REGULAR MEETING OF THE
UPPER BURRELL SUPERVISORS
WEDNESDAY, SEPTEMBER 2, 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 –

Sealed bids were accepted until 11:00 am and then opened and read aloud on Monday, August 31st, 11:00 am, for 2026 Lower Drennen Overlay Contract #26-2.

3 bids were received.
Lower Drennen Road 1-1/2 inch (840 tons) Thick WMA 9.5 MM Wearing Course Overlay (9350 S.Y.)

Tresco Paving	$ 138,579.00
Derry Construction	$ 148,026.00
A. Folino	$ 174,405.00

Lower Drennen Road 2-inch (1,120 tons) Thick WMA 9.5 MM Wearing Course Overlay (9350 S.Y.)

Tresco Paving	$ 160,251.00
Derry Construction	$ 166,674.00
A. Folino	$ 202,125.00

Bids were accepted from August 3 through August 19, 2026, on Municibid for the sale of the 1997 Case 580 Super L Series Loader Backhoe. 24 bids were received. The highest bid was $18,500 to Darwin Castanaza.

Discussion took place on the topic of allowing ATV'S on township roadways. Stacy Williams, Affordable Notary, stated that on October of 2025 it was passed that the DCNR requires license and title to register the vehicle and get a DCNR plate for the ATV and you must also show proof of insurance. Walker asked

about an addendum policy on homeowners. Williams stated that the DCNR plate is more strict than PennDot.

Sandy Shaffer, 7098 Guyer Road, stated she was thankful back in November for the gentleman with the ATV with a plow who saved her life and got plowed out when she had a heart attack. She is in favor of allowing ATV'S on township roads. Shaffer stated people need to understand that where we live, they are needed.

Gloria Butler, 1021 Oak Lake Road, stated there are already enough intrusions in the township with the jake brakes, etc. we don't need anymore with ATV'S.

Allen Uhler, 2213 Turkey Ridge Road, asked if this would be allowed 24/7 and how would it be monitored. Supervisor Brown stated they will look at Gilpin Township's Ordinance and any issues please call the police and there will be a cut-off time and for residents only.

John Mataldi, 4786 – 7th Street Road, asked is this for township roads only.

Beth Ostrosky, 396 Oak Lake Road, asked about state roads and age limit. Ostrosky stated they are already doing it.

Mary Ann Rhine, 696 White Cloud Road, asked about who would be policing this. Rhine also stated look at what Mrs. Butler is already going through with the court hearing being continued again. Yakopec replied, the judge post phoned the hearing.

Dan Myers, 200 Barnview Drive, stated the notary public gave good information. Myers stated, even with the police patrolling and following DCNR rules and restricting to Upper Burrell residents only you will still see other communities bringing in their ATV'S.

Patrolman Beaver, read a letter from Chief Pate, apologizing that he could not attend the meeting due to prior family commitment. The letter stated that on August 5, 2020, this issue with the ATV on township roads, was brought up and did not get the support of the community and police, and he does not support this now.

Milton Pitts, stated that the DCNR does require plates on the ATV and if a traffic stop is conducted, they will know when they run the license plate if the ATV is insured.

Walker stated they had an informational meeting with the EMS who is asking for some financial support in the way of per person/per household tax or a yearly subscription fee.

Walker stated the Planning Commission will meet in September to review the revisions to the proposed Data Center Ordinance.

OPEN TO THE FLOOR –

Allen Uhler, 2213 Turkey Ridge Road, address the board, wanted it on record to show that he opposed the Data Center Ordinance due to the ordinance not addressing a power generating plant. Slahtovsky stated that will be the next step once the proposed Data Center Ordinance is completed.

Beth Ostrosky, 396 Oak Lake Road, talked about the Governor Shapiro Executive Order 2026-05-Protecting Pennsylvania Consumers from Data Center Impacts and provided a copy to the board. Ostrosky asked if anyone on the board of supervisors has signed an NDA with TECfusion or any company associated with TECfusion. The board replied, no. Ostrosky asked if the data center complied with the grid center. Brown, replied yes it in the ordinance.

Guy Fuller, 4782 – 7th Street Road, made a statement "It's never to late to the right thing". Fuller thanked the Police Chief for letting him know about the police training even though he does not agree with the location of the training. Fuller stated TECfusion gave permission for the training, there is 1400 acres there why do it right across the road. Pate stated the training session was using the Lab Lodge also for classroom training. Fuller thanked the Supervisors for all the work and research being done on the proposed Data Center Ordinance. Fuller stated that the Planning Commission meeting the representative from PJ Dick Co., showed a picture then talked about being grandfathered in. Fuller asked who grandfathered them in. Fuller stated that when Scott Chermak attended the meeting he asked about this issue and Chermak replied cannot talk about this due to Homeland Security. Slahtovsky stated he believes the use of "grandfathered" has been misused. Slahtovsky stated maybe Chermak was referring to the building permit when he talked about Homeland Security. Slahtovsky the following month not one resident attended the Planning Commission meeting.

Fuller stated that when he signed up with the Gas Co. years ago, they neglected to tell him that each pad could drill up to 12 wells, and he lives right in the middle of 2 of them. Fuller stated they need to put in the effort about the power station ordinance. Slahtovsky stated that he knows construction and the power station is out of his league and will take time to research. Fuller stated he objects to any ordinance, and the data center has been up and running since June he saw trucks coming with AC units and a lot of closed in trailers. Fuller asked about the confusion of the 2 websites. Cortileso explained the issue. Fuller stated that the House of Representatives and Senate will be back in session in September. Fuller asked about the CBA part of the ordinance and he did not see in the proposed ordinance where it addressed property depreciation on homes. Fuller stated look at Union County they included it. Fuller went on to talk about the power station and the regulations and consumption. Slahtovsky stated they will look more into it. Mr. Mataldi stated he does not want the Data Center to go to his house. Fuller stated this is great concern. Supervisor Brown stated that the proposed ordinance does address sound barriers and decommission.

Gene Symionof, 3803 Baxter Road, stated put everything you can into the ordinance, he does not want it.

An Oak Lake resident asked that while the appeal on the Land Use is pending, will anything else be going on at that location. It was stated that if they don't get the granted the use they can sale it off.

John Mataldi, 4786 – 7th Street Road, talked about the Governor's Executive Order where it states that Pennsylvanians' right to clean air, pure water, and to the preservation of the natural, scenic, historic, and esthetic values of the environment. Mataldi, asked how will you protect the people.

Roseanne Dombroski, 444 Hillview Drive, stated the issue on the NDA was brought up at the first meeting at PSNK and asked why it keeps coming up. Dombroski stated that a power plant ordinance is needed. It was talked about how far out to get generators and that turbines going out to Homer City. It was asked if anyone is checking on building J.

Chris Ann Uhler, 2213 Turkey Ridge Road, stated you need to include a 10-year plan in the proposed ordinance. Uhler stated there are a lot of studies being done, can you check to make sure the township complies. Uhler stated she does not have confidence in Scott Chermak. Slahtovsky stated he has put in a couple calls to the PA DEP trying to ask about compliance, but he is not getting any return calls. Uhler again stated how to figure it out and how in compliance and who will enforce it. Slahtovsky stated inf PCS then may have to hire someone. Walker stated will have to rely on the State and Federal government.

Erin Cochran, New Kensington, stated TECfusion will be using New Kensington water. Cochran stated to put the 5-year plan into the proposed ordinance.

John Mataldi, 4786 – 7th Street Road, stated put the power plant ordinance in with the proposed data center ordinance. Mataldi, asked if the moratorium could be extended. Yakopec stated under state law it cannot be extended and there would be a 3-year waiting period.

Guy Fuller, 4782 – 7th Street Road, stated Alcoa was zoned Industrial, a hyper-scale data center should be zoned heavy industrial. Walker, asked if another industrial zone could be added. Solicitor replied that would be up to the board to consider if you want to create a whole new district.

Allen Uhler, 2213 Turkey Ridge Road, asked if the board knew how far along building J is and how many tenants occupy the building.

Sue Baxter, 244 Irwin Drive, stated you need the power plant ordinance. Baxter stated that the WPXI report stated that currently there is already a turbine at building J. Slahtovsky stated he will request a walk through. Baxter stated they should not be doing anything. Brown stated they are replacing generators and chillers, which have not been done yet due to permit not being issued. Baxter asked what is in building G, there was a transformer fire. Brown replied that was at the Alcoa Building.

Jeff Shutack, 300 Bethesda Drive, stated he is not against technology or development, but his big concern is operating the infrastructure, fuel source, what is the maximum building capacity, promise of jobs. Shutack stated this all needs to be in writing so that is binding and legal so that you can govern it and not reject it. Shutack stated let the public record show the people want to see it.

Lisa Scherf, 401 Upper Drennen Road, asked at the first PSNK meeting, do you know how big the proposed data center will be. Chermak replied no master plan has been presented. Scherf stated put the plan into place, break it down, and look at this as to looking at business and how it will grow.

John Kosmal, 3524 Milligantown Road, stated that as TECfusion gets new customers that is how the campus will grow at that time they will have to build to specification.

Dan Myers, 200 Barnview Drive, asked how big will you allow the Data Center to grow before a power plant ordinance is needed and how much gig will be used. Myers stated the transmission fees on his electric bill have gone up, and if there is no limit to this it could be a problem.

ATV and Data Center a lot approve and oppose. There are around 2300 residents and around 2250 of them don't care.

Allen Uhler, 2213 Turkey Ridge Road, stated who was on the panel at the PSNK meeting and how many years prior to this was it discussed behind closed doors. It was stated it was not discussed.

Dave Macpherson, 6071 Schafer Drive asked if a referendum could be put on the ballot to allow the data center. Yakopec stated the law sets forth what you can put on a referendum ballot.

Trudy Praniewicz, 430 Upper Drennen Road, stated the article in the paper states that building J is using local power. Brown stated that the ordinance states they must supply their own power and it also states that in the Governor's Executive Order. It was stated that building J was always on the grid, they have their own substation. Brown stated that there is no difference between building J from and the new construction it was already a data center. It was stated a data center and a hyper-scale data center are not the same.

APPROVAL OF THE MINUTES -
Motion made by Walker, seconded by Slahtovsky to approve the minutes of the Regular Meeting held on Wednesday, August 5, 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 patching potholes, cutting in new ditches and chipping trees back.

POLICE REPORT – Patrolman Beaver reported the department has been busy the last 2 weeks, but they are getting through it, and he thanked the residents for their support and the stated the township is good place to work. Allen Uhler thanked Patrolman Beaver for checking on his parents.

Sean Dunegan, 1394 Oak Lake Road, inquired about what happened on Oak Lake early that morning in regards to the house across the field and taking his guns. P

EMC REPORT – No report

ENGINEERS REPORT – Mike Moore reported bids were opened and read aloud on Monday, August 31, 2026 for the Contract #26-2. 1-1/2 overlay on Lower Drennen Road. Moore stated 3 proposals were received and Tresco Paving was the low bidder in the amount of $138,579.00. Moore stated that Bankson Engineers recommends awarding the bid to Tresco Paving Co.

Moore stated that 6 different applications have been submitted for road slides, 2 cross drains on Pleasant Valley and overly on Lower Drennen Road.

PLANNING COMMISSION – None

ZONING HEARING BOARD – None

SOLICITORS REPORT –
Solicitor Yakopec stated the Schoepke hearing has been continued by the court until the next available list. Yakopec stated that Protect PT and Allen Uhler and Guy Fuller have filed a Land Use Appeal on the Data Center. Slahtovsky asked if this would be the same group of judges as Schoepke hearing. Yakopec replied, it is a random selection done by computer and it also depends on the division of the court.

Dan Myers, 200 Barnview Drive, asked who will represent the township in the Schoepke hearing. Yakopec stated it's at the District Attorney's office.

Gloria Butler, 1201 Oak Lake Road, asked if Schoepke is allowed to continue running his business when a cease-and-desist order was given. Yakopec stated it is not going to stop until the case is in front of a judge.

Yakopec stated a letter has been sent to Mr. Pitts about getting the Lincoln Beach Park sale completed. Mr. Pitts stated he is waiting to find out if an official address is needed and also that the attorney he is using is pro-bono, so it takes some time for the office to get back to him. Dave Knox stated that being a former dispatcher a physical address will be needed in case any emergency agencies have to respond.

NEW BUSINESS

A. A motion was made by Walker second by Brown to approve Resolution #8-2026, defining the contribution to the Police Pension Plan for the year 2027. Motion passed 3 – 0.

B. A motion was made by Walker seconded by Slahtovsky to approve Resolution #9-2026, defining the contribution to the Municipal Pension Plan for the year 2027. Motion passed 3 – 0.

C. A motion was made by Walker seconded by Brown to appoint Megan Kocianski to the Recreation Committee. Motion passed 3 – 0.

D. A motion was made by Walker seconded by Slahtovsky to appoint Crystal Smicik to the Recreation Committee. Motion passed 3 – 0.

E. A motion was made by Walker seconded by Brown to approve Resolution #10-2026, to apply to LSA Category 4 Facilities in the amount of $152,160.00 for Slide #4 on Lower Drennen. Motion passed 3 – 0.

F. A motion was made by Walker seconded by Slahtovsky to approve Resolution #11-2026, to apply to LSA Category 4 Facilities in the amount of $66,520.00 for Slide #2 on Lower Drennen. Motion passed 3 – 0.

G. A motion was made by Walker seconded by Brown to approve Resolution #12-2026, to apply to LSA Category 4 Facilities in the amount of $122,450.00 for Slide #3 on Lower Drennen. Motion passed 3 – 0.

H. A motion was made by Walker seconded by Slahtovsky to approve Resolution #13-2026, to apply to LSA Category 4 Facilities in the amount of $184,250 for Slide #5 on Lower Drennen Road. Motion passed 3 – 0.

I. A motion was made by Walker seconded by Brown to approve Resolution #14-2026, to apply for cross drain installation across Pleasant Valley Road near the Upper Drennen Road intersection. Motion passed 3 – 0.

J. A motion was made by Walker seconded by Slahtovsky to ratify the sale of the 1997 Case 580 Super L Series Loader Backhoe to Darwin Castanaza in the amount of $18,500.00. Motion passed 3 – 0.

K. A motion was made by Walker seconded by Brown to accept and ratify the contract with the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial And Service Workers International Union, AFL-CIO on

Behalf of USW Local #1324-37, for a 4-year contract beginning on January 1, 2027, thru December 31, 2030. Motion passed 3 – 0.

L. A motion was made by Walker seconded by Slahtovsky to award the Lower Drennen Road Overlay Contract #26-2 to the lowest responsible bidder, Tresco Paving in the amount $ 138,579.00 for the 1-1/2 inch (840 tons) Thick WMA 9.5 MM Wearing Course Overlay. Motion passed 3 – 0.

M. A motion was made by Walker seconded by Brown to approve Resolution #13-2026, to apply for an approximate one-mile overlay of Lower Drennen Road. Motion passed 3 – 0.

N. A motion was made by Brown seconded by Slahtovsky to pay and ratify all the bills and accept the financial report for the month of August 2026. Motion passed 3 - 0.

11.

Pay all Bills & Financial Report

GENERAL FUND	
Beginning Balance	$ 1,280,186.32
Receipts	94,762.96
Expenditures	119,854.37
Closing Balance	$ 1,255,094.91

CAPITAL RESERVE FUND	
Beginning Balance	$ 714,786.65
Receipts	1,078.02
Expenditures	0
Closing Balance	$ 715,864.67

FIRE HYDRANT TAX	
Beginning Balance	$ 4,895.35
Receipts	91.64
Expenditures	0
Closing Balance	$ 4,986.99

STATE AID FUND	
Beginning Balance	$ 221,062.45
Receipts	326.69
Expenditures	6,713.26
Closing Balance	$ 214,675.88

Open to the Floor

Carol Howard, 705 Lower Drennen Road, thanked the board for all of their efforts and repairs on Lower Drennen Road.

Dave Knox, 1307 Oak Lake Road, talked about the well activity and the traffic in and out of the Porter Pad. Knox stated he counted 42 trucks in an hour that go 24/7. Knox talked about not having any gas rights. Knox stated that recently his daughter was thrown off her horse and when his wife went to inform the truck driver that the horse got out, she was treated poorly. Slahtovsky stated to please get the truck number. It was stated that the company is handling internally.

Sean Dunegan, also talked about the traffic and how fast people go.

Patricia Hagaman, Willowbrook Road, talked about TECfusion has to have its own power and you should combine the proposed Data Center Ordinance and power plant ordinance into one. Hagaman also stated the traffic is bad and people are always flying around the corner.

John Kosmal, 3524 Milligantown Road, stated can't you put lines on the road like they do in Leechburg.

Guy Fuller, 4782 - 7th Street Road, stated that transparency is important and the board needs to remain neutral. Walker stated he is for it and he wants it to be safe for everyone. Walker believes overall it's a good thing, but they will govern it. Slahtovsky stated they will add the 5–10-year plan to the proposed data center ordinance. Brown stated the CBA will come after the proposed data center ordinance is adopted.

Allen Uhler, 2213 Turkey Ridge Road stated there needs to be more in place about the power plant generation, finish it up, not strict enough. Slahtovsky stated he does not disagree and they are not dragging their feet.

Milton Pitts, asked if this benefits the township or the people. Walker stated the money comes to the township which will help keep taxes low. It was asked if the CBA was for a specific amount of time. Brown stated it is long term.

Dan Myers, 200 Barnview Drive, stated the township has too much money, why carry it over. Walker stated he is proud of running the township and tries to be good to the people and he loves his community.

Roseanne Dombroski, 444 Hillview Drive, stated the article stated that TECfusion uses gas turbines. Brown stated he will investigate tomorrow.

Allen Uhler, 2213 Turkey Ridge Road, asked what kind of revenue the ATV ordinance would generate. Walker replied maybe a $75.00/yearly fee.

George Richard, 350 Hunter Hill Road, asked if he would need a plate for his lawnmower. It was replied no, only for an ATV.

Motion to Adjourn
Motion to adjourn was made by Walker seconded by Brown at 9:20 p.m.

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