



Upper Mount Bethel Township

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**UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS MEETING MINUTES
MONDAY, APRIL 14, 2025 – 7:00 PM**

*This meeting was held in person and live streamed through the Upper Mount Bethel Township Facebook page.

I.

Supervisor Bermingham called the meeting to order at 7:00 pm.

The Pledge of Allegiance was recited.

In attendance were Supervisor Bermingham, Supervisor Erler, Supervisor Friedman, Supervisor Albert, Supervisor Eckman, Township Engineer Coyle, Township Solicitor Karasek, and Township Manager Graziano.

II.

APPROVE THE AGENDA

MOTION by Supervisor Friedman to approve the agenda, seconded by Supervisor Eckman. Vote: 5-0.

III.

PUBLIC COMMENT

Charles Baltic, Laurel Hill Rd., read his public comment, which will be made part of the official record. Charles referenced Plan Belt, noting Policy 1.1 of the Plan, "the rezoning of participating townships to alleviate boroughs' land use issues by allowing intensity and diversity of housing development". Charles commented on Steering Committee members, Supervisor Friedman and Judy Henckel on their attendance at the Plan Slate Belt meeting. Solicitor Karasek stated that as far as Supervisor Friedman and Judy Henckel attending the meeting, he was asked to give his opinion with respect to that and my opinion was that as long as the Implementation Agreement is tabled, not rejected, which means it is still active until some vote is made in the future. Solicitor Karasek advised Supervisor Friedman and Judy Henckel that they can go to the meeting and participate, whether they can vote is up to LVPC, whether that meets their rules. Charles asked if they had an ethical opportunity to disclose the vote that the Supervisors took to the Steering Committee? Solicitor Karasek responded that if they

were asked that point blank, then yes, probably. Supervisor Erler stated that he was at the meeting, and they went on as if we voted on it. Supervisor Erler would like this subject put on for a future meeting.

Judith Henckel, Robin Hood Rd., commented on her and Supervisor Friedman's attendance at the Plan Slate meeting and the only vote that was taken was to put that four-page explanation on what the Plan Belt is and what it means. Judy stated that we have our own autonomy of our own planning, zoning, no one tells us what to do. There is only the case where you'd have something of regional significance and that could come to the committee just like it does to the LVPC. Judy does not understand what Mr. Baltics motives are. Mr. Baltic stated that his motives are for the good of the citizens and residents of UMBT.

Robert Teel, N. Delaware Dr., commented on spending the \$30k for something we don't have to adhere to. We don't need Plan Slate Belt.

Raymond DeCesare, Laurel Hill Rd., commented on his concerns with the Plan Slate Belt and the group of residents that are against it. The Township can decide on our own what it needs.

Peter Aweekly, Saddle Creek Dr., commented on the Plan Slate Belt. Questions are not answered, follow up is rare, and he feels like the public is being placated. The Boards inability to make decisions and move forward. The dysfunctionality has led to lawsuits, which eventually will cost the township. Peter is asking the Board to stay out of Plan Slate Belt. Peter asked Supervisor Bermingham, who is the voice of the people, what people?

Supervisor Erler asked Solicitor Karasek, is staying in or removing ourselves from Plan Slate Belt something we can put on a referendum? Solicitor Karasek responded that it's not something normally done, but he does not see why it can't be. Supervisor Bermingham asked for this to be on the April 28th meeting.

Sharon Duffield, Potomac St., stated that this Board was elected on a platform and elected on a platform by a huge majority.

Fran Visicaro, N. Delaware Dr., commented on the site visit to a data center. Fran stated to make sure you visit the town as well and talk to the people.

Mark Mezger, Scenic Ct., commented on the planned data center complex, effectively the largest in PA. This is a large project coming into our town and we are not given enough time to assess the impact of it. Mark is suggesting that we slow down and assess the impacts this will have on the community, county, and the state.

Ron Angle, Million Dollar Hwy., commented on Plan Slate Belt and this could be solved tonight, if someone was to make a motion. Ron's other concern is the Park Foundation.

The Park Foundation is organized exclusively for charitable and educational purposes, more specifically to raise funds for the construction of the Upper Mount Bethel Community Park for the citizens and the children. There needs to be accountability. Ron would hope that the BOS follows through with the Parks/Rec request for the records of what happened to the funds. There needs to be a complete accounting of the foundation quarterly and obtained by any citizen.

Supervisor Friedman commented on the multiple curve signs that were put up on Rt. 611 by PennDOT and that the Township had nothing to do with it.

IV. ANNOUNCEMENTS

Supervisor Erler announced that he did attend the Plan Slate Belt meeting and was under the impression that Supervisor Friedman and Judy Henckel could go but attending as citizens, but they did vote. Supervisor Erler asked Solicitor Karasek if he reviewed the Foundation paperwork. Solicitor Karasek stated that he has not had a chance to review the paperwork but should be able to have it done by the next meeting.

Supervisor Friedman announced that the TAC came up with some recommendations and will discuss them at the next meeting.

Manager Graziano announced that with all the burning that has been going on, please remember to call John Bocko for permission to burn. Driveway permits are required if you are planning to construct a new driveway, repair, or pave/repave a driveway. To receive the discount on the garbage bill, it has to be paid in full by April 30th.

Supervisor Eckman announced Beau's Festival, May 3rd, 3-9pm at the Community Park. Food vendors, truck show, games, and fireworks. Donations are greatly appreciated.

Supervisor Bermingham announced bids are going out for the Emergency Shelter at the MBFH. April 24th, 6-8 pm, a regional ambulance meeting will be held. May 8-11, community wide yard sale. May 4th, 10am -3pm, free electronics recycling event at the Township building, donations gladly accepted to benefit the Parks/Rec committee. April 26th, 10am-1pm, Slate Belt clean-up day, meeting here at the Township Building. We will be working on the garbage contract for next year.

Supervisor Erler announced that the Chairs/Vice Chairs to the Committees meeting that was held last month was extremely productive and hoping to have another one in the near future. Thank you to all that attended.

Manager Graziano, kudos to the Bangor Area School for putting on a phenomenal play, the Hunchback of Notre Dame.

V.

CONSENT AGENDA

1. March 10, 2025, Meeting Minutes
2. March 24, 2025, WS Meeting Minutes
3. Exonerations/Refunds

MOTION by Supervisor Erler to approve the Consent Agenda, seconded by Supervisor Albert. Vote: 5-0.

VI.

FINANCIALS

1. Bill List-Manager Graziano read the bill list, \$256,919.72. **MOTION** by Supervisor Friedman to pay the bills in the amount of \$256,919.72, seconded by Supervisor Eckman. Supervisor Erler asked if someone crashed the 430 backhoe. Manager Graziano stated that the windshield got cracked. Vote: 5-0.

VII.

SUBDIVISIONS

1. Lot Line Adjustment Preliminary/Final Plan Approval for Jeffrey/Emily Carter- Solicitor Karasek stated that this plan was reviewed and recommended for approval by the Planning Commission. Solicitor Karasek discussed the agreement for conditional plan approval form that was agreed upon and signed by the agent for the applicant. **MOTION** by Supervisor Albert to approve the Preliminary/Final plan approval for Jeffery/Emily Carter lot line adjustment, seconded by Supervisor Friedman. Vote: 5-0.

VIII.

ACTION ITEMS

1. Materials Bid Award-Manager Graziano discussed the material bids. Two bids were received for stone materials, Eureka Stone Quarry and Heidelberg. One bid was received for fuel, Reimer Bros. In the past, we accepted all stone bids in the event one company runs out of a product. **MOTION** by Supervisor Friedman to approve all bids, fuel and stone, seconded by Supervisor Erler. Vote: 5-0.
2. Ott's Mowing Contract-Manager Graziano discussed Justin Ott's mowing contract. They are co-stars so we don't have to bid the mowing. Justin does a great job. He submitted a proposal, \$1,700 per week for mowing, and \$1,000 per year for weed killing and Manager Graziano recommends accepting his contract. **MOTION** by Supervisor Eckman to accept Ott's Mowing/Landscaping contract, seconded by Supervisor Erler. Vote: 5-0.

IX.

TABLED ITEMS

1. Holding Tank Ordinance-**MOTION** by Supervisor Friedman to table, seconded by Supervisor Albert. Vote: 5-0.
2. Walter Snik Fees-in-Lieu Waiver Request-**MOTION** by Supervisor Erler to table, seconded by Supervisor Friedman. Vote: 5-0. Solicitor Karasek stated

that a Unification/Merger Deed still needs to be completed as noted in the Agreement for Conditional Plan Approval form that was signed by Walter Snik.

X.

NEW BUSINESS

1. Letter of Intent for a Police Study/East Bangor-Manager Graziano stated that the DCED will do a Police Study free of charge. The letter of intent states that the Board of Supervisors are considering bringing back a Township Police Department and is looking for data that the report will produce which will be used to help the Board make a decision if it is feasible or not. The study takes about 6-8 months. Supervisor Albert suggested that our citizens have a say on this matter, he does not feel as though the Township is ready for this. Richard Klinge asked about the study that was done years ago, what do the people want. Supervisor Erler stated that we need more information, and this study will do that. Supervisor Bermingham stated that Town Hall meetings will be held on this subject before we move forward with having a Police Department. **MOTION** by Supervisor Eckman to move forward with having the free Police Study done, seconded by Supervisor Erler. Vote: 4-1. Supervisor Albert voted no. Manager Graziano discussed the letter of intent for East Bangor Borough Council, stating that the UMBT Board of Supervisors are considering bringing back a Township Police Department, and voted to explore the ability to hire the East Bangor Police Department to patrol UMBT on a per diem basis. **MOTION** by Supervisor Bermingham to table, seconded by Supervisor Erler. Annamarie Robertone commented on Police Officers keeping their Act 120 Training, maintain first aid, CPR and AED. Police Officers are an integral part of the EMS system. Supervisor Bermingham called for a vote to table the East Bangor Letter of Intent. Vote: 5-0.
2. Accept Feasibility Study for the Portland-Lake Minsi Trail-Supervisor Albert stated the OSAB was awarded a \$25k grant for the feasibility study for the Portland-Lake Minsi Trail and in order for the funds to be released, we need a Resolution. **MOTION** by Supervisor Erler to accept the feasibility study, seconded by Supervisor Eckman. Vote: 5-0.
3. Road Crew Personnel-Supervisor Friedman stated this will be discussed after Executive Session.
4. BOS Trip to Ohio/Virginia Data Centers-Supervisor Bermingham stated that this is an on-going effort to do our due diligence on the effect data centers could have on the Township. Those wanting to go would be Manager Graziano, Supervisor Friedman, Engineer Coyle, and Jeff Williams. Supervisor Erler stated that this is the first he's heard about this and wondered if any other Supervisor's would be invited to go. Supervisor Albert suggested offering the trip to other committee members. Supervisor Bermingham stated that the Township could pay for one committee member to go. This still has not been confirmed/determined. This will be on the agenda for the April 28th meeting.
5. Resolution No. 2025-11 and Component 4A-Cloverleaf Saddle Club- Solicitor Karasek stated that with most plans and in this particular case there is a Resolution to approve the sewage planning module for Cloverleaf Saddle Club. **MOTION** by Supervisor Friedman to adopt Resolution No. 2025-11, seconded by Supervisor Erler. Vote: 5-0.

XI.

EXECUTIVE SESSION

Recess to Executive Session at 8:45 pm to discuss personnel matters.

The meeting reconvened at 9:04 pm.

Solicitor Karasek stated that discussed in Executive Session were road crew personnel matters. **MOTION** by Supervisor Friedman to hire Nick Nittoli and Nick Bailey as full-time personnel, laborer rate \$22.45 an hour, with current contract benefits, and to request the probationary period be waived, as well as pay for their Class A CDL training, in which an agreement for CDL reimbursement cost if they should leave before three (3) years and prorated as such, seconded by Supervisor Eckman. Vote:4-1.

Manager Graziano stated that the cost of the CDL class for both is \$10,840. **MOTION** by Supervisor Erler to move \$10,840 from the capital reserve fund to the general fund, seconded by Supervisor Eckman. Vote: 4-1.

XII.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:10 pm, seconded by Supervisor Albert. Vote: 5-0.

Respectfully Submitted by Cindy Beck-Recording Secretary

Statement of Charles V. Baltic to UMBT Board of Supervisors Meeting – 14 April 2025

Good evening. I am Charles Baltic, 971 Laurel Hill Rd. and an elected Township Auditor and Chair of the Auditors.

I speak again in reference to Plan Slate Belt ...

At the March 10th Supervisors Meeting I made a statement in opposition to Plan Slate Belt, stating the following:

(1) Plan implementation planning is actively underway and adoption of an Intergovernmental Cooperative Implementation Agreement is the **"highest Priority for Plan implementation."**

(2) The Plan Slate Belt Document emphasizes **the need to develop a process to share land uses among the eight municipalities in the region ... [and] will prioritize reviewing each municipality's zoning ordinances to determine which land uses are most appropriate for a specific municipality."**

And

(3) The Plan's FIRST listed priority is to **"Amend zoning ordinance maps to be consistent with the Plan's Future Land Use Map. Specific actions include: Rezone areas in townships around boroughs to allow for greater intensity and diversity of housing development."**

So Policy 1.1 of PSB – **POLICY 1.1!** - is the rezoning of participating townships to alleviate boroughs' land use issues by pushing housing development into the participating townships – UMBT and Washington Townships, which are the only townships stupid enough to participate in this abomination of the Lehigh Valley Planning Commission.

Many of my fellow neighbors also were in attendance in opposition to PSB.

Supervisor Erler then made a motion to indefinitely table the township's participation – whatever that means – and the Supervisors – under community pressure – voted unanimously as such. This was a partial victory for UMBT and the vast majority of our residents. Let me be clear, I have spoken to dozens of UMBT residents about this issue [many of whom are here this evening] and – regardless of party affiliation when they learn about PSB, they oppose it and its effect of giving UMBT's zoning authority away to the LVPC and the participating boroughs surrounding UMBT.

And so, I was surprised and disturbed when I and Supervisor Erler attended the last PSB meeting on April 3rd in Pen Argyl and saw UMBT's two representatives to PSB – Supervisor Friedman and Judy Henckel (a) attending that meeting, (b) participating in it, (c) voting on matters before it, and (d) – worst of all - failing to inform the PSB Steering Committee at that meeting that UMBT Supervisors had unanimously voted to suspend participation. I would like the Solicitor to address this last fact, because it was an unethical misrepresentation by Friedman and Henckel not to do so. But what would anybody expect of either of these two who have **BOTH** been cited and sanctioned by the Pennsylvania State Ethics Commission for conflict-of-interest violations while Supervisors of the township. The proper – and honest and ethical – action would have been the tell – in public – the assembled PSB Steering Committee of the unanimous vote of the UMBT Supervisors tabling participation.

Why would they do this? And why would the rest of the Supervisors tolerate it? The only explanation can be that the Supervisors are trying to deceive the residents of UMBT and plan to resurrect UMBT's participation in PSB at one of the upcoming Supervisors' meetings, and sign the PSB **Multi-Municipal Implementation Agreement**, thereby giving away UMBT's autonomy over our township's planning and zoning to the permanent detriment of our residents.

Now several of the Supervisors have said in the past that PSB is a "free ride". That UMBT can join and have no obligations to the LVPC and the other participating municipalities. Jon Erler doesn't believe this fallacy. And I credit Supervisor Eckman for having expressed concern about and questioning this, particularly with respect to enforcement.

And rightly so, as this is ridiculous on its face. How do I know? The draft PSB **Multi-Municipal Implementation Agreement** is on the township website. You can read it yourself. And if you read it closely - as Upper Mt. Bethel PA Board of Supervisors Meeting April 14, 2025

Agreement, thereby giving away UMBT's autonomy over our township's planning and zoning to the permanent detriment of our residents.

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And rightly so, as this is ridiculous on its face. How do I know? The draft PSB **Multi-Municipal Implementation Agreement** is on the township website. You can read it yourself. And if you read it closely - as any lawyer, or judge, or jury might in a future court case against UMBT - you will see a **Section XVI** in big bold capital letters called "**ENFORCEMENT**". Now, most people know what "enforcement" means. It means that somebody with legal authority or legal rights over you can force you to do something.

The "**ENFORCEMENT**" provision reads as follows: "Any participant may enforce this agreement against any other participant in accordance with **Section 2315** of the *Intergovernmental Cooperation Act*, Pa. C.S.A."

And **Section 2315** reads "Any joint cooperation agreement shall be deemed in force as to any local government when the agreement has been adopted by ordinance or resolution by all cooperating local governments. After adoption by all cooperating local governments, ***the agreement shall be binding upon the local government, and its covenants may be enforced by appropriate remedy by any one or more of the local governments against any other local government which is a party to the agreement.***"

Now I spoke with our Solicitor on April 4th about this enforcement provision and the effectuating statute **Section 2315**. We disagreed on whether this would allow UMBT to be sued to enforce PSB if we signed the **Multi-Municipal Implementation Agreement**. I suggested he research the matter and relevant case law. Now I, myself, am an attorney - Georgetown Law School and member of New York and DC Bars - and I did research the relevant case law. And I found the following case: ***Maxatawny Township v. Kutztown Borough***, Pennsylvania Commonwealth Court, Filed April 10, 2015.

This ***Maxatawny Township*** case stands squarely for the proposition that any joint co-operation agreement among local PA governments can be enforced by one government against the other in court with remedies of *writ of mandamus*, specific performance and / or damages. So "**ENFORCEMENT**" is what common sense would tell us all it is ... **you can be forced to do something!**

And so, I ask the Supervisors now to **end this charade of idiocy or willful deception of the residents of UMBT and formally withdraw from PSB.**

I submit this statement and attachments and references in writing to the to the Board of Supervisors and to the UMBT Solicitor to be made a part of the written record of this meeting.

And I do this as both a concerned citizen, resident and elected official of Upper Mt. Bethel Township.

Thank you, Charles Baltic

• Bangor • East Bangor • Pen Argyl •
 • Portland • Roseto • Upper Mount Bethel •
 • Washington • Wind Gap •

THE SLATE BELT MULTI-MUNICIPAL COMPREHENSIVE PLAN INTERMUNICIPAL COOPERATIVE IMPLEMENTATION AGREEMENT

THIS INTERMUNICIPAL COOPERATIVE AGREEMENT IMPLEMENTING THE Slate Belt Multi-Municipal Comprehensive Plan is created by and among the participants herein:

Bangor Borough
 East Bangor Borough
 Roseto Borough
 Pen Argyl Borough

Wind Gap Borough
 Portland Borough
 Washington Township
 Upper Mount Bethel Township

The participants, all divisions of Pennsylvania local government, are referred to as "Municipalities" in the agreement.

SECTION I: AUTHORIZATION AND EFFECTIVE DATE OF ADOPTION

- A. This agreement is adopted pursuant to the authority set forth in the Intergovernmental Cooperation Act of December 19, 1966, 53 Pa. C.S.A. and Article XI of the Municipalities Planning Code, as enacted and amended.
- B. This agreement shall be effective upon approval by the governing body of each of the Participants adopting this agreement.

SECTION II: BACKGROUND

The Participants are parties to an Intermunicipal Cooperation Agreement for the Multimunicipal Planning, effective as of [insert date] (the "Planning Agreement"). In the Planning Agreement, the Participants established a Steering Committee herein after referred to as the "Committee." Pursuant to the requirements of the Planning Agreement, the Committee developed the *Slate Belt Multi-Municipal Comprehensive Plan* (the "Plan") for the Participants. Each of the Municipalities has adopted the Plan as their comprehensive plan pursuant to the requirements of Article III of the Municipalities Planning Code (the "MPC"). In addition, each of the Municipalities agreed to implement the adopted Plan by revising relevant ordinances (zoning, subdivision regulations, sewage facilities plans, official map) and bringing each into consistency with the adopted Plan.

SECTION IV: GOALS, OBJECTIVES AND POLICIES, AND IMPLEMENTATION ROLES AND RESPONSIBILITIES

- B. By adopting this agreement, the participants hereby define their roles and responsibilities for implementing the Plan. The Plan will be implemented by undertaking actions, as described in this agreement, that are consistent with the Plan.

SECTION V: ADOPTION OF CONFORMING ORDINANCES AND PLANS

Within two years after adoption of the Plan, each Municipality agrees to implement the Plan by adopting, amending or otherwise conforming its zoning ordinance and subdivision and land development ordinance to be generally consistent with the Plan. Additionally, each Municipality agrees to undertake a good faith effort to implement the Plan by adopting, amending or otherwise conforming its other relevant plans and ordinances as may be necessary to achieve general consistency with the Plan. These relevant ordinances and plans include the sewage facilities plan, the official map and other development regulations authorized by the MPC. Further, each municipality agrees to undertake a good faith effort to implement additional recommendations in the Plan, including but not necessarily limited to transportation improvements, park and open space improvements, sewer and water improvements, and historic resources improvements.

SECTION VIII: MUNICIPAL PLANNING COMMISSIONS

Each municipality shall retain its own planning commission. Each municipal planning commission will review those subdivisions and land developments that are proposed within its own municipality, and then provide advisory comments to its elected officials. Recommendations of the municipal planning commission should be guided by the Plan and be consistent with its goals, objectives, and policies. The municipal planning commissions shall continue to perform all actions and functions as authorized by the MPC.

SECTION IX: MUNICIPAL ZONING HEARING BOARDS

Each municipality shall retain its individual zoning hearing boards. These boards shall carry out all functions as set forth in the MPC. In considering applications before it, the municipal zoning hearing board should be guided by the Plan and take actions consistent with its goals, objectives, policies and actions.

SECTION XVI: ENFORCEMENT

Any participant may enforce this agreement against any other participant in accordance with Section 2315 of the Intergovernmental Cooperation Act, 53 Pa. C.S.A.

II) UMBT / Friedman Conflict of Interest Article – lehighvalleylive.com

Upper Mount Bethel Township supervisor won't resign after ethics violation appeal is upheld

Published: Jan. 04, 2025, 8:00 a.m By: By

- John Best | [lehighvalleylive.com](https://www.lehighvalleylive.com) contributor

<https://www.lehighvalleylive.com/news/2025/01/upper-mount-bethel-township-supervisor-wont-resign-after-ethics-violation-appeal-is-upheld.html>

III) Plan Document - Page 176 "Immediate Action"

IMMEDIATE ACTION (within 6 months)

PLAN ADOPTION

The Plan Area First Multi-Municipal Coordinated Plan was created for the municipalities of Bangor, East Stroud, Foxburg, Pottsville, Pottsville and York Gap Boroughs and Township of Bethel and Ackerman Township. Adoption by all the municipalities is critical for ensuring the delivery of public services to safely the Pennsylvania Municipalities Planning Code requirements. Adoption of the Plan State Belt document serves as the conclusion of the planning process and the beginning of implementation.

INTERGOVERNMENTAL COOPERATION AND IMPLEMENTATION AGREEMENT

The adoption of an intergovernmental Cooperative Implementation Agreement (Agreement) is the highest priority for plan implementation. The Pennsylvania Municipalities Planning Code (MPC) created this feature specifically as a means of implementing multi-municipal comprehensive plans. The agreement should be adopted by each of the municipalities that participated in the plan.

The agreement should have the following components, among others:

- ✓ A process to achieve consistency between the Comprehensive Plan and relevant ordinances, such as zoning ordinances that conflict with the plan.
- ✓ A mechanism for resolving disputes.
- ✓ A process for review and approval of land uses of regional significance. The Agreement will spell out the criteria for what would be considered a land use of regional significance as well as a process for inter-municipal coordination for review of proposals.

PRIORITIES FOR ACTION

- [illegible]

SHORT-TERM ACTION (within 2 years of plan adoption)

ZONING ACTIONS

Coordination of zoning across all eight municipalities is not called for in the adoption of the plan. Coordination of zoning will continue at a minimum, and will be achieved and to be implemented upon adoption by all local governments of the new multi-municipal comprehensive plan. Zoning ordinances should be revised as necessary to be consistent with the Future Land Use Map.

PRIORITIES FOR ACTION

Amend zoning ordinance maps to be consistent with the plan's Future Land Use Map. Specific actions include:

- ✓ Rezone areas in Levenshulme and Levenshulme to allow for greater intensity and diversity of housing development (Policy 1.1)
- ✓ Rezone and/or redevelop areas of industrial properties to allow for expanded reuse/redevelopment (Policy 2.1)
- ✓ Direct intense development to areas where the public sewer and community water supply systems can accept additional growth, or through limited expansion of existing (Policy 4.1)
- ✓ Direct moderate development to areas planned to be served by on-lot sewage treatment and water supply (Policy 4.1)
- ✓ Discourage intense development in areas where it can only be served by on-lot sewage disposal or rely on expanded privately owned central sewage facilities (Policy 4.1)

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Maxatawny Township and
Maxatawny Township Municipal
Authority,

Appellants

v.

Kutztown Borough and
Kutztown Municipal Authority

Kutztown Borough and
Kutztown Municipal Authority

v.

Maxatawny Township and
Maxatawny Township Municipal
Authority

No. 481 C.D. 2014

Maxatawny Township and
Maxatawny Township Municipal
Authority,

Appellants

v.

Kutztown Borough and Kutztown
Municipal Authority

No. 909 C.D. 2014

Argued: December 8, 2014

VII) Reference - Slate Belt Official Fined for Votes Benefiting Son's Company – Lehigh Valley Live

- Updated: Jan. 05, 2018, 4:13 p.m.
- Published: Jan. 05, 2018, 3:13 p.m.

https://www.lehighvalleylive.com/slate-belt/2018/01/slate_belt_official_fined_for.html

VIII) Reference - *IN THE COMMONWEALTH COURT OF PENNSYLVANIA: David F Friedman, II, Petitioner v. State Ethics Commission, Respondent, No. 1220 C.D. 2023, Submitted: October 8, 2024.*

M.M.

The planned data center complex for the I-2 Zone has been rumored as

- 17 buildings 200,000 sqft each
- Total area is 3.4M sqft which will effectively be the largest in PA and among the larger center complexes in the US
- At full build out this will nearly double the size of the existing data centers in PA right now.
- Projected revenue generation from this facility is greater than \$2.0B annually in today's dollars.

The developer of this DCC wants us to approve a text amendment by next month and negotiate a Community Benefits Agreement (CBA) concurrently

So once again, we have a huge project being proposed for that same area.

We live in a rural town that cannot support a project of this magnitude.

They don't want to give us any time to study the situation. So how can this be considered fair negotiation?

Have any of you looked at how ABC Company negotiates CBAs or how they allocate, manage, and track funding and progress?

Past practice by ABC Company would indicate that these funds will not be discretionary to the township and will be managed by or accountable to ABC Company.

ABC maintains a program called "*InCommunities*", and the program is managed by ABC personnel assigned as a Community Benefits Manager.

The program is corporate focused and for the benefit of the corporation.

I am suggesting that we slow down and assess the impacts of this project to the community the county and to the state.

