

PINE CREEK TOWNSHIP
MEETING MINUTES OF MAY 6, 2026

The Pine Creek Township Board of Supervisors held the regular monthly meeting on May 6, at 7:00 pm, with Supervisors John M. Reese, Dean L. Edwards, Jr. and Dave Winkleman, Jr., present.

Public Attendees: Chris Bartley, Chez Yothers, Pam Smith, Marc Drier, Esquire, Jason Smith, Ashley Hoh, Ken Packard, Robert Keller, Kim Dugan, Steph Delaney, Rick Macklem, Greg Love, James Hess and Thom Rosamilia, Esquire

Individuals recording the meeting: None.

Executive Session

Chairman Edwards called an Executive Session at 7:02 pm to discuss legal issues with the Township Solicitor. The regular meeting was called back to order at 7:19 pm.

Meeting Minutes

Chairman Edwards asked if there were any changes or additions to the April 1, 2026, monthly meeting; there being none, Supervisor Winkleman made a motion to approve the minutes as presented; seconded by Supervisor Reese, MCU.

Financial Report & Invoices

Supervisor Winkleman made the motion to approve the financial reports and invoices as presented; seconded by Supervisor Reese, MCU.

2026 Oil & Chip Road Project Bid Opening:

The Supervisors received the following bids for the 2026 Oil & Chip Road Project:

Russell Standard Corporation	\$114,787.68
Midland Asphalt Materials, Inc.	\$124,939.74
Suit-Kote	\$121,281.34

Supervisor Reese made a motion to accept the low bid from Russell Standard Corporation in the amount of \$114,787.68; seconded by Supervisor Winkleman, MCU.

Township Statement on Proposed Zoning Amendment

Supervisor Winkleman read a statement on behalf of the Board of Supervisors pertaining to amending the Zoning Ordinance to add data centers as a conditional use in the Industrial Zoning District. The statement is attached and incorporated into the meeting minutes.

Public Participation:

Jason Smith, KCSD Region IV School Board Representative

Jason Smith introduced himself as the newly appointed School Board Representative for Region IV of the Keystone Central School District, representing Pine Creek II, and replacing Jeff Johnston who resigned from that position.

Mr. Smith explained that currently the School District is working on the budget for next year facing a \$3.6 million dollar deficit and is currently \$44 million dollars in debt.

Mr. Smith said he does not support increasing school taxes, but he is concerned that if the School District does not resolve its current financial issues, it could be placed into receivership, meaning the state would take over its operations.

Ashley Hoh

Resident Ashley Hoh of Henry Street in South Avis asked what the Board has planned for the park in South Avis now that Little League is no longer using the ball field and the Supervisors indicated that currently there are no plans for the park.

Ashley Hoh asked if the Supervisors would support fundraising efforts by the community for maintenance and upkeep of the playground equipment.

The Supervisors indicated that they would be supportive of Ms. Hoh efforts with regard to the playground and the possibility of creating a sub-committee under the Recreation Board that would be specific to the needs of the park in South Avis.

Recreation Committee:

There were no members of the Recreation Committee present at the meeting.

Pine Creek Township Police Department:

There was nothing new to report on behalf of the Pine Creek Township Police Department.

Old Business:

Bellevue Cemetery

Attorney Marc Drier spoke to the Supervisors about Bellevue Cemetery and provided documents including a survey and burial lot ownership information for the cemetery to the Board of Supervisors.

Attorney Drier explained that there is a recorded right-of-way and maintenance agreement between the two property owners for the maintenance of the road at no cost to the cemetery. He said there is approximately \$30,000.00 in a trust account for maintenance costs and the funds in the account as well as all equipment used to maintain the cemetery would be turned over to the township when and if they agree to take ownership.

Zoning/Code Violations

Solicitor Rosamilia reported that the cleanup of the property on Delaware Avenue in South Avis is completed and the Township will place a lien on the property and if the owner does not pay the lien, the township may take the land and sell it by public auction to recover costs.

The Defendants filed an Answer and New Matter to the Complaint filed in the Court of Common Pleas for the camp site along Harley Drive. Attorney Rosamilia said he is working with the Zoning Officer on the response to the New Matter and a Status Hearing is scheduled for May 18, 2026, at 2:00 pm.

New Business:

Zoning Ordinance Amendment – Data Centers

Supervisor Winkleman moved to direct the Township Secretary, Township Solicitor and Township Engineer to draft an amendment to the Zoning Ordinance to address Data Centers; second by Supervisor Reese, MCU.

Right-To-Know Officer Report

The Right-To-Know Officer reported receiving one Right-To-Know Request from Krista Weise requesting Body cam footage of officer speaking to both parties and obtained video of a car accident on March 18, 2026, on Smith Street/Lafayette Street in Avis, referencing Police Report Incident No. 26-224.

Adjournment

There being no further business, Supervisor Winkleman made a motion to adjourn the meeting; seconded by Chairman Reese, MCU.

The meeting adjourned at 7:47 p.m.

Respectfully submitted,

Darlene S. Macklem

Darlene S. Macklem, Secretary

Township Statement on Proposed Zoning Amendment

Over the past 24 hours there were some accusations and assumptions circulating around social media, I want to address this conversation directly and keep it grounded in facts, process, and our legal responsibilities.

What's being considered is not approval of a project or a developer. It is a potential text amendment to our zoning ordinance—a routine and necessary function under the Pennsylvania Municipalities Planning Code (MPC). Our job is to make sure our ordinance is current, clear, and legally defensible—not reactive or vague.

Why Does This Matter? (Legal Perspective)

A local municipality Gregg Township in Allenwood is currently tied up in dealing with 5 potential data centers and are now trying to address this reactively because they failed to properly deal with this in their own ordinance. One of the most important aspects of this discussion is the risk of doing nothing.

In Pennsylvania we have what is called an Exclusionary Zoning Risk

If a use like a data center is not addressed anywhere in the ordinance, a landowner or developer can argue the township is unlawfully excluding that use, which can result in a curative amendment challenge or litigation.

Less Control—Not More

Without defined standards, an applicant may challenge the ordinance and potentially gain approval with fewer local conditions than the township would otherwise be able to impose.

Uncertainty and Legal Costs

Undefined uses often lead to inconsistent interpretations, appeals, and increased legal costs, all of which ultimately impact taxpayers.

Loss of Negotiating Position

A clearly written conditional use section allows the township to require setbacks, buffering, infrastructure coordination, and operational limitations.

What a Conditional Use Actually Does

Listing a use as a conditional use does not guarantee approval—it creates guardrails and oversight.

Any future proposal would still require:

- A public hearing
- Proof of compliance with objective ordinance criteria
- Review of infrastructure, environmental, and operational impacts
- The ability for the township to impose site-specific conditions

Addressing Community Concerns

Concerns such as water usage, power demand, noise, and land impact are valid and important. These issues are best addressed through defined standards and a formal review process—not by leaving gaps in the ordinance.

It is also important to avoid suggesting that this process is intended to benefit a specific or predetermined developer. There is no project being approved, and any amendment would apply broadly.

Bottom Line

Our responsibility is to plan responsibly, not avoid difficult topics. Ignoring emerging land uses increases the likelihood of reduced control and increased legal exposure in the future.

The public hearing provides the proper forum for residents to ask questions, express concerns, and help shape how—or whether—this use should be addressed.