

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

November 30, 2023

CALL TO ORDER:

Myron Blahy called the meeting to order at 4:03PM at the Mahoning Township Building 2685 Mahoning Drive East, Lehigh, PA 18235.

PRESENT:

Robert Slaw, Chairman; Myron Blahy, Vice-Chairman; Ronald Reeser, Supervisor; Deborah McGowan, Supervisor; David Pollock, Supervisor (By Phone); Thomas Nanovic, Solicitor, Peter Eisenbrown, Township Engineer; and Natalie D. Haggerty, Secretary-Treasurer.

ABSENT:

PUBLIC COMMENT:

N/A

BUSINESS:

Dollar General Development Agreement, Stormwater Operating and Maintenance Agreement, Letter of Credit

Per Tom, Referencing the map showing the pipes, states the yellow pipes are owned by the property owner. Issues are blue pipes (Twin Hill Drive) and red pipes (443). Typically, stormwater agreement everything is "yellow" and maintained by the owner. According to this agreement, we own the blue pipe area but do not want to maintain and/or repair it. Per this agreement yes, we own the pipes but there will be money in an escrow account and will be maintained, but Dollar General needs to replenish when needed. Proposed by Dollar General; they will put 10k in an escrow account and the agreement states Dollar General will maintain and repair the pipes and if they do not, we have the right to fix whatever is needed and we will put a municipal lien against their property.

Attorney Stern, who represents JLM & landowner, elaborates that 95% of instances are yellow, this is unique. There is no dispute that the landowner will be financially responsible for all issues. They are proposing and feel it is more efficient that when they have the yellow pipes maintained that they can maintain the blue and red pipes as well so all are done at one time, and they will pay for the maintenance directly. If the landowner did not maintain the pipes or pay for the maintenance, then the township would be able to put a lien on the property. Under the current agreement draft the landowner is sending someone out to maintain the yellow, the township is sending someone out to take care of the blue. Two crews are working on two sets of pipes and then the township has to bill and collect. Multiple people involved and multiple bills to process.

Dollar General would prefer that the landowner is financially responsible, paying for all expenses to maintain and repair. They would like to maintain the yellow, maintain the blue and red and pay for everything directly. The Township will always have the right to come on the property and check pipes. Dollar General also agrees to put a one-time 10k escrow in the event the township has to put money out if in fact Dollar General defaults in some way. This is an easement and will go on regardless of who owns this land. Dollar General believes if they have to maintain the yellow it is more efficient to maintain them all.

MAHONING TOWNSHIP BOARD OF SUPERVISORS MEETING

MINUTES

November 30, 2023

Ron questioned, if we receive 10k up front and in the future the store is not successful and is sold, 10k is exhausted because the new company does not maintain, who will then be responsible for expenses. Atty Stern suggests that a lien on the property will not be removed until the total expense is replenished. The initial 10k would be received as part of final plan approval before plans are recorded.

Agreement that the township owns the pipes, but Dollar General would maintain them.

Suggested to add to the agreement a certified letter at the end of the maintenance period, 18 months, and annually thereafter that the pipes will be inspected.

MOTION

Preconstruction security agreement.

Ronald Reeser made a motion to agree to the pre-security agreement subject to Tom's review and the receipt of insurance. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; David Pollock, yes; and Deborah McGowan, yes 5-0 vote. Motion carried.

Both the Development Agreement and the Stormwater Operating and Maintenance Agreement will be on the agenda at the December 13 BOS meeting.

Robert Slaw requested an executive session at the conclusion of the meeting.

ADJOURNMENT:

MOTION

Robert Slaw made a motion to adjourn the meeting at 4:55PM. Seconded by Myron Blahy. Robert Slaw, yes; Myron Blahy, yes; Ronald Reeser, yes; David Pollock, yes; and Deborah McGowan, yes 5-0 vote. Motion carried.

Respectfully Submitted,

Natalie D. Haggerty
Secretary-Treasurer