



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS' MEETING MINUTES MONDAY, JULY 13, 2026 – 7:00 PM

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

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 Eckman, Supervisor Albert, Supervisor Friedman, Township Solicitor Karasek, Township Engineer Coyle and Township Manager Graziano.

Supervisor Bermingham asked for a moment of silence for the passing of Senator Lindsey Graham and Trooper Michael Pahira.

II.

APPROVE THE AGENDA

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

III.

PUBLIC COMMENT

Stavros Barbounis, Township Resident, Chairman Parks & Recreation, read his public comment, which will be made part of the official record. Stavros commented on the 4th of July event and the Fireworks display put on by Celebration. The Parks/Rec Board is seeking restitution and an explanation of the display that did not go as planned. Stavros thanked the residents for their support.

Charles Baltic, Township Resident, thanked the BOS for supporting the Liberty Tree Monument project as well as Manager Nick Graziano, fellow auditors Rod Rufe and Leo Andrade, the UMBT Road Crew, and the residents who helped fund the project. The tree and monument can be found at the Community Park.

Lindsey Manzi, Township Resident, Road Crew Chief, thanked the BOS, and the office staff for the Resolution he received at the 4th of July event.

Andrew Stone, Township Resident, commented on a proposed data center that may be going in on River Rd. A petition went out with a statement saying that they respectfully urge the BOS to 1) reject any approvals 2) ensure public transparency and community input 3) prioritize residents' quality of life. Andrew stated that we need to have further discussions publicly.

Stephanie Donnelly, Township Resident, commented on data centers and transparency. For the record, Stephanie asked if the Board has entered into a new confidentiality agreement or non-disclosure agreement with any developer or energy company regarding RPL since the Amazon deal collapsed in 2025? Supervisor Bermingham responded "no". Have any members of the Board met with any developers or energy company representative regarding data center development? Supervisor Erler stated "yes". Are community benefits agreement negotiations currently underway? Supervisor Bermingham stated there's preliminary discussion but nothing concrete yet. Stephanie stated that she is filing an appeal with the PA Office of open records. Stephanie stated that we are not opposed to economic development, they are opposed to secret development. Supervisor Bermingham stated that the Board is not under any sort of CDA or NDA. There have been preliminary talks, they don't have a company coming in yet. Supervisor Bermingham stated we are being as transparent as we can, there are no backdoor deals, nothing secretive going on. As soon as they tell us who the partner is, we'll let everyone know. Supervisor Erler stated that every single meeting we've had with the developer, we've stated at a Board meeting. There is no NDA, Supervisor Erler refuses to sign one.

Courtney Gilmour, Township Resident, commented on Supervisor Bermingham's comment about planning a meeting, she asked if the meeting is going to be just himself, because he doesn't have the credentials to talk about data centers. Who will be at the meeting? Supervisor Bermingham stated that if there are data center experts out there, get in touch with us. Courtney stated, or you can do your job and you can get it. Supervisor Bermingham stated that he is not a data center expert, but if residents want to voice their concerns, it's his job to listen to them.

Shane Svant, Township Resident, commented on data centers and the impact they have on the environment, noise, water, and electric. Hyperscale data centers have nothing to do with consumer-level usage of AI apps, Facebook and cell phones.

Tom Gilmour, Township Resident, commented on the many residents that are deeply concerned about decisions being made by our representatives of the Board. Tom asked

the Board what the draft CBA looks like? Tom asked why this Board has not moved forward with a data center Ordinance? Supervisor Bermingham stated there is no written document (CBA) yet. Supervisor Erler stated that once we get to the actual discussions on the CBA with Slate Belt holdings to find out what parameters can fit into it and how far we can take. Tom stated that Supervisor Erler stated that the Township already rejected a CBA for this project. Supervisor Erler stated that we have not rejected a CBA, there were discussions, ideas, and amounts that were being discussed, as well as safety concerns. Supervisor Friedman responded that he plans on consulting with our Solicitor and Engineer and will be proposing a data center ordinance, like Low Hill Township's. We have to have control of the situation. He will be proposing conditional use on any building that goes up there, as suggested by the Township Engineer for the text amendment. Supervisor Bermingham asked Engineer Coyle his thoughts on the Low Hill Ordinance. Engineer Coyle stated that Lower Mount Bethel is currently putting together an Ordinance and is using Low Hill's Ordinance as a template.

Steven Rex, played a sample of data center noise.

Fran Visicaro, Township Resident, stated her concern is the noise. Fran suggests the Board talked to residents that live near a data center.

Ron Angle, Township Resident, commented on the Lower Mount Township meeting when they suggested using the Low Hill Ordinance. That ordinance is very restrictive, and you can't pass an ordinance and restrict someone who already has a data center in the works. Ron commended those who worked the Parks/Rec booth at the 4th of July event.

Judy Henckel, Township Resident, commented on her concerns on data center regulations.

Rich Klinge, Township Resident, commented and the approval of the funding for paving Saddle Creek development.

IV. ANNOUNCEMENTS

Supervisor Erler thanked the Auditors for the Liberty Tree and Plaque. Supervisor Erler announced that on Monday, July 6th, Supervisor Bermingham, Manager Graziano and himself met with Slate Belt Holdings on the continued discussions on the future of the I2 and I3 Industrial Zones. We are not ready to release any details because nothing has been set in stone.

Supervisor Albert commented on the recent storms that hit Upper Mount Bethel Township and commend the Parks/Rec Board and volunteers for them working through them at the 4th of July event, ignore the negative comments, continue doing a great job.

Supervisor Friedman commended everyone for doing a great job at the 4th of July event.

Supervisor Bermingham announced the bids for the MB Emergency Shelter have gone out. The 4th of July parade committee have announced the winners of the best decorated vehicle and home. The fire fighter coloring book is coming out in August. Retirement of the Colors will be held on August 9th. Township clean-up day is August 15th. Beau's playground is now open to the public. The MBFC wet down event was a success. Supervisor Bermingham will be having office hours in August, no date has been scheduled yet.

Manager Graziano thanked everyone who volunteered their time at the 4th of July event and thank you to John and Peggy Post for funding the fireworks display. The first meeting for the Park master plan is July 28th. The 5k/1 mile fun walk is Oct. 3rd at the Park.

V.

CONSENT AGENDA

1. June 8, 2026, Meeting Minutes
2. June 22, 2026, WS Meeting Minutes
3. Exonerations/Refunds

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

VI.

FINANCIALS

1. Bill List-Manger Graziano read the bill list totaling \$205,105.66. **MOTION** by Supervisor Friedman to pay the bills in the amount of \$205,105.66, seconded by Supervisor Albert. Vote: 5-0.

VII.

ACTION ITEMS

1. Public Works Backhoe Purchase-Supervisor Friedman stated they have been looking at CAT and a John Deere to replace the current backhoe. The recommendation is to purchase the John Deere for \$125,500. Manager Graziano stated the selling price of the John Deere is \$169,500 but the trade-in value of the 2015 CAT is \$44,000. We are proposing to list it on Municibid to get more money for it. Supervisor Erler stated that he is not against a new backhoe, his concern is accounting. Supervisor Erler discussed prior Board decisions on moving funds to purchase equipment/trucks. **MOTION** by Supervisor Erler to table until the accounts are made whole, no second, motion fails. **MOTION** by Supervisor Friedman to purchase the John Deere backhoe for the amount of \$125,500, which could be potentially by less if they get more the CAT, seconded by Supervisor Albert. Manager Graziano stated that there is also an extended maintenance agreement. Manager Graziano commended Lindsey Manzi for getting the price down. Marty Pinter gave a history of the account and why they did what they did. The trucks at the time needed to be replaced and there was not enough money if they were going to forecast purchasing trucks. Marty stated

that he spoke with our Auditor and explained that he wanted to set a capital expenditure for the trucks. At the end of each year, if there was a surplus of the budget, that went into that capital expenditure fund. Marty asked how many implements will need to be purchased to fit the John Deere. Manager said everything is interchangeable. Marty recommends leasing. Lindsey Manzi, Road Crew Chief, this is a machine that is constantly used and he highly recommends purchasing it. Rich Klinge, what is the backhoe used for. Why not put the sweeper on boom mower. Manager Graziano stated that mower is used every day, that is not something that would work. Marty recommended Manager Graziano to look into a Max Mower. Supervisor Bermingham called for a vote. Vote: 5-0.

VIII.

TABLED ITEMS

1. Tom Nelson ATV's-Tom Nelson, Allegheny Rd., spoke about the ATV noise and what is the requirement for filing a noise complaint. Supervisor Bermingham stated that if it's one person complaining, then it's more of a civil suit. Solicitor Karasek stated he has recommended before that if it is a neighbor-to-neighbor dispute, the Township should not get involved. When there is a number of complaints, the Board would ask the Solicitor to file a complaint. When it comes to the noise ordinance, the question is do we have the proper equipment and a certified operator. Tom reached out to numerous agencies, no one could help him. Kevin Hanlon, Tom's neighbor, discussed his point on the ATV issue. It's his property, he should be able to do what he wants to do. Manager Graziano will look into this and follow up.
2. United Way Agreement-Manager Graziano stated that Solicitor Karasek made a couple of minor changes and United Way has to agreed to them. **MOTION** by Supervisor Bermingham to amend his motion to approve the United Way Agreement and transfer \$30,000 from the Homes Account to United Way, seconded by Supervisor Albert. Supervisor Erler thanked Manager Graziano on getting their fee down from 15% to 5%. Vote: 5-0.
3. Alternate Engineer-Supervisor Erler stated that he is looking to secure an Alternate Engineer with the possibility of any type of Data Center coming into the township. Supervisor Erler would like to change our Alternate Engineer to ensure the township has the proper knowledge adequate oversight to ensure the highest protection our residents. Our current Engineer currently has a conflict with a pending lawsuit against the developer. Supervisor Albert stated that all the Supervisors currently have a lawsuit and if they can't use our current engineer, they shouldn't be talking to us. There is nothing wrong with our current alternate engineer. Solicitor Karasek stated that Mr. Collura does not want have anything to do with data centers. Solicitor Karasek stated that there is nothing wrong with having a special engineer designated for data centers. Supervisor Bermingham stated we keep this on file for now, we are moving forward with Engineer Coyle on this project until Engineer Coyle says he can't do it. Supervisor Bermingham asked Engineer Coyle if he's been asked to step away from the project. Engineer Coyle stated no. Tom Gilmour stated that whomever they choose, he personally

feels they should be publicly vetted to make sure a couple of things, they know what they're doing in the data center world, they don't have a conflict of interest with any data center developer.

X.

NEW BUSINESS

1. Ambulance Coverage-Supervisor Bermingham stated he is waiting for Suburban to give a price for a pilot program. We don't want to pay for Ambulance Coverage if they're not going to spend the majority of time in the Township. We're looking to see if we can get an ambulance here from September 1st to December 31st. We are waiting for Suburban to give us a quote. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.
2. Ordinance No. 2026-01 Leash Law and Ban on Certain Motor Vehicles on Township properties-Solicitor Karasek was tasked to draft this Ordinance. What vehicles would be and not be allowed. Township vehicles are excluded from this Ordinance. Supervisor Bermingham suggested providing a copy to Stavros (Parks/Rec) and Laura (OSAB) to get their thoughts on it. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Bermingham. Vote: 5-0.
3. Eastern Industries Property Lease-Solicitor Karasek stated that Manager Graziano asked him to review this matter because there is a company that would like to store 15+ tractor trailers at the Eastern Industries property for a fee and/or using the money to build a gazebo at the park. Solicitor Karasek stated that he has reviewed the matter as well as what PSATS Attorney Scott Cobern. Attorney Cobern's concern is this something the township wants to get involved with and does the township's insurance company want to get involved in this. Solicitor Karasek's concern is will this property be turned into taxable real estate. Alexandria, one of the owners of the company, stated they are fully covered by insurance. As far as the trailers, they also have workman's comp. This is only a temporary request. They are looking for a permanent location. They are looking to donate funds towards the gazebo. Solicitor Karasek stated that might be a way to take care of the taxation issue. Supervisor Erler's concern is that if we let them do it, it may open the door for others to do it. Ron Angle stated there are several pieces of commercial and industrial land that she may be able to use. This might open a can worms. Tom Gilmour agrees with Ron, Eastern Industries is for the Preserve. Manager Graziano stated they are not using any portion of the Preserve, it's the public works. **MOTION** by Supervisor Friedman to table, seconded by Supervisor Erler. Solicitor Karasek will reach out to the County to ask about tax implications. Vote: 5-0.

XI

EXECUTIVE SESSION

Recess to Executive Session at 9:25 pm to discuss an Attorney/Client Privilege matter. The meeting reconvened at 9:38 pm.

Solicitor Karasek stated that the various matters discussed in Executive Session were Attorney/Client Privilege. No action at this time.

XII.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:40 pm seconded by Supervisor Albert. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary

