

RESOLUTION NO. 03-2023-1

A RESOLUTION OF MIDDLE SMITHFIELD TOWNSHIP, MONROE COUNTY, PENNSYLVANIA, ESTABLISHING THE REVITALIZE ROUTE 209 GRANT PROGRAM TO IMPROVE AND REVITALIZE THE ROUTE 209 CORRIDOR WITHIN MIDDLE SMITHFIELD TOWNSHIP

WHEREAS, Section 66542 of the Pennsylvania Second Class Township Code permits the Board of Supervisors to undertake community development programs, including but not limited to, urban renewal, public housing, model cities programs and neighborhood development projects, among other things;

WHEREAS, Section 66506 of the Pennsylvania Second Class Township Code permits the Board of Supervisors to establish rules and regulations necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township, its citizens, trade, commerce and manufacturers;

WHEREAS, Middle Smithfield Township intends to provide grant opportunities to property owners and/or tenants of properties along the Route 209 corridor in order to improve and revitalize the Route 209 corridor by repairing, replacing and/or revitalizing the properties and buildings located along and visible from Route 209;

WHEREAS, the Middle Smithfield Township Board of Supervisors intends to establish a Revitalize Route 209 Grant Program Fund in order to carry out certain approved revitalization, repair, replacement and related improvement projects and activities in specified areas within the Route 209 corridor in the Township as part of a community development program;

WHEREAS, Middle Smithfield Township determined that the Route 209 corridor within the Township is in need of restoration, repairs, replacements, improvements, and revitalization activities;

WHEREAS, the Middle Smithfield Township Board of Supervisors adopted Resolution 02-2023-4 on or about February 23, 2023 establishing a Revitalize Route 209 Grant Program;

WHEREAS, the Middle Smithfield Township Board of Supervisors wishes to and hereby does repeal Resolution 02-2023-4 and replaces it with this Resolution; and,

WHEREAS, the Middle Smithfield Township Board of Supervisors, by this Resolution, establishes the Revitalize Route 209 Grant Program and the administration of the Revitalize Route 209 Grant Program Fund grants.

NOW, THEREFORE, the Middle Smithfield Township Revitalize Route 209 Grant Program Fund and the Revitalize Route 209 Grant Program ("Grant Program"), is hereby established and shall be subject to the following requirements, terms and conditions:

SECTION I. REVITALIZE ROUTE 209 GRANT PROGRAM.

A. Revitalize Route 209 Grant Program Fund

1. The Board of Supervisors shall determine how much money to maintain in the Revitalize Route 209 Grant Program Fund to be used for the Grant Program on an annual basis during the preparation of the Township's annual budget.
2. Subject to the terms and conditions of this Resolution and the Revitalize Route 209 Grant Program Terms and Conditions, the Revitalize Route 209 Grant Program Fund may be used to assist in the funding of projects deemed acceptable by the Board of Supervisors of Middle Smithfield Township, including but not limited to the following types of projects:
 - a. Remodeling improvements to the façade of a building, such as reconfiguring the exterior with updates and upgrades that are visible from Route 209.
 - b. Repairing, removing and/or replacing building materials and decorative details that are deteriorated or missing that are visible from Route 209.
 - c. Cleaning/refacing of exterior building surfaces that are visible from Route 209.
 - d. Repairing, replacing, and/or adding entrances, doors, display windows, transoms, or upper-story windows that are visible from Route 209.
 - e. Landscaping improvements that are visible from Route 209.
 - f. Installation of benches that are visible from Route 209 and available for use by the public.
 - g. Improvements to garbage and/or dumpster enclosures in a manner and form deemed acceptable by the Board of Supervisors, including but not limited to reducing such enclosures' visibility from Route 209.
 - h. Parking and/or access improvements that are visible from Route 209.
 - i. Improvements and/or upgrades to the lighting fixtures that are visible from Route 209, including but not limited to ensuring compliance with "dark sky" lighting requirements and/or regulations.
 - j. Razing blighted and/or unsafe structures that are visible from Route 209.
 - k. Any other revitalization projects deemed acceptable by the Board of Supervisors.
3. Funds from the Grant Program shall not be used to reimburse the Applicant for professional consultant fees, such as fees for an architect, engineer and/or designer, and/or other soft costs associated with the project.

B. Administration of the Grant Program-Review of Applications

1. Any landowner that owns property located along the frontage of Route 209 in Middle Smithfield Township and that is visible from Route 209, or tenant of such property with the permission of the landowner, may apply for funds from the Grant Program for the purposes listed in Section A.2. of this Resolution. The procedure for preparing, receiving, and reviewing applications for funds from the Grant Program shall be as follows:
 - a. The property owner or tenant, with the property owner's permission, (hereinafter referred to as "Applicant") shall submit a letter of interest to the Township, which will be forwarded to the Revitalize Route 209 Grant Committee ("Grant Committee"), which shall be established by separate resolution and consist of members to be appointed by the Board of Supervisors.
 - b. The Grant Committee shall review the letter of interest and all attachments thereto to determine if the use of the Grant Program monies is warranted.
 - c. If the Grant Committee determines that the benefit to the Route 209 corridor from the use of the Grant Program monies does not justify the expenditure of those monies, the Grant Committee shall recommend to the Board of Supervisors that no funding be allocated for the proposed project. If the Board of Supervisors concurs with the recommendation of the Grant Committee, the submission will proceed no further.
 - d. If the Grant Committee determines that the Route 209 corridor and the public interest would significantly benefit from the proposed improvements and/or project on the property, the Grant Committee will advise the Applicant to submit an application to the Township for a grant for the proposed improvements and project. Applications shall include the following:
 - i. The application shall be in letter form, specifying the nature of the request, the proposed project, and the address of the property and the name of the property owner. If the property owner differs from the Applicant, written permission from the property owner shall be provided by the Applicant;
 - ii. The application shall include photographs of the area in which the improvements and project are proposed;
 - iii. The application shall include a sketch plan, which may be hand-drawn, but which shall include a scale;

- iv. The application shall include an estimated cost for the proposed improvements and project, which shall not exceed a total project cost of \$20,000.00.
- e. If the Grant Committee determines that the Grant Program application is acceptable and will benefit the Route 209 corridor and the public, it may recommend approval to the Board of Supervisors. If the Grant Committee determines that the application is not suitable for approval, it shall recommend to the Board of Supervisors that the application be denied. The Board of Supervisors may accept or reject the recommendation of the Grant Committee but shall not be bound by any recommendation of the Grant Committee.
- f. If the Grant Committee determines that additional information is necessary for a proposed project prior to making a recommendation to the Board of Supervisors, the Grant Committee may require that the application include the following, in addition to the above:
 - i. The Grant Committee may recommend that the Applicant retain a consultant to prepare a formal grant application and design plan(s);
 - ii. The application may be required to include the following:
 - (1) A conceptual plan;
 - (2) Justification for the proposed scope of improvements;
 - (3) More formal/definitive cost estimates for the design and construction of the plan, including quotes and/or proposals from contractors.
- g. If the application involves earth-moving, the installation of hardscape or structural components, a copy of the application shall also be forwarded to the Township Engineer and Building Code Official for review. The review of the Township Engineer and Building Code Official shall:
 - i. Address compliance with Township ordinances, regulations, and requirements related to proposed construction activities;
 - ii. Determine the impact, if any, of the proposed construction activities on existing infrastructures;

- iii. Indicate whether the design and construction cost estimates are reasonable for the scope of the construction components of the project.
 - h. Comments of the Township Engineer and Building Code Official shall be forwarded to the Township, the Grant Committee, and the Applicant and the Applicant's consultant by electronic mail. Comments of the Grant Committee shall be issued within a reasonable period of time from the receipt of the comments of the Township Engineer and Building Code Official. Upon resolution of the comments in a manner that is satisfactory to the Grant Committee and Township, a revised conceptual plan and/or revised cost estimates may be required to be submitted.
 - i. Upon confirmation that the application is acceptable to the Grant Committee, Township Engineer and Building Code Official, the Grant Committee may make a recommendation for approval to the Board of Supervisors.
 - j. If the Grant Committee, Township Engineer and Building Code Official are not able to resolve all issues with the Applicant, or if the Grant Committee recommends denial, the Applicant may still request review and consideration by the Board of Supervisors.
 - k. Following the Grant Committee recommendation or upon the request of the Applicant (following a complete review by the Grant Committee), the Board of Supervisors may consider and either tentatively approve or deny the application, such decision being within the sole discretion of the Township.
- 2. Following a tentative approval of the Board of Supervisors, the Applicant and the consultant for the Applicant shall prepare final design plans and shall solicit quotes, proposals and/or bids for the construction of the improvements and project. Such quotes, proposals and/or bids shall be received from at least three contractors.
 - 3. Final design plans, together with the identity of the Applicant's contractor shall be submitted to the Township and the Grant Committee before the commencement of work for review and approval.
 - 4. If the solicited quotes, proposals and/or bids differ by less than 20% of the highest quote, proposal and/or bid and the project cost does not exceed the cost estimate submitted with the application, which shall not exceed \$20,000.00, no further action by the Grant Committee or Township is required regarding project cost.

5. If the highest and lowest quotes, proposals and/or bids differ by more than twenty percent (20%) of the highest quote, proposal and/or bid, and the Applicant is proposing the selection of the highest quote, proposal and/or bid, justification for the use of the highest quote, proposal and/or bid shall be provided to and reviewed by the Township, Township Engineer and Grant Committee. The comments and recommendations of the Township Engineer and Grant Committee shall be forwarded to the Board of Supervisors for final determination of whether the higher cost is justified.
6. The Township Engineer shall review the final plans prior to construction to ensure that all issues raised by the initial review have been satisfactorily addressed.
7. Following the final engineering review, the Board of Supervisors shall make a determination of whether the project will receive preliminary grant funding approval. Preliminary grant approval needs to pass by a unanimous vote of the Board of Supervisors.
8. All Township professional consultant fees expended in assisting applicants or administration of the Grant Program shall be paid by the Applicant, or if approved by the Township, out of the Revitalize Route 209 Grant Program Fund. The Applicant shall be required to enter into a professional services agreement in a manner and form deemed necessary by the Township.

C. Construction and Inspection

1. Construction of the project shall begin promptly, and in no event more than one year following preliminary approval of the Board of Supervisors. If construction does not begin within one year of preliminary grant approval, the preliminary grant approval will lapse and be null and void.
2. Construction shall comply with all Federal, state, county, and local regulations, including, but not limited to, erosion and sediment controls as mandated by the Monroe County Conservation District.
3. Construction shall be inspected by the Township Engineer at such intervals deemed necessary by the Township.
4. Construction shall be completed within the time period established by the Township.

D. Reconciliation/Distribution of Grant Funds

1. This Grant Program is a reimbursement grant program. No grant payments will be made to the Applicant until the entire project is completed and paid for by the Applicant.
2. Upon completion of construction of the project, the Applicant shall forward to the Township a written request for reimbursement for the work completed, accompanied by an invoice from the construction contractor and proof that such invoice has been paid by the Applicant. The Applicant shall provide the Township with copies of cancelled checks or other documentation which demonstrate that the contractor and consultant have been paid in full for services rendered as part of the project.
3. Upon receipt of the written request for reimbursement, the Township Engineer shall review the request and inspect the work included in the invoice, as deemed necessary.
4. If the Township Engineer determines that the work has been completed satisfactorily, the Township Engineer shall send a letter to the Township stating that the work has been satisfactorily completed and that reimbursement payment in an amount up to but not exceeding the amount for the grant preliminarily approved by the Board of Supervisors may be considered by the Township.
5. If the Township Engineer determines that the work which is the subject of the invoice has not been satisfactorily completed, the Township Engineer shall provide the Applicant with a written list of the deficiencies in the construction.
6. The Township may hold off on issuing any grant payments until the entire project is completed to the satisfaction of the Township.
7. The grant payment from the Township shall be subject to and conditional on the Township having the necessary funds to make such grant payment at the time of the request for reimbursement. If the funds are not available, no such grant payment will be made.
8. The grant payment shall further be subject to and conditional on the Board of Supervisors specifically authorizing the same at the time of the grant payment request. Any approval of a request for reimbursement under the Grant Program from the Board needs to be unanimous.

SECTION II. SEVERABILITY.

It is hereby declared to be the intent of the Board of Supervisors that if a court of competent jurisdiction declares any provisions of this Resolution to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are

expressly stated in the decision to be invalid or ineffective, and all other provisions of this Resolution shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Resolution and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid.

SECTION III. REPEALER.

All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed. In particular, Resolution 02-2023-4 is hereby repealed in its entirety.

SO RESOLVED, this 23rd day of March, A.D., 2023.

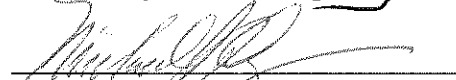
MIDDLE SMITHFIELD TOWNSHIP
BOARD OF SUPERVISORS



Annette Atkinson, Chairperson



Mark Oney, Vice Chairperson



Michael J. Dwyer, Supervisor

Attest


Township Secretary