



Upper Mount Bethel Township

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UPPER MOUNT BETHEL TOWNSHIP BOARD OF SUPERVISORS' WS MEETING MINUTES MONDAY, SEPTEMBER 28, 2026 – 7:00 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 7:00 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

Supervisor Friedman would like to move Executive Session to Section V. Supervisor Erler would also like to add Charles Baltic to the agenda to read a letter into the record from the current PA Treasurer Stacy Garrity. Charles stated he is going to stand down on reading it at this time.

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

III.

PUBLIC COMMENT

Charles Baltic, Township resident, commented on his concerns on the fiscal integrity and health of UMBT. Charles believes that the increasingly probable prospect of litigation with Slate Belt Holdings over the proposed data center development poses a great risk to UMBT finances. Charles is pro UMBT. The township should pause in local data center developments until we have an updated data center ordinance and obtain guidance from a recognized expert law firm in land use regulations.

Stacy Stone, Township resident, commented on keeping the power where it belongs with the Township. Stacy urged the BOS to make certain the land use attorney protects the Township and residents.

Tim Hayes, Township resident, urged the BOS to team up with the residents, fight the data center development.

Tom Gilmour, Township resident, commented on the BACIDA Resolution and the waiver request for a LMBT Supervisor to be a designated representative. Tom urges the BOS to get professional representation.

Ron Angle, Township resident, expressed his concerns for a land use attorney and the CBA consultant. There is no contract for a CBA consultant. The benefit package is quite possible off the table.

Jim Potter, Township resident, commented on a public comment that a gentleman made at the last meeting about Halliburton drilling wells for Portland Borough Authority, 1200 ft deep. Jim said they have never heard of Halliburton and have never spoken with Halliburton.

IV.

ANNOUNCEMENTS

Supervisor Eckman announced that on Wednesday, September 30th, Parks/Rec will be having a public meeting on the Master Plan.

Supervisor Friedman stated that we are still looking for a BACIDA representative for UMBT.

Supervisor Bermingham announced that the Community Wide Yard Sale will be extended to 10/3-10/4. Office hours will be 10/1, 6:30-8pm. Supervisor Bermingham would like to schedule a special meeting on Wild and Scenic. October 8th, 7pm. Halloween is on October 31st, 1-5pm. Bingo night is every Tuesday night at 7pm at the Portland Social Hall.

Manager Graziano announced the data center tour is scheduled. The township will be hosting a pop-up voting station on October 6th 4-7.

V.

EXECUTIVE SESSION

Recess to Executive Session at 7:30 pm to discuss legal matters.

The meeting reconvened at 7:45 pm.

Solicitor Karasek stated that discussed in Executive Session was the Barnes litigation matters and the Stine litigation matters. Also discussed were opinions and how they would apply with respect to legal decisions.

VI.

ACTION ITEMS

1. Use of Open Space Funds-Manager Graziano discussed the 25% of accumulated balance in the fund could be used for properties in our community that are open space, the park, trails, recreation or conservation sites. These funds would help mitigate those properties. Manager Graziano is recommending a referendum on raising the EIT funds back to 0.25%. Laura Bocko, Chairperson of the OSAB, stated that she always goes by the constitution, which has a provision for open space for now and future generations. There was a discussion on interest earnings on the funds. Marty Pinter stated that this may be the time to include fire emergency services funding in a referendum. This will be discussed further during budget discussions.
2. John Deere Tractor/Municibid-Manager Graziano stated that the insurance company is not going to pick up the tractor that was involved in the accident so we can dispose of it. Manager Graziano would like to post it on Municibid. The tractor and mower would be posted separately because they both have value. **MOTION** by Supervisor Erler to list both separately on Municibid, seconded by Supervisor Albert. Vote: 5-0.
3. Budget Discussion-Manager Graziano stated that he will be starting to work on the 2027 budget. Manager Graziano provided the list of 2026 line-item transfers. The water study fund has \$23,692.50, the police fund has \$114,680, the ambulance fund has \$25,000 and the capital fund has \$92,500, totaling \$255,872.50. Manager Graziano stated that Talen offered to donate \$20k to each of the fire departments. Robert Dunning stated that he doesn't feel as though we should be accepting \$40k from Talen Energy. They are offering us money to get this data center put through. Supervisor Erler would like to deplete the Police Fund of \$114,680 and then only transfer \$15,320 from the capital fund. Supervisor Erler was NBFD getting \$15k and MBFD getting \$30k. Manager Graziano stated because MBFD is short \$100k for the shelter. Supervisor Bermingham told Manager Graziano to hold off giving MBFD any funds, they are having a meeting on October 5th, they might not need anything. There was a discussion on the funding of the emergency shelter project. **MOTION** by Supervisor Erler to transfer \$85k out of the police fund to fund the following line items: Constables-\$5,000, Salt-\$70k, and Winter OT-\$10k, seconded by Supervisor Albert.
Vote: 5-0.

VII.

NEW BUSINESS

1. Resolution No. 2026-18 Mo Sweets-Supervisor Bermingham stated that Mo Sweets is being honored for their bakery business, baking sweet treats here in Mt. Bethel Plaza. This Resolution acknowledges Mo Sweets one year anniversary. **MOTION** by Supervisor Bermingham to adopt Resolution No. 2026-18, seconded by Supervisor Friedman. Vote: 5-0.
2. Sand Pit Road Bridge-Manager Graziano stated the bridge, owned by County, needs a lot of work. Manager Graziano has been trying to negotiate with them to

see if they are willing to partner with the Township to get it fixed with funding from LSA grants. Manager Graziano will reach back out to the County to see how much money they will give us to fix the bridge and then we'll take it over. Ron Angle stated that the County is broke, and they are looking to doing a reassessment of properties for a major tax increase. Manager Graziano will reach out to the County to see if they are willing to work with us.

3. Land Use Attorney-Supervisor Bermingham is recommending using Matt McHugh. They are also willing to work with the Riverkeepers against the Validity Challenge. Matt's hourly rate is \$600 per hour. We could give him a not to exceed amount. The township would be responsible for reimbursing out of pocket costs and expenses. Supervisor Bermingham stated Matt would be used to review the data center ordinance and anything else that would come up. Supervisor Erler would like to advertise letters of interest from other companies for a land use attorney. Supervisor Friedman stated this is not the time to skimp on professional services. MOTION by Supervisor Friedman to hire Matt McHugh as our Land Use Attorney, seconded by Supervisor Bermingham. Charles Baltic asked if the BOS hired or appointed the Riverkeepers to represent the township? Solicitor Karasek stated that the Riverkeepers are not representing the township, he has been discussing the matter with them as another potential party in the case, they are representing themselves. Supervisor Erler stated that his concern is that the Riverkeepers are opposed to the data centers. Supervisor Albert stated that he has concerns about the cost and would like to extend the opportunity to see if we can get other letters of interest. Vote: 2-3, motion fails. **MOTION** by Supervisor Erler to advertise for a land use attorney to handle the review of the ordinance, seconded by Supervisor Eckman. Vote: 5-0.
4. CBA Consultant-Supervisor Friedman stated that Mr. Soult is the one who came up with the \$50mil back with Amazon. MOTION by Supervisor Friedman to hire Paul Soult as our CBA Consultant, seconded by Supervisor Bermingham. Supervisor Bermingham stated that having a consultant is long overdue, we need someone to guide us. Supervisor Erler asked what his cost was. Supervisor Friedman stated he gets a \$25k retainer and \$1million dollars if he gets the \$50 million CBA. Supervisor Friedman stated that he checked into any conflict of interest and there is no conflict of interest. Supervisor Erler stated that he and Supervisor Bermingham started having conversations and the first offer was \$10 million and they both got it up to \$50 million. Supervisor Albert believes we need a consultant but there is no contract. Supervisor Friedman withdrew his motion. This will be on the next agenda.
5. Joint Resolution/BACIDA-Manager Graziano stated that the Borough of Portland is looking for the BOS to approve of a waiver to appoint Christopher Cook, a duly elected Township Supervisor to the BACIDA Board as LMBT's designated representative. Supervisor Albert does not feel we should grant the waiver. Solicitor Karasek stated the intermunicipal agreement is clear that you're not supposed to have an elected official sit on the Board. **MOTION** by Supervisor Bermingham to not sign the joint resolution for the BACIDA, seconded by Supervisor Erler. Vote: 5-0.

Solicitor Karasek made a comment that the BOS could certainly hire the McHugh firm, say not more than \$25k, which is about 42 hours of work, meaning that attorney would work solely on the Validity Challenge for a full week, which is way more than we need.

Chris Finan, Chief MBFD, made a statement on behalf of the fire company. Chris stated that it was previously stated that the fire company accepted \$20k from Talen Energy, they have not accepted that donation. Their president just spoke to them this morning, they offered it and stated that they would like to branch out to other emergency services that they would like to donate to. The members of the fire company are going to ask Talen to not donate that money right now. The fire company has always tried to remain neutral throughout this whole process.

6. Republic Services Battery Recycle Program-Manager Graziano stated that during a meeting with Republic Services the subject came up about recycling batteries, a program they provide. They provide a bucket to the township, and it is \$277 every time we exchange a bucket. Supervisor Erler expressed his concerns about it being a hazard. **MOTION** by Supervisor Friedman to accept the proposal from Republic Services on their battery recycle program, seconded by Supervisor Albert. Supervisor Erler would like to talk to them about safety protocols. Vote: 4-1. Supervisor Erler voted nay. Judy Henckel stated that at one time the EAC was helping recycle batteries where the container had to be outside and were told that it cannot be done anymore due to safety issues.

VIII.

TABLED ITEMS

1. Township Reserves-Supervisor Erler stated that the township's capital reserve fund is currently at \$46k where historically it's been about \$500k and the same with the operating reserve fund, historically its average was \$1.5 million. The previous administration emptied the capital reserve fund and purchased the six trucks for \$1.6 million. We have never recouped those funds and within the last two years that fund has had restrictions on it since it's a reserve, it can only be spent by motion of the BOS. Supervisor Erler drafted a resolution, to change the policy, for Solicitor Karasek to review. Supervisor Birmingham would like to see the resolution. Solicitor Karasek will review the resolution and report back to the BOS with his comments. This will be on the next agenda.

IX.

ADJOURNMENT

MOTION by Supervisor Friedman to adjourn the meeting at 9:15 pm, seconded by Supervisor Albert. Vote: 5-0.

Respectfully Submitted by Cindy Beck, Recording Secretary