

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

2011 Legislative Session

Legislative Day No. 18

Resolution No. 109-2011

Introduced by: The President of the Council at the request of the County Executive

A RESOLUTION CONCURRING WITH AND APPROVING WATERWAY IMPROVEMENT FUND APPLICATIONS AND PROJECT AGREEMENTS FOR REPLACEMENT OF THE BULKS HEADS, PILINGS AND CATWALKS AT THE NANTICOKE HARBOR AND CEDAR HILL PARK MARINA AND REPLACEMENT OF THE WETIPQUIN BOAT RAMP AND AUTHORIZING THE EXECUTIVE TO EXECUTE THE APPLICATIONS AND PROJECT AGREEMENTS.

WHEREAS, the Maryland Department of Natural Resources through the Waterway Improvement Program offers grants to local jurisdictions to expand/improve public boating access and to improve/enhance boating safety; and

WHEREAS, the Department of Recreation, Parks & Tourism seeks to submit applications for grant funds for the following projects: Replacement of the bulk heads, pilings and catwalks at the Nanticoke Harbor and Cedar Hill Park Marina and replacement of the Wetipquin boat ramp.

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Wicomico County, Maryland as follows:

- A. The County Executive of Wicomico County, Maryland is authorized to execute and submit Waterway Improvement Fund Applications and Project Agreements for the following projects: Replacement of the bulk heads, pilings and catwalks at the Nanticoke Harbor and Cedar Hill Park Marina and replacement of the Wetipquin boat ramp.
B. The Applications and Project Agreements shall be in substantially the form attached hereto as Exhibit "A" and made a part hereof, and in such form the Applications and Project Agreements are hereby approved as to form and content.

Done at Salisbury, Maryland, this 6th day of September, 2011.

ATTEST:

Matthew E. Creamer, Council Administrator

COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

Gail M. Bartkovich, Council President

CERTIFICATION

This Resolution was Adopted [checked], Adopted with Amendments \_\_\_\_, Failed \_\_\_\_, Withdrawn \_\_\_\_, by the County Council on September 6, 2011.

Certified by Matthew E. Creamer, Council Administrator

**Boating Services  
Waterway Improvement Fund  
Application & Project Agreement**

Shaded areas for state use only			WWI Grant #		
1. APPLICANT NAME: Wicomico County			Federal ID # 52-6001954		
2. PROJECT TITLE: Nanticoke Harbor					
Individual or Multi-Year/Phased Project?					
(Check One) Individual Project <input checked="" type="checkbox"/>			Multi-Year (Phased) Project <input type="checkbox"/>		
3. COUNTY / MUNICIPALITY: Wicomico County			Lat: _____ Long: _____		
4. LEGISLATIVE DISTRICT	37B	Last WWI Grant Issued # (at this site)	DG-2202D-09	Amount \$	\$700,000
5. PROJECT LOCATION (Street Address): 20411 West Harbor Road Nanticoke, MD 21840					
6. PROJECT DESCRIPTION (Check Appropriate Phase of Project): Engineering <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Acquire DMP Site <input type="checkbox"/> Other <input type="checkbox"/> <i>Provide Detailed Project Description (Attach any available site plans/drawings/photographs of proposed project): The scope of work entails replacement of failing bulk head, pilings and catwalks serving the harbor</i>					
7. TYPE OF FUNDING REQUESTED: (Check One): 100% State (below \$100,000) <input type="checkbox"/> <b>Matching Fund (Max. 50% State) \$100,000 <input checked="" type="checkbox"/></b> 100% State Dredging/Navigation <input type="checkbox"/> Matching Fund Fire/Rescue <input type="checkbox"/> State Lands Project <input type="checkbox"/> \$5,000 100% State <input type="checkbox"/> Tax District Loan <input type="checkbox"/> Service Contract <input type="checkbox"/>					
8. TOTAL ESTIMATED PROJECT COST		\$ 200,000			
9. AMOUNT OF WATERWAY FUNDS REQUESTED		\$ 100,000 <i>(Maximum amount to be reimbursed by DNR for this specific grant only)</i>			
10. LOCAL PROJECT COORDINATOR:					
Gary W. Mackes		Director		410-548-4900, x 106	
(Print Name)		(Print Title)		(Telephone Number)	
500 Glen Avenue		Salisbury MD 21804		410-548-4917	
(Address)		(City) (State) (Zip)		(Fax Number)	
gmackes@wicomicocounty.org (E-mail address)					
11. PROJECT PERIOD: <i>(This grant only. Not to exceed three (3) years.)</i>			FROM: 7/1/12		To: 6/30/13
Multi-Year Costs:					
Year One: \$ 200,000					
Year Two: \$					
Year Three: \$		<b>Total Project Cost: \$200,000 (all years)</b>			
How does this application relate to the total multi-year project?					

12. Detailed Project Status/Justification

A. Will project expand/improve public boating access? If yes, explain. **The benefits are described below.**

B. Will project improve/enhance boating safety? If yes, explain. **The project will insure safe pedestrian access, secure mooring for vessels and reduce erosion.**

C. Status of federal/state/local permits (Check Appropriate Permits/Approvals where Applicable)? Attach all approved permits:

State Wetland License \_\_\_\_ Corps of Engineers Permit \_\_\_\_ Critical Areas \_\_\_\_ Water Quality Cert. \_\_\_\_

If all required permits are not available, provide further explanation (I.e. schedule to obtain permits, etc):

D. Projected expenditure rate? (check one) One Year  Two Years \_\_\_\_ Three Years + \_\_\_\_

E. Is this the continuation of a current or phased project? (check one) Yes \_\_\_\_ No  If yes, explain.

F. Will the project impact local boating congestion? If yes, explain.

G. Number of boats that annually use facility: **This project benefits slip renters (65 slip capacity) of which approximately 45% of the slips will be reconstructed.**

H. Increased number of boaters annually using facility as a result of project: \_\_\_\_\_

I. Additional justification for project (attach additional page if necessary)

13. **Terms and Conditions:** In submitting this Project Proposal, the Governing Body hereby accepts the Terms and Conditions set forth in the State Boat Act (Section 8-701-9) and the following:

- A. The applicant will not discriminate against any person on the basis of race, color, creed or national origin, in the use of any property or facility acquired or developed pursuant to this proposal.
- B. The design, construction, and management of the project will be by or under the supervision of the Local Governing Body in accordance with the latest edition of the Waterway Improvement Fund Grants Manual. All necessary Federal, State and local permits and approvals must be secured by said Governing Body prior to start of construction.
- C. Plans and Specifications, including all contract documents and any subsequent changes, must be completed by a Maryland Registered Professional Engineer unless approved otherwise in advance by the Waterway Improvement Program. In addition, all plans, specifications and proposed changes must be submitted for review and approval by the Program.
- D. The Governing Body will publicly advertise the project for bids or use other procurement method approved in advance by the Department of Natural Resources (DNR). Proposals will be received and compiled by the Governing Body involved. DNR reserves the right to have a representative present at the bid opening.

- E. Project contracts with a value of \$500,000 or more for which the State provides 50% or more of the funding will be advertised as prevailing wage contracts (COMAR 21.11.11).
- F. The Governing Body will prepare a tabulation of bids and/or other method of procurement as per condition "D" referenced herein and submit same to the Department of Natural Resources with comments and recommendations prior to the award of any contract.
- G. The Governing Body must submit invoices and a copy of paid canceled check(s) or certification that payment has been made for reimbursement of the State's share of the project to the Department of Natural Resources upon completion of the project.
- H. The Governing Body will post the project, in a prominent location, as a "Public Facility" and, will place a permanent sign, approved by the Department, acknowledging project funding by the Waterway Improvement Fund.
- I. If a fee is to be charged for use of the facility, the Governing Body must obtain prior approval from the Department of Natural Resources. All Maryland registered boaters will have equal access to State funded boating facilities.
- J. The Governing Body agrees to operate and maintain the proposed project. Future maintenance funds are not guaranteed by the Department of Natural Resources.
- K. Any project funded in whole or in part with Waterway Improvement Fund grants must remain available and open for use by the general boating public. The Department must approve changes in use of a project before it is removed from public access and use, such as through sale, donation, or commercial use of the facility. If approved, the local governing body must replace the project with a facility open to the general boating public with equal value at the nearest approved location, at no cost to the Department. The local governing body may be required to repay the Department for the current value of the project in proportion to the total cost of the project paid by the State. The Department may require two independent appraisals to determine the amount to be reimbursed to the Waterway Improvement Fund.
- L. All projects must be in compliance with the Forest Conservation Act of 1991 and the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 prior to the reimbursement of any State funds.
- M. The Department of Natural Resources reserves the right to revert any unexpended or unencumbered balance from this grant not used during the project period specified in this application. **Grant projects three years or older are subject to immediate reversion by DNR.**
- N. Projects financed through State bonds must be approved by the State Board of Public Works prior to the reimbursement of any State funds.
- O. The Governing Body, agrees that it will if necessary, unless previously approved by DNR:
  - 1) Provide, without cost to the State of Maryland, all necessary lands, easements, rights-of-way, and dredge disposal site(s) required for project;
  - 2) Hold and save the State of Maryland free from damages that may result from the construction of the project;
  - 3) Accomplish, without cost to the State of Maryland, alterations and relocations as required in sewer, water supply, drainage and other utility facilities; and
  - 4) Will assure that the facility will be designed and constructed for persons with disabilities pursuant to the Annotated Code of Maryland and the Americans with Disabilities Act (ADA).
- P. Department of Natural Resources will only reimburse the cost of grant projects approved in writing by the Department.
- Q. Service contract grants provided for trash removal and sanitary services at publicly owned boating facilities are limited to a maximum of nine (9) months per boating season (March 1st - November 30th). This does not affect DNR sponsored projects such as marine sewage pumpout stations.
- R. All press releases and grant related events shall be coordinated with DNR Boating Services.

Revised Sept 2010

1. **LOCAL GOVERNMENT AUTHORIZATION**

**As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and Terms & General Conditions" of the Waterway Improvement Fund Application and Project Agreement, and Wicomico hereby agrees to abide by the project terms and conditions.**  
(County/Municipality)

\_\_\_\_\_  
(Signature)                      Richard M. Pollitt, Jr.                      County Executive                      \_\_\_\_\_  
(Print Name)                      (Print Title)                      (Date)

**Boating Services  
Waterway Improvement Fund  
Application & Project Agreement**

Shaded areas for state use only		WWI Grant #	
1. APPLICANT NAME: Wicomico County		Federal ID # 52-6001954	
2. PROJECT TITLE: Cedar Hill Park Marina			
Individual or Multi-Year/Phased Project?			
(Check One) Individual Project <input checked="" type="checkbox"/>		Multi-Year (Phased) Project <input type="checkbox"/>	
3. COUNTY / MUNICIPALITY: Wicomico County		Lat: _____	Long: _____
4. LEGISLATIVE DISTRICT	37B	Last WWI Grant Issued # (at this site)	DG-2201-F Amount \$ 770,000
5. PROJECT LOCATION (Street Address): 20945 Harbor View Road Bivalve, MD 21814			
6. PROJECT DESCRIPTION (Check Appropriate Phase of Project): Engineering <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Acquire DMP Site <input type="checkbox"/> Other <input type="checkbox"/> Provide Detailed Project Description (Attach any available site plans/drawings/photographs of proposed project):  The scope of work entails replacement of failing bulk heads, pilings, and catwalks serving the marina.			
7. TYPE OF FUNDING REQUESTED: (Check One): 100% State (below \$100,000) <input type="checkbox"/> Matching Fund (Max. 50% State) \$100,000 <input checked="" type="checkbox"/> 100% State Dredging/Navigation <input type="checkbox"/> Matching Fund Fire/Rescue <input type="checkbox"/> State Lands Project <input type="checkbox"/> \$5,000 100% State <input type="checkbox"/> Tax District Loan <input type="checkbox"/> Service Contract <input type="checkbox"/>			
8. TOTAL ESTIMATED PROJECT COST		\$ 180,000	
9. AMOUNT OF WATERWAY FUNDS REQUESTED		\$ 90,000 <i>(Maximum amount to be reimbursed by DNR for this specific grant only)</i>	
10. LOCAL PROJECT COORDINATOR:			
Gary W. Mackes		Director	
(Print Name)		(Print Title)	
500 Glen Avenue		Salisbury	MD 21804
(Address)		(City)	(State) (Zip)
gmackes@wicomicocounty.org		410-548-4900, x 106	
(E-mail address)		(Telephone Number)	
11. PROJECT PERIOD: (This grant only. Not to exceed three (3) years.		FROM: 7/1/12	To: 6/30/13
Multi-Year Costs:			
Year One: \$ 90,000			
Year Two: \$			
Year Three: \$		Total Project Cost: \$90,000 (all years)	
How does this application relate to the total multi-year project?			

12. Detailed Project Status/Justification

A. Will project expand/improve public boating access? If yes, explain. **The benefits are described below.**

B. Will project improve/enhance boating safety? If yes, explain. **The project will insure safe pedestrian access, secure mooring for vessels, and reduce erosion.**

C. Status of federal/state/local permits (Check Appropriate Permits/Approvals where Applicable)? Attach all approved permits:

State Wetland License \_\_\_\_ Corps of Engineers Permit \_\_\_\_ Critical Areas \_\_\_\_ Water Quality Cert. \_\_\_\_

If all required permits are not available, provide further explanation (i.e. schedule to obtain permits, etc):

D. Projected expenditure rate? (check one) One Year  Two Years \_\_\_\_ Three Years + \_\_\_\_

E. Is this the continuation of a current or phased project? (check one) Yes \_\_\_\_ No  If yes, explain.

F. Will the project impact local boating congestion? If yes, explain.

G. Number of boats that annually use facility: **This project benefits slip renters (144 slip capacity) of which approximately 15% of the slips will be reconstructed to complete restoration the original section of the harbor (50% of the slips) constructed over 60 years ago.**

H. Increased number of boaters annually using facility as a result of project: \_\_\_\_\_

I. Additional justification for project (attach additional page if necessary)

13. **Terms and Conditions:** In submitting this Project Proposal, the Governing Body hereby accepts the Terms and Conditions set forth in the State Boat Act (Section 8-701-9) and the following:

- A. The applicant will not discriminate against any person on the basis of race, color, creed or national origin, in the use of any property or facility acquired or developed pursuant to this proposal.
- B. The design, construction, and management of the project will be by or under the supervision of the Local Governing Body in accordance with the latest edition of the Waterway Improvement Fund Grants Manual. All necessary Federal, State and local permits and approvals must be secured by said Governing Body prior to start of construction.
- C. Plans and Specifications, including all contract documents and any subsequent changes, must be completed by a Maryland Registered Professional Engineer unless approved otherwise in advance by the Waterway Improvement Program. In addition, all plans, specifications and proposed changes must be submitted for review and approval by the Program.
- D. The Governing Body will publicly advertise the project for bids or use other procurement method approved in advance by the Department of Natural Resources (DNR). Proposals will be received and compiled by the Governing Body involved. DNR reserves the right to have a representative present at the bid opening.

- E. Project contracts with a value of \$500,000 or more for which the State provides 50% or more of the funding will be advertised as prevailing wage contracts (COMAR 21.11.11).
- F. The Governing Body will prepare a tabulation of bids and/or other method of procurement as per condition "D" referenced herein and submit same to the Department of Natural Resources with comments and recommendations prior to the award of any contract.
- G. The Governing Body must submit invoices and a copy of paid canceled check(s) or certification that payment has been made for reimbursement of the State's share of the project to the Department of Natural Resources upon completion of the project.
- H. The Governing Body will post the project, in a prominent location, as a "Public Facility" and, will place a permanent sign, approved by the Department, acknowledging project funding by the Waterway Improvement Fund.
- I. If a fee is to be charged for use of the facility, the Governing Body must obtain prior approval from the Department of Natural Resources. All Maryland registered boaters will have equal access to State funded boating facilities.
- J. The Governing Body agrees to operate and maintain the proposed project. Future maintenance funds are not guaranteed by the Department of Natural Resources.
- K. Any project funded in whole or in part with Waterway Improvement Fund grants must remain available and open for use by the general boating public. The Department must approve changes in use of a project before it is removed from public access and use, such as through sale, donation, or commercial use of the facility. If approved, the local governing body must replace the project with a facility open to the general boating public with equal value at the nearest approved location, at no cost to the Department. The local governing body may be required to repay the Department for the current value of the project in proportion to the total cost of the project paid by the State. The Department may require two independent appraisals to determine the amount to be reimbursed to the Waterway Improvement Fund.
- L. All projects must be in compliance with the Forest Conservation Act of 1991 and the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 prior to the reimbursement of any State funds.
- M. The Department of Natural Resources reserves the right to revert any unexpended or unencumbered balance from this grant not used during the project period specified in this application. **Grant projects three years or older are subject to immediate reversion by DNR.**
- N. Projects financed through State bonds must be approved by the State Board of Public Works prior to the reimbursement of any State funds.
- O. The Governing Body, agrees that it will if necessary, unless previously approved by DNR:
  - 1) Provide, without cost to the State of Maryland, all necessary lands, easements, rights-of-way, and dredge disposal site(s) required for project;
  - 2) Hold and save the State of Maryland free from damages that may result from the construction of the project;
  - 3) Accomplish, without cost to the State of Maryland, alterations and relocations as required in sewer, water supply, drainage and other utility facilities; and
  - 4) Will assure that the facility will be designed and constructed for persons with disabilities pursuant to the Annotated Code of Maryland and the Americans with Disabilities Act (ADA).
- P. Department of Natural Resources will only reimburse the cost of grant projects approved in writing by the Department.
- Q. Service contract grants provided for trash removal and sanitary services at publicly owned boating facilities are limited to a maximum of nine (9) months per boating season (March 1st - November 30th). This does not affect DNR sponsored projects such as marine sewage pumpout stations.
- R. All press releases and grant related events shall be coordinated with DNR Boating Services.

Revised Sept 2010

**1 LOCAL GOVERNMENT AUTHORIZATION**

**As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and Terms & General Conditions" of the Waterway Improvement Fund Application and Project Agreement, and Wicomico hereby agrees to abide by the project terms and conditions.**  
 (County/Municipality)

(Signature)	Richard M. Pollitt, Jr. (Print Name)	County Executive (Print Title)	(Date)
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**Boating Services  
Waterway Improvement Fund  
Application & Project Agreement**

Shaded areas for state use only		WWI Grant #	
1. APPLICANT NAME: Wicomico County		Federal ID # 52-6001054	
2. PROJECT TITLE: Wetipquin Boat Ramp			
Individual or Multi-Year/Phased Project?			
(Check One) Individual Project <input type="checkbox"/>		Multi-Year (Phased) Project <input checked="" type="checkbox"/>	
3. COUNTY / MUNICIPALITY: <b>Wicomico</b>		Lat: _____ Long: _____	
4. LEGISLATIVE DISTRICT	37B	Last WWI Grant Issued # (at this site)	25 years ago      Amount \$ 65,000
5. PROJECT LOCATION (Street Address): Wetipquin Road, Tyaskin, MD 21865			
6. PROJECT DESCRIPTION (Check Appropriate Phase of Project): Engineering <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Acquire DMP Site <input type="checkbox"/> Other <input type="checkbox"/> Provide Detailed Project Description (Attach any available site plans/drawings/photographs of proposed project): <i>The project's scope will entail the replacement of the boat ramp at Wetipquin Boat Ramp in Tyaskin, MD. The current ramp is deteriorating and in need of replacement. This site provides access to Wetipquin Creek and the Nanticoke River on the west side of Wicomico County.</i>			
7. TYPE OF FUNDING REQUESTED: (Check One): 100% State (below \$100,000) <input checked="" type="checkbox"/> Matching Fund (Max. 50% State) _____      100% State Dredging/Navigation _____ Matching Fund Fire/Rescue _____      State Lands Project _____      \$5,000 100% State _____ Tax District Loan _____      Service Contract _____			
8. TOTAL ESTIMATED PROJECT COST		\$ 99,000	
9. AMOUNT OF WATERWAY FUNDS REQUESTED		\$ 99,000 <i>(Maximum amount to be reimbursed by DNR for this specific grant only)</i>	
10. LOCAL PROJECT COORDINATOR:			
Gary W. Mackes		Director	
(Print Name)		(Print Title)	
500 Glen Avenue		Salisbury MD 21804	
(Address)		(City) (State) (Zip)	
gmackes@wicomicocounty.org		410-548-4900, x 106	
(E-mail address)		(Telephone Number)	
11. PROJECT PERIOD: (This grant only. Not to exceed three (3) years.		FROM: 7/1/12 To: 6/30/12	
Multi-Year Costs:			
Year One: \$ 99,000		Total Project Cost: <b>\$ 99,000</b> (all years)	
Year Two: \$			
Year Three: \$			
How does this application relate to the total multi-year project? N/A			



12. Detailed Project Status/Justification

A. Will project expand/improve public boating access? If yes, explain.

*This project will create a more user-friendly facility and prevent the continuing deterioration of the existing boat ramp.*

B. Will project improve/enhance boating safety? If yes, explain.

*This project will improve the safety of the facility by providing a safe ramp for local recreational fisherman and boaters.*

C. Status of federal/state/local permits (Check Appropriate Permits/Approvals where Applicable)? **Attach all approved permits:**

State Wetland License \_\_\_\_ Corps of Engineers Permit \_\_\_\_ Critical Areas \_\_\_\_ Water Quality Cert. \_\_\_\_

If all required permits are not available, provide further explanation (i.e. schedule to obtain permits, etc):

*All permits will be obtained before construction begins.*

D. Projected expenditure rate? (check one) One Year X Two Years \_\_\_\_ Three Years + \_\_\_\_

E. Is this the continuation of a current or phased project? (check one) Yes \_\_\_\_ No X If yes, explain.

F. Will the project impact local boating congestion? If yes, explain.

G. Number of boats that annually use facility: 500

H. Increased number of boaters annually using facility as a result of project: n/a

I. Additional justification for project (attach additional page if necessary)

*This ramp is on the west side of Wicomico County adjoining a highly used bridge that was replaced recently.*

13. **Terms and Conditions:** In submitting this Project Proposal, the Governing Body hereby accepts the Terms and Conditions set forth in the State Boat Act (Section 8-701-9) and the following:

- A. The applicant will not discriminate against any person on the basis of race, color, creed or national origin, in the use of any property or facility acquired or developed pursuant to this proposal.
- B. The design, construction, and management of the project will be by or under the supervision of the Local Governing Body in accordance with the latest edition of the Waterway Improvement Fund Grants Manual. All necessary Federal, State and local permits and approvals must be secured by said Governing Body prior to start of construction.
- C. Plans and Specifications, including all contract documents and any subsequent changes, must be completed by a Maryland Registered Professional Engineer unless approved otherwise in advance by the Waterway Improvement Program. In addition, all plans, specifications and proposed changes must be submitted for review and approval by the Program.
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- H. The Governing Body will post the project, in a prominent location, as a "Public Facility" and, will place a permanent sign, approved by the Department, acknowledging project funding by the Waterway Improvement Fund.
- I. If a fee is to be charged for use of the facility, the Governing Body must obtain prior approval from the Department of Natural Resources. All Maryland registered boaters will have equal access to State funded boating facilities.
- J. The Governing Body agrees to operate and maintain the proposed project. Future maintenance funds are not guaranteed by the Department of Natural Resources.
- K. Any project funded in whole or in part with Waterway Improvement Fund grants must remain available and open for use by the general boating public. The Department must approve changes in use of a project before it is removed from public access and use, such as through sale, donation, or commercial use of the facility. If approved, the local governing body must replace the project with a facility open to the general boating public with equal value at the nearest approved location, at no cost to the Department. The local governing body may be required to repay the Department for the current value of the project in proportion to the total cost of the project paid by the State. The Department may require two independent appraisals to determine the amount to be reimbursed to the Waterway Improvement Fund.
- L. All projects must be in compliance with the Forest Conservation Act of 1991 and the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 prior to the reimbursement of any State funds.
- M. The Department of Natural Resources reserves the right to revert any unexpended or unencumbered balance from this grant not used during the project period specified in this application. **Grant projects three years or older are subject to immediate reversion by DNR.**
- N. Projects financed through State bonds must be approved by the State Board of Public Works prior to the reimbursement of any State funds.
- O. The Governing Body, agrees that it will if necessary, unless previously approved by DNR:
  - 1) Provide, without cost to the State of Maryland, all necessary lands, easements, rights-of-way, and dredge disposal site(s) required for project;
  - 2) Hold and save the State of Maryland free from damages that may result from the construction of the project;
  - 3) Accomplish, without cost to the State of Maryland, alterations and relocations as required in sewer, water supply, drainage and other utility facilities; and
  - 4) Will assure that the facility will be designed and constructed for persons with disabilities pursuant to the Annotated Code of Maryland and the Americans with Disabilities Act (ADA).
- P. Department of Natural Resources will only reimburse the cost of grant projects approved in writing by the Department.
- Q. Service contract grants provided for trash removal and sanitary services at publicly owned boating facilities are limited to a maximum of nine (9) months per boating season (March 1st - November 30th). This does not affect DNR sponsored projects such as marine sewage pumpout stations.
- R. All press releases and grant related events shall be coordinated with DNR Boating Services.

Revised Sept 2010

#### I LOCAL GOVERNMENT AUTHORIZATION

**As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and Terms & General Conditions" of the Waterway Improvement Fund Application and Project Agreement, and Wicomico hereby agrees to abide by the project terms and conditions.**  
(County/Municipality)

\_\_\_\_\_  
(Signature)                      Richard M. Pollitt, Jr.                      County Executive                      \_\_\_\_\_  
(Print Name)                      (Print Title)                      (Date)

**Boating Services  
Waterway Improvement Fund  
Application & Project Agreement**

Shaded areas for state use only		WWI Grant #	
1. APPLICANT NAME: Wicomico County		Federal ID # 52-6001954	
2. PROJECT TITLE: Cedar Hill Park Marina			
Individual or Multi-Year/Phased Project?			
(Check One) Individual Project <input checked="" type="checkbox"/>		Multi-Year (Phased) Project <input type="checkbox"/>	
3. COUNTY / MUNICIPALITY: Wicomico County		Lat: _____	Long: _____
4. LEGISLATIVE DISTRICT	37B	Last WWI Grant Issued # (at this site)	DG-2201-F
		Amount \$	770,000
5. PROJECT LOCATION (Street Address): 20945 Harbor View Road Bivalve, MD 21814			
6. PROJECT DESCRIPTION (Check Appropriate Phase of Project): Engineering <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Equipment <input type="checkbox"/> Acquire DMP Site <input type="checkbox"/> Other <input type="checkbox"/> Provide Detailed Project Description (Attach any available site plans/drawings/photographs of proposed project):  The scope of work entails replacement of failing bulk heads, pilings, and catwalks serving the marina.			
7. TYPE OF FUNDING REQUESTED: (Check One): 100% State (below \$100,000) <input type="checkbox"/> Matching Fund (Max. 50% State) \$100,000 <input checked="" type="checkbox"/> 100% State Dredging/Navigation <input type="checkbox"/> Matching Fund Fire/Rescue <input type="checkbox"/> State Lands Project <input type="checkbox"/> \$5,000 100% State <input type="checkbox"/> Tax District Loan <input type="checkbox"/> Service Contract <input type="checkbox"/>			
8. TOTAL ESTIMATED PROJECT COST		\$ 180,000	
9. AMOUNT OF WATERWAY FUNDS REQUESTED		\$ 90,000	
		<i>(Maximum amount to be reimbursed by DNR for this specific grant only)</i>	
10. LOCAL PROJECT COORDINATOR:			
Gary W. Mackes		Director	
(Print Name)		(Print Title)	
500 Glen Avenue		Salisbury	MD 21804
(Address)		(City)	(State) (Zip)
gmackes@wicomicocounty.org		410-548-4900, x 106	
(E-mail address)		(Telephone Number)	
11. PROJECT PERIOD: (This grant only. Not to exceed three (3) years.		FROM: 7/1/ 12	To: 6/30/13
Multi-Year Costs:			
Year One: \$ 90,000		Total Project Cost: \$90,000 (all years)	
Year Two: \$			
Year Three: \$			
How does this application relate to the total multi-year project?			

12. Detailed Project Status/Justification

A. Will project expand/improve public boating access? If yes, explain. **The benefits are described below.**

B. Will project improve/enhance boating safety? If yes, explain. **The project will insure safe pedestrian access, secure mooring for vessels, and reduce erosion.**

C. Status of federal/state/local permits (Check Appropriate Permits/Approvals where Applicable)? Attach all approved permits:

State Wetland License \_\_\_\_ Corps of Engineers Permit \_\_\_\_ Critical Areas \_\_\_\_ Water Quality Cert. \_\_\_\_

If all required permits are not available, provide further explanation (i.e. schedule to obtain permits, etc):

D. Projected expenditure rate? (check one) One Year  Two Years \_\_\_\_ Three Years + \_\_\_\_

E. Is this the continuation of a current or phased project? (check one) Yes \_\_\_\_ No  If yes, explain.

F. Will the project impact local boating congestion? If yes, explain.

G. Number of boats that annually use facility: **This project benefits slip renters (144 slip capacity) of which approximately 15% of the slips will be reconstructed to complete restoration the original section of the harbor (50% of the slips) constructed over 60 years ago.**

H. Increased number of boaters annually using facility as a result of project: \_\_\_\_\_

I. Additional justification for project (attach additional page if necessary)

13. **Terms and Conditions:** In submitting this Project Proposal, the Governing Body hereby accepts the Terms and Conditions set forth in the State Boat Act (Section 8-701-9) and the following:

- A. The applicant will not discriminate against any person on the basis of race, color, creed or national origin, in the use of any property or facility acquired or developed pursuant to this proposal.
- B. The design, construction, and management of the project will be by or under the supervision of the Local Governing Body in accordance with the latest edition of the Waterway Improvement Fund Grants Manual. All necessary Federal, State and local permits and approvals must be secured by said Governing Body prior to start of construction.
- C. Plans and Specifications, including all contract documents and any subsequent changes, must be completed by a Maryland Registered Professional Engineer unless approved otherwise in advance by the Waterway Improvement Program. In addition, all plans, specifications and proposed changes must be submitted for review and approval by the Program.
- D. The Governing Body will publicly advertise the project for bids or use other procurement method approved in advance by the Department of Natural Resources (DNR). Proposals will be received and compiled by the Governing Body involved. DNR reserves the right to have a representative present at the bid opening.

- E. Project contracts with a value of \$500,000 or more for which the State provides 50% or more of the funding will be advertised as prevailing wage contracts (COMAR 21.11.11).
- F. The Governing Body will prepare a tabulation of bids and/or other method of procurement as per condition "D" referenced herein and submit same to the Department of Natural Resources with comments and recommendations prior to the award of any contract.
- G. The Governing Body must submit invoices and a copy of paid canceled check(s) or certification that payment has been made for reimbursement of the State's share of the project to the Department of Natural Resources upon completion of the project.
- H. The Governing Body will post the project, in a prominent location, as a "Public Facility" and, will place a permanent sign, approved by the Department, acknowledging project funding by the Waterway Improvement Fund.
- I. If a fee is to be charged for use of the facility, the Governing Body must obtain prior approval from the Department of Natural Resources. All Maryland registered boaters will have equal access to State funded boating facilities.
- J. The Governing Body agrees to operate and maintain the proposed project. Future maintenance funds are not guaranteed by the Department of Natural Resources.
- K. Any project funded in whole or in part with Waterway Improvement Fund grants must remain available and open for use by the general boating public. The Department must approve changes in use of a project before it is removed from public access and use, such as through sale, donation, or commercial use of the facility. If approved, the local governing body must replace the project with a facility open to the general boating public with equal value at the nearest approved location, at no cost to the Department. The local governing body may be required to repay the Department for the current value of the project in proportion to the total cost of the project paid by the State. The Department may require two independent appraisals to determine the amount to be reimbursed to the Waterway Improvement Fund.
- L. All projects must be in compliance with the Forest Conservation Act of 1991 and the Maryland Economic Growth, Resource Protection, and Planning Act of 1992 prior to the reimbursement of any State funds.
- M. The Department of Natural Resources reserves the right to revert any unexpended or unencumbered balance from this grant not used during the project period specified in this application. **Grant projects three years or older are subject to immediate reversion by DNR.**
- N. Projects financed through State bonds must be approved by the State Board of Public Works prior to the reimbursement of any State funds.
- O. The Governing Body, agrees that it will if necessary, unless previously approved by DNR:
  - 1) Provide, without cost to the State of Maryland, all necessary lands, easements, rights-of-way, and dredge disposal site(s) required for project;
  - 2) Hold and save the State of Maryland free from damages that may result from the construction of the project;
  - 3) Accomplish, without cost to the State of Maryland, alterations and relocations as required in sewer, water supply, drainage and other utility facilities; and
  - 4) Will assure that the facility will be designed and constructed for persons with disabilities pursuant to the Annotated Code of Maryland and the Americans with Disabilities Act (ADA).
- P. Department of Natural Resources will only reimburse the cost of grant projects approved in writing by the Department.
- Q. Service contract grants provided for trash removal and sanitary services at publicly owned boating facilities are limited to a maximum of nine (9) months per boating season (March 1st - November 30th). This does not affect DNR sponsored projects such as marine sewage pumpout stations.
- R. All press releases and grant related events shall be coordinated with DNR Boating Services.

Revised Sept 2010

**I LOCAL GOVERNMENT AUTHORIZATION**

**As the authorized representative of this Political Subdivision, I have read the terms of the "Project Agreement and Terms & General Conditions" of the Waterway Improvement Fund Application and Project Agreement, and Wicomico hereby agrees to abide by the project terms and conditions.**  
 (County/Municipality)

(Signature)

Richard M. Pollitt, Jr.  
 (Print Name)

County Executive  
 (Print Title)

(Date)