Month of July for a Five-Year Period

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Inside of City	453	400	430	500	442
Outside of City	<u>20</u>	<u>26</u>	<u>14</u>	<u>13</u>	<u>42</u>
Total Emergency Medical Calls	473	426	444	513	484



### Fire and Ambulance Calls in the Month of July for a Five-Year Period

	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Fire Calls	155	136	111	137	122
Ambulance Calls	473	426	444	513	484
Total Calls	628	562	555	650	606



### Training

Training Man Hours:	248.50
Duties and Responsibilities	9.00
Crew Meeting	8.25
Aerial Operations	26.00
Apparatus Check Procedures	88.00
Inservice Inspections	11.25
Plan Review	12.00
General Driver Training	17.00
EMS Protocol Updates	5.00
Bariatric Training	9.00
Handle with Care Training	16.00
Foam and Appliances	6.50
General Fire Prevention	12.00
Officer Meeting	17.00
Positive Pressure Ventilation	4.00
Solar Panel Fires	7.50
	<hr/> 248.50



**Fire Prevention Bureau**

Complaints Received	1
Conferences Held	12
Correspondence	25
Inspections Performed	10
Investigations Conducted	0
Plan Reviews	3
Public Education	3
Burning Permits Issued	11

**Personnel**

Firefighter/EMT Steven G. Hout was promoted to Fire Equipment Operator on July 11, 2021.

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

**File Attachments for Item:**

. Police Department monthly report for July, 2021



# **City of Cumberland Department of Police**

**Monthly Report**

**July 2021**



# City of Cumberland Department of Police

## Monthly Report

### July 2021

#### Part 1 Crimes for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Aggravated Assaults	9	8	B & E (All)	17	12	Murder	0	0	Rape	0	0
Robbery	3	4	Theft - Felony	3	1	Theft - Vehicle	0	3			

#### Selected Criminal Complaints for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Theft - Misdemeanor	15	24	Theft - Petty	43	25	Domestic Assaults	32	22	CDS	49	52
Disturbances	167	151	DOP/Vandalism	48	36	Indecent Exposure	5	3	Sex Off - Other	4	3
Suicide	0	0	Suicide - Attmpt.	0	0	Tampering M/V	0	0	Abuse - Child	1	1
Trespassing	16	18	Assault on Police	1	3	Assault Other	42	36			

#### Selected Miscellaneous Incidents for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Alcohol Volations	9	1	Juvenile Compl.	26	23	Missing Persons	6	5	School Resource	0	40
School Threat	0	0	Sex Off. Regist.	11	4	Truancy	0	0	Death Investigation	6	6

#### Selected Traffic Incidents for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
DWI	15	14	Hit & Run	21	21	M/V Crash	56	59	Traffic Stop	271	280

#### Selected Service Calls for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Alarms	67	53	Assist Motorist	27	34	Check Well-Being	158	146	Foot Patrol	91	50
Assist Other Agency	76	73	Bike Patrol	0	21	Special Events	3	8	Suspicious Activity	62	87

#### Current Incident Status for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
Open	7	114	Arrest	254	213	Closed	2197	2059	Suspended	59	58



# City of Cumberland Department of Police

## Monthly Report

### July 2021

#### Arrests Totals for the Month

	2020	2021		2020	2021		2020	2021		2020	2021
M/V Citations	43	59	M/V SERO	1	0	M/V Warnings	235	221	Arrest on View Adult	38	40
Arrest On Crim. Cit.	20	11	Arrest Summons	37	29	Arrest Warrant Adult	39	50	Adult Crim.	137	129
Arrest Summon (Chrg)	25	21	Arrest Warrant (Chrg)	10	7	Juvenile Crim.	15	10	Arrest on View Juv	15	7
Arrest Warrant JUV	0	1	Emer. Petition	65	67	Fingerprinting	0	2	RunAway & Miss Per.	4	4
Civil Citation	3	1									

**Total Incidents Reported :**

<b>2020</b>	<b>2021</b>
<b>2,517</b>	<b>2,444</b>

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**Chuck Ternent - Chief of Police**

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

JULY 2021

SWORN PERSONNEL: 49 SWON OFFICERS

Administration	5 officers
Squad D1	10 officers
Squad N1	9 officers
Squad D2	8 officers
Squad N2	9 officers
C3I/C3IN	5 officers
School Resource	1 officer
Academy	2 recruits

CIVILIAN EMPLOYEES: 6 full time, 10 part time

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

\*=Grant funded

\*\*=Shared costs with other agencies

### LEAVE REPORT

VACATION TAKEN: 1342.25	YEAR TO DATE (beginning 07/01/21): 1342.25
COMP TIME USED: 211	YEAR TO DATE (beginning 07/01/21): 211
SICK TIME USED: 77.25	YEAR TO DATE (beginning 07/01/21): 77.25

### OVERTIME REPORT

OVERTIME WORKED: 234.75	YEAR TO DATE (beginning 07/01/21): 234.75
HOSPITAL SECURITY: 176.5	YEAR TO DATE (beginning 07/01/21): 176.5
COURT TIME WORKED: 591	YEAR TO DATE (beginning 07/01/21): 591

**File Attachments for Item:**

1. Ordinance 3894 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-30 of the City Code pertaining to tax credits provided for improvements to properties located in the Canal Place Preservation District, National Register sites or districts, and Maryland-designated Certified Heritage Zoning Districts, and clarifying which properties are eligible for the tax credits

## **ORDINANCE NO. 3894**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTION 10-30 OF THE CUMBERLAND CITY CODE PERTAINING TO CERTAIN TAX CREDITS IN CONNECTION WITH THE MAKING OF ELIGIBLE IMPROVEMENTS TO OR RESTORATION AND REHABILITATION OF PROPERTIES LOCATED WITHIN: THE CANAL PLACE PRESERVATION DISTRICT; DISTRICTS, SITES, OR STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES; AND THOSE WHICH ARE LOCATED WITHIN A STATE OF MARYLAND-DESIGNATED CERTIFIED HERITAGE ZONING DISTRICT, SITE OR STRUCTURE AND FOR THE PURPOSE OF CLARIFYING WHICH PROPERTIES ARE ELIGIBLE FOR THE TAX CREDIT."

**WHEREAS**, the Canal Place Preservation District is a historic area zoning district which is located within the City;

**WHEREAS**, several districts, sites, and structures in the City are listed on the National Register of Historic Places;

**WHEREAS**, there may be additional such heritage zoning districts, expansions to the Certified Heritage Area, and additional districts. sites. and structures may be included within the National Register of Historic Places in the future;

**WHEREAS**, the Mayor and City Council have determined that it is in the general public interest to foster and encourage historic preservation, economic development and heritage tourism activities through improvement, restoration, and rehabilitation of historic or heritage property so as to:

1. Preserve and protect the heritage of the City of Cumberland as represented by its remaining historic buildings and structures.
2. Stimulate the positive aspects of historic or heritage preservation, such as economic development and employment opportunities; and
3. Implement and effect planning activities aimed at preserving historic structures, sites, districts, and heritage areas;

**WHEREAS**, it is the intent of the Mayor and City Council of Cumberland that the taxation of significant improvements to, and restoration and rehabilitation of, historic or heritage properties be maintained, for a period of up to ten (10) years, at taxation levels not greater than those in place before the eligible improvements if approved as part of a local government plan for historic or heritage preservation as authorized by Section 9-204.1 of the Tax Property Article of the Annotated Code of Maryland; and further, it is the purpose of this Ordinance to clarify which properties are eligible for the benefits provided herein.



**NOW, THEREFORE:**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 10-30 of the Cumberland City Code be repealed and reenacted, with amendments, to read as follows:

**Sec. 10-30. - Tax credit on properties in the Canal Place Preservation District.**

(a) As allowed for by section 9-204 of the Tax Property Article of the Annotated Code of Maryland, a tax credit shall be allowed on City real property taxes for properties located in the Canal Place Preservation District, a State of Maryland Designated Certified Heritage Area and/or a National Register of Historic Places district, site, or structure, or other heritage zoning districts, sites, or structures which credit shall be the difference between the property tax that, but for the tax credit, would be payable after the completion of eligible improvements, and the property tax that would be payable if the eligible improvements were not made.

(b) The terms of the property tax credit provided for herein are set forth below.

(1) The tax credit shall be subject to eligibility requirements no less stringent than those applicable to credits authorized under the said Section 9-204. If there is a conflict between the terms of this section of the City Code and the said Section 9-204, the more stringent provision shall apply.

(2) That tax credit for each property shall apply for a period that does not exceed ten (10) years. The length of time the credit is available shall depend upon the cost of eligible improvements as compared to the value of the property if the eligible improvement had not been made as set forth in the table below.

<b>Improvement cost as percentage of market</b>	<b>Available tax-exempt status of improvement</b>
10 percent	1 year
20 percent	2 years
30 percent	2 years
40 percent	3 years
50 percent	3 years
60 percent	4 years
70 percent	4 years
80 percent	5 years
90 percent	6 years
100 percent	7 years
200 percent	8 years
300 percent	9 years
400 percent	9 years
500 percent	10 ears

- (3) The tax credit shall apply to eligible improvements which are located within the boundaries of:
    - a. A property listed individually in the National Register of Historic Places, or a National Register of Historic Places district or landmark district;
    - b. A property or district designated as a historic property or district under local law; or
    - c. A property included within the boundaries of a certified heritage area under Section 13-111 of the Financial Institutions Article of the Annotated Code of Maryland.
  - (4) Eligible expenses are capital expenses that take place within two (2) years from the date of the commencement of construction.
- (c) In order to qualify for the tax credit provided for herein, a property owner must personally invest a minimum of Five Thousand Dollars (\$5,000.00) in improvement costs, must submit construction plans for the improvements or renovations to the Historic Preservation Commission and/or its staff, and must obtain the following documentation prior to the commencement of any work:
  - (1) For properties located within the locally-zoned historic districts, sites or structures, a property owner must obtain a Certificate of Appropriateness from the Historic Preservation Commission. If interior work is included in the application for tax incentives (i.e., the Commission's Pre-Construction Work Scope Application Form), the Commission's approval shall be required as well.
  - (2) For properties individually listed or located within districts listed on the National Register of Historic Places or located within the Certified Heritage Area, the Commission's approval of a Pre- Construction Work Scope Application shall be required.
- (d) The Historic Preservation Commission shall only take action upon tax credit applications for preservation or restoration work submitted prior to the start of the preservation or restoration work proposed for tax credits. The Historic Preservation Commission shall take preliminary action on the application for tax credits within the time required for no greater than two (2) consecutive regular meetings of the Commission after all pertinent information has been received. Determination of eligibility shall be made within the meaning of Section 9-204.1 of the Tax Property Article of the Annotated Code of Maryland. It is the intent of this section that the Historic Preservation Commission be liberal in such determination. Additionally, preservation or restoration work submitted for tax credits may include eligible interior and exterior improvements.

- (e) The tax credit provided for herein shall not be allowed unless the receipts required by this subsection have been filed with the Historic Preservation Commission, accompanied by the oath or affirmation of the owner/taxpayer, on such form(s) prescribed by the Historic Preservation Commission and approved by the Historic Preservation Commission. The receipts must be those for actual capital expenses in connection with the restoration and preservation work previously approved by the Historic Preservation Commission. Any changes from the original approval may result in the denial of the tax credit. The Historic Preservation Commission shall take final action on the application for tax credits within the time required for no greater than two (2) consecutive regular meetings of the Historic Preservation Commission.
- (f) In cases where more than one local tax incentive program could apply to a project, the property owner/applicant must select the one (1) program that he/she determines provides the best benefit for the project. Multiple programs cannot be layered or applied separately for any project.

**SECTION 2:** AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

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

**File Attachments for Item:**

2. Ordinance 3895 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 10-29 of the City Code pertaining to the provision of tax credits for the restoration and preservation of structures having historic or architectural value within the Historic District areas of the city

**ORDINANCE NO. 3895**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTION 10-29 OF THE CUMBERLAND CITY CODE PROVIDING FOR CERTAIN TAX CREDITS IN CONNECTION WITH THE RESTORATION AND PRESERVATION OF STRUCTURES HAVING HISTORIC OR ARCHITECTURAL VALUE WITHIN THE HISTORIC DISTRICT AREAS OF THE CITY OF CUMBERLAND, MARYLAND AND IN CONNECTION WITH THE CONSTRUCTION OF ARCHITECTURALLY COMPATIBLE NEW STRUCTURES."

**WHEREAS**, certain historic area zoning districts have been created in the City of Cumberland;

**WHEREAS** several districts, sites, and structures in the City are listed on the National Register of Historic Places;

**WHEREAS**, a Certified Heritage Area which was previously known as the Canal Place Heritage Area and is currently known as the Passages of the Western Potomac Heritage Area, the boundaries of which have been designated by the State of Maryland, is also located within the municipal boundaries of the City;

**WHEREAS**, there may be additional such heritage zoning districts, expansions to the Certified Heritage Area, and additional districts. sites and structures included within the National Register of Historic Places in the future; and

**WHEREAS**, it is the desire of the Mayor and City Council of Cumberland to encourage the restoration, preservation and construction of structures having historic or architectural value located in those areas and to provide certain real property tax credits in connection with such improvements and reconstruction as authorized by Section 9-204 of the Tax Property Article of the Annotated Code of Maryland.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 10-29 of the Cumberland City Code be repealed and reenacted with amendments to read as follows:

**Sec. 10-29. - Tax credit in connection with the restoration and preservation of structures within historic districts and new construction of architecturally compatible new structures.**

- (a) As allowed for by section 9-204 of the Tax Property Article of the Annotated Code of Maryland, there shall be allowed a tax credit on city real property taxes based upon the funds expended by a private owner/taxpayer (referred to hereinafter as a "property owner") for restoration and preservation of any

structure having historical or architectural value which is located within any designated historic district, site or structure, either locally zoned, listed on the National Register of Historic Places, or located within the boundaries of a Certified Heritage Area. Said tax credit shall be the amount equal to ten percent (10%) of the property owners' expenses indicated by properly documented receipts for such restoration or preservation work. A property tax credit of five percent (5%) will be granted to the property owner for the construction of an architecturally compatible new structure (i.e., a new structure in a historic district which is designated as an architecturally compatible new structure under Title 8 of the Land Use Article of the Annotated Code of Maryland). In order to qualify for the tax credit provided for in this section, the property owner must (i) personally invest a minimum of five thousand dollars (\$5,000.00) in improvement costs for the property, (ii) submit construction plans for the improvements, restoration or new construction to the Historic Preservation Commission and (iii) obtain the following prior to the commencement of any work:

1. For properties, sites or structures located within locally-zoned historic districts, a certificate of appropriateness must be obtained from the Historic Preservation Commission. If interior work is included in the application for tax incentives (i.e., the Commission's Pre-Construction Work Scope Application Form), the Commission's approval shall be required as well.
  2. For properties individually listed or located within districts listed on the National Register of Historic Places or located within a Certified Heritage Area, the Commission's approval of a Pre- Construction Work Scope Application shall be required.
- (b) The Historic Preservation Commission shall only take action upon tax credit applications for preservation, restoration or new construction work submitted prior to the start of such work that is proposed for tax credits. After all pertinent information has been received, the Historic Preservation Commission shall take make a determination as to whether a property is eligible for the tax credit. This determination must be made within the time required for no greater than two (2) consecutive regular meetings of the Historic Preservation Commission. It is the intent of this section that the Historic Preservation Commission be liberal in such determination. Additionally, preservation, restoration and new construction work submitted for tax credits may include eligible interior and exterior improvements.
- (c) The tax credit provided for herein shall not be allowed until the receipts required by this Ordinance have been filed with the Historic Preservation Commission, accompanied by the oath or affirmation of the property owner, on such form(s) prescribed by the Historic Preservation Commission. The receipts must be those for actual capital expenses incurred in the performance of the restoration, preservation or new construction previously approved by the Historic Preservation Commission. Any changes from the original approval may result in the denial or withdrawal of the tax credit. The Historic

Preservation Commission shall take final action on the application for tax credit within the time required for no greater than two (2) consecutive regular meetings.

The tax credit provided for herein shall be allowed for the tax year immediately subsequent to the year in which the restoration, preservation or new construction work is completed, and any unused portion of this tax credit may be carried forward for no more than four (4) subsequent tax years.

- (d) If for any reason, a property granted a tax credit under this section ceases to be located within a historic district, the property owner may be required to refund such credit. The property owner shall not be required to refund the tax credit if the property ceases to be located within a Certified Heritage Area or loses its National Register of Historic Places designation through no action of the part of the property owner; however, the property owner shall refund all tax credits if that individual initiates the said action.
- (e) In cases where more than one (1) local tax incentive program could apply to a project, the property owner must select the one program that he/she determines provides the best benefit for the project. Multiple programs cannot be layered or applied separately for any project.
- (f) Capital expenses incurred within two (2) years from the date of the commencement of construction are eligible for the tax credit provided for herein.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

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

**File Attachments for Item:**

. Order 26,855 authorizing the Chief of Police to accept an FY22 Maryland Criminal Intelligence Network (MCIN) Grant through the Governor's Coordinating Offices in the amount of \$280,223 to be used for contractual salaries, personnel service, and overtime support for increased manpower within allied agencies, the Allegany County Combined Narcotics Unit (C3I/N), and a Peer Recovery Specialist, and to also support crime reduction patrols, targeted enforcement, apprehension, and intelligence gathering



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

**ORDER NO. 26,855**

**DATE: August 17, 2021**

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

**THAT** the Chief of Police be and is hereby authorized to accept an FY22 MCIN grant through the Governor’s Coordinating Offices for Crime Control and Prevention (GOCCP) entitled “FY22 MCIN Coalition - Allegany County” in the amount of Two Hundred Eighty Thousand, Two Hundred Twenty-three Dollars and No Cents (\$280,223.00) for the period 7/1/21 – 6/30/22 for personnel and overtime costs associated with the Cumberland Police Department’s focus on crime reduction patrols, targeted enforcement, intelligence gathering, apprehension of violent criminals, and streamlining information sharing to address gang and drug trafficking.

---

**Raymond M. Morriss, Mayor**

Grant: MCIN-2022-0013



## GOVERNOR'S COORDINATING OFFICES

COMMUNITY INITIATIVES • SERVICE & VOLUNTEERISM • PERFORMANCE IMPROVEMENT  
CRIME CONTROL & PREVENTION • SMALL, MINORITY & WOMEN BUSINESS AFFAIRS  
CHILDREN • DEAF & HARD OF HEARING

August 02, 2021

Chief Chuck Ternent  
Chief of Police  
Cumberland Police Department  
20 Bedford Street  
Cumberland, MD 21502

RE: MCIN-2022-0013

Dear Chief Ternent:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled "**FY22 MCIN Coalition - Allegany County**," in the amount of \$280,223.00 has received approval under the Maryland Criminal Intelligence Network program. Enclosed is the grant award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

The Cumberland Police Department's FY22 MCIN Coalition program helps to collaborate and coordinate tactics, resources, and intelligence through comprehensive data sharing, cross-jurisdictional partnerships, effective policies, and supporting technologies in Allegany County. The program will focus on conducting investigations, execute search and seizure warrants, execute arrest warrant and Grand Jury Indictments, together with Street Interdiction assignments. Additionally, these monies will support: crime reduction patrols, targeted enforcement, and intelligence gathering/analysis, apprehension of violent criminals, emerging technologies, and streamlines information sharing to address gang and drug trafficking. Grant funds will be obligated for contractual salaries, personnel services, and overtime for increased manpower within allied agencies, the Allegany County Combined Narcotics (C3I/N) Unit, and a Peer Recovery Specialist.

Please pay particular attention to the instructions included on the grant award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by our office are also located online, at [www.goccp.maryland.gov](http://www.goccp.maryland.gov). The chief elected official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the grant award, must sign the original Grant Award & Acceptance Form, initial each page of the Special Conditions document, and upload them in the Grants Management System within **twenty-one (21) calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the grant award, Notification of Project Commencement, and individual project reports has also been sent to the project director. The project director is responsible for completing these and other required forms now and at the end of each reporting period. If the project director changes, we must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the grant award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this grant award, please contact **Quentin Jones**, your program manager, or **Dorothy Lee**, fiscal specialist. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our state.

Sincerely,

A handwritten signature in dark ink, appearing to read "V. Glenn Fueston, Jr.", with a stylized flourish at the end.

V. Glenn Fueston, Jr.  
Executive Director

cc: Mr. David A. Goad

# Council Agenda Summary

Meeting Date: August 17, 2021

Agenda Item Number: FY22 MCIN Grant

Key Staff Contact: Chief Chuck Ternent

## *Item Title:*

FY22 MCIN Grant

## *Summary:*

Authorize the Chief of Police to accept the FY22 MCIN Grant in the amount of \$280,223.00 to be used to support crime reduction patrols, targeted enforcement, intelligence gathering, apprehension of violent criminal, streamline information sharing to address gang and drug trafficking. Grant funds will be obligated for contractual salaries, personnel services and overtime for increased manpower within allied agencies.

## *Issues and Considerations:*

<i>Fiscal Impact:</i>	
Is this item budgeted?   Yes   No	
Budget:	\$
Value of award:	\$280,223.00
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?   X Yes   No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes   X 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.)	

**File Attachments for Item:**

. Order 26,856 accepting the proposal of Gwin, Dobson & Foreman, Inc. for engineering services for City Project "Evitts Creek Phase IV - Interceptor Sewer to Pump Station" (06-08-S) in the lump sum cost of \$32,600.00

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

**ORDER NO. 26,856**

**DATE: August 17, 2021**

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

**THAT**, the proposal of Gwin, Dobson & Foreman, Inc., 3121 Fairway Drive, Altoona, PA, 16602 for engineering services for City Project "Evitts Creek Phase IV – Interceptor Sewer to Pump Station (06-08-S) in the lump sum cost of Thirty-two Thousand, Six Hundred Dollars and No Cents (\$32,600.00) be and is hereby accepted; and

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

---

**Raymond M. Morriss, Mayor**

<b>Company</b>	<b>Cost</b>
<b>Gwin, Dobson &amp; Foreman, Inc.</b>	<b>\$32,600.00</b>
Buchart Horn, Inc.	\$65,720.00
The Thrasher Group	\$45,000.00
Whitney, Bailey, Cox & Magnani, LLC	\$49,730.00
The EADS Group, Inc.	\$122,000.00
George, Miles & Buhr, LLC	\$74,996.00
Bennett, Brewer & Associates, LLC	\$50,000.00
Whitman, Requardt and Associates, LLP	\$197,762.00

Funding: 003.399.SS4.63000

PROJECT INFORMATION	
Project Title:	Engineering Services: Evitts Creek Phase IV - Interceptor Sewer to Pump Station
City Project:	06-08-S
Contract Length:	90 Calendar Days
BID OPENING	
Date & Time:	July 14, 2021 2:30 PM EDT
Location:	Council Chambers, City Hall, Cumberland, MD 21502

CERTIFIED BID TABULATION							
BIDDER	BIDDER	BIDDER	BIDDER	BIDDER	BIDDER	BIDDER	BIDDER
Gwin, Dobson & Foreman, Inc.	Buchart Horn, Inc.	The Thrasher Group, Inc.	Whitney, Bailey, Cox & Magnani, LLC	The EADS Group, Inc.	George, Miles & Buhr, LLC	Bennett, Brewer & Associates, LLC	Whitman, Requardt and Associates LLP
3121 Fairway Drive Altoona, PA 16602	3700 Koppers Street Suite 540 Baltimore, MD 21277	600 White Oaks Blvd. Bridgeport, WV 26330	300 East Joppa Road Suite 200 Baltimore, MD 21286	50 N. Mechanic Street Cumberland, MD 21502	954 Ridgebrook Road Suite 230 Sparks, MD 21152	23 East Main Street Suite 200 Frostburg, MD 21532	801 South Caroline Street Baltimore, MD 21231

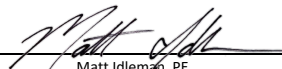
BID ITEMS				Gwin, Dobson & Foreman, Inc.		Buchart Horn, Inc.		The Thrasher Group, Inc.		Whitney, Bailey, Cox & Magnani, LLC		The EADS Group, Inc.		George, Miles & Buhr, LLC		Bennett, Brewer & Associates, LLC		Whitman, Requardt and Associates LLP	
ITEM NO.	DESCRIPTION OF ITEM	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Design Services	LS	1	\$ 32,600.00	\$ 32,600.00	\$ 65,720.00	\$ 65,720.00	\$ 45,000.00	\$ 45,000.00	\$ 49,730.00	\$ 49,730.00	\$ 32,000.00	\$ 32,000.00	\$ 74,996.00	\$ 74,996.00	\$ 50,000.00	\$ 50,000.00	\$ 197,762.00	\$ 197,762.00
	CCTV Inspections*	LS	1	-	Included	-	Included	-	Included	-	Included	\$ 90,000.00	\$ 90,000.00	-	Included	-	Included	-	Included
BID TOTAL				\$	32,600.00	\$	65,720.00	\$	45,000.00	\$	49,730.00	\$	122,000.00	\$	74,996.00	\$	50,000.00	\$	197,762.00

\*CCTV Inspections were to be included in base bid, per Addendum 2, Question 3

Required Documents
Bid = Bid Form
AoQtB = Affidavit of Qualification to Bid
LPC = Local Preference Certification
ARVF = Addendum Receipt Verification Form

Gwin, Dobson & Foreman, Inc.		Buchart Horn, Inc.		The Thrasher Group, Inc.		Whitney, Bailey, Cox & Magnani, LLC		The EADS Group, Inc.		George, Miles & Buhr, LLC		Bennett, Brewer & Associates, LLC		Whitman, Requardt and Associates LLP	
Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓	Bid	✓
AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓
LPC	N/A	LPC	N/A	LPC	N/A	LPC	N/A	LPC	City	LPC	N/A	LPC	N/A	LPC	N/A
ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓

I HEREBY CERTIFY THE ABOVE IS A TRUE AND CORRECT SUMMARY OF THE PROPOSALS RECEIVED:

  
Matt Idlemán, PE  
Senior Engineer

# Council Agenda Summary

Meeting Date: 8/17/2021

Key Staff Contact: Matt Idleman, PE

## *Item Title:*

Award Engineering Services: Evitts Creek Phase IV – Interceptor Sewer to Pump Station Contract

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

Award Engineering Services: Evitts Creek Phase IV – Interceptor Sewer to Pump Station Contract to low responsive bidder, Gwin, Dobson & Foreman, Inc., in the lump sum cost of \$32,600.

Project involves the evaluation of the condition of approximately 6,500 LF of the existing 24" to 27" Interceptor Sewer line from the Williams Road meter to the Evitts Creek Pump Station; determine a minimum of three rehabilitation and/or replacement options for the sewer line; in addition to providing a cost estimate and timeline for each rehabilitation/replacement option.

This project was advertised for bid on 6/14/21. Bids closed on 7/14/21, with eight qualified bids being received. The low bidder was Gwin, Dobson & Foreman, Inc. with an acceptable bid of \$32,600. The other acceptable bids ranged from \$45,000 to \$197,762.

The project is budgeted for this fiscal year, and utilizes City funds.

*Amount of Award:* \$32,600.00

*Budget number:* 003.399.SS4.63000

*Grant, bond, etc. reference:* City Funds



**File Attachments for Item:**

. Order 26,857 accepting the bid of Long Fence Company, Inc. for the Municipal Service Center Security Fence Contract (09-21-M) in the lump sum cost of \$50,260.00

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

**ORDER NO. 26,857**

**DATE: August 17, 2021**

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

**THAT**, the bid of Long Fence Company, Inc., 2520 Urbana Pike, Ijamsville, MD, 21754 for the "Municipal Service Center Security Fence Contract" (09-21-M) be and is hereby accepted in the lump sum cost of Fifty Thousand, Two Hundred Sixty Dollars and No Cents (\$50,260.00).

---

**Raymond M. Morriss, Mayor**

Budget: 115.071D.63000

**BID OR PROPOSAL**

Proposal by LONG FENCE COMPANY, INC.  
Name  
2520 URBANA PIKE  
Address (Street and/or P.O. Box)  
ELAMSVILLE MD 21754  
City State Zip  
(301) 662-1600 (301) 874 2564  
A.C. Phone No. A.C. Fax No.

To furnish all materials and to perform all work in accordance with the Plans and Specifications relating to a contract for:

**MUNICIPAL SERVICE CENTER SECURITY FENCE  
CITY PROJECT NO. 9-21-M**

\*\*\*\*\*

To the Mayor and City Council  
City of Cumberland  
Maryland

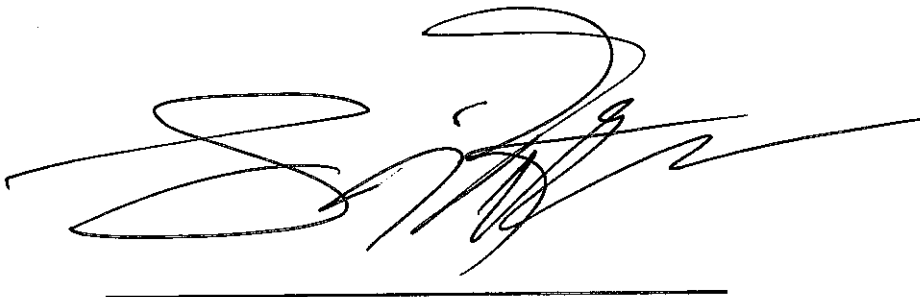
Mayor and City Council:

In accordance with the advertisement of the City of Cumberland, inviting proposals for the work hereinbefore named, and in accordance with the plans and specifications now on file in the City Engineering Department do/does certify that LONG FENCE CO INC. is/are the only person or persons interested in this proposal as principals; that the proposal is made without collusion with any persons, firm or corporation; that an examination has been made of the specifications and contract form contained herein, also of the plans and of the site of the work and LONG FENCE CO INC. do/does propose to furnish all necessary machinery, equipment, material specified, labor and other means of construction in whatever manner and sequence required. It is understood that the quantities of work as shown on the "Bid Form" are to be performed complete at the indicated unit prices bid for each item.

**BID FORM**

ITEM NO.	ITEM	UNITS	QTY	UNIT PRICE	TOTAL COST
1001	Replacement of 7' Chain Link Security Fence	LF	880	\$50.75	\$44,660
1002	Installation of 7' Cantilever Chain Link Sliding Gate	EA	1	\$4200	\$4200
1003	Installation of 48" Wide Chain Link Pedestrian Swing Gate	EA	2	\$700	\$1400
TOTAL- ALL ITEMS					\$50,260

WRITTEN TOTAL: Fifty Thousand Two Hundred and Sixty Dollars



**Lawrence J. Ritter, Sr.**  
**Vice President**

# Council Agenda Summary

Meeting Date: 8/17/2021

Key Staff Contact: Matt Idleman, PE

## *Item Title:*

Award Municipal Service Center Security Fence Contract

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

Award Municipal Service Center Security Fence Contract to Long Fence Company, Inc. in the lump sum cost of \$50,260.

Project involves the replacement of approximately 880 LF of 7' chain link security fence, including new concrete foundations, posts, fabric, hardware, and barbed wire. The replacement of one 7' cantilever sliding gate for a 20' opening, and the replacement of two 48" chain link pedestrian gates.

This project was advertised for bid on 6/10/21. Bids closed on 7/7/21, with no qualified bids received. The City reached out to three separate fencing companies and received the low bid from Long Fence Company, Inc. with a bid of \$50,260. The other two fencing companies were non-responsive or unable to perform the work.

The project is budgeted for this fiscal year, and utilizes City funds.

*Amount of Award:* \$50,260.00

*Budget number:* 115.071D.63000

*Grant, bond, etc. reference:* City Funds

**File Attachments for Item:**

. Order 26,858 authorizing the utilization of American Rescue Plan Act (ARPA) funds in FY22 to provide premium pay upon hours physically worked at a City facility during the period 7/6/20 through 5/15/21 for current employees and former employees who performed services during that time period

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

**ORDER NO. 26,858**

**DATE: August 17, 2021**

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

**THAT**, American Rescue Plan Act (ARPA) funds shall be utilized in FY22 to provide premium pay calculated upon hours physically works at a City facility during the period of July 6, 2020, through May 15, 2021, according to the following:

1. Police Department - Three Dollars and Thirteen Cents (\$3.13) per hour for Police Department front line personnel who have not already received premium pay through the UFCW union contract dated July 1, 2021;
2. Fire Department - Three Dollars and Thirteen Cents (\$3.13) per hour for Fire Department front line personnel;
3. All other City employees - One Dollar and Fifty-Seven Cents (\$1.57)

**BE IT FURTHER ORDERED**, that ineligible time shall include, but not be limited to, hours worked from home, vacation, holiday, personal, comp time used, sick, safe sick, Covid sick, and workers compensation; and

**BE IT FURTHER ORDERED**, that this Order shall apply to both current employees and former employees who performed services during the calculated time period.

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**Mayor Raymond M. Morriss**

# Council Agenda Summary

**Meeting Date:** August 17, 2021

**Key Staff Contact:** Ken Tressler and Mark Gandolfi

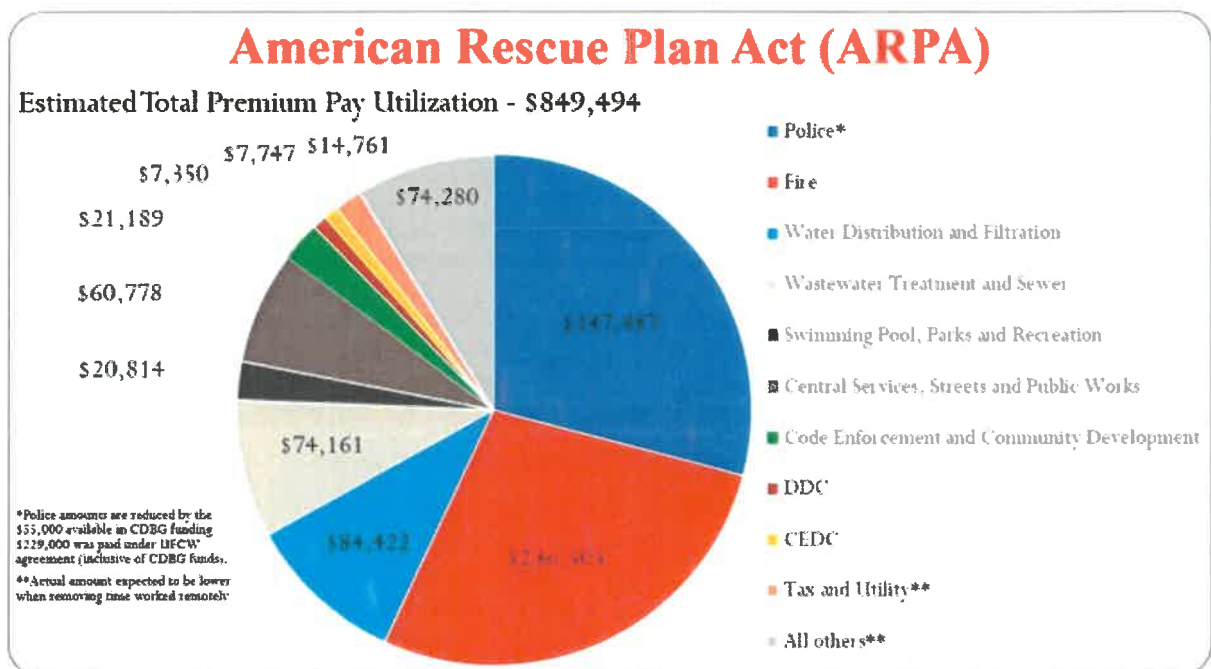
**Item Title:**

American Rescue Plan Act (ARPA) – Premium Pay

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

The American Rescue Plan Act (ARPA), U.S. Treasury Interim Final Rule, encourages recipients to prioritize providing retrospective premium pay where possible and recognize that many essential workers have not yet received additional compensation for work conducted over the course of many months. It recognizes these workers who have been and continue to be relied on to maintain continuity of operations of essential critical infrastructure sectors, including those who are critical to protecting the health and wellbeing of their communities.

An order authorizing utilization of ARPA funds in fiscal year 2022 to provide premium pay calculated upon hours physically worked at a City facility during the period of July 6<sup>th</sup>, 2020 through May 15<sup>th</sup>, 2021 at \$3.13 per hour for those Police Department front line personnel who have not already received premium pay through the UFCW union contract dated July 1, 2021, \$3.13 per hour for Fire Department front line personnel and \$1.57 per hour for all other City employees. Ineligible time includes, but not limited to, hours worked from home, vacation, holiday, personal, comp time used, sick, safe sick, Covid sick and workers compensation. This order applies to current employees and former employees who performed services during the calculated time period.



**Amount of Award:**

**Budget number:**

**Grant, bond, etc. reference:**



**File Attachments for Item:**

. Order 26,859 rescinding Order No. 26460, and adopting a revised Family Medical Leave Act (FMLA) Policy effective this date

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

**ORDER NO.** 26,859

**DATE:** August 17, 2021

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

**THAT**, Order No. 26,460 adopted June 18, 2019 to approve a revised Family and Medical Leave Policy (FMLA) be and is hereby rescinded; and

**BE IT FURTHER ORDERED**, that the attached and revised FMLA Policy be and is hereby adopted and effective this date and shall replace the previous policy adopted June 18, 2019.

---

**Raymond M. Morriss, Mayor**

# FAMILY AND MEDICAL LEAVE POLICY

(Adopted August 17, 2021/ M&CC Order 26,859)

## 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.

FMLA leave will run concurrently with other leave, *e.g.*, holiday leave, vacation leave, personal leave, sick/safe and sick leave. An employee, for his/her own *serious health condition*, may first exhaust sick/safe and sick leave, and then other paid leave simultaneously with the award of FMLA leave. For pregnancy after delivery of the child, adoption, care of a spouse, son or daughter or parent or for any *qualifying exigency* or event for which FMLA leave is available, any available sick/safe, vacation and personal leave shall be exhausted before sick leave is utilized simultaneously with the award of FMLA leave. Once an employee has exhausted all paid leave, if the employee still has FMLA leave available, such FMLA leave will be exhausted without pay.

## 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 the 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, an employee who meets the applicable time of service and other requirements to be eligible for FMLA leave shall be granted family and medical leave consisting of appropriate accrued paid leave and, once exhausted, unpaid leave, for a period of twelve (12) weeks during any rolling one-year period. The rolling one-year period begins on the first day that FMLA leave is taken for a FMLA qualifying event and the up to twelve (12) week period runs for one (1) year from the date FMLA leave for the first FMLA leave qualifying event occurs. For example, if an employee takes leave for an FMLA qualifying event beginning on December 20, 2021, then such employee has up to 12 weeks of FMLA leave for all FMLA qualifying events between December 20, 2021 and December 19, 2022 – a new twelve (12) weeks for a new one-year rolling period commences on the first day FMLA leave is taken on or after December 20, 2022. Qualifying events include:

- (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 to care for a covered servicemember with a *serious injury or illness*.

#### B. HOLIDAYS AFFECT 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 ADMINISTERING LEAVE**

In all cases, an employee requesting or placed on FMLA leave will complete the attached Application for Family and Medical Leave and have the health care provider for employee, spouse, son or daughter or parent complete and sign the Certification of Health Care Provider forms and return the paperwork to the Human Resources Department or the Office of the City Administrator.

An employee who is on leave for any event that qualifies for FMLA leave shall be placed on FMLA leave, shall complete an FMLA application and will have the health care provider complete the Certification of Health Care Provider form.

An application must be hand-delivered and an application requesting FMLA leave will not be effective until delivered and approved.

Upon the receipt of an application, copies shall be provided as soon as possible to the to the City Administrator, the Assistant City Administrator the Personnel Director and the City Solicitor.

## **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 Certification of Health Care Provider 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.

An employee who is on safe/sick and/or sick leave for more than three (3) full consecutive days of work will be deemed to be on FMLA leave commencing on the first day of such employee's absence on safe/sick and/or sick leave. Failure of such employee to submit the required Certification of Health Care Provider form will not preclude the City from designating such absence as FMLA leave. Likewise, leave taken by an employee that otherwise qualifies as FMLA leave will be deemed to be FMLA leave, even if the employee fails to submit the required application and/or Certification of Healthcare Provider form.

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, or the City may treat leave taken as FMLA leave.

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).

iii. 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.

iv. 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.

v. 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. The 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 verification is being obtained for the purpose of obtaining *clarification* regarding the contents of the fitness-for-duty certification and ensuring that the employee is able to perform the *essential functions* of the position. 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 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 FMLA REGULATIONS**

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

### **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

**File Attachments for Item:**

. Order 26,860 authorizing the Chief of Police to accept a GOCCP FY22 Police Recruitment & Retention Grant in the amount of \$19,500.00 for financial assistance in recruiting and retaining police officers



## GOVERNOR'S COORDINATING OFFICES

COMMUNITY INITIATIVES • SERVICE & VOLUNTEERISM • PERFORMANCE IMPROVEMENT  
CRIME CONTROL & PREVENTION • SMALL, MINORITY & WOMEN BUSINESS AFFAIRS  
CHILDREN • DEAF & HARD OF HEARING

August 11, 2021

Chief Chuck Ternent  
Chief of Police  
Cumberland Police Department  
20 Bedford Street  
Cumberland, MD 21502

RE: PRAR-2022-0020

Dear Chief Ternent:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled "**Police Recruitment and Retention**," in the amount of \$19,500.00 has received approval under the Police Recruitment and Retention program. Enclosed is the grant award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

The Cumberland Police Recruitment and Retention program assists in developing and implementing strategies intended to enhance recruitment activities for the Cumberland Police Department. The program provides incentives designed to attract and maintain qualified law enforcement employees. Program funds provide incentives and recruitment.

Please pay particular attention to the instructions included on the grant award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by our office are also located online, at [www.goccp.maryland.gov](http://www.goccp.maryland.gov). The chief elected official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the grant award, must sign the original Grant Award & Acceptance Form, initial each page of the Special Conditions document, and upload them in the Grants Management System within **twenty-one (21) calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the grant award, Notification of Project Commencement, and individual project reports has also been sent to the project director. The project director is responsible for completing these and other required forms now and at the end of each reporting period. If the project director changes, we must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the grant award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this grant award, please contact **Angela Carpintieri**, your program manager, or **Dorothy Lee**, fiscal specialist. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our state.

Sincerely,

A handwritten signature in dark ink, appearing to read "V. Glenn Fueston, Jr.", written in a cursive style.

V. Glenn Fueston, Jr.  
Executive Director

cc: Lieutenant James Burt





Regional Monitor:  
Fiscal Specialist:

Carpintieri, Angela  
Lee, Dorothy

Governor's Office of Crime Control and Prevention

## Budget Notice

<b>Grant Award Number:</b>	<b>PRAR-2022-0020</b>	
<b>Sub-recipient:</b>	Cumberland Police Department	
<b>Project Title:</b>	Police Recruitment and Retention	
<b>Implementing Agency:</b>	Cumberland Police Department	
<b>Award Period:</b>	<b>07/01/2021 - 06/30/2022</b>	CFDA: State General Fund

Funding Summary	Grant Funds	100.0 %	<b>\$19,500.00</b>
	Cash Match	0.0 %	<b>\$0.00</b>
	In-Kind Match	0.0 %	<b>\$0.00</b>
	Total Project Funds		<b>\$19,500.00</b>

### Contractual Services

Description	Funding	Quantity	Unit Cost	Total Budget
Recruitment Banners/Signs	Grant Funds	4	\$500.00	\$2,000.00

Contractual Services Total: \$2,000.00

### Other

Description	Funding	Quantity	Unit Cost	Total Budget
Assorted Gym Equipment	Grant Funds	1	\$1,500.00	\$1,500.00
Sworn Office w/Associates Degree New Hire Bonus	Grant Funds	4	\$500.00	\$2,000.00
Sworn Office w/Bachelor's Degree New Hire Bonus	Grant Funds	4	\$1,000.00	\$4,000.00
Sworn Officer Academy Graduate New Hire Bonus	Grant Funds	4	\$1,000.00	\$4,000.00
Sworn Officer's Retention Referral Bonus	Grant Funds	4	\$500.00	\$2,000.00
Veteran New Hire Bonus	Grant Funds	4	\$1,000.00	\$4,000.00

Other Total: \$17,500.00

Approved:

Governor's Office of Crime Control and Prevention Authorized  
Representative

Effective Date: 8/10/2021

# Council Agenda Summary

Meeting Date: August 17, 2021

**Agenda Item Number:** FY22 Police Recruitment & Retention Grant

Key Staff Contact: Chief John “Chuck” Ternent

## *Item Title:*

FY22 Police Recruitment & Retention Grant

## *Summary:*

Authorize the Chief of Police to accept the FY22 Police Recruitment and Retention Grant in the amount of \$19,500 awarded by the Governor’s Office for Crime Control and Prevention (GOCCP) who recognizes the state-wide shortage of police candidates and has offered funds to help local agencies recruit and retain police officers.

## *Issues and Considerations:*

Enter Text Here

<i>Fiscal Impact:</i>	
Is this item budgeted? Yes <input checked="" type="checkbox"/> No	
Budget:	\$
Value of award:	\$19,500
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input checked="" 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.)	

**File Attachments for Item:**

. Order 26,861- rescinding Order No. 24,443 and adopting a revised Workers' Compensation Policy effective August 17, 2021

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

**ORDER NO. 26,861**

**DATE: August 17, 2021**

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

**THAT,** Order No. 24,962 dated July 7, 2009 to approve a revised City of Cumberland Risk Management/Workers' Compensation Policy be and is hereby rescinded; and

**BE IT FURTHER ORDERED,** that the attached and revised City of Cumberland Workers' Compensation Policy be and is hereby adopted and effective this date and shall replace the previous policy adopted July 7, 2009.

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**Raymond M. Morriss, Mayor**

***CITY OF CUMBERLAND***  
***WORKERS' COMPENSATION POLICY***  
(Adopted August 17, 2021 / M&CC Order #26,861)

**I. Introduction:**

The workers' compensation law of the State of Maryland (Title 9 of the Labor and Employment Article of the Annotated Code of Maryland, as amended from time to time, hereinafter referred to as the "WC Law") requires employers to provide certain benefits for injuries and illnesses experienced by their employees which arise out of and in the course of their employment. To the extent any of the provisions set forth hereinafter conflicts with the WC Law, the WC Law shall take precedence over the terms of this Policy.

**II. Purpose and Scope:**

The safety and health of City employees is of paramount importance. In order to decrease the occurrence of work-related accidents and illnesses, the City encourages a preventive, proactive approach to the management of workplace injuries and illnesses so as to eliminate or mitigate existing and potential hazards. This Policy sets forth the City's practices and procedures relative to work-related injuries and illnesses, including but not limited to, the foregoing, claims procedures, medical treatment and the successful return-to-work.

This Policy applies to all full-time, part-time, temporary and seasonal employees.

**III. Definitions:**

Appeal – An appeal of a decision of the Workers' Compensation Commission (the "Commission"). Appeals may be filed by the employee or the City, individually or with the assistance of an attorney. Employees may file appeals when the Commission does not grant them any or all of the relief they are seeking, such as a ruling that an injury or illness is not compensable, in whole or in part. Similarly, the City may file an appeal if it is dissatisfied with a ruling of the Commission.

City – Mayor and City Council of Cumberland, a Maryland municipal corporation, also known as the City of Cumberland.

Claim – A claim filed by an employee with the Commission wherein the employee alleges that he/she suffered an accidental personal injury or occupational disease arising out of and in the course of the performance of an assigned work task or tasks.

Modified Duty - An employee returns to work from a workers' compensation ("WC") leave of absence with physical limitations which necessitate the

modification of assigned work tasks, such as lifting restrictions, frequent rest periods and props for arms or legs.

Policy – This Workers' Compensation Policy.

Reasonable Accommodation – An accommodation that fulfills any requirements of the Americans with Disabilities Act (“ADA”). A reasonable accommodation need not be the best conceivable accommodation. An employee who believes that a reasonable accommodation by the City would enable such employee to perform the essential functions of the job should promptly bring the matter to the attention of his/her immediate supervisor and Human Resources.

TTD means temporary total disability and generally refers to the period of time when an employee recovering from an injury is unable to perform the essential functions of the job due to ongoing medical procedures and the time required for healing and recovery.

#### **IV. Maintaining a “Safety First” Work Environment:**

Before undertaking a job assignment or task, it is City policy that supervisors and workers are responsible for considering what efforts will allow the assignment or task to be completed in a manner that is safe to the individuals performing the work and to individuals in the vicinity of the work being performed or reasonably expected to come within the vicinity of the work being performed and to implement necessary safety precautions.

##### **A. City duties:**

1. Investigate workplace safety procedures and provide appropriate training to employees of workplace safety practices;
2. Encourage supervisory receptiveness to and consideration of employee safety suggestions;
3. Hire qualified employees who (with or without a reasonable accommodation) are capable of meeting the physical requirements of the job and perform background investigations/reference checks for employee applicants, conduct periodic driving history checks for employees operating vehicles while on the job, and require pre-employment physicals for applicants or employee fitness-for-duty certifications before allowing an injured employee to return to the job; and
4. Provide training of this policy to supervisors and employees;

5. Debrief after an on-the-job injury or accident to assess whether a revision to safety practices and/or additional training might help to avoid future workplace injury or accidents.

**B. Employee duties:**

1. Before undertaking a task or job assignment, consider the safety practices necessary to avoid or minimize the risk of injury to self, fellow workers and the public;
2. Remind employees who are not engaging in safe workplace practices to do so;
3. Notify supervisors and/or department coordinators of an employee who is failing to observe appropriate safety procedures;
4. Promptly notify supervisors or department coordinators of any conditions that interfere with the safe performance of duties or pose avoidable risks or hazards to employees or the public.
5. Report any injury that takes place on the job;
6. Make suggestions for workplace safety precautions or training to supervisors or department coordinators;
7. Follow and implement the City's established safety rules, be accountable for one's personal safety by reporting hazardous conditions, wear personal protective equipment and ask questions when not understanding what is expected with respect to the performance of specific work tasks; and
8. Participate in training sessions relative to this Policy and/or safety procedures.

**V. Post-Incident/Post-Claim Procedures:**

**A. Employee post-incident requirements:**

1. Upon being injured or diagnosed with work-related occupational diseases (such as, carpal tunnel syndrome and heart disease) or experiencing any work-related incident that results in injury or illness, regardless of how minor, an employee must:
  - a. Notify his/her immediate supervisor as soon as possible (preferably on the shift during which the injury occurred) of any injuries sustained during the work shift in which the injury occurs.

- b. Notify her/his immediate supervisor as soon as possible (preferably on the day the employee first learns of the diagnosis) upon learning of being diagnosed with a work-related occupational disease.
- c. Seek the appropriate medical treatment, as needed, at the emergency room of the hospital or in a physician's office of the employee's choice which accepts WC patients. If practical, the employee must take a Medical Information Form (Attachment 1) to medical providers each time the employee visits a health care provider for health care arising out of a workplace injury or occupational disease.
- d. Complete a written Employee's Injury/Accident Form (Attachment 2) within twenty-four (24) hours following the injury/accident that details the circumstances surrounding their injuries or the suspected cause of an occupational disease and immediately submit the completed form to the employee's supervisor or designee for workers' compensation claims.
- e. Cooperate with the employee's supervisor(s) while being interviewed for the completion of the required Supervisor's Incident Report by expeditiously providing accurate and complete information.
- f. Expeditiously provide accurate and complete details of the incident resulting in injury or the circumstances surrounding the perceived occupational disease to the individuals charged with investigating such matters;
- g. Cooperate with the City's WC insurance carrier ("WC Carrier") and risk manager.

**B. Interaction between the City's Workers' Compensation Policy and FMLA Leave Policy:**

An employee who is injured on the job may be simultaneously subject to the City's Workers' Compensation Policy and FMLA Leave Policy as follows.

1. Applicability of FMLA Leave Policy. Whenever an employee is unable to work due to a workplace injury for more than three (3) consecutive scheduled work days such employee is subject to the City's FMLA Leave Policy in addition to the Workers' Compensation Policy. Such an employee should notify Human Resources to determine what the employee needs to do to comply with the City's FMLA Leave Policy.
2. Simultaneous Leave. An employee who is unable to work for more than three consecutive work days due to a workplace injury or occupational disease shall simultaneously incur FMLA leave and accident leave. Human Resources will work with the employee's supervisor to code leave for



purposes of pay so that the employee can receive his/her regularly weekly pay as long as such employee has eligible paid leave in conjunction with workers' compensation benefits.

3. An employee who exhausts FMLA leave may request a leave of absence in writing from the City Administrator. Such leave of absence should be requested prior to exhaustion of the employee's FMLA leave and as soon as the employee believes that he/she will be unable to return to work when his/her FMLA leave is exhausted. Such written request is to be addressed to the City Administrator. The City Administrator will develop criteria to be uniformly applied for determining whether to grant a leave of absence. If the request is granted, any remaining benefits will continue based on time granted.
4. Once FMLA leave is initiated the employee will not be allowed to return to work until he/she presents a return to full duty release form from his/her treating physician or such employee has a detailed modified light duty slip approved by the City Administrator in accordance with the City's Modified Light Duty Policy.

**C. Employee requirements upon receipt of medical treatment:**

1. Cooperate and fully comply with any treatment and rehabilitation plans recommended by the employee's treating physicians and health care providers.
2. Work in conjunction with the employee's supervisor and health care providers towards a quick return-to-work.
5. Submit regular "off work" slips from the treating healthcare provider to his/her supervisor or designee when off work due to any work-related accident or occupational disease. Failure to provide such documentation in a timely manner will result in lost time without pay.
6. After being seen by a medical provider for any work-related accident or occupational disease, the employee must obtain a return to full-duty slip from their medical care providers even if there is no lost time prior to returning to work.
7. Cooperate with Human Resources in completing necessary documentation for Maryland State Retirement and the continuation and/or termination of any payroll-deducted benefits.
8. Adhere to the City's most recent modified light duty policy if the employee's healthcare provider(s) determine that the employee is capable of performing light-duty work.

9. Cooperate with the City's WC Carrier.

**D. Supervisor responsibilities:**

1. In instances of severe injury (*e.g.*, shock, trauma, loss of limb, death), department managers or supervisors, or a designated person will adhere to the following severe injury procedures:
  - a. Immediately call 911 (to dispatch ambulance and police);
  - b. Preserve the accident scene and do not allow anyone that is not providing emergency help or stabilization onto the scene until the police officially secure it; and
  - c. Promptly notify the City Administrator and Human Resources.
2. Regardless of whether medical attention is required, supervisors will ensure that the Supervisor's First Report of Injury (Attachment III) is completed in its entirety for all injuries (*e.g.*, exposure to bloodborne pathogens, chlorine or other chemical exposures, or slips, trips or falls, etc.).
  - a. Complete the on-line report of injury/claims through the WC Carrier portal or call the carrier to report the injury immediately or within 24 hours of the claim. Obtain a claim number.
  - b. Provide the injured employee with the City's insurance carrier, mailing address and telephone number, and the claim number to use for medical treatment, as well as a prescription form if it is needed.
  - c. Submit to Human Resources a scanned copy or the original completed and signed Supervisor's and Employee's First Report of Injury, along with any witness reports prior to the end of the work day on the day of the injury.
  - d. Medical information received is to be handled as follows:
    - (i) Medical excuses received from the employee for doctor visits, lost time, and/or return to work forms must be forwarded to Human Resources. Return to work forms are provided by Human Resources. Nothing with a medical diagnosis or a treatment plan can remain in the department files.
    - (ii) If other medical information (*e.g.*, emergency room or medical reports, modified light duty restrictions or billing statements for medical services) is received, they may not be copied or shared.

That type of medical information is protected by HIPPA and is confidential. Such documents must be immediately submitted to Human Resources in a sealed envelope. Such information shall not be scanned, faxed or emailed and the department shall not retain electronic or paper copies of such documents.

- e. If appropriate, conduct an investigation of the incident to determine the root cause and initiate corrective action to prevent recurrences.
- f. Never make assurances that a claim will be ruled compensable. The insurance company, or ultimately the Commission, will make that determination. Record lost time as accident leave until Human Resources provides further instruction on how to code/enter time.
- g. Provide Human Resources with information regarding modified duty availability, if any, within the department.

E. Human Resources responsibilities:

- 1. Verify that the injured employee has received medical care where deemed necessary or appropriate.
- 2. Verify the receipt of the completed Supervisor First Report of Injury and signed Employee's Report of Injury. Provide assistance in obtaining accurate information.
- 3. Maintain the confidentiality of medical and personnel records.
- 4. Securely forward internal department reports, wage statements, doctor slips, medical reports, and medical bills to the WC Carrier.
- 5. Coordinate claims with employees and the insurance carrier to expedite payment of benefits on behalf of the injured employee.
- 6. Serve as liaison between the medical provider, when applicable, and the WC Carrier to ensure proper utilization of benefits and timely payments.
- 7. Maintain a collaborative relationship with the WC Carrier and share information pertinent to the resolution of each claim.
  - a. Work with the claims adjuster and nurse manager, so the employee can return to work as soon as possible;
  - b. Initiate contact with the assigned medical case worker to gain an understanding of the diagnosis, treatment plan and prognosis of the injured worker; and

- c. Provide the claims adjuster, nurse manager, and/or medical case worker pertinent information about the injured employee's job functions, the City modified duty policy and any modified duty assignment that may be available for the employee leading to an early return-to-work.
8. Track the following and process payment of the injured worker's time off.
- a. If the injured employee was unable to work for more than three consecutive days, accrue accident leave and FMLA leave simultaneously.
  - b. To determine whether the employee may be eligible for TTD benefits and if so, complete and submit the necessary documentation to the WC Carrier. Determine whether the injured employee is covered by a collective bargaining agreement (CBA) and coordinate TTD payments with the use of other available leave. Comply with any applicable CBA requirements.
  - c. Reverse any accident leave time awarded for claims that are determined not compensable by the WC Carrier (accident leave to sick and safe leave and/or sick leave); and for claims ultimately determined to be compensable by the Commission or the Court if it was previously determined not to be compensable (sick and safe leave and/or sick leave to accident leave).
  - d. Maintain communication with the injured worker, providing support and information regarding the City's WC policy, accident leave balance, procedures, net pay benefits in accordance with current CBA's, and elected continuance of health insurance and any other benefits the employee wants to maintain.
  - e. Provide guidance to supervisors in the areas of claims processing, procedures, modified duty, medical monitoring, and rehabilitation.
  - f. Coordinate the payment of medical bills for claims, by working with the WC Carrier and the medical provider when needed.

**F.. Duties the WC Carrier should fulfill:**

- 1. Determine the compensability of the claim by determining if it meets the requirements of the WC Law;
- 2. Monitor the medical treatment of the injured employee by contacting the treating physician and/or medical facility ensuring that the appropriate treatment, based on established protocol, is rendered., as well as review and become involved with rehabilitation plans;

3. Make payments to the injured employees' treating physician or other medical facilities on behalf of the City;
4. Determine and process payment of TTD, if the injured worker is eligible for TTD payments;
5. Conduct investigations of incidents and, where fraudulent claims are found to have been made, pursue prosecution;
6. Refer the injured employee for independent medical examinations when further medical treatment, including surgery, is necessary; and
7. Pursue third party subrogation where a third party is fully, or partially responsible for the injury or illness of an employee.
8. Perform any and all obligations of the WC Carrier under the terms of the City's workers' compensation policy.

**VI. Accident leave (Procedures/Payroll Processing/ Pay Issues):**

- A. Accident leave is a leave designation created for purposes of simplifying the job of City supervisors and human resource personnel and of ensuring that an employee continues to receive his/her regular biweekly pay for up to sixty (60) calendar days following the event that allegedly injured such employee and causes him/her to miss work and file a workers' compensation claim. When an employee claims injury on the job, the City does not know:
  1. How long the employee will be unable to work;
  2. Whether the employee will be entitled to workers' compensation benefits and how long it will take for the determination to be made of whether the employee is entitled to workers' compensation benefits;
  3. If such employee is entitled to workers' compensation benefits, whether such benefits may eventually include TTD payments; or
  4. Whether such employee has sufficient sick leave, vacation leave and personal leave to be entitled to receive a regular paycheck and avoid the need to go on leave without pay pending the final determination of the types of leave required for such employee to continue to receive a regular paycheck, or whether such employee will have to go on leave without pay.
- B. Initially coding such employee's leave as accident leave and continuing to code the employee's leave as accident leave for up to but for not longer than sixty (60) calendar days will provide:

1. Adequate time for the preliminary determination to be made about the nature and cause of the injury and, therefore, how such time away from work should be finally coded for use of leave purposes;
  2. An employee who qualifies and complies with this policy and the FMLA Leave Policy with up to sixty (60) calendar days to recover and return to work without losing any regular pay during such period; and
  3. Will, if necessary, provide time for an initial TTD determination to be made and for TTD through the City's WC Carrier to be activated at the end of the sixty-day period.
- C. Accident leave for full-time employees will be processed through City payroll at the employee's current rate of pay up to a maximum of sixty (60) calendar days. Accident leave will be paid for the first twenty-four (24) hours the employee is off regularly scheduled work following the day of injury; however, the employee is required to provide a medical off-work slip for any time off beyond the first twenty-four (24) hours in order to qualify for additional accident leave pay. The initial twenty-four (24) hour period need not be consecutive and will be determined on a calendar day (rather than a work day) basis.
- Accident leave for temporary, part-time, seasonal and contract employees will be processed through City payroll at the employee's current rate of pay up to a maximum of sixty (60) calendar days subject to the employee's contract and work schedule. Accident leave will be paid for the first twenty-four (24) hours the employee is off regularly scheduled work following the day of injury; however, the employee is required to provide a medical off-work slip for any time off beyond the first twenty-four (24) hours in order to qualify for additional accident leave pay. The initial twenty-four (24) hour period need not be consecutive and will be determined on a calendar day (rather than a work day) basis.
- D. If an employee becomes eligible for TTD benefits while on accident leave (up to a maximum of sixty (60) calendar days), the accident leave will continue until it is exhausted or until the employee returns to work within the accident leave 60 calendar day period.
- E. If the employee remains unable to work beyond a maximum of sixty (60) calendar days, accident leave coding will be terminated. Following accident leave such TTD lost wage benefits as are permitted under the WC Law shall be paid to the employee by the WC Carrier. The employee will be removed from payroll. The employee will not be allowed to return to work or placed back on payroll until he/she presents a return to full duty release form from his/her treating physician or such employee has a detailed modified light duty slip approved by the City Administrator in accordance with the Modified Light Duty

Policy. If such employee is entitled to receive compensation in addition to the workers' compensation benefit as provided under a CBA, he/she may continue to receive the amount owed by the City in accordance with the CBA.

- F. If after or during the sixty (60) calendar days of accident leave the employee is determined ineligible for TTD wage loss benefits under the WC Law, all paid accident leave will be converted to sick and safe leave and/or sick leave if the employee has accumulated sufficient sick leave to cover his/her period of absence from work. If the employee does not have sufficient sick and safe leave or sick leave time accrued to convert the accident leave, any other accumulated accruals will be used to convert the accident leave. If all accrued balances are not sufficient to convert the accident leave the employee will be allowed to carry a negative balance in his/her sick leave accruals until such time that negative balance is covered with newly accrued leave following the employee's return to work. If the employee terminates her/his employment with the City while having a sick leave negative balance, the hours owed will be deducted from any accruals (*i.e.*, vacation, personal, birthday) owed to the employee at termination. If the accruals are insufficient to wholly reimburse the City, the City shall be legally entitled to pursue collection of overpayments afforded because accident leave was provided by means of litigation or otherwise.
- G. An employee is not entitled to receive wages for accident leave and TTD from the City's WC Carrier, simultaneously. If an employee receives both simultaneously, the employee shall promptly notify his supervisor and the Human Resources and refund the overpayment. If the employee fails to refund such overpayment, such failure shall be grounds for separation from City employment and the City shall be legally entitled to pursue collection of the overpayment afforded to the employee because accident leave pay was provided to the employee.

## **VII. WC TTD Payments:**

- A. If the employee remains unable to work beyond sixty (60) calendar days, any additional lost time will be paid by means of TTD through the WC Carrier if the employee is eligible for TTD payments.
- B. If the employee receives TTD payments, the City will, if required by any CBA covering the employee, pay an additional amount (net benefit) which, when combined with the TTD payments, will equal the employee's regular net (after tax) pay. The net benefit is subject to pro-ration in the event that the employee's pay is split between accident leave and TTD during the payroll period. Required net benefits will stop upon the termination of TTD payments - or the end of the injured employee's compensation year (365 calendar days), whichever comes first.

- C. All payroll deductions, which continue during accident leave, will cease, and the employee will need to request a "Leave of Absence" from the State of Maryland Retirement System as soon as the sixty (60)-calendar day period of accident leave expires. The employee will be responsible for directly paying the cost for any benefits they elect to continue. To continue benefits, the employee will need to schedule an appointment with Human Resources to make arrangements during the first pay period in which accident leave is not paid. Failure to adhere to this time frame will result in those benefits being terminated. Deductions to consider include, but are not limited to, Health Insurance, Dental Insurance, YMCA, Short- and Long-Term Disability, and Deferred Compensation.

### **VIII. Compensation Year:**

- A. This section applies to any employee that has a bona-fide work-related injury, and the injured worker is currently on accident leave or receiving TTD payments under the WC Law.
1. The first day of the cumulative WC year begins with the first day charged to accident leave, and it is calculated based on calendar days in which the employee was not able to work due to their injury. The compensation year shall not exceed 365 calendar days. (Days need not be consecutive.)

*Example: The employee is injured on March 25 and his injury is determined eligible for temporary wage loss benefits under the WC Law. The City pays the employee accident leave for work time lost during the first 60 calendar days he is off. While the employee is off, they continue to routinely submit off-work slips from their doctor that is providing services for their injury that covers him from doctor's appointment to doctor's appointment. On September 15, he is released to full duty.*

*His compensation year for this injury is as follows:*

<i>March 26 - 31</i>	<i>=</i>	<i><u>6 Days</u></i>
<i>April</i>	<i>=</i>	<i><u>30 Days</u></i>
<i>May</i>	<i>=</i>	<i><u>31 Days</u></i>
<i>June</i>	<i>=</i>	<i><u>30 Days</u></i>
<i>July</i>	<i>=</i>	<i><u>31 Days</u></i>
<i>August</i>	<i>=</i>	<i><u>31 Days</u></i>
<i>September 1 - 14</i>	<i>=</i>	<i><u>14 Days</u></i>
<i>Total Days Compensable:</i>		<i><u>173 Days</u></i>

2. If the employee remains off work due to his work-related injury beyond the compensation year, City-provided benefits will cease.

### **IX. Pay Increases:**

When an injured employee is on any type of WC leave, the employee does not qualify for pay increases, including but not limited to COLA's, longevities, and stipends. Once the employee returns to work the increase will be effective on his first day back to work. Stipends paid while the employee is off on WC leave will be pro-rated,



taking into consideration leave applied to accident leave and TTD. If an employee's contract/CBA is settled while the injured employee is on WC leave and an increase applies, the increase in wages will not be effective until the employee returns to full duty.

## **XI. Accruals**

- A. **Unused Vacation:** When an employee on WC leave has not returned to work by the beginning of the new fiscal year, he/she shall be paid any unused vacation on the pay day that includes the last working day in June unless a claim is pending compensability through the WC carrier.
- B. Holidays that fall while an employee is off on accident leave and/or TTD will be considered unearned, and the hours will be removed from the employee's accruals. Therefore, in cases where holiday time is completely exhausted prior to the injury, holiday time owed back to the City will be adjusted out of other available accruals for the current fiscal year. In cases where all accruals are exhausted, the employee's holiday accrual will carry a negative balance until the next fiscal year's accruals are loaded.
- C. Vacation and sick leave will not accrue during any month in which the employee is off the entire month for accident leave or TTD paid by the WC Carrier.
- D. **WC and Retirement/Separation from Employment:** Upon retirement or separation from employment due to inability to recover sufficiently to be capable of performing the essential functions of the job, an employee having an active WC claim will be paid for sick and vacation time according to the current WC Policy and the Full-Time Non-Union Employee Handbook or any CBA covering the employee. In the event an employee retires while still receiving TTD payments, the employee shall be responsible for reimbursing the City for the amount of any TTD benefit paid after retirement or separation from employment.
- E. An employee who receives disability retirement benefits for the same period such employee receives TTD shall reimburse the City for the amount of disability benefits simultaneously paid. An employee is not entitled to both disability retirement pay/benefits and TTD.

**File Attachments for Item:**

. Order 26,862 adopting a Social Media Policy

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

ORDER NO. 26,862

DATE: August 17, 2021

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

THAT, the attached Social Media Policy be and is hereby adopted and effective  
this date.

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**Raymond M. Morriss, Mayor**

**\*Attachment**



# **CITY OF CUMBERLAND SOCIAL MEDIA POLICY**

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***Last revision: August 17, 2021***

## **I. PURPOSE**

The City of Cumberland (the “City”) endorses the use of social media for and in connection with its operations to enhance communication and information exchange; streamline operations; foster productivity; and connect with colleagues and citizens. This Social Media Policy (“Policy”) establishes the City’s guidelines, rules and regulations for the use, management, administration and oversight of City elected officials, employees, and board and commission members’ use of social media at work and in their personal lives. This Policy also sets forth guidelines relative to the general public’s use of the City’s social media outlets.

This Policy is not meant to address just one social media outlet. In that social media is everchanging, the principles set forth herein shall apply to all social media, including that which is presently in use and available and that which is developed for or in use in the future.

## **II. PHILOSOPHY**

The City’s goal for the use of social media is to engage in government speech by communicating and sharing information with the public relative to City programs, services, outreach and other related organizational and community objectives. The City believes social media can be used to improve governmental responsiveness and instill a higher level of public confidence.

## **III. FIRST AMENDMENT**

Elected officials, employees, and board and commission members are cautioned that their comments on social media, during and after working hours, in connection with their official duties and responsibilities and for personal purposes, may not necessarily be protected speech under the First Amendment to the United States Constitution. The rules and regulations of this Policy do not (and are not intended to) violate the First Amendment’s protection of free speech.

## **IV. SOCIAL MEDIA PAGE REQUIREMENTS**

1. The City’s social media outlets shall be exclusively used for City-related, City-sponsored, City-endorsed and City-organized programs, services, and events.
2. Whenever possible, the following message shall be posted on the City’s social media outlets or it direct them to a location on the City website where the notice is available by means of a hyperlink.

*The intended purpose of this page is to serve as a mechanism for communication between the City of Cumberland and members of the public. However, this page is not the primary method of communication*

*with the City, and any notices or requests for City services must be made via official communication methods identified on the City's website or by traditional methods of notification recognized by the City. No comments or posts on this page will be construed as providing or deemed to be notice to the City of any claim, deficiency, dangerous condition, request, or otherwise.*

*A comment posted by a member of the public on this page is the opinion of the commentator or poster only. The publication and continued airing of a comment does not imply the endorsement or agreement of the City.*

*The City reserves the right to restrict or remove obscenities, off-topic comments, personal attacks, and any content that is deemed to be in violation of applicable law or the City of Cumberland Social Media Policy which can accessed by means of this hyperlink - [\(insert hyperlink\)](#). The City disclaims any and all responsibility and liability for any materials posted and remaining on this site.*

*Any comments or other content posted or submitted to this page for posting, as well as personal identifying information for the page's users, visitors, and fans, may be public records subject to legally required disclosure under the terms of the Maryland Public Information Act. Public disclosure requests must be directed to the City Clerk's office.*

*This page is not a forum for public debate.*

*The use of this page is subject to the terms of the City of Cumberland Social Media Policy and applicable law, rules and regulations.*

3. The City's social media page(s) should link to the City's official website. This Policy shall be accessible by means of a hyperlink in the notification set forth in the preceding paragraph.
4. Social media content shall adhere to applicable laws, regulations, and policies, including, but not limited to, social media outlets' rules and policies.
5. All social media sites or pages must be approved by the City Administrator or the Assistant City Administrator, and they shall be administered by him/her or other employees he/she designates to administer them.
6. Social media pages shall clearly indicate they are maintained by the City and they shall have the City logo and contact information prominently displayed therein.
7. Since social media content is largely subject to the Maryland Public Information Act, the City shall establish:

- a. Records retention schedules applicable to social media content; and
- b. Protocols for the management, storage and retrieval of that content so as to comply with the Act and e-discovery laws and regulations.

## **V. RULES FOR USE OF CITY SOCIAL MEDIA**

City elected officials, employees, board and commission members, and members of the public, as applicable, using the City's social media channels must comply with the following rules:

1. They must comply with the *City of Cumberland Computer and Internet Use Policy* **(add hyperlink)** in their use of City computers.
2. They shall conduct themselves as stewards of the City's public image, comply with all City standards of conduct, observe conventionally-accepted protocols for polite communication, and observe proper decorum.
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, gender identity, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation is prohibited.
4. Comments on posts must be topically-related to the particular article or post being commented on. Subject to the terms of this Policy, commentators can make new posts regarding the other topic.
5. Posts may not contain profane language or content.
6. Posts including sexual content or links to sexual content or those containing obscene or sexually explicit language, images, or acts and statements are prohibited.
7. They shall not post, transmit, or otherwise disseminate confidential information.
8. Except upon the authorization of the City Administrator or Assistant City Administrator, they shall not divulge information gained by reason of their employment with the City or involvement with a board or commission, publish material that could reasonably be considered to represent the views or positions of the City, or make any statements, speeches, appearance and endorsements regarding the foregoing. Although elected officials, are not subject to the prohibitions set forth in this paragraph, they must use reasonable discretion in regard to these matters.
9. They shall not conduct political activities. Comments in support of or opposition to political campaigns or ballot measures are prohibited.

10. They shall not post solicitations for commerce.
11. They shall not use the City's social media outlets for personal purposes.
12. They shall not conduct or encourage illegal activity.
13. They may not post information that tends to compromise the safety or security of the public and public utilities and systems.
14. Hostile communications or debate between social media users is prohibited.
15. They shall abstain from the use of personally-owned devices to manage the City's social media outlets without the express written permission of the City Administrator or Assistant City Administrator.
16. They shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials.
17. Board and commission members may not make posts on official City pages. They must do so through City employees who are authorized to post. Failure to adhere to this process could result in such members' removal from their positions.
18. They must comply with the City's Administration of Disciplinary Guidelines in their use of the City's social media.

## **VI. POTENTIAL USES**

The City's social media can be a valuable tool for providing information about and the facilitation of:

- City services, programs, initiatives, public outreach and organizational objectives,
- Special events,
- Employment opportunities with the City,
- Updates and announcements from the City, and
- Other uses pertaining to City governance, activities or operations which are consistent with the terms of this Policy.



## **VII. PERSONAL USE OF SOCIAL MEDIA**

The terms of this section of the Policy apply to the City's elected officials', employees' and board and commission member's use of social media other than on the City's official social media outlets. City elected officials, employees, and board and commission members are expected to demonstrate best practices and appropriate etiquette on social media, subject to the following rules, regulations and cautions:

1. They are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of their duties, impair discipline and harmony amongst their coworkers, or negatively affect the public perception of the City and its elected officials and management personnel.
2. They shall not post, transmit or otherwise disseminate any information they may be able to access as a result of their employment or position with the City without written permission from the appropriate department manager, the City Administrator or the Assistant City Administrator.

They should be mindful that their speech on social media and internet-based platforms becomes part of the World Wide Web and are **PERMANENT**.

## **VIII. REPORTING OBLIGATIONS – THIRD-PARTY SOCIAL MEDIA**

Any elected official, employee, or board or commission member becoming aware of or having knowledge of a posting on social media or of any website or webpage containing misinformation, news leaks, confidential information, or other questionable content that would be in violation of the provisions of this Policy had the third party been a City elected official, employee, or board or commission member shall notify the City Administrator or Assistant City Administrator immediately.

## **IX. MULTIPLE SOCIAL MEDIA POLICIES**

Some departments have their own social media policies. (e.g., the City of Cumberland Police Department). Those policies are specific to the duties and responsibilities of that department. Department employees shall comply with this Policy and the department policy. In the event of a conflict in the terms of the policies, the terms of the department policy will control.

## **X. PERIODIC REVIEW**

In that social media is evolving, this Policy should be reviewed and revised on a regular basis. Management staff shall endeavor to review and, if necessary, revise it once every three (3) years.

## **Q&A Section - For Quick Reference**

**What should I do when I receive a citizen inquiry by means of social media?** In the event that a citizen reaches out to a City elected official, employee, or board or commission member directly through social media for assistance with an issue, or an answer to a question, that request should be directed to the appropriate individual or department. If you are unsure where to direct the request, your manager may be able to help, or you may send the request to the Citizen Services Representative.

### **When do I need approval to post a message on social media?**

Only approved City employees may post to any official City of Cumberland social media channels.

When interacting with the public on your personal social media channels regarding the City of Cumberland, or commenting on posts made by the City of Cumberland or others, remember to be honest about who you are and that you work for the City, or are associated with a board or commission, and clarify that your opinions are your own. Always practice respect and humility in all communication and use good judgment in sharing only public information.

You do not need City approval to post to your own page unless any of the information you intend to post can be construed as confidential City information. If you are in doubt, do not post.

### **What kind of information am I allowed to post related to my work on social media?**

You may post that you are employed by the City, the duration of that employment, your job title, the work you perform and the dates and subject matters of public events. If this Policy does not prohibit the sharing of particular information, you may share it. However, it is suggested that you refrain from creating discussion forums relative to City matters.

If you have a question about a specific piece of information you wish to share, reach out to the City Administrator. If you are in doubt, do not post.

### **What should I do on social media when encountering questionable content?**

Should you find or be informed of any misinformation, news leaks, confidential information, or other questionable content on any social media channel regarding the City of Cumberland, the Mayor or City Council or your co-workers, do not post, comment, or share anything on any form of social media. Immediately inform the City Administrator about the information you've uncovered. If possible, screenshot any posts regarding the concerning content so the City can plan and respond appropriately.

### **Should I include my affiliation with the City in my social media bio?**

You are encouraged to include your work affiliation in your social media bio so it is clear that you are a City elected official employee, or a member of one of the boards or commissions.