



## Upper Mount Bethel Township

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### UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS' MEETING MINUTES MONDAY, AUGUST 10, 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.

#### II.

##### APPROVE THE AGENDA

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

#### III.

##### Resident Dante DeFranco Comment

Dante expressed concerns about his neighbor and the work he has been doing on his property, located on Sandy Shore Dr. There is now an erosion problem from his deck roof and the other projects he's been doing. He filed a complaint with Tina, our zoning officer, no one is doing anything. Solicitor Karasek stated that is a neighbor dispute. Scott Policelli, SEO, has been there and agreed there is a problem. Dante stated that he believes there are no permits for the work that has been done. Manager Graziano stated that Tina sent this complaint to Scott Policelli and Engineer Coyle. Engineer Coyle stated that he has not looked into this because he thought it was a private dispute

but will look into it if the Board would like him to. The Board would like Engineer Coyle and Tina to look into this.

#### **IV.**

#### **PUBLIC COMMENT**

John Howard, Township Resident, commented on Data Centers. Two questions, what is the \$50 million going to be used for, and the second question since there will be no noise, no pollution, no negative effect, if there is negative effect, does the agreement provide that they pick up their data center and leave.

Robert Teel, Township Resident, Chairman of the Planning Commission, commented on sending a committee member to visit a data center. We need to know the truth, whether good, bad or indifferent.

Stephanie Donnelly, Township Resident, commented on the MOU. Stephanie commented on Sections 2.2:Community Benefits Agreement, 2.4:Outstanding Litigation Between the Parties, 2.5: LERTA Extension, 2.6: Vacation of Marshfield Dr. and 3.7: No Third-Party Rights.

Samantha Heath, Township Resident, commented on transparency on this whole project.

Maya VanRossen, Leader of the Delaware Riverkeepers, commented on the MOU, Section 3.1: Duty to Negotiate, 2.5: LERTA Extension, 2.1: Text Amendment to Zoning Ordinance.

Amy Ivans, commented on the issue of water, there is nothing in the MOU about water. Do your research.

Shane Svant, Township Resident, commented on water, and eminent domain for power lines.

Stacy Stone, Township Resident, commented on data centers, what energy will the site produce itself? Will chillers or air coolers require water towers? Will the cooling system be glycol or water? What safeguards are in place for residents concerning a failure scenario, who can we hold accountable? Has anyone engaged with a special land use council. Stacy would like to do an immediate temporary moratorium on this data center.

Andrew Stone, Township Resident, commented on the gigawatts of the data center, water usage, types of cooling, pulling water out of the river, and the negative effects.

Fred Clark, Township Resident, read his public comment, which will be made part of the official record. Fred commented on the location of the data center.

Chris Finan, Chief MBFD, wanted to give a shout out to the road crew and all mutual aid agencies that assisted in the recent bad weather conditions.

Paul Taylor, Township Resident, commented on the location of data centers being less intrusive to the environment compared to other industrial sites that we could have. Research needs to be done. We need tax revenue.

David Beck, Township Resident, commented on economic growth. Small to medium-size manufacturing. Manufacturing creates wealth.

Marie Perkowski stated that she thinks that the BOS has violated the Sunshine Act. The Constitution of PA, Article 27 and the NPC for disclosure. There were things done out of the public's eye which was their fiduciary duty to do and it was not done for 8 months. Her main concern is water and she requests that the Board decline to advance the pending data center ordinances because they are not in effect because it did not happen in the light and that is part of the Sunshine Act. She would like the Board to coordinate with the River Basin Commission for any regional water supply.

Cheryl Hines, Township Resident, commented on the forming of the Economic Development Committee so that intelligent development would be brought into the community. What happened to the soul of the community.

Brian Shippers, Township Resident, commented on the environment and now understands he needs to be involved in order to know what is going on.

Melissa Wright, commented on living here because of the people, our ecosystems and what we have to protect. What does the Board want to see in 10/20 years. The Board is a steward to our community, of our future and what our tomorrow looks like.

Megan Taylor, Knowlton NJ resident, commented on the environmental and noise effects that will impact those across the river and support those in opposition to the data center.

Charles Baltic, Township Resident, commented on agenda item X. 1 (Portland Borough Authority Intergovernmental Agreement). The BOS has had discussions about the budget, which included \$130k for a police department, which we don't have. Charles stated that Supervisor Bermingham previously stated that he would schedule a single meeting topic on a police department, which has not happened. Before we grant police powers to Portland to come into UMBT property to exercise police powers, we should defer to that process to get input from the residents, whether they are for or against having a UMBT police department.

Mary Peppe, Township Resident, commented on her concerns and impacts of having data centers here in the township. She commends the BOS for all they do for the community.

Marty Pinter, Township Resident, stated that the developer can build whatever he wants. The Board needs to be smart on exactly how much this will benefit the township. Marty had an article from the School of Policy and Government from George Mason that shows the closer you live to a data center, the more your property values go up.

Melissa Wagner, Bangor Resident, commented on advocating for those that can't speak for themselves. The environment can't speak for itself. The planet should be more important than profit. Do the research.

Chris Cioffe, Camp Charles Campground, commented on droughts and the risks of data centers will have on that.

Ron Angle, Township Resident, commented on the MOU, this is that is the only left at our disposal involving this whole thing. The benefits package could be beneficial to the township if handled properly.

Manager Graziano read a public comment from Pam Donatelli, which will be made part of the official record. This is a formal letter of objection to the MOU and Validity Challenge.

Robert Dunning, Township Resident, stated that they have been sheep farmers for 30 years and the livelihood relies on their groundwater well. Robert agrees with all the information that has been provided and bargaining with Talen to find out if they can provide a situation which is beneficial not just for the farmers but for everyone in the community. Do your research.

Judy Henckel, Township Resident, commented on all the information and research that has been stated tonight. They will not give up.

Aaron Ivans, Township Resident, stated that his biggest concern is the water.

## **V.** **ANNOUNCEMENTS**

Supervisor Erler stated that we are very appreciative of our road crew and our fire department for clearing the roads after a heavy rain storm. Last week a member of the road crew was hit while in a tractor on Rt. 512. He went to the hospital, and is ok, but we are down a mowing tractor.

Supervisor Friedman announced that Engineer Coyle, Carroll Engineering, has drawn up the data center ordinance and would like it posted on the township website.

Supervisor Bermingham thanked Manager Graziano and Supervisor Friedman for attending the Retirement of the Colors and for cooking the burgers and hotdogs.

Cleanup day will be August 15<sup>th</sup>, office hours on August 26<sup>th</sup>, 6:30-8:30 pm, the 911 ceremony will be held at the MBFH on September 11<sup>th</sup> at 6 pm.

Manager Graziano thanked the road crew and the fire departments for doing a great job. The Gap View 5k race is on October 3<sup>rd</sup>.

## **VI.**

### **CONSENT AGENDA**

1. July 13, 2026, Meeting Minutes
2. July 24, 2026, Special Meeting Minutes
3. July 27, 2026, WS Meeting Minutes
4. Exonerations/Refunds

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

## **VII.**

### **FINANCIALS**

1. Bill List-Manger Graziano read the bill list totaling \$209,706.66. **MOTION** by Supervisor Erler to pay the bills in the amount of \$209,706.66, seconded by Supervisor Friedman. Vote: 5-0.

## **VIII.**

### **SUBDIVISIONS**

1. The Land of Antonios Kotretsos Minor Subdivision Conditional Preliminary/Final Plan Approval-Solicitor Karasek stated this plan was reviewed and recommended by the Planning Commission for Preliminary/Final Plan Approval. Matt Evans, Keystone Consulting, stated this is a flag lot and they are proposing to subdivide it into 2 lots. Engineer Coyle stated a few things had to be addressed, they have to install a driveway with a minimum width of 15 ft, applicant needs to enter into a shared access agreement, and no further subdivisions of the subject property should be permitted unless driveway is upgraded to meet the SALDO standards for streets. Engineer Coyle recommends approval. Solicitor Karasek went over the signed agreement for Conditional Plan Approval, compliance with Engineer Coyle's review letter of June 15, 2026, fees-in-lieu for two (2) lots to be paid, scale waiver be added to the plan and the shared access agreement be prepared and approved by the Solicitor, and plan be signed and notarized. **MOTION** by Supervisor Friedman to approve the Land of Antonios Kotretsos Minor Subdivision Plan, seconded by Supervisor Erler. Vote: 5-0.
2. McAtee Lot line Adjustment Conditional Preliminary/Final Plan Approval-Solicitor Karasek stated this plan was reviewed and recommended by the Planning Commission for Conditional Preliminary/Final Plan Approval. Ryan Dentith, Stateline Engineering, stated that this is a landlocked piece of land and they will only be accessing it to farm it

## **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 1<sup>st</sup> to December 31<sup>st</sup>. 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 Birmingham 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 Birmingham. 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*