



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP
BOARD OF SUPERVISORS' WS MEETING MINUTES
MONDAY, AUGUST 24, 2026 – 7:00 PM-10:00 PM

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

I.

Supervisor Bermingham called the meeting to order at 7:05 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

Supervisor Erler asked Supervisor Bermingham if they could limit the time for public comment to an hour and a half, in order to have time discuss the MOU that is on the agenda. Supervisor Bermingham stated that he is not limiting public comment, everyone will have a say. Supervisor Erler commented that the MOU needs to be discussed before Talen goes to ZHB. Supervisor Bermingham said that if we don't get to it tonight, we'll have another meeting before the ZHB meeting.

MOTION by Supervisor Friedman to approve the agenda, seconded by Supervisor Eckman. Discussion. Supervisor Erler stated that this is quite important. We need to go through the changes made to MOU and time is limited. Supervisor Bermingham stated that we are not going to rush things, we are going to take our time. **MOTION** by Supervisor Erler to amend the agenda, limiting public comment to an hour and a half and prioritizing the residents first, seconded by Supervisor Eckman. Vote: 2-3. Motion fails. Supervisor Bermingham stated "as Chairman of the Board of Supervisors" he's no different than any other Supervisor, except he runs the meetings", we are going to listen to everyone's public comment, Supervisor Friedman that it would irresponsible to not

hear what the people have to say. Supervisor Bermingham called for a vote on Supervisor Friedman's motion. Vote: 5-0.

III. ANNOUNCEMENTS

Supervisor Erler read his prepared announcement. He wanted to apologize to the residents and surrounding communities for not listening to them for the last two years.

Supervisor Bermingham thanked Manager Graziano and road crew member Nick Bailey for their assistance on clean up day in Upper Mount Bethel. The firefighter coloring book is coming out soon. All donations go to MFBD and NBFD. Beau's playground, located at the Mt. Bethel Church, is now open to the public. Supervisor Bermingham and Supervisor Friedman will be having office hours on Wednesday, August 26th, 6:30-8:00. The 911 tribute will be on September 11th, 6 pm at the MBFH. Community wide yard sale dates, 9/25, 9/26, 9/27.

Manager Graziano thanked the County for awarding a \$60k grant for our paving project. The Gap View 5k race for the gazebo is October 3. We will be starting to work on the 2027 Budget. Supervisor Bermingham stated that he may have someone build the gazebo at a very low cost.

Supervisor Albert asked if Solicitor Karasek would give a brief description of what the MOU is.

Solicitor Karasek stated that a MOU is basically an agreement in which parties agree to deal with various issues moving forward. This is not a binding contract.

Supervisor Eckman asked Solicitor Karasek, with or without the MOU, can they move forward with the existing text amendment. Solicitor Karasek stated the Validity Challenge that has been filed by Slate Belt Holdings, which basically says that we do not have any provisions for data center.

IV. PUBLIC COMMENT

Brenda LaBar, East Bangor Resident, commented on Ohio's Senator Bernie Morano's comment on the building of data centers on farmlands or residential areas, he says no way.

Joe Tripoli, Township Resident, commented on the drawing of the data center. It's so small, he cannot read the drawing. Manager Graziano will get a large copy of the drawing. Joe stated that the state of NJ has banned data centers in 22 cities.

Patrice Schwartzman, Forks Township, commented on Forks Township's Ordinance.

Air quality, water consumption, water testing, noise, noise testing, they need to tell the truth.

Patti Green, Township Resident, commented on rejecting the MOU and strengthening the Township's draft data center zoning amendment. Governor Shapiro signed an executive order; developers can no longer bypass the local zoning or fast track environmental permits. Patti provided the Board with a list of her recommendations. The MOU, we need to look at the fine print, vote no on the MOU, protect Upper Mount Bethel.

Shelly DePaul, Lenape Nation of PA, commented on the Delaware River being the most sacred area, sacred sites, caretakers of the land, consult the indigenous people, and the people they partner with and ethical ramifications from AI.

Maya van Rossum, Delaware Riverkeepers, commented on finalizing a strong data center ordinance. The BOS should not sign an MOU that strips and limits them from independent decision authority.

Stephanie Donnelly, Township Resident, commented on the MOU, do not sign it, do not surrender the legal process this community is entitled to participate in. Build a strong airtight ordinance that protects the township and its residents.

Stacy Stone, Township Resident, commented on the MOU. The BOS needs to reject it. It is misleading for the residents. The BOS needs to do its due diligence to protect the residents and every living creature.

Andrew Stone, Township Resident, commented on social media posts regarding development in the township and the developer.

Robert Dunning, Township Resident, commented on a data center transforming UMBT into an industrialized factory town and the control they will have over the township.

Supervisor Friedman asked the audience if there was anyone going to speak in favor of the MOU.

Courtney Gilmour, Township Resident, commented on the MOU, which reads as a ramson note. Vote no on the MOU, allow the challenge to play out.

Armon Labrada, commented on data centers. Arman is employed by a data center, the noise is real, the pollution is real, vote no to the MOU.

Tom Gilmour, Township Resident, commented on the MOU. Tom commented on Supervisor Erler attending a School Board meeting representing the township. Tom stated two choices for Supervisor Erler, recuse himself from any further votes or negotiations on this data center, or resign effective immediately. He asks the Board to censure Supervisor Erler.

Supervisor Erler stated that he did attend the School Board meeting and the only thing he informed them was the reason we sent the letter stating that they are for a data center.

Judith Henckel, Township Resident, commented on the information available on data centers and the future of AI.

Bridget Folts, Belvidere NJ, commented on the project negatively affecting Belvidere. Do not sign the MOU.

Bryan McAtee, Township Resident, commented on the MOU, reject it and take the time to write a comprehensive data center ordinance that protects residents and businesses, especially the farmers.

Charles Baltic, Township Resident, commented on seeking formal legal opinions. Charles quoted some points to help negotiate an effective MOU, which will be made part of the official record.

Marty Pinter, Township Resident, asked what kind of future we want for UMBT. Many comments tonight are based on fears.

Georganna Frostick, Township Resident, commented on the evolution of technology. If a data center does come, building code can be instituted to require inclusion of solar panels, wind turbines, to provide the necessary power. Protect property values, wildlife, no MOUs.

Henry Lennihan, Township Resident, commented on who you vote for makes a difference. If you don't vote, you shouldn't complain.

Janice Hromchak, Township Resident, commented on living in the area for the beauty, wildlife and peace and sense of community.

Heather Bauer, Township Resident, commented on the health effects in living near data centers.

Shane Svant, Township Resident, commented on the community coming together to propose ideas.

Melissa Wagner, Bangor, commented on standing up for the environment, respect for flora-fauna, planet over profit.

Dawn Simm, Township Resident, commented on living in UMBT and if a data center was to come in, concerns would be home values, noise, water and the health, safety and welfare of the residents. Reject the MOU and the data center.

Lars Wollan, Township Resident, commented on standing up to any developer. Our wants are clear, clean air to breathe, food to eat, clean shelter to live in, and clean water. There are valid concerns for data centers.

Ron Angle, Township Resident, commented on reality. Everyone has the right to an opinion. Elected officials have to make sound decisions on the information that is before them. Talen Energy has no obligation to give us \$50 million dollars.

Amy Ivans, Bangor, commented on data centers and the constant humming, draft a better ordinance, do the research, get educated.

Laura Hays, Lower Mount Bethel Township, stated LMBT is currently dealing with the possibility of a data center, they stand with us.

Christopher Jannick, Township Resident, commented on leadership and wisdom. Christopher asked for a moment of silence to reflect on all of the wisdom that has been shared tonight.

Supervisor Bermingham read a public comment from Damien Timofai. This will be made part of the official record. Damien explained his proposed plan to purchase the land owned by Slate Belt Holdings LLC.

Kaylee, Stockertown, commented on Supervisor Erler's public apology statement, stated that it was insulting and patronizing to the residents.

Andy Matisz, Township Resident, commented people's busy lives and that this is the modern day iteration of those that come forward when there is a conflict.

Scott Minnich, Township Resident, commented on the amount of passion and commitment coming from the residents and the BOS.

V.

ACTION ITEM

1. Data Center Memorandum of Understanding (MOU)-Supervisor Bermingham asked Solicitor Karasek if another meeting was to be scheduled to continue the MOU action item, do they have to offer public comment. Solicitor Karasek stated that if a public meeting is scheduled, you must offer public comment. Supervisor Friedman stated that, in regard to current lawsuit, he does not want to sit down and negotiate with anyone that is suing them. The only way the lawsuits will go away is if the MOU is signed. The only way he would sign an MOU is if the lawsuits were dropped before it was presented to them. **MOTION** by Supervisor Friedman to not act on the MOU as presented, seconded by Supervisor Bermingham. Solicitor Karasek stated that a revised MOU was provided, which MOU is Supervisor Friedman referring to. Supervisor Erler stated that changes were submitted to revise the MOU to better fit what the community wanted. Supervisor Friedman stated any MOU. Supervisor Bermingham stated his reason

for supporting Supervisor Friedman's motion was 1) it's unfair and 2) it favors the developer. Supervisor Bermingham tore up the MOU. Supervisor Bermingham stated that we should be negotiating a CBA with our ordinance. Supervisor Bermingham stated that we are big fans of the second amendment, you don't mess with Upper Mount Bethel. Supervisor Erler suggested that he read the new MOU and changes that were made. Supervisor Bermingham stated no. Supervisor Eckman asked Solicitor Karasek, without the MOU being signed, with the existing Text Amendment, can they still move forward. Solicitor Karasek stated that yes, the data center can move forward with the existing Text Amendment, it is a permitted use, not conditional, providing the current Text Amendment gives protection with respect to data centers. Supervisor Bermingham asked why we aren't challenging Slate Belt Holdings Validity Challenge. Solicitor Karasek stated this has to be vote by the BOS. Supervisor Bermingham called for a vote on Supervisor Friedman's motion. Vote: 2-3. Supervisor Bermingham, yay, Supervisor Friedman, yay, Supervisor Erler, nay, Supervisor Eckman, nay, Supervisor Albert nay. **MOTION** by Supervisor Friedman to amend the agenda, adding to Challenge the Validity Challenge, with Solicitor Karasek representing the township, seconded by Supervisor Bermingham. Vote: 5-0. **MOTION** by Supervisor Bermingham to have Solicitor Karasek work on the Validity Challenge and seek the consultation of Maya from the Delaware Riverkeepers, to see if we can strike this down, seconded by Supervisor Friedman. Vote: 5-0. **MOTION** by Supervisor Friedman to table the MOU until the changes are incorporated into it, reviewed by the BOS, then back to Talen again, and for the public to review it, seconded by Supervisor Bermingham. Supervisor Bermingham stated that he has a bunch of changes to the MOU that he prepared in case the vote went the way he didn't want it to go. Supervisor Eckman stated that we had the chance to submit all the changes, which Supervisor Eckman, Supervisor Erler and Supervisor Albert did. Supervisor Bermingham stated that we have time, we don't need to rush this. Supervisor Bermingham asked Manager Graziano to reach out to Slate Belt Holdings and ask for a 60-day extension on their Validity Challenge. The current revised MOU will be posted on the website. Solicitor Karasek will work on adding Supervisor Bermingham's changes. Supervisor Bermingham called for a vote on the motion to table. Vote: 3-2.

VI.

ADJOURNMENT

MOTION by Supervisor Bermingham to adjourn the meeting at 10:15 pm, seconded by Supervisor Friedman. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary

I request the following be read at the next meeting and put forth for an informal show of hands of who in the room would be in favor of this course of action.

Board Of Supervisors,

I don't have a lot of experience with or an aspiration to be involved in the political process, but I believe my professional experience can offer a fresh and creative solution. For qualifying background, I own and operate a government contracting firm and a small real estate management company. Most of my professional experience is centric to contracts and project management, so I apologize if what I am about to propose is rigid and procedural, but I think I can help the board navigate this situation to the best advantage for the majority of UMBT residents.

The issue that I see is that we are buckling under the implied pressure of the developer to make a decision on the MOU that was sent to us, or else we run the risk of not being able to negotiate down the line for favorable terms. It seems like we are falling into a thinking trap that we only have two decisions to make, but in fact we have many more. Please allow me to elaborate and continue to keep an open mind.

Right off the bat, we don't need to respond to this MOU. We do not owe the developer any response at all. You might be asking yourself why we would do that; And the answer is to buy us time to discuss this proposed alternative, while leaving our options open. The truth of the matter is, if the developer really had as much money and power to proceed forward and steam roll us, they would have already. Their letter was a way of manipulating and negotiating with us so that they could get a yes out of the board and establish a foothold into our township, and we should not be giving them anything at all and let them know this will be a fight for generations if need be. The BOS needs to never sign any NDA regarding land or property matters, for the rest of this town's existence moving forward. The developer used an NDA and a very weak, and manipulative MOU to prey on the Board's good nature and our small town's resources and moving forward we need to recognize that as we take our next steps. Please join me in some outside of the box thinking, and unconventional problem solving.

My recommendation for the board is the following:

1) We hold a closed township meeting within the next week or two-

No press, no lawyers—only tax-paying citizens of UMBT are allowed to attend. That way, we allow the public to speak unencumbered by outside influences. Many citizens are intimidated to speak because they fear being targeted or harassed by lawyers and outside influences, if they voice opposition.

2) We brief the plan I have laid out below.

For background information: I spoke with two of my neighbors who have lived in UMBT for 40+ years. They both mentioned that the wildlife preserve off of Jacoby Creek/Million Dollar Highway was purchased under a similar condition where an unscrupulous owner was developing the land without regard for the environment or the township. Ultimately, restrictive ordinances were deployed, and the township stepped in to buy back the land.

My Proposed Plan:

Phase 1 (4-8 weeks): Solicit a minimum of 3 independent appraisals of the land at today's current value. Take the average of the 3 and use that as our offer price to bring to Lou Pektor. (For easy math, I computed \$10M below, which is well above the land's current value, regardless of what Lou believes he can get for it.)

Phase 2 (4 Weeks): Immediately after we understand our offer price, we solicit as **many quotes as possible** from various local banks/lenders to figure out our term options to buy out the land. (Usually, a 20-year term is what a business works with. Right now, rates seem to be between 5-7%. I used an intentionally high 8% in my math below.).

- A \$10M loan at 8% for 20 years to be allocated across 3500 taxpayers (2500 households & 1000 renters+/- etc) in UMBT is \$24.60 a month or \$295.21 a year. It's less than a dollar a day, and that math is only if we aren't able to offset this cost by other means that I will propose further below in my plan.

Phase 3a (30 Days or more): Approach Lou Pektor with our offer and a 30 day window to accept. Ultimately, he may counter offer and drag this out, but this phase is to be the most flexible of all, so that we get to the offer table.

Phase 3b (Continuously, and Forever): Simultaneously, while our township is sending our certified offer, we create an AGGRESSIVELY minded ordinance board designed with a goal of defending our township's rural way of life. The board will

meet, at a minimum of once quarterly. It's first and immediate task will be to review, update, and innovate UMBT's ordinances, so that the voiced opinions of the majority of our residents can be codified into our township's operations so that we never have to worry about unprincipled developers invading our township with projects that the majority of us do not want. The ordinance board will never be dissolved, and only UMBT primary residents can take part in it. The ordinance board will be 100% voluntary, and a minimum of 5 voting members. The details need to be fleshed out, but the general concept is there.

Phase 4a (20 years or less): If and when the offer is accepted, we open a separate township bank account that will ONLY be used for the tax revenue generated to acquiring the land (roughly less than a dollar a day to each taxpayer). NO FUNDS FROM THIS ACCOUNT WILL BE ALLOCATED FOR ANY OTHER PURPOSES, EVER.

At BOS meetings, at a minimum of once a month, the balance of the account and the balance of the remaining loan is to be read off, so that the township has full transparency. When the remaining loan balance reaches \$0 and the land is acquired, the tax revenue immediately ceases, the account is drained of all funds and returned evenly to the taxpayers.

Phase 4b (continuous and forever): Simultaneously, while our residents are encumbering the tax burden of acquiring this land, the township will create another separate account that will be solely for fundraising events, charity organizations, and event planning at the site. The land that is to be acquired will be considered a township park, and family/friend-oriented event site.

A community engagement board will be formed. Their immediate and initial goal will be to line up charities to help fund the land acquisition, design and organize events, and reach out to foundations and donors that believe in our mission statement of reclaiming our land. The entire goal is to off-set the tax burden on our residents and begin self-funding our future. Similar to the ordinance board's creation, this will be all volunteers and will need a certain amount of voting members, but ultimately the broad concept is what I have stated here.

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- 3) After the above plan has been briefed and a draft has been submitted for distribution to residents, we announce that a public poll/survey will be conducted. This poll will only be for UMBT primary residents, and it will be distributed out at the UMBT firehouse. Polls will require people to write in their name and address so that we can verify that no outside influences will affect this. After the results of the poll are found and presented to the board, all poll information will be destroyed so that our residents' privacy will be upheld.

Some questions in the poll will be:

- Would you be favor of the township purchasing the land back?
- Do you support the plan briefed at the township meeting?
- Would you accept a temporary increase in taxes (less than a dollar a day) until the land has been acquired?
- Would you support a rural ordinance board being created?
- Would you participate in a rural ordinance board?
- Would you support a community engagement board being created?
- Would you participate in a community engagement board?
- A section for additional comments and suggestions.

In essence, we allow the beauty of the democratic process to illuminate our path forward. I think with very divisive and delicate topics such as this, we let the people make this decision, and not the board or the developers. The numbers need to speak for themselves. If the poll receives more than 51% approval, the BOS needs to vote in approval of this plan, because the voice of the people should supersede everything else.

If approved, the entire township will begin executing the briefed plan immediately after the meeting concludes. On a personal note, if this plan is approved, I will be volunteering to serve on both the community engagement board and ordinance board for the first 5 years to see that the concept is successfully launched and our township has a fighting chance at this. We will immediately compile lists of supporters and volunteers, begin designing events and charity drives, organizing donors and foundations to reach out to, and generally begin defending our rural way of life. Yes, this will be a new molding of our local government, but it should alleviate many of the problems we are facing today.

In summation, the plan I have briefed above is adaptive and flexible, but the general concept of purchasing the land and getting creative about how we purchase it, should be retained. Regardless of how any of this unfolds, I strongly recommend that the board revisit what leadership, unconventional thinking, and transparency mean to them. We are all in a fight, whether we wanted this or not, and we need to start seeing it as that. Until some better ideas are presented, the only option available with any optimal outcome, is for all of us to band

together and figure out how to reclaim this property. I hope my perspective and plan help guide the board. God Bless UMBT.

Respectfully,

Damien Timofai

