

# **The Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund**

## **7. Trail Construction Grant Program**

### **7.1 Background**

In 2013, the Morris County Board of County Commissioners commissioned a study designed to take a thorough and objective look at the projects completed since the establishment of the Morris County Open Space, Farmland, Floodplain Protection and Historic Preservation Trust Fund (“Trust Fund”) in 1992. The resultant Preservation Trust Fund Analysis and Strategy Report (“Report”) assessed municipal goals and needs related to open space and environmentally sensitive areas, parks (including maintenance and improvements) and linkages, historic and farmland preservation, flood mitigation and the possible role of the Trust Fund in meeting these local goals and needs.

The Report included personal interviews with each of the 39 municipalities in Morris County plus 9 land trust non-profits through a detailed questionnaire to these entities as well as 27 historic preservation non-profits. A recurring theme throughout the evaluation was the acquisition of land or easements for trails, and the construction of trails, as a high priority for nearly all municipalities and land trust non-profits. Trail installation and improvements were identified by 62% of municipalities<sup>1</sup> as post-preservation plans for their open space properties. Funding for trail construction was “strongly supported” by 78% of municipalities.

The results of the Report were used to delineate the parameters of a new voter referendum that would ultimately alter the allowable uses of the Trust Fund. On August 13, 2014, the Board of County Commissioners authorized the ballot question that would permit trail construction as an allowable use under the Trust Fund, as allowed by State law. On November 4, 2014, the voting electorate of Morris County approved the ballot question by a margin of nearly 3 to 1. The Board of County Commissioners adopted the Trail Construction Grant Program on April 27, 2016.

### **7.2 Intent and Purpose**

Morris County established a Trail Construction Grant Program to support and enhance the county’s quality of life and cultural and heritage tourism efforts. The purpose of the grant program is to provide recreational trail use opportunities (as defined by the program) which benefit the communities and enhance the quality of life for the residents of Morris County. The program will rely upon local communities and their government representatives to provide inspiration, planning and commitment, as well as meeting the matching funds requirement, to make these trail projects a reality.

### **7.3 Program Overview**

The Morris County Trail Construction Grant Program will distribute grants for the design and construction of trails for municipalities. All trail projects must occur on permanent preserved public parklands held by the municipality, or easements (dedicated to a municipality for public recreational trail use). The grant program will operate on a reimbursement basis only. There are two separate funding categories each with its own requirements and application process. The first funding category is Phase 1-Design & Permitting, and the second is Phase 2-Construction, which has two classifications: Minor and Major. Applicants are limited to one application per funding round, regardless of phase. All applications draw from the same funding source and no specific allocation is dedicated to either category.

The Morris County Trail Construction Grant Program will operate as a collective and collaborative effort of the Morris County Park Commission and Morris County Office of Planning and Preservation. Grant requests shall be completed using the select application package developed by program staff. All applications shall be submitted to program staff by the designated deadlines. Staff will review applications to determine eligibility and application completeness. Applications will then be reviewed by the Morris County Trail Program Advisory Committee and evaluated according to established criteria. The Advisory Committee’s recommendations will be forwarded to the

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<sup>1</sup> Out of 26 responding

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Board of County Commissioners who will determine and act on the grant awards.

Applicants who are awarded grants will receive a Grant Agreement specifying the Program's requirements. The municipality and the Board of County Commissioners shall execute the grant agreement within 90 days of award notification by the County.

**7.4 Goals of Program**

- A. Provide grant funding to municipalities to accelerate the construction of recreational trails throughout Morris County.
- B. Promote the construction of trails, which may also be complementary to the Morris County Park Commission's trail system.
- C. Enhance Morris County's quality of life.
- D. Provide alternate means of transportation that support a healthy lifestyle.
- E. Heighten the public's awareness of Morris County's irreplaceable historic character.
- F. Increase opportunities for cultural and heritage tourism in the County.
- G. Improve Morris County as a destination market for leisure travel.

**7.5 Definitions**

- A. Trail – a thoroughfare or track across land or snow, excluding roads generally accessible by low clearance passenger vehicles but includes high clearance primitive roads used for recreational purposes such as:
  - 1. Non-motorized activities; and/or
  - 2. Motorized vehicular activities
    - a. Gas powered such as all-terrain vehicles, motorcycling, and snowmobiling
    - b. Non-gas powered such as electric Segway's and bikes

Trails do not include sidewalks or running tracks as defined by an oval shaped track that is used for races involving athletes at track meets.

- B. Office of Planning & Preservation and Division of Engineering and Transportation Boards or Committees
  - 1. Agriculture Development Board
  - 2. Flood Mitigation Committee
  - 3. Historic Preservation Trust Fund Review Board
  - 4. Open Space Trust Fund Committee
  - 5. Planning Board
  - 6. Board of Transportation
- C. Trail Amenities – features that supports the operation of the trail facility and/or enhance the convenience of trail users. These may include, but are not limited to items such as fencing, gates, kiosks, landscaping, and benches.
- D. Trail Enhancement – improvements of trail design and/or surface type of existing trails to accommodate increased volume and/or make the trail ADA compliant. Trail enhancement is more than an in-kind replacement of current conditions. Deferred maintenance activities are not eligible.
- E. Direct Costs – Goods and services directly related to the physical construction of the approved trail project and/or amenities such as labor, materials, equipment, etc.

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- F. In-Direct Costs – Goods and services required to prepare the approved trail project for construction, which may include, but are not limited to, site survey, design, permitting, and engineering.
- G. In-Kind Contribution – gifts or donation of goods and services other than cash provided to complete the design and/or construction of the approved trail project.
- H. Shared Use Path - Shared-use paths are paved, off-street travel ways designed to serve nonmotorized travelers.<sup>2</sup>
- I. Sidepath – A sidepath is a bidirectional shared-use path located immediately adjacent and parallel to a roadway.<sup>3</sup> See source referenced for specific design standards.

**7.6 Eligible Applicants**

Any of the thirty-nine municipalities in the County of Morris, New Jersey.

**7.7 Eligible Properties**

- A. The land must be located in Morris County.
- B. The land on which the trail is to be funded must be permanent preserved public parkland owned by the municipality at the time of application.
- C. The land on which the trail is to be funded may be on land with a permanent easement dedicated for public trail/recreational use, which has been provided to the municipality.

**7.8 Eligible Projects**

Eligible projects for Trail Grant funding include design, permitting and construction of trails. Eligible trail projects may include, but are not limited to shared-use paths, sidepaths, nature, multi-use, and single use trails.

Eligible projects shall consist of design and construction of new trail construction or trail enhancements.

A. Eligible Trail Amenities

Trail grants shall not be used as sole funding source for trail amenities or trailhead facilities such as parking areas. The combined costs of all proposed trailside amenities shall not exceed the cost of trail construction or enhancements. Example trail amenities may include but are not limited to the following:

1. Wayfinding Signs & Blazing
2. Interpretive signs
3. Benches
4. Landscaping
5. Fencing/Gates/Bollards
6. Fishing Piers
7. Overlooks
8. Observation decks, platforms
9. Bike Repair Stations
10. Parking
11. Trailhead Improvements

Amenities shall be itemized separately in the project cost estimate to verify total costs.

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<sup>2</sup> FHWA-HRT-05- 137, Evaluation of Safety, Design, and Operation of Shared-Use Paths, July 2006.

<sup>3</sup> FHWA, Small Town and Rural Multimodal Networks, December 2016.

### **7.9 Eligible Uses**

- A. Non-motorized trails
  - 1. Multi-use trails allowing a combination of user types such as pedestrian, bicycle, mountain biking, equestrian, hiking, cross-country skiing, skating and skateboarding
  - 2. Single use trails of designated use
- B. Motorized trails (gas and non-gas operated)
  - 1. ATV
  - 2. Off-road Motorcycle
  - 3. Snowmobile
  - 4. Segway
  - 5. Electric bikes and scooters
- C. Gas powered vehicles may only be used on trails dedicated specifically and solely for motorized trail activities.

### **7.10 Non-Eligible Uses**

Items ineligible for Trail Phase 1-Design & Permitting and Phase 2-Construction Grants include but are not limited to:

- A. Land acquisition
- B. Legal fees
- C. Title work
- D. Land condemnation
- E. Boundary surveys
- F. Master Plan development
- G. Concept & Feasibility Studies
- H. Permit fees
- I. Law enforcement personnel
- J. Law enforcement activities
- K. Sidewalks
- L. Running tracks as defined by an oval shaped track that is used for races involving athletes at track meets
- M. Lighting
- N. Promotional materials (e.g., shirts, caps, pins)
- O. Improvements to construct or repair roads or road shoulders
- P. Purchase of equipment
- Q. Deferred maintenance of existing trails or trail amenities
- R. Administrative fees
- S. Grant preparation fees
- T. Grant management, including consultant fees

### **7.11 Trail Grant Funding Source**

Funding is provided through the Morris County Preservation Trust Fund and annual allocations vary based on funding availability.

### **7.12 Trail Grant Funding Categories**

The Trail Construction Grant Program consists of two funding categories, the first is Phase 1-Design & Permitting, and the second is Phase 2 Construction, which funds both minor & major project types.

Applicants are limited to one application per funding round, regardless of Phase. Each funding category requires a separate application and follows different requirements.

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### A. Phase 1-Design & Permitting

This category provides grant funding for design development of a trail project resulting in the completion of construction documents including final design plans, permits, specifications, and engineer's cost estimate.

1. Criteria
  - i. Approved Resolution of Support by municipal governing body
  - ii. Completed due diligence of project feasibility
  - iii. Prepared to begin preliminary engineering
2. Eligibility
  - i. Applicants must receive pre-approval from program staff to submit application via Pre-Application meetings.
3. Application Requirements
  - i. Design Proposal, & Fee – Applicants shall submit a design proposal outlining in detail all tasks required to complete construction/bid documents including plans, permits, specifications, and engineer's cost estimate. Construction documents shall be prepared in accordance with design standards aligned with the designated use. Design Fees shall include a breakdown of tasks with associated hours and fees for each. Line item tasks and lump sum fees are not acceptable.
  - ii. Project Construction Cost Estimate – submission shall also include an Engineers Cost Estimate of the projected project construction costs. This estimate will be used to determine the maximum design fee that may be awarded.
  - iii. Permits - Applicants are solely responsible to obtain all permits required to complete construction. Applicants will be required to provide sufficient documentation that the project has received all necessary permits and clearances to comply with any Federal, state or local requirements. Tasks and costs associated with preparing and obtaining permits shall be included as part of task descriptions and project cost estimates. However, permit fees are not an eligible funding item, and should not be included in the requested grant.
  - iv. 20% Match – Applicants shall provide 20% matching funds. Application shall clearly demonstrate how the 20% match will be achieved by providing evidence of matching funds via cash resources and/or a detailed outline of how in-kind contribution or in-direct services will be provided.
4. Awards
  - i. Grant Awards are made for 80% of design costs.
  - ii. Minimum Grant Award is \$5,000. Requests below this minimum are not eligible.
  - iii. Maximum Grant Award – shall not exceed 15% of estimated construction costs.
5. Review Requirements – Grantees are required to conduct interim design reviews with program staff at 30% and 60% completion of construction documents. Applicants are required to integrate staff feedback as it relates to maintaining projects original intent as awarded, feasibility to construct and maintain, and applicable design standards.
6. Reimbursement  
Grant reimbursement for Phase 1-Design & Permitting shall only be made upon satisfactory review of completed construction documents including final plans, specifications, permits, engineers cost estimate, and receipt of adequate documentation of financial expenditures. Payment verification documentation shall be consistent with pay items and amounts as outlined in Grant Agreement.

### B. Phase 2- Construction

The category provides grant funding for construction of either minor or major types of trail projects.

1. Minor Construction Category

Minor Construction is intended for less complex types of trail projects that require limited structural or regulatory requirements.

Minor Construction projects shall meet the following criteria to be eligible for review under this category:

- i. Criteria – Applicant must meet ALL of the following criteria in order to qualify for Minor Construction category:
    - a. Total project costs to complete construction is at or below \$70,000
    - b. Total length of trail is less than or equal to 1-mile
    - c. Natural trail surface type (for entire length of project)
    - d. Slopes under 8% (as determined by program staff)
    - e. Minimal number of major features (as determined by program staff)
    - f. Minimal agency review required (as determined by program staff)
  - ii. Eligibility - All applicants shall obtain prior written approval from program staff to submit under the Minor Construction funding category, which shall include any written waivers from the required criteria. Applicants shall schedule a Pre-Application meeting with program staff, at least 3-weeks prior to application deadline, to review their projects being considered for approval under Minor Construction.
  - iii. Application Requirements – In addition to the required application materials, specific submission requirements will be agreed upon during the Pre-Application meeting.
  - iv. Permit Requirements - Applicants are solely responsible to obtain all permits required to complete construction. Applicants will be required to provide sufficient documentation that the project has received all necessary permits and clearances to comply with any Federal, state or local requirements. However, permit fees are not an eligible funding item, and should not be included in the requested grant.
  - v. Awards
    - a. Grant Awards are made for 80% of construction costs.
    - b. Minimum Grant Award is \$5,000. Requests below this minimum are not eligible.
    - c. Maximum Grant Award – shall not exceed \$70,000 for minor construction projects.
  - vi. Reimbursement  
Grant reimbursement for Phase 2-Minor Construction shall only be made upon completion of satisfactory final inspection of trail facility by program staff and receipt of adequate documentation of financial expenditures. Payment verification documentation shall be consistent with pay items and amounts as outlined in Grant Agreement.
2. Major Construction Category

Major Construction is intended for construction ready trail projects

- i. Criteria
  - a. Approved Resolution of Support by municipal governing body
  - b. Any project that does not meet the criteria listed in B.1.i
- ii. Eligibility
  - a. Applicants must receive prior written pre-approval to submit application via Pre-Application meetings with program staff.
- iii. Application Requirements - In addition to the required application materials, each applicant shall submit construction documents including final design plans, permit approvals, specifications, and engineer's cost estimate.
- iv. Permit Requirements - Applicants are solely responsible to obtain all permits required to complete construction. Applicants will be required to provide sufficient documentation that the

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project has received all necessary permits and clearances to comply with any Federal, state or local requirements with the application. However, permit fees are not an eligible funding item, and should not be included in the requested grant.

- v. Awards
  - a. Grant Awards are made for 80% of construction costs, with applicant providing 20% match
  - b. Minimum Grant Award is \$5,000. Requests below this minimum are not eligible.
  - c. Maximum Grant Award – no single award shall receive more than 60% of the funds available during each year’s funding cycle. This exception can be waived by the Advisory Committee if the pool of applicants is limited and/or the awarded application is deemed a regionally significant project. Projects with cost estimates that exceed the maximum grant award shall make funding requests outlining phases of implementation.
- vi. Reimbursement

Grant reimbursement for Phase 2-Major Construction shall only be made upon completion of satisfactory final inspection of trail facility by program staff and receipt of adequate documentation of financial expenditures. Payment verification documentation shall be consistent with pay items and amounts as outlined in Grant Agreement.

**7.13. Standards for Construction**

Applicants shall design and construct grant-funded projects in accordance with applicable and relevant standards. These standards include, but are not limited to, the American Association of State Highway and Transportation Officials’ (AASHTO) Guide for the Development of Bicycle Facilities and U. S. Department of Agriculture Forest Service Trail Construction Standards. Failure to do so may remove the application from consideration. (see list of resources at <https://www.morriscountynj.gov/files/sharedassets/public/departments/planning-amp-preservation-trail/trail-specification-and-design-resources-final.pdf>).

Additional standards may apply when designing for single use trails and shall be applied accordingly.

When applicable, applicants shall make note within their application when maximum path width in wetlands or wetland buffers must comply with rules of the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation program, which may limit maximum widths in certain locations.

**7.14 Trail Program Advisory Committee**

- A. The Trail Program Advisory Committee (“Advisory Committee”) shall review, prioritize and make recommendations to the Morris County Board of County Commissioners on the funding of Trail Design & Permitting, and Trail Construction grant projects under the Morris County Preservation Trust Fund.
- B. All nominees to the nine-member Advisory Committee shall be reviewed according to standard County procedures in order to avoid any potential conflict of interest.
- C. The Morris County Board of County Commissioners shall appoint the Advisory Committee as follows:

Number of Appointees	Appointee Representation
4	Morris County Park Commission Recreational Trail Committee
2	Morris County Office of Planning & Preservation and Division of Engineering and Transportation Boards and/or Committees
3	At-Large from the Trail Community

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- D. All members shall abide by the County's Policy and Procedures for Attendance of Volunteer Members of Advisory Bodies at Scheduled Meetings and Conflict of Interest.
- E. All Advisory Committee members shall be residents of Morris County.
- F. Advisory Committee members from the Morris County Park Commission Recreational Trail Committee shall serve terms running concurrent with their present appointment on said Committee.
- G. Advisory Committee members from Boards and/or Committees of the Morris County Department of Planning & Public Works shall serve terms running concurrent with their present appointment on said Board and/or Committee.
- H. At-Large Advisory Committee members shall initially serve staggered terms of 1 to 3 years. Upon expiration of their initial terms, all subsequent At-Large members shall serve 3-year terms.

### **7.15 Application Procedures**

The application materials and schedule shall be developed by program staff. Each applicant shall complete all elements of the grant application and comply with all application requirements and deadlines. Applications are located at (<https://www.morriscountynj.gov/Departments/Trail-Construction-Grant-Program/Trail-Grant-Application>).

The Trail Grant program is competitive and requires an evaluation and selection process to determine award recommendations. Program staff shall review submitted applications for eligibility requirements and completeness. All eligible applications will be forwarded to the Trail Program Advisory Committee who will review, prioritize, and recommend awards. The Program Advisory Committee shall present award recommendations to the Morris County Board of County Commissioners.

Applicants are limited to one application per funding round, regardless of Phase.

#### 7.15.1 Project Contact

Applicants shall designate a project contact that is either a municipal employee or contractor for the duration of the project. Volunteers are not eligible to serve as the Project Contact.

#### 7.15.2 Pre-Application Meeting

All applicants shall be required to attend a Pre-Application Meeting with program staff to review proposed project and documents to be submitted with their applications.

#### 7.15.3 Resolution of Support

All applicants shall submit a Resolution of Support from the governing body verifying their support of the project, their commitment to provide 20% matching funds, and provide advanced funding to complete the project given grants are issued on a reimbursable basis.

#### 7.15.4 Post-Application Submission Meeting

Applicants may be asked to attend a mandatory meeting with program staff to discuss contents of their application submission in more detail.

As a result, applicants may be requested to revise application materials and/or provide more in-depth details within a short period of time. Applications may be considered incomplete if requested supplemental information is not provided.

#### 7.15.5 Detailed Cost Estimate

All applicants shall submit a detailed cost estimate as part of their application package. Missing information or



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insufficient representation of project costs may deem the application incomplete.

Permit fees are not an eligible cost of the program.

Applicants may include a maximum contingency of 10% into the total project cost estimate. Contingency shall not be included in individual tasks or line item costs.

Professional services for preparing the grant application and administrative support for managing the grant are not eligible costs.

**7.16 Program Schedule**

Spring	Applications Available
Summer	Applications Due
Fall	The Trail Program Advisory Committee will make its grant recommendations to the Board of County Commissioners
Winter	Approval of Trail Program Advisory Committee recommendations by the Board of County Commissioners

**7.17 Program Workshop**

Upon release of annual application materials, program staff will typically provide a workshop to review the overall program, application process, and noted changes. The workshop may be held virtually or released via the Program webpage.

**7.18 Education & Training**

When offered, municipal representatives may be required to attend education and training programs organized by program staff. Typically, these programs will address industry standards and Best Practices for trail planning, design, and construction.

Municipalities will be ineligible to submit a trail construction grant application in a given funding round if a representative has not attended mandatory education & training. Any mandatory education & training will be announced in the spring at the time of application release.

**7.19 Requests for Additional Funding**

Additional funding, beyond what was originally awarded, will not be approved to cover unanticipated costs or project cost over-runs. Applicants are responsible to cover all costs to complete their approved projects as outlined in their application, regardless if costs exceed grant funding awarded. Additional funding request in subsequent funding rounds for the same project are ineligible.

**7.20 Evaluation Criteria**

The Trail Program Advisory Committee using the following criteria shall evaluate applications. The results of the evaluation are not the sole source of award recommendations. Considerations may also include demand and type of use, and quality of natural, cultural and recreational resources.

A. Access and Design

1. Project complies with Department of Justice Title II, ADA standards, and PROWAG accessibility standards.
2. Project provides access to major destinations such as schools, recreation facilities, and/or civic/community centers.
3. Project provides access to significant natural, cultural or historic features.

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B. Diversity

1. Project is designed to accommodate multiple trail user types.
2. Project serves a diverse demographic.

C. Connectivity

1. Project connects to an existing trail network (e.g., Federal, State, County, Regional, and Municipal).
2. Project provides connections to adjacent land uses via logical terminus.

D. Demand

1. Project is likely to have a high level of usage.
2. Project would alleviate crowding and/or over usage of existing trails.
3. Project fulfills a documented need.

E. Concurrency

1. Project is consistent with short- and long-term planning goals and initiatives of the local municipality, County or State.
2. Project is of regional significance.

F. Funding

1. Applicant has a successful history of implementing grants for similar types of projects.
2. Applicant is providing additional funding above the required 20% match.

G. Constructability (Construction Projects Only)

1. Applicant has completed or is near completion of final design plans.
2. Applicants has provided sufficient documentation that the project has received all necessary permits and clearances to comply with any Federal, state or local requirements with the application.
3. Information provided conveys a clear understanding of construction details and methods, and accurately identifies required regulatory approvals
4. Applicant provided a complete and thorough Engineer's cost estimate.
5. Applicant is able to complete project within designated schedule of completion (within 2 years).

H. Trail Specifications and Design Resources

1. Project design clearly demonstrates an understanding and application of one or more of the following resources:
  - i. USDA Forest Service
  - ii. International Mountain Biking Association (IMBA)
  - iii. American Association of State Highway and Transportation Officials' (AASHTO)
  - iv. National Off-Highway Vehicle Conservation Council (NOHVCC)
  - v. DOJ-ADA Chapter 10-Section 1017, Trails
  - vi. Federal Highway Administration (FHWA)

See list at <https://www.morriscountynj.gov/files/sharedassets/public/departments/planning-amp-preservation-trail/trail-specification-and-design-resources-final.pdf>

I. Maintenance

1. Applicant has a proven history of maintaining and operating trail facilities.

J. Partnership

1. Applicant has a proven history with project partner(s) in completing similar types of projects.

K. Programs and Promotion

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1. Applicant has a proven history of providing programs that educate and promote similar facilities.
2. Project will create new and/or enhanced programs to educate and promote the facility and its features.

The Morris County Trail Program Advisory Committee may enhance, amend, or modify the grant criteria guidelines as necessary. Program modifications are at the discretion of the Advisory Committee and/or the Board of County Commissioners.

**7.21 Applicant Question and Answer Session**

If requested, applicants shall be required to attend a question and answer (Q & A) session with the Advisory Committee. Key questions raised by the Advisory Committee will be provided to the applicant in advance. Applicants will be responsible to provide appropriate officials and/or staff to respond to the Advisory Committee's questions.

The purpose of Q & A is to clarify and/or provide information that is more detailed to the Advisory Committee about materials within the application already submitted. The Q & A shall not be used to present new materials or revised cost estimates or designs, or revisions/amendments to the existing application.

The Q & A sessions shall be limited to verbal discussions only; electronic presentations are not permitted (i.e., PowerPoint slide show).

At the Review Committee's direction, the Q & A session will be limited to a maximum of ten (10) minutes, unless additional time is requested by a member of the Program Advisory Committee.

**7.22 Program Requirements**

7.22.1. Grant Agreement

- A. All applicants approved for funding shall execute a grant agreement in order to effectuate the grant award. The grant agreement shall be provided by Morris County; no modifications to the agreement are permitted. Applicants approved for funding shall return the executed grant agreement by March 31 of the year immediately following Commissioner action on the Trail Advisory Committee's recommendations. Failure to return the executed grant agreement to the County within this timeframe may result in the forfeiture of the grant award.
- B. The project timeline for grant purposes shall commence on March 31 of the year immediately following Commissioner action on the grant award.

7.22.2. Timeline for Completion

- A. Projects must be completed within two years of the project timeline effective date as identified in the grant agreement.
- B. Grantees are required to submit project schedules as part of the application and provide revised schedules as necessary throughout the project.
- C. If a project is not completed within the timeframe outlined within the grant agreement, notification and request for extension shall be provided to the Trail Program Advisory Committee at least 90 days in advance of expiration.
- D. Grantees shall be eligible for up to two six-month grant extensions if it is shown that there are challenging circumstances, which inhibit a project's completion within the initial two-year work period identified in the grant agreement.

7.22.3. Land Use Restrictions

- A. All trails funded through the Program must be constructed on permanently preserved public parkland.
  - 1. Municipality must show evidence of permanent preservation via deed restriction at the time of application.
  - 2. If a deed cannot be provided, municipality shall submit an approved/certified current Green Acres Recreation and Open Space Inventory (ROSI).
  - 3. Public lands shall be dedicated as permanent preserved parkland via deed restriction or corrective deed.
  - 4. License agreements will be considered only for projects on County owned property. Prior approvals by the County are required.
- B. Grantees may construct trails funded through the Program on private land with a permanent easement dedicated for public trail/recreational use, which has been provided to the municipality.
  - 1. Applicant shall demonstrate in the application that property owner issuing the easement is willing to dedicate said easement to the applicant for the project.
  - 2. Requirements for Easements
    - i. The easement to be permanently dedicated shall be surveyed by a licensed land surveyor in the State of New Jersey according to the minimum standards for land surveys as defined in N.J.A.C. 13:5.1 et. seq. by the State Board of Professional Engineers and Land Surveyors.
    - ii. All easements shall be recorded and include the metes and bounds description of the permanently dedicated lands. The County of Morris shall approve all easement documents prior to recording by the applicant.
    - iii. Applicants shall submit a map, metes and bounds description and \*.dxf file of the easement, in addition to the recorded easement document, prior to the reimbursement of any grant funds.
- C. Lands and easements containing trail construction funded by the Program shall not be conveyed, transferred, disposed of or diverted to use for other than recreation, conservation and farmland preservation purposes without the prior approval of the County.

7.22.4. Project Reporting and Monitoring Requirements

- A. Grantees shall submit quarterly Project Status Reports detailing specific progress of the project and identify any proposed changes and/or issues with the Project.
- B. Project Status Reports will be provided by program staff.
- C. Applicants shall designate a project contact that is either a municipal employee or contractor. Volunteers are not eligible to serve as the Project Contact.
- D. Grantees are required to schedule a Project Kick-Off Meeting with program staff immediately following the receipt of a fully executed Grant Agreement. During the Project Kick-Off Meeting program staff will review in detail specific requirements grant recipients are responsible for including, but not limited to the administrative, reporting, and reimbursement procedures.
- E. Grantees of Phase 1-Design & Permitting – Grantees are required to conduct interim design reviews with program staff at 30% and 60% completion of construction documents. Applicants are required to integrate staff feedback as it relates to maintaining projects original intent as awarded, sustainability, and applicable design standards.
- F. Grantees of Phase 2-Minor Construction are required to submit quarterly Project Status Reports documenting project progress and/or changes.

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- G. Grantee of Phase 2 Major Construction are required to submit quarterly Project Status Reports documenting project progress and/or changes. Required documentation includes the submission of the tabulated bid results and a copy of the resolution authorizing award for construction of the project. All major project changes shall be reported to program staff in writing prior to advancing.
- H. Program staff may conduct site visits to awarded projects during the defined project timeline in the grant agreement.
- I. Failure to adhere to review, reporting, or monitoring requirements may be considered inaction and result in forfeiture of the grant award.

7.22.5. Project Amendments

- A. Significant project revisions and/or changes shall be immediately reported to program staff prior to being advanced. Grantees must document significant revisions and/or changes in writing for review by the program staff and Advisory Committee approval. Submissions shall include justification for the requested revisions and/or changes.

Significant project amendments are considered major changes from the approved project as awarded. These may include, but are not limited to, considerable revisions to the original alignment, routing, length, permitting, budget, surface type, slope and overall impact of the facility. Program staff will review and present significant project amendments to the Trail Program Advisory Committee for approval.

If approved, applicants are responsible for covering any additional costs incurred due to project changes.

- B. The Trail Program Advisory Committee shall review and recommend approval of significant amendments to an approved project. These amendments may be subject to Board of County Commissioners review and approval.
- C. Grantees are permitted to make minor amendments to the approved project, upon consultation with program staff, to meet unanticipated permit requirements and/or onsite field conditions.

7.22.6. Project Termination

If for any reason the grantee must terminate the project, the recipient shall notify program staff immediately in writing, explaining the reason for termination.

7.22.7. Fees

Grantees are prohibited from charging fees for the use of any projects funded through this program.

7.22.8. Maintenance

The Grantee shall maintain all trails in good working condition accessible to the public and free from inappropriate use for a period of 20 years after reimbursement of the Approved Project.

7.22.9 Public Access

Public access to all trails funded through this program is required.

**7.23 Financial Information**

- A. Grant funding shall be provided as a reimbursement at the time of satisfactory completion of the approved project and receipt of payment verification.
- B. All grantees must maintain records that adequately identify the source and distribution of funds to complete the approved project. Payment verification must be supported by such source documentation including

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cancelled checks, paid bills, payrolls, time and attendance records, contract and sub-grant award documents, etc.

- C. Grant funding cannot be used to reimburse project expenses incurred prior to County Commissioner approval of the Grant Agreement.
- D. Any misuse of funds, misrepresentation, or non-compliance will result in termination of the grant agreement and penalties as specified in the agreement.

7.23.1. Reimbursement

- A. Phase 1-Design & Permitting: Eligible costs for reimbursement include specific tasks required to advance the design and development of bid documents of approved project such as professionals preparing plans, documents, environmental investigation, site survey, and permitting requirements. All costs must be included and itemized as part of the design proposal and fee estimate submitted with the grant application in order to be eligible for reimbursement. Payment verification documents shall be consistent with pay items and amounts as outlined in Grant Agreement. Costs not outlined will not be eligible for reimbursement.
- B. Phase 2-Construction: Direct costs related to trail construction are eligible for reimbursement. All direct costs must be included and itemized as part of the engineers cost estimate submitted with the grant application in order to be eligible for reimbursement. Direct costs not outlined will not be eligible for reimbursement.
  - 1. Direct costs eligible for reimbursement are costs required for the physical construction of the approved project. General categories of direct costs may include, but are not limited to, salaries and wages, fringe benefits, construction equipment rental, construction contractor costs, materials, amenities, etc. All direct costs must be itemized in the engineer's cost estimate submitted with the grant application in order to be eligible for reimbursement.
  - 2. Indirect costs related to the construction of an approved project are NOT eligible for reimbursement. The Advisory Committee will consider select indirect costs as an eligible source of matching funds on a case-by-case basis. Indirect costs include but are not limited to professional services, site design, engineering, permit fees, and cost estimates related to the project construction.
  - 3. All documentation for reimbursement shall include copies of bills, receipts or invoices documenting the value. The name of each resource used to derive the value of goods or services shall also be identified.
  - 4. Payment verification documents shall be consistent with pay items and amounts as outlined in Grant Agreement.
  - 5. No partial reimbursements will be permitted.
  - 6. In-kind contributions and in-direct costs are not reimbursable and can only be used as part of the required 20% match.

7.23.2. Matching Funds

All applicants are required to provide a minimum of 20% matching funds of the total project costs. An applicant's matching funds can be in the form of either cash, other grants, or in-kind contributions of direct goods or services required to complete the approved project.

- A. In-Kind Contribution – Goods and Services  
In-Kind Contributions are contributions of either a good or service provided by the municipalities own staff or contractors or by an outside source (donor). The goods and/or services can be provided in the form of direct or in-direct costs.

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1. Direct Costs – Goods and services directly related to the physical construction of the approved trail project and/or amenities such as labor, materials, equipment, etc.
  2. In-Direct Costs – Goods and services required to prepare the approved trail project for construction, which may include, but is not limited to survey, design, permitting, and engineering.
    - i. Applicants matching requirement may be fulfilled by providing or completing a required good or service.
    - ii. Applicants shall identify which specific goods or services will be provided to fulfill matching requirement and identify associated costs within cost estimates provided at time of application.
  3. The Advisory Committee may consider the use of previously completed eligible goods and services to be used as matching requirement. This will be considered on a case-by-case basis. No guarantees shall be made.
- B. In-kind Contribution – Volunteers  
Volunteer services are eligible as matching costs and shall be valued at wage rates consistent with those ordinarily paid for similar work in the grantees' organizations, or as determined by the BLS-GAO current estimated volunteer labor rate value for the State of New Jersey.
- C. Applicants shall be required to provide documentation on the fair market value of all goods and/or services. The value of in-kind contributions shall be based on:
1. Market value of the supplies at the time of construction
  2. Current Blue Book estimate
- D. The value of the land or easement within an existing park (land trust, preserve, etc.) may not be used as credit for the match.
- E. A public agency may not use the value of land transferred from the administration of one agency to another agency to meet the minimum match.