

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

JAMES HELMS, CHAIRPERSON
ELEANOR BRESLIN, VICE-CHAIRPERSON
RICHARD ROSAMILIA, SUPERVISOR

Tinicum Township Board of Supervisors Meeting Minutes March 9, 2023

Supervisors Eleanor Breslin, Jim Helms and Richard Rosamilia were present with Township Manager Teri Lewis, Township Solicitor Steve Harris and Township Engineer Steve Baluh. The meeting, held in the Tinicum Township building meeting room, was live-streamed on Zoom and recorded. There were approximately 10 people present at the meeting and 3 viewed online.

Following the Pledge of the Allegiance, Chairperson Helms continued the public meeting of the Tinicum Township Board of Supervisors at 4:00 PM for the purpose of reviewing a possible funding opportunity for the Headquarters Road Bridge.

A. Old Business

Headquarters Bridge: Economic Development Incentive Grant Application

Chairperson Jim Helms explained that at 6:30 pm on Tuesday, March 7th, just prior to the meeting, the Township received a potential grant application opportunity for funding the Headquarters Bridge. Needing time to review the Economic Development Incentive Grant application, which has a March 15th submission deadline, the Board agreed to continue the meeting to Thursday, March 9, 2023 at 4:00 PM.

Township Solicitor Steve Harris stated that he reviewed the Economic Development Incentive Grant application and had the following recommendations:

- Number 6, Page 1: The "\$2,704,306" cost estimate is seven years old. Harris recommended a more up-to-date and accurate estimate be provided.
- Number 12, at the top of the Page 3, states: "the Township is currently determining the information to be able to accept the bridge." Harris recommended changing the sentence to the "Township is currently determining the information *to determine whether* to accept the bridge."
- Number 12, at the top of the Page 3, at the end of the paragraph, states: "whether the Township will be able to secure funding to perform the rehabilitation." Harris stated because the Township is agreeing to accept the responsibility to rehabilitate, inspect and maintain, he recommended adding "*and future maintenance*" at the end of the paragraph.
- Number 12, at the top of Page 3, the second paragraph, states: "The Township has engaged the services of Doug Bond, PE, an engineer who previously worked with the Delaware Riverkeeper Network on the Headquarters Road Bridge to prove the feasibility of the rehabilitation option during the National Environmental Policy Act (NEPA) process." Harris recommended the sentence be changed to "The Township has engaged the services of Doug Bond, PE, an engineer who previously worked with the Delaware Riverkeeper Network on the Headquarters Road Bridge to *determine* the feasibility of the rehabilitation option during the National Environmental Policy Act (NEPA) process."

- Number 13, in the middle of Page 3, at the end of the paragraph, states: “We believe this project can be completed within the project period.” Harris stated that the “project period” is unknown at this time *and therefore this sentence should be removed.*

Harris noted that it was strange that the grant request did not seem to require the Township’s signature.

Helms said that the Economic Development Incentive Grant funding appeared to be from the US Department of Housing and Urban Development (HUD). He said he checked the website but the information was not very detailed. Helms said he agreed with Harris’ concerns about the cost estimate and the project timeframes and noted that the details are critical. He said the new design would probably require the permitting process to start over, making a construction timeline difficult to predict. He said without clear rules and guidelines, if there was a deadline associated with the grant, he would be concerned if they could meet it.

Helms asked if there was any harm in applying. He said, for example, what if the grant application is approved, but due to restrictions or rules they ultimately determine they are unable to accept the grant. Helms asked if the Township would be penalized. Harris stated there was no limitation on the Township’s ability decline the grant. He also noted that Township Manager Teri Lewis had raised the important question of a matching funds requirement, but it had been determined that matching funds were not required.

Township Engineer Steve Baluh said that he also had concerns regarding the cost estimate, timeline and feasibility of the project, as well as not having seen the grant documents to know the grant parameters. He said that usually federal agency grants of this type require a resolution or motion to approve Board signature. Baluh said he had not had the time to investigate further.

Rosamilia asked Harris if there were any downside to applying for the grant. Harris stated that if his recommendations are incorporated, he did not see any downside.

Helms said his main concern was what amount of money would cover everything including a worst-case scenario, such as having to tear down the bridge and start over.

Harris stated another issue to consider was that PennDOT had said that any damage to the bridge as result of the Township digging around the footings, would be the liability of the Township. He said that was a significant concern, noting that if the bridge failed there could be an environmental issue, in addition to having to rebuild the entire bridge.

Baluh said that the risk should be mitigated by the fact that Doug Bond’s representative would be on site to monitor the excavation, so if issues occur, they could stop the excavation immediately. Baluh stated that the top of the wall where it is the thinnest would be the most likely area to be damaged. He stated they need to be clear on the liability and how PennDOT would to react. Baluh said that way, if the bridge becomes unstable or needs to be partially or completely removed, everyone is clear on who would be responsible, including the contractor’s responsibility for an already deteriorated bridge.

Harris asked if the Township needs to consider specific a best practice list for the project. Baluh said the main thing is to have the structural engineer on site to monitor the activity from start to finish. Harris said that it would be unlikely that the Township’s insurance will cover the bridge failure. Rosamilia said that the insurance company may be able to refer them to a carrier who would cover the Township.

Breslin said it comes down to who bears the risk of loss during the examination process, but it is not necessary to decide that issue at this time to apply for the grant. Harris said all of these issues need to be

consider because what if the grant is \$2.7 million but then the rehabilitation turns out to cost \$3.2. Then there is an issue. In addition, a 10% contingency needs to be built in. Breslin asked Baluh to consider providing a more suitable budget number. Baluh said that he had discussed budget numbers with Bond with the understanding that the initial contract might be a lower number with allowances for additional damage as it is uncovered during the process.

Helms said that they are working towards feasibility, not necessarily the design and permitting going forward, so it is hard to tell the number. Harris suggested the price of the bridge be itemized to include, for example, the permitting, to determine whether the grant covers permitting. Baluh said most grant applications have percentage cut offs, for example 5% for engineering, 10% for permitting, 10% contingency depending on the program. There was further discussion regarding the appropriate number to be submitted within the grant timeframe.

Lewis asked for clarification regarding if the grant was for bridge rehabilitation or included the cost of the temporary bridge. Helms said for the rehabilitation. Lewis requested that an experienced grant administrator be added to the cost submittal.

Motion to move forward with the Economic Development Incentive Grant Application, tentatively for \$4 million, and to include Harris' recommendations.

Motion by: Helms. Second by: Rosamilia. Voted upon and approved.

Harris asked that the Request letter drafted by Janine Bauer (attorney for the Delaware RiverKeeper Network) dated March 1, 2023 asking for support from Congressman Fitzpatrick, be included with the application to be signed by Helms. The letter notes the Exceptional Value Waters (EV) of the stream and historic significance of the bridge in support of the grant.

Motion to include the Supervisor Request for Support of the Economic Development Incentive Grant Application letter drafted by Janine Bauer, attorney for the Delaware Riverkeeper Network, to Congressman Brian Fitzpatrick.

Motion by: Breslin. Second by Rosamilia. Voted upon and approved.

Motion to write letters to selected state official requesting they write letters in support of the Economic Development Incentive Grant Application.

Motion by: Breslin. Second by Rosamilia. Voted upon and approved.

Lewis asked if a resolution would be needed for the next meeting. Harris said no, the Board of Supervisor Meeting Minutes would memorialize the Boards actions.

B. Miscellaneous

Harris stated that he had two housekeeping items:

1. Residential Assessment Appeals

Harris stated that the school district had contacted him regarding two appeals that had been filed. He stated that typically the Township does not get involved these. The Board agreed that they did not wish to participate and Harris said he would inform the school district.

2. Replacement Tax Collector Term Ends on December 31, 2025

The County Solicitor confirmed that the new, replacement tax collector's term would end on December 31, 2025 as stated in the joint resolution.

C. Public Comment

None.

D. Adjournment

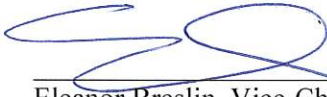
Motion to adjourn the meeting at 4:35 PM.

Motion by: Helms. Second by: Rosamilia. Voted upon and passed.

The next meeting of the Board of Supervisors is March 21, 2023 at 7:30 PM.

TINICUM TOWNSHIP BOARD OF SUPERVISORS

Jim Helms, Chairperson



Eleanor Breslin, Vice-Chairperson



Richard Rosamilia, Member