REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, AUGUST 5, 2026
MEETING ROOM, 3735 - 7TH STREET ROAD

Board of Supervisors, Chairman, Ross Walker III, called the regular meeting of the Upper Burrell Township Supervisors to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

ROLL CALL: The following members of the Council responded to roll call:

Present: Ross G. Walker, III, Chairman -
Kenneth R. Slahtovsky, Vice Chairman
Scott Brown, Supervisor

Also present: Michael Moore, Engineer
Melissa A. Cortileso, Secretary
Steve Yakopec, Solicitor

Opening of Bids - None

OPEN TO THE FLOOR –
Megan Kocianski, 103 Stewart Lane, asked about the Comcast Franchise Agreement Renewal. Megan stated there is no internet service on Menk Road and could she be part of the discussion and is this for Comcast exclusive. She currently uses T-Mobile and Star Link will not work at her home.

Allen Uhler, 2213 Turkey Ridge Road, address the board, the letter he read will be attached. Uhler also provided copies of grants that Arconic applied for and there is no proof of changing from the aluminum industry to a Data Center. Uhler stated that the site plan approval should go before the Zoning Hearing Board.

Guy Fuller, 4782 – 7th Street Road, also read a letter to the Board which will be attached. Fuller stated that 15 other states are pushing for 1–3-year moratorium.

John Mataldi, 4786 – 7th Street Road, stated that he agreed with Allen and Guy.

Shelly Dynys, 512 Oak Lake Road, asked if the letters that Allen and Guy read could be part of the meeting minutes.

Allen Uhler, 2213 Turkey Ridge Road, stated that this will be a hyper scale data center and not manufacturing.

Megan Kocianski, 103 Stewart Lane, stated the proposed ordinance is a great start. Megan stated the ordinance mentions Octave Band and DBA Levels which are 2 different types of levels, how will the sound be calculated, multiple points. It was stated along the residential side along Route 780, she asked if that could be included in the ordinance, what is the average over 24 hours, and how the average is figured out, who picks the time and who would be doing it. Slahtovsky stated a third party will. Megan asked what happens if they exceed the DBA, and how the process would work to enforce the penalty. Megan also discussed the noise and how this will affect anyone with any neurological issues. Megan discussed the electricity issue and the planned 3 GW plant, is there any guarantee prices will not go up, which they have already, and the TECfusion website states they have already supplied 1 GW. It was discussed about the closed loop system and how often does it need to be upgraded, and will there be a chemical person who can give reports and will it be treated offsite along with the equipment will it be required that they always must upgrade to best equipment. Megan stated she talked with New Kensington Water Authority, and they have not had any talks with TECfusion about using water. Megan asked about pre and post water testing both public and private. Slahtovsky stated that he is getting the impression that the ordinance is not good enough. Slahtovsky stated the letter from Westmoreland County stated it's a very good ordinance. It was stated that a separate sewage line with meter on it will be required.

Allen Baxter, 244 Irwin Drive, stated as they expand how do you stop the noise, will you decibel test the whole area.

Sue Baxter, 244 Irwin Drive, asked about the testing of well water will this be done every time the system is flushed and what happens if there is contamination. Solicitor Yakopec stated you cannot make the ordinance any stricter than what the DEP already has. It was asked if the wetlands will be protected.

Beth Ostrosky, 396 Oak Lake Road, read article 1 section 27 of the PA Constitution, that people have the right to clean water, air, and aesthetic value.

Gloria Butler, 1201 Oak Lake Road, stated you need to make sure you enforce the laws. Butler stated she is still having issues on Oak Lake Road.

Megan Kocianski, 103 Stewart Lane, stated the DEP does not have regulations on Data Centers it's not a utility and this is a gray area on pollutants. The global warming base line has gone up. Megan asked about the e-waste that will be generated and how it will be monitored.

Guy Fuller, 4782 – 7th Street Road, stated do not act in a hurry take the comments into consideration. Fuller talked about the police training that previously took place and asked if this should happen again, is there any way to contact the residents, so they are not surprised by the loud bangs.

Chairman Walker stated are trying to regulate and make the best possible ordinance. The Data Center will create jobs. The Gas companies have been good to the township over the years. It was discussed about the CBA part of the proposed ordinance. Slahtovsky stated about the impact fees received.

Matt Ziccarelli, 6228 Schafer Drive, stated this will could get better roads, equipment, and pay raises. He does feel the residents who live close to the proposed site.

Mr. Chabal asked if they are paying taxes and how much lump sum the township will get over the long haul.

Allen Uhler stated about a tax incentive that was given to Arconic. Chris Uhler asked when can these proposed changes that have been brought up about the proposed ordinance be ready. Allen stated he still has not been contacted about the site visit in the township.

APPROVAL OF THE MINUTES -
Motion made by Walker, seconded by Brown to approve the minutes of the Regular Meeting held on Wednesday, July 1, 2026. Motion passed 3-0.

CORRESPONDENCE –
Chairman Walker reviewed the correspondences from the month.

ROAD REPORT -
Supervisor Slahtovsky reported that most of time was spent finishing up mowing, patching throughout the township, storm clean-up and getting scratch coat down on Lower Drennen Road which got held up this week due to weather. Allen Baxter stated the drain is clogged and could they clean out the grate and fill with big rock.

POLICE REPORT – No report

EMC REPORT – No report

ENGINEERS REPORT – Mike Moore reported that still waiting for some outstanding items from Tresco Paving Co. Moore stated that they met on Lower Drennen Road to look at slides and will apply for grant monies for repairs and hopefully fix before paving. Bid opening for Contact 26-2 will be in August and he will get it project advertised.

PLANNING COMMISSION –
TECfusion Land Development – Building J
Tom O'Brien indicated that he, George Richard and Chester Lockwood attended a field meeting at Building J and was given a tour of the building by TECfusion VP of Construction, Dan Richardson. All old data center equipment used by Alcoa is being replaced with new equipment. All work outside the building, including emergency generators and chillers, will be placed on concrete pads that will replace black top pavement. With regards to reviewing the building plans, Scott Chermak had no comments and Bankson Engineers indicated that all necessary land development requirements and zoning ordinance requirements should be in receipt prior to them giving their approval. After discussing Georger Richard moved to approve the plan contingent on the requirements indicated by Bankson Engineers, seconded by Chester Lockwood and all were in favor.

Updated Proposed Data Center Ordinance

The Commission members have reviewed the proposed additions to the draft Data Center Ordinance. Chester Lockwood moved to approve the revised draft Data Center Ordinance, seconded by George Richard, and all were in favor.

Allen Baxter asked if there is enough room at the proposed Data Center site for emergency vehicles.

ZONING HEARING BOARD – None

SOLICITORS REPORT –

Solicitor Yakopec stated a letter was mailed out to Mr. Pitts about the sale of the Lincoln Beach Park Property. Pitts stated he has all the names and is currently out of the country. Slahtovsky will follow up. Yakopec read aloud the section from Westmoreland County and the comment about the proposed Data Center Ordinance meeting the criteria.

NEW BUSINESS

A. A motion was made by Walker seconded by Slahtovsky to grant the use of the Township Building for the polling location for the General Election to be held on Tuesday, November 3, 2026. Motion passed 3 – 0.

B. A motion was made by Walker seconded by Brown to approve bid opening on Monday, August 31st, for the Lower Drennen Overlay Contract #26-2. Motion passed 3 – 0.

C. A motion was made by Walker seconded by Brown to approve the address request for Jeff & Stephanie Rovnak as per Westmoreland County Addressing Agency, as 624 Ross Drive, Apollo, PA. Motion passed 3 – 0.

D. A motion was made by Walker seconded by Slahtovsky to authorize Bankson Engineering to apply for an LSA Category 4 application for slide repair work along Lower Drennen Road. Motion passed 3 – 0.

E. A motion was made by Walker seconded by Brown to approve the TECfusion Land Development Plan – Building J, contingent on the requirements indicated by Bankson Engineers, in their letter dated July 17, 2026. Motion passed 3 – 0.

F. A motion was made by Walker seconded by Slahtovsky to grant Periodic Payment #2 for contract Number 26-1 to Tresco Paving in the amount of $6,713.26, contingent upon receiving the above items mentioned in Bankson Engineers correspondence. Motion passed 3 – 0.

G. A motion was made by Brown seconded by Walker to pay and ratify all the bills and accept the financial report for the month of July 2026. Motion passed 3 – 0.

11. Pay all bills and Financial Report

GENERAL FUND	
Beginning Balance	$ 1,299,669.41
Receipts	170,394.70
Expenditures	189,877.79
Closing Balance	$ 1,280,186.32

CAPITAL RESERVE FUND	
Beginning Balance	$ 606,091.64
Receipts	108,695.21
Expenditures	0
Closing Balance	$ 714,786.85

FIRE HYDRANT TAX	
Beginning Balance	$ 6,062.95
Receipts	392.40
Expenditures	1,560.00
Closing Balance	$ 4,895.35

STATE AID FUND	
Beginning Balance	$ 220,689.39
Receipts	7,644.77
Expenditures	7,271.71
Closing Balance	$ 221,062.45

Open to the Floor

Roseanne Dombroski, Hillview Drive, stated that there are a couple of months of meeting minutes not posted.

Sally Wise, 1033 Lower Drennen Road asked if any grants have been applied for the Lower Drennen Road paving. Slahtovsky stated that only 2 contractors responded to the request, if they cannot get a good price they will rebid in the spring. Wise also thanked the Road Department for all the hard work they have already done on Lower Drennen Road.

Shelly Dynys, 512 Oak Lake Road asked if there is any update on the Schoepke hearing.

Megan Kocianski, 103 Stewart Lane, stated she is interested in the children's Halloween Party.

Matt Ziccarelli, asked if there was going to be a meeting with Murrysville Medic 1 and Lower Burrell VFC #3. Walker asked if he would like to be included, Ziccarelli stated yes.

Allen Uhler, 2213 Turkey Ridge Road asked when Building J permit was submitted.

Motion to Adjourn

Motion to adjourn was made by Walker seconded by Slahtovsky at 8:47 p.m.

The next monthly meeting will be held on Wednesday, September 2, 2026, beginning at 7:00 p.m.

To: Upper Burrell Township Supervisors

8/5/2026

Allen Uhler
2213 Turkey Ridge Rd
New Kensington, PA 15068-1934

Township Supervisors,

The facts below are important to consider when you are making any decisions today and in the future about the TECfusions Hyperscale Data Center operations located at 859 White Cloud Rd, New Kensington, PA 15068, Upper Burrell Township.

1. Alcoa began operations in Upper Burrell as a manufacturer of aluminum products in the 1960's and was officially renamed as Arconic in 1973 and continued with the production of aluminum products as a primary business. The stapled document I am handing out is Arconic's PA state grant application for a Redevelopment Assistance Capital Program (RACP) grant, which outlines the nature of operations at Arconic and what the grant is to be used for.

2. TECfusions seems to argue to this board that, at some point, Arconic's business changed from the aluminum business to the data center business.
    a. If this is the case, I have not seen any application on behalf of Alcoa or Arconic to convert the aluminum business to the data center business.
        i. If Alcoa/Arconic switched from the aluminum business to the business of a data center, it would have been required to obtain a special exception permit because a data center at this site would be considered a nonconforming use and the Upper Burrell ordinance provides that a use not provided for in the ordinance must obtain a special exception permit.
        ii. The activities that were conducted by Alcoa/Arconic were conducted within the existing structures and were not apparent to either the township or the general public. To the extent that at some point in the past, Alcoa/Arconic began to operate the Upper Burrell facility as a data center, it was doing so in secret, and without notice to either the township or the residents.

    b. However, if this is not the case, then TECfusions must proceed through a special exception hearing in order to comply with the current Upper Burrell Ordinance.
        i. If Alcoa/Arconic was operating as a data center without a special exception, then the operation was illegal, and cannot serve as the basis of a pre-existing, non-conforming use;

a. The Arconic grant application asks for and is granted assistance for "advanced manufacturing initiatives" to promote "digitization of manufacturing." Arconic was clearly using the property for *manufacturing* purposes and not as a *data center*. (See Document 1)
b. The TECfusions grant application asks for and is granted assistance for a "Hyperscale Data Center" to be constructed through "adaptive reuse data center reuse." (See Document 2). On its face, these two grant applications describe *different uses*. The Arconic application describes a manufacturing use and the TECfusions application describes a data center use.
c. The term "adaptive reuse data center" in the TECfusion grant application is a term of art and describes the practice of converting older, and disused buildings into a completely different use, which in this case is a data center. (See Document 3, describing the practice of adaptive reuse for data centers).

4. On its face and by TECfusion's own admissions in its grant application to the Commonwealth (for which it apparently received tax payer money) TECfusion is converting what was a manufacturing plant into a data center.

For all of the reasons stated above, the Board of Supervisors cannot approve this site plan. I would also urge the Supervisors to honor the 180-day moratorium you passed on May 6, 2026, and refrain from future requests by TECfusion until after the moratorium is completed. Additionally, there are residents here tonight who have put in time and energy making substantive comments on the draft ordinance, and all comments entered in writing must be incorporated before a vote for the draft can be made.

To: Upper Burrell Township Supervisors

8/5/2026

Guy Fuller
4782 7Th Street Rd
New Kensington, PA 15068-7014

There are currently fifteen other states that are pushing for a moratorium on data centers for 1-3 years; therefore, Upper Burrell should take all the time they have on a moratorium. Some additional items that the Township should add to their ordinance draft are:

- Noise levels not exceeding 60dBA during the hours of 7 a.m.- 10 p.m. and 55 dBA from 10:01 pm-6:59 am.
- Require sound barriers so that even the dBC's (low frequency) of the generators do not disrupt nearby residents.
- Set a 5,000-foot setback from residential properties.
- Require developers to set up a fund for compensation for property depreciation within a half-mile radius of the site. This will ensure property value depletion will not become the burden of the residents
- Require fenceline monitoring for PM 2.5 and total VOC's in at least three directions where prevailing winds are most likely to occur.
- Require alerts to residents when these air monitors show exceedance above protective health standards, specifically for known carcinogens like nitric oxide, nitrogen dioxide, benzene, toluene, xylene, ethylbenzene, and formaldehyde.
- A clear pathway for local code enforcement to fine operators when violations occur and when violations recur more than three times in a period of time, the operator must go back to the township for additional approval to continue operating.
- Require decommissioning/ decontamination plan for when operations cease at the property.

Additionally, the township should begin work immediately on an updated oil and gas ordinance that is protective of the community. The current ordinance is not restrictive enough and I have personally had impacts living near the gas operations near my home. Please make these changes BEFORE voting on a draft ordinance. I also adopt everything that Allen Uhler stated regarding the TECfusions plan, you should not approve this plan. TECfusions should be required to go before the board after the ordinance and moratorium is finalized.

11154 - Secretary

Upper Burrell Township Secretary, Supervisors 8/2/2026
Topic: Amendments to Ordinance 2026 Tech Fusions

1. **Section 2: continuous noise equivalent level pg 1**: the computation of CNEL **decrease 10 dB to 5 dB noise level** between 10:00 pm and 7am
2. **Section 3 number 4. SAFETY, pg 14** The Data Center or Data Center Accessory use, m, change to read: the applicant or operator must inspect all drainage facilities at least once every 3 years **change to 8 months to one year beginning in 2027**
3. **Section 3 number 9. ENFORCEMENT, PG 21 change to read pay a fine of 500 dollars ($500.00) to $1,000**
4. **Section 3 number 10 Miscellaneous a iii:** add that the residents of Upper Burrell will be provided the summary of complaints, resolutions and any extraordinarily events and how these were reconciled at the monthly Supervisor Township meetings. Make as an monthly agenda item.
5. **Section 3 number 10 Miscellaneous a:** Community Benefit Agreement further add that these benefits are discussed as agenda item at monthly Supervisor Township meetings.
6. New: need ordinance on Marcellus turbine powered data centers with a semiannual update on use. CURRENTLY, there is nothing in our current ordinance.

++++**New ADD A Ten Year Plan to begin January 2027 for Phase 3,** then semiannual thereafter that TECH FUSION will provide a written plan of the number of Phases planned each year with a detailed report and written plans for presentation of the proposed changes and ANY future applications to the Upper Burrell Planning Commission, Code Officer and Board of Supervisors and township solicitor. This includes detailing all operations (include changes in water/electrical use), building structure changes, further developments and permitting relating to its proposed data center development that may reasonably be foreseeable.that the applicant will require to fully utilize the proposed development and that the applicant will propose for approval to the Township to provide such a plan or or a significant development (**significant needs defined here)** is omitted, that subsequent application may be prohibited. The burden shall be on the applicant to show that such development was not reasonably forseeable at the time of the initial application.

The Code Officer will make an on-site visit monthly in 2027, without notification to Tech Fusion, to assess compliance with current approved plans. The results of the on-site visit will be documented and submitted to above Board of Supervisors with findings and remediation plans, if applicable. This information will be made public to Upper Burrell Township residents each month.

Semi-annual June 2027, a written update and presentation to the Upper Burrell Board of Supervisors, Planning Commission and Zoning Board on the progress of the current plan and road blocks encountered. Road blocks encountered will include a written plans on remediation of the road blocks.

Thank you,
Allen and Chris Ann Uhler