



August 26, 2026

Board of Supervisors
Upper Mount Bethel Township
387 Ye Old Highway
PO Box 520
Mount Bethel, PA 18343

Submitted via email to: supervisorbermingham@umbt.org ; supervisorerler@umbt.org ;
supervisorAlbert@umbt.org ; supervisorfriedman@umbt.org ;
supervisoreckman@umbt.org ; secretary@lowermtbethel.org

Re: August 24, 2026 meeting, MOU process moving forward, & outstanding questions in need of answer.

Dear Upper Mount Bethel Board of Supervisors,

We are disappointed in the outcome of the August 24, 2026 public meeting and to learn that there is a new MOU that may or may not be ripe for community review and comment.

We begin by thanking Chair John Bermingham, Supervisor David Friedman, and Supervisor Jason Albert for their strong support of community comment, and for firmly rejecting the efforts by Supervisor Jonathan Erler joined by Supervisor Cori Eckman to limit public comment before it even began.

We thank Chair John Bermingham and Supervisor David Friedman for your principled and clearly informed determination to reject signing the Slate Belt Holdings MOU and to resist their pressure tactics.

We support the decision by all 5 supervisors to direct Solicitor Karasek to take steps to oppose the Slate Belt Holdings validity challenge and to require him to consult with the Delaware Riverkeeper Maya van Rossum as he undertakes this important body of work. It seems clear that the community would like to see well-informed and community-oriented legal input in the undertaking of this position and clearly agrees that the inclusion of the Delaware Riverkeeper Network will accomplish that essential goal. For the record, I am a licensed attorney myself but I will bring my experienced legal team to these consultations in addition.

The MOU. Who, When? What? and Why? Why? Why?

On August 24, 2026, after over three hours of a public meeting that was to be dedicated to discussing the MOU between Slate Belt Holdings and Upper Mount Bethel Township, the public was abruptly notified that the MOU document they had been provided for review and comment was now defunct and obsolete, and that a new draft MOU was in existence that would be the actual basis of Supervisor review and decisionmaking. Thus, all the comments provided were either severely deficient or no longer valid. This 11th hour disclosure after public comment had concluded at the August 24, 2026 public meeting, raises a number of serious and significant questions in need of answer.

Who?

From what was confusingly confessed by Supervisor Erler at the public meeting on August 24, 2026 and Township Solicitor Kerasak to the press, it seems the MOU document that was placed on the township website on August 25, 2026 only includes the input of Supervisor Jonathan Erler and Supervisor Cori Eckman (both seemingly pro-data center) and Supervisor Jason Albert, but fails to consider or include input from Chairman John Birmingham or Supervisor David Friedman. It is unclear why input from only 3 of the supervisors was included.

It is also unclear whether Slate Belt Holdings has been given any access to this document, any input into this document, or advance notice of the edits it contains.

Please let the public know:

- Who in fact has had input into this most recent MOU draft released on August 25?
- Who has had the opportunity to review it prior to its public release on August 25?
- Who will be providing additional input moving forward?
- Who will be releasing this document to the public once it is complete?
 - Where will this release be made?
- Who will be responsible for notifying the public when an updated version is available?
- Who will review public comments provided to date and to be provided on this revised MOU and make the determination regarding which recommendations will be/should be added to the MOU prior to its formal consideration by the Board of Supervisors and determination as to whether it will be forwarded to Slate Belt Holdings?
- Has there been nonpublic review of this MOU with Slate Belt Holdings and the Supervisors without having a quorum present?

When?

There are many questions regarding when essential next steps, with regards to this MOU, will be undertaken. Including:

- When will the input of the two excluded supervisors be included in the draft MOU?
- When will the still-applicable-input on MOU provisions that has already been provided by the public be considered for inclusion in the draft?
 - Many of the comments provided by Delaware Riverkeeper Network, Green Amendments For The Generations, and other members of the public still directly apply to the modified draft and should be considered for inclusion.
- When will the public be given an opportunity to review and comment on the next iteration of the draft MOU?
 - We certainly expect that public input will be solicited, can be provided and will be considered BEFORE the supervisors would take a vote on whether to send a modified draft MOU back to Slate Belt Holdings.
- When will the Supervisors consider a next-draft MOU ready for Supervisor consideration and vote?
- When will the Supervisors vote on whether to send the next draft iteration back to Slate Belt Holdings for their consideration?
 - Has Slate Belt Holdings already received the draft placed on the August 25, 2026 website?

What?

In a follow up to the many 'when' questions, the Supervisors should send out a schedule of what will be the process for finalizing a revised draft of the MOU - this schedule should include timely public review and input, and should include an anticipated date when the Supervisors will publicly review and vote on whether to send the draft MOU back to Slate Belt Holdings.

The fact of the matter is, at this point, the public has no clear understanding of what we should be doing with regards to the August 25, 2026 publicly released MOU. Should we be commenting upon it? Is it simply a draft in the works with a next version to come that will be provided for public review and comment? What actually is this document?

The Delaware Riverkeeper Network and Green Amendments For The Generations will provide updated and detailed response to the new proposed MOU language when the time is right. At this point, we have no clarity on whether all modifications to the draft MOU have been included. That said, the vast majority of the provisions we addressed in our August 24 comment regarding the MOU are still relevant. The provisions regarding tax abatement and modifications to where funds are to be directed have been modified in

apparent response to our input and that of others. Other than that, it appears that the rest of our previous comments are still applicable and relevant.

Why?

The public deserves an explanation as to why there was no public disclosure, prior to offering public testimony at the August 24, 2026 hearing, and why they were allowed to provide nearly 3 hours of comment on an MOU draft that at least some of the supervisors, and the solicitor, **knew** was no longer the version to be considered by the Supervisors.

We also deserve to know:

- Why do Supervisors not understand the process regarding consideration of the Slate Belt Holdings July 22, 2026 filing that includes an asserted validity challenge and use class determination?
- Why do Supervisors not understand the opportunity they have to participate in the Zoning Hearing Board process when it comes to the Slate Belt Holding July 22 filing, and not understand the steps they will need to take to engage in that process? This lack of understanding is particularly alarming given that we are already a month into the 60 day timeline by which a hearing is to be scheduled.
- Why do Supervisors not understand the legal viability of the asserted validity challenge and their legal options should the Zoning Hearing Board render a determination regarding the validity challenge that the Supervisors disagree with on legal grounds?
- Why do supervisors not understand the opportunities they have to weigh in on the Use Class Determination process?
- Why has the Township Solicitor not educated the Board of Supervisors and the public on all of these, and related, issues, questions and legal procedural steps at issue?
- Has the solicitor provided any detailed explanation about what the process entails and what your rights are as a party?
- Similarly, what are the various versions of the draft ordinance that are now on the website? There is a redline version as well as the original draft. Who has done the redlining? Why did they redline? What actually is this document? How should the public be considering this document?

The clear misunderstanding or total lack of understanding regarding the July 22, 2026 filing, the Zoning Hearing Board process to consider the filing, the ways the Supervisors can engage in that process, and the opportunities for appeal should the Zoning Hearing Board render a decision the Supervisors find legally invalid, is driving a false sense of pressure

and fear regarding consideration of the MOU; it is also denying the Supervisors the information they need to make fully informed decisions regarding the MOU, the validity challenge, the use class determination, how to prioritize a new data center ordinance, and how they wish to participate in the Zoning Hearing Board process.

In order to ensure the Supervisors have the knowledge they need to render sound and informed decisions on all of these matters, the Delaware Riverkeeper Network and Green Amendments For The Generations hereby offer to provide a presentation laying out the Zoning Hearing Board process in the context of the Slate Belt Holdings July 22 filing, the specific elements the filing includes (it is not a mere validity challenge), the existing elements of the current township ordinance that undermine the asserted validity challenge, to explore why the asserted validity challenge is neither valid nor ripe for consideration, and to share how the Supervisors and the public can participate in the Zoning Hearing Board process (including the opportunities for legal appeal should that be warranted).

It's Time for Respect.

Residents of Upper Mount Bethel Township, organizations like mine with interested members who live in the community, as well as those from neighboring communities who have a vested interest in the outcome of this data center decisionmaking process invested significant time, effort and energy in developing informed comments to be shared during the August 24 public meeting. They then spent nearly three hours sharing their important perspectives and knowledge with the Board. The comments provided were serious, informed, and designed to educate the Supervisors about the ramifications of supporting a proposed MOU with Slate Belt Holdings, as well as the ramifications of taking a pro-data center stance within the community. The comments spoke to the legal viability of the validity challenge, protections already available in the Township's existing ordinances, concerns about the community and environmental implications of signing an MOU with Slate Belt Holdings, as well as issues of significant and related legal concern.

The public commitment to the serious and important process underway on August 24 was met with a patronizing and sarcastic opening statement from Supervisor Erler that was read to the community and into the record. While the statement was several minutes long, nowhere in this statement did Supervisor Erler alert the public to the existence of the new, revised MOU, that was now before the board for consideration that evening - a new version that displaced the version the public had received and was planning that evening to speak to.

Later in the evening, after nearly 3 hours of engagement and public remarks, Supervisor Erler, supported by Solicitor Karasek, informed the community of the new draft MOU; a draft that displaced the one the public was speaking to, and a draft that the public had no awareness of nor access to. The public learned that this new MOU had been developed by the Township Solicitor with the input of only three of the five supervisors, two of which seem to have a distinctly pro-data center stance. This MOU had been presented to the board prior to the meeting, at some point earlier in the day.

This means that the Board of Supervisors – or some subset thereof -- along with Solicitor Karasek, permitted residents to waste their time, in the late hours of a work and school night, providing feedback and commentary (not to mention prior hours of preparation) on a document that the Township Solicitor and at least some subset of the Supervisors knew to be irrelevant and obsolete. As stated by Supervisor Erler towards the end of the meeting around the 10 pm hour, after public comment had concluded, “The current MOU, I don't think anyone even knows what it is. No one has even seen my current one that we are looking at. People aren't talking about this one, you are all talking about the original.”

From our perspective, the late disclosure of the modified MOU and the language around that release of information seem clearly and intentionally designed to allow Supervisors who were inclined to do so, to maneuver around consideration of the public's feedback, characterizing it as no longer relevant and making unsubstantiated assertions that much of what had been testified to had already been addressed in this new MOU version.

To our dismay, not only did a subset of Supervisors seek to quash the time allowed for public comment at the beginning of this special meeting that was supposed to be the public's opportunity for input, but they also balked when they realized that a followup public meeting regarding the issue would re-open the door for additional public input. This disgruntled response to the possibility of additional time for public comment became all the more disturbing when we learned that the Supervisors had another, unreleased MOU draft, that the public had no awareness of nor access to. Did the displeasure at the thought of additional public comment signal that at least some of the Supervisors were hoping to vote on the unreleased MOU draft without ever receiving any public comment?

Supervisors who take seriously their duty to represent the community that elected them, would embrace additional input on an issue of such importance, and would seek out the public's information, input and guidance on every version of a document the Supervisors were intending to vote on. Notably, Chair John Bermingham, Supervisor David Friedman and Supervisor Jason Albert supported the value of an additional meeting that included

additional opportunity for community input on a document the public had not yet seen, much less even been made aware of.

Informed & Community Oriented Representation & Engagement is Sorely Needed.

At the close of the August 24th public meeting, the Board of Supervisors unanimously voted on a motion put forth by Chair Bermingham “to have our solicitor work on the validity challenge, seek the consultation of Maya from the Delaware Riverkeepers because I know she’s got expertise and let's see if we can strike this down.” When Mr. Karasek was asked if he was “willing and able to take this up,” he agreed that he was.

Inclusion of the obligation for Mr. Karasek to consult with Maya van Rossum, the Delaware Riverkeeper and Founder of Green Amendments For The Generations was a direct response to calls for this action from the public. We and the public fully expect that this obligation will be undertaken seriously.

Consultation does not just mean one gratuitous phone call, phone message or email exchange. Consultation is a process of discussion, evaluating options, and seeking input that is then taken seriously in decisionmaking and planning. Maya van Rossum, and her legal team, will make themselves available for ongoing consultation to ensure the public and the supervisors undertake the most robust and informed legal position and posture allowed by law with regards to the validity challenge and upcoming Zoning Hearing Board process.

The fact of the matter is, we believe the Township is in a strong position regarding the asserted validity challenge.

It appeared to all in the room on the 24th that the board had no clear or meaningful understanding as to what a validity challenge was, the legal parameters that must be fulfilled for one to succeed, the role of the Savings Clause provisions present in the township ordinance for identifying the appropriate use class for a data center and how that process interacted with the legal viability or strength of a validity challenge, and the role the Supervisors could and should play in the Zoning Hearing Board process considering the Slate Belt Holdings July 22, 2026 legal filing. As a result, it seems the Supervisors are sorely lacking the clear legal information or understanding necessary to properly assess or respond to the various issues it now faces. Delaware Riverkeeper Network and Green Amendments For The Generations will be more than happy to fill in these gaps and provide an educational workshop or talk to the Board of Supervisors and the community regarding

all of these issues, including how both the township and community can engage with the Zoning Hearing Board process reviewing the Slate Belt Holdings July 22 filing. The Township of Upper Mt. Bethel deserves to be given all the knowledge necessary to defend its community.

Transparency ... a Continuing Challenge.

There is a clear lack of transparency regarding the process for review, modification and consideration of the Slate Belt Holdings proposed MOU. There is also a tremendous lack of transparency regarding communications that are either with, or in support of, the Slate Belt Holdings data center.

From the public's perspective, it seems the lack of transparency is not just from the board to the community, but seems to be between the Township Solicitor and the full board with pro-data center board members getting preferential treatment. In addition, it appears to the outside observer that the pro-data center supervisors are similarly not providing full disclosure to fellow board members, just as it is being denied to the public.

According to an August 25, 2026 news article in the Morning Call by Elizabeth Deornellas titled "Chaotic meeting ends with revelation of new Lehigh Valley data center deal," Solicitor Karasek stated that with regards to the revised MOU he had "worked to incorporate feedback from Erler, Eckman and Albert...." In this statement reported the day after the August 24 hearing when the revised MOU had already been shared with the Supervisors but not the public, he said he would "now have to gather feedback from Bermingham and Friedman". From what we can glean from this article, it appears that only Solicitor Karasek, and Supervisors Erler, Eckman, and Albert were able to review and provide edits on the most up to date version of the MOU. We are left to question if Supervisors Bermingham and Friedman were even made aware of this new MOU and their counterparts' edits prior to the August 24th meeting, and to ask why they were excluded from providing input before a draft was put together for the full board to consider? <https://www.mcall.com/2026/08/25/rejection-of-deal-with-data-center-developers-fails-in-chaotic-end-to-northampton-county-township-meeting/>.

It seems the only way the public can know exactly what is going on, is if everyday we pick up the phone and call the Township to ask for information, updates and developments on anything regarding the data center. In the alternative, if we feel this pathway is not yielding up to date and accurate information, then we can file daily Right to Know requests on the subject. Both pathways creates an unnecessary burden on everyone.

While it is a duty of residents to be informed, if their Township is failing to provide basic and relevant information in an accessible way, the failure of transparency and information falls directly on the shoulders of the Township.

In response to reporter questioning, Mr. Karasek pointed at the Board of Supervisors for the failure to share the modified MOU version stating: "That's a policy call, that's not a legal call". It is interesting that while Solicitor Karasek apparently felt no obligation to ensure the public was aware that the testimony they were about to give was going to be disregarded as inapplicable given a new draft MOU was apparently available for consideration, he did think it appropriate to threaten to shut down the public meeting when he disapproved of the public's behavior. At minute 25:35 of the UMBT Youtube Livestream, Solicitor Karasek inappropriately stated "If that's how we are going to act, I'll shut this meeting down now." This overreaction to community grumbling in response to a sarcastic statement being read by a Supervisor directed at the community, is concerning – in context, it seemed just another mechanism by which the public was being disenfranchised, or threatened with disenfranchisement.

The Board, the Solicitor, and other Township staff must commit to transparency, including full and timely information sharing. Anything less than full and immediate transparency will no longer be tolerated.

Following up.

Mr Karasek can contact me regarding the required consultation, and the Board of Supervisors can contact me to set up the offered training session by email keepermaya@delawareriverkeeper.org, or via text or phone call at 215 801 3043.

I look forward to working together to secure an outcome that benefits all of those that would be impacted by this proposed data center development.

Respectfully submitted,



Maya K. van Rossum
the Delaware Riverkeeper &
Green Amendments Founder/Leader

