MINUTES

NEWPORT TOWNSHIP BOARD OF COMMISSIONERS

NOVEMBER 9,2026

PRESIDENT PAUL CZAPRACKI, CALLED THE MEETING TO ORDER AT 6:00 PM AND STARTED WITH THE PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA. THIS MEETING WAS LEGALLY ADVERTISED IN THE CITIZENS VOICE NEWSPAPER ON NOVEMBER 5, 2026 TO BE HELD AT THE GREATER NANTICOKE AREA HIGH SCHOOL AUDITORIUM.

ROLL CALL:

THE FOLLOWING COMMISSIONERS ATTENDED MR. DAVE SARAKA, MR. MICHAEL ROKE, MR. RONALD JONES, MR. PAUL CZAPRACKI, AND MR. JOHN ZYLA. ALSO IN ATTENDANCE WERE TOWNSHIP MANAGER JOSEPH HILLAN, ATTORNEY CHRIS SLUSSER, ATTORNEY LEN SANGUEDOLCE CODE ENFORCEMENT OFFICER JASON HUMENANSKI AND DARYL PAWLUSH, PENN EASTERN ENGINEERS.

ATTORNEY LEN SANGUEDOLCE READ A SPECIAL COUNSEL STATEMENT WHICH IS ATTACHMENT #1 OF THE MEETING MINUTES

CITIZENS COMMENTS ON AGENDA ITEMS:

KATHERINE POHLIDAL HAD QUESTIONS RELATED TO JASON TARNOWSKI'S RESIGNATION FROM THE NEWPORT TOWNSHIP ZONING HEARING BOARD. THE QUESTIONS ARE ATTACHMENT #2 OF THE MEETING MINUTES.MS.POHLIDAL ALSO PRESENTED THE QUESTIONS THAT SHE ASKED AT THE OCTOBER MEETING WHICH ARE ATTACHMNET #3 OF THE MEETIG MINUTES.

APPROVAL OF MINUTES: MR. JONES MOVED THAT THE MINUTES OF THE COMMISSIONERS' MEETING FROM OCTOBER 5TH BE APPROVED. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

DRAFT

REPORT OF TOWNSHIP FUNDS:

MR HILLAN REPORTED CASH ON HAND AS OF AS FOLLOWS:

GENERAL FUND	(PSBT)	$248,605.60
CONTINGENCY FUND	(PLGIT)	$768,392.55
RECYCLING FUND	(PLGIT)	$30,067.88
REFUSE FUND	(PLGIT)	$119,371.62
REFUSE FUND	(PSBT)	$2,473.61
LIQUID FUELS	(PLGIT)	$51,535.22

TOTAL CASH ON HAND AS OF OCTOBER 31,2026 $1,220,446.48

MR. ZYLA MOVED TO ACCEPT THE REPORT OF TOWNSHIP FUNDS. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. "NAYS" NONE

APPROVAL OF NON-RECURRING BILLS PAID DURING OCTOBER 2026:

MR. HILLAN PRESENTED THE COMMISSIONERS WITH A LIST OF NON-RECURRING BILLS PAID DURING THE MONTH OF OCTOBER TOTALING $184,249.13. MR. JONES MOVED THAT THE LIST BE APPROVED FOR PAYMENT. MR. ZYLA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. "NAYS" NONE

APPROVAL OF RECURRING BILLS DUE FOR PAYMENT IN NOVEMBER 2026:

MR HILLAN PRESENTED THE COMMISSIONERS WITH A LIST OF BILLS DUE FOR PAYMENT IN NOVEMBER TOTALING $103,343.85. MR. JONES MOVED THAT THE LIST BE APPROVED FOR PAYMENT. MR. ZYLA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES: "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. "NAYS" NONE

DEPARTMENT REPORTS:

a. STREET DEPARTMENT	MR. CZAPRACKI
b. POLICE DEPARTMENT	MR. ZYLA
c. CODE ENFORCEMENT	MR. SARAKA
d. FIRE DEPARTMENT	MR. ROKE
e. PARKS & RECREATION	MR. JONES

DRAFT

SOLICITOR'S REPORT: ATTORNEY SLUSSER HAD NOTHING TO REPORT

TOWNSHIP MANAGER'S REPORT:

A. *2027 PROPOSED BUDGETS PRESENTATION. THE PROPOSED BUDGETS WILL BE AVAILABLE FOR PUBLIC INSPECTION ONLINE ON THE TOWNSHIP WEBSITE AND AT THE TOWNSHIP MUNICIPAL BUILDING UNTIL DECEMBER 7,2026.*
B. *ON FRIDAY OCTOBER 30TH AT 8:30 AM, I ALONG WITH ATTORNEY SLUSSER REPRESENTING NEWPORT TOWNSHIP AND MR. DAWSON JENKINS, MR. PETER WANCHISEN AND ATTORNEY VITO DELUCA REPRESENTING THE NEWPORT TOWNSHIP SEWER AUTHORITY, ATTENDED THE FINAL CLOSING OF THE SALE OF THE NTSA TO THE WVSA. FUNDS FROM THE SALE ARE IN THE PROCESS OF BEING TRANSFERRED AND THE TOTAL AMOUNT WILL BE REPORTED AT THE DECEMBER MEETING.*
C. *ON FRIDAY OCTOBER 30TH AT 2: 00 PM BIDS WERE OPEN FOR PHASE II OF THE MAIN STREET GLEN LYON SIDEWALK PROJECT. THERE WERE FOUR BIDDERS. THIS WILL BE ADDRESSED UNDER NEW BUSINESS.*
D. *NEWPORT TOWNSHIP WILL BE APPLYING FOR A STATEWIDE LSA GRANT FOR THE PAVING OF MARK AND JAMES STREETS*

NEW BUSINESS:

Mr. ZYLA MOVED TO HIRE EDWARD CROSSAN AS A FULLTIME DPW EMPLOYEE RETROACTIVE FROM OCTOBER 26,2026 AT THE STARTING RATE OF $20.00 PER HOUR. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. ZYLA MOVED TO APPROVE THE REQUEST FROM THE NEWPORT TOWNSHIP WOMEN'S ACTIVITY GROUP TO USE THE COMMUNITY ROOM ON DECEMBER 5TH FOR THEIR ANNUAL VISIT FROM SANTA CLAUS. MR. JONES SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. SARAKA MOVED TO PASS A CONTINUATION OF THE AGREEMENT WITH LUZERNE COUNTY TO COLLECT THE MUNICIPAL TAXES THROUGH THE CALENDAR YEAR 2029. MR. ZYLA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. "NAYS" NONE

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MR. ZYLA MOVED TO ACCEPT THE RESIGNATION OF JASON TARNOWSKI FROM THE NEWPORT TOWNSHIP ZONING HEARING BOARD EFFECTIVE SEPTEMBER 17,2026.. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. JONES MOVED TO PASS ORDINANCE NO.9 OF 2026 AN ORDINANCE OF THE TOWNSHIP OF NEWPORT, LUZERNE COUNTY, PENNSYLVANIA, PROHIBITING THE PARKING, STORAGE, OR LEAVING UNATTENDED OF MOTOR HOMES, RECREATIONAL VEHICLES (RVS) AND HOUSE TRAILERS ON ALL PUBLIC STREETS, HIGHWAYS AND RIGHT-OF WAYS WITHIN THE TOWNSHIP; ESTABLISHING LIMITED EXCEPTIONS FOR ACTIVE LOADING AND UNLOADING; AND PRESCRIBING FINES AND PENALTIES FOR VIOLATIONS. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. ZYLA MOVED TO PASS ORDINANCE No.10 OF 2026 AN ORDINANCE OF THE TOWNSHIP OF NEWPORT, LUZERNE COUNTY, PENNSYLVANIA, AND SUPPLEMENTING THE TRAFFIC AND VEHICLE REGULATIONS OF THE TOWNSHIP CODE; ESTABLISHING THE DEFINITIONS, STANDARDS, AND ENFORCEMENT PROCEDURES FOR ABANDONED VEHICLES LEFT UPON PUBLIC STREETS AND HIGHWAYS; PROVIDING A SEVEN (7) DAY NOTICE PRIOR TO IMPOUNDMENT; AND PRESCRIBING PENALTIES FOR VIOLATIONS. MR. JONES SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE

MR. JONES MOVED TO PASS ORDINANCE NO.11 OF 2026 AN ORDINANCE AMENDING ORDINANCE NO.5 OF 1910 PROSCRIBING REGULATIONS FOR THE USE OF PUBLIC PLAYGROUNDS AND RECREATION AREAS WITHIN THE TOWNSHIP OF NEWPORT AND SETTING FINES AND PENALTIES FOR THE VIOLATION THEREOF. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. SARAKA MOVED TO PASS RESOLUTION No.21 OF 2026 A RESOLUTION AMENDING THE RESOLUTION ADOPTED BY THE NEWPORT TOWNSHIP BOARD OF COMMISSIONERS ON OCTOBER 12,1992, ESTABLISHING A NON-UNIFORMED MUNICIPAL PENSION PLAN. MR. ZYLA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. "NAYS" NONE

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MR. JONES MOVED TO PASS RESOLUTION NO.22 OF 2026 A RESOLUTION OF THE COMMISSIONERS OF NEWPORT TOWNSHIP AUTHORIZING TOWNSHIP MANAGER JOSEPH HILLAN TO PREPARE AND SUBMIT A REQUEST FOR A STATEWIDE LOCAL SHARE ASSESSMENT GRANT OF $293,606.50 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR THE PAVING OF TWO STREETS IN NEWPORT TOWNSHIP. MR. SARAKA SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

MR. ZYLA MOVED TO AWARD A CONTRACT FOR PHASE II OF THE MAIN STREET GLEN LYON SIDEWALK PROJECT TO STAFURSKY PAVING COMPANY FOR THE AMOUNT OF $186,225.00 PENDING THE APPROVAL OF THE TOWNSHIP ENGINEER AND THE TOWNSHIP SOLICITOR. MR. JONES SECONDED THE MOTION AND IT CARRIED WITH THE FOLLOWING AYE AND NAY VOTES. "AYES" MESSER'S. JONES, ROKE, SARAKA, ZYLA, AND CZAPRACKI. NAYS" NONE.

CITIZENS' COMMENTS: THE FOLLOWING CITIZENS ADDRESSED THE BOARD:

JUDY GUMINA STATED HER OPPOSITION TO DATA CENTERS.

LAURA RIECHERS ASKED EACH BOARD MEMBER AND MR. HILLAN IF THEY SIGNED ANY NDA'S OR RECEIVED ANY COMPENSATION REGARDING THE DATA CENTER PROJECT.

KAREN SAMUELS EXPRESSED CONCERNS ABOUT WATER AND NOISE.

SCOTT JASKULSKI QUESTIONED THE NTSA SALES AGREEMENT.

MATTHEW ZIMMERMAN STATED HIS OPPOSITION TO THE DATA CENTERS AND TO HIS OPPOSITION OF ANY COMMISSIONER THAT SUPPORTS THE PROJECT.

MYLA VNUK REQUESTED THAT A HEALTH IMPACT STUDY BE CONDUCTED.

DAN KOWALSKI QUESTIONED THE SEWER AUTHORITY AGREEMENT, CEMETERY ROAD AND THE FIRE SUPPRESSION SYSTEM ON SITE AT THE PROPOSED POWER PLANTS.

BRENDA GRABOWSKI PRESENTED THE BOARD WITH A FORMAL CITIZENS TECHNICAL PETITION AND DEMAND FOR MANDATORY SALDO COMPLIANCE, INDEPENDENT ACOUSTICAL ESCROW AND CORRECTION OF UNCONSTITUTIONAL NOISE CRITERIA UNDER ORDINANCE NO.2026-1. THE PETITION IS ATTACHMENT #4 OF THE MEETING MINUTES.

MICHELE STASHAK EXPRESSED HER OPPOSITION TO THE DATA CENTER PROJECT.

MONICA SANDV INFORMED THE BOARD OF THE CRYSTALS THAT SHE FOUND WHILE EXPLORING THE PROPOSED DEVELOPMENT SITE.

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JENNIFER MORGIS EXPRESSED HER DISAPPOINTMENT WITH LACK OF COMMUNICATION FROM THE BOARD CONCERNING THE PROPOSED PROJECT.

DENNIS REPEDA QUESTIONED THE DATE OF THE RESIGNATION LETTER OF JASON TARNOWSKI AND ALSO EXPRESSED HIS OPPOSITION TO THE DATA CENTER PROJECT.

JOANN MCCARTHY QUESTIONED THE EFFECT THE PROJECT WOULD HAVE ON THE ENVIRONMENT.

KATHERINE POHLIDAL PRESENTED A LIST OF QUESTIONS REGARDING THE PROPOSED PROJECT AND THEY ARE ATTACHMENT #5 OF THE MEETING MINUTES.

SALLY MAKAVENSKY ASKED WHAT WAS GOING TO HAPPEN TO ALL OF THE ANIMALS THAT WOULD BE AFFECTED BT THE PROPOSED PROJECT.

SIERRA HOLT THANKED THE BOARD FOR THE NEW PLAYGROUND ON RAILROAD STREET IN GLEN LYON.

CHERYL CHONKO PRESENTED A LIST OF QUESTIONS TO THE BOARD THAT ARE ATTACHMENT #6 OF THE MEETING MINUTES.

CORININE PEGARELLA PRESENTED A LIST OF QUESTIONS TO THE BOARD THAT ARE ATTACHMENT #7 OF THE MEETING MINUTES.

JUDY PAZGAN EXPRESSED HER OPPOSITION TO THE PROPOSED PROJECT.

ANN STEWART SPOKE ABOUT THE PUBLIC ACCESS RIGHT OF WAY INTO THE ALDEN CEMETERY.

JENNIFER LOBB QUESTIONED THE HIGHWAY OCCUPANCY PERMIT THAT WAS USED FOR THE ZONING PERMITS FOR THE PROPOSED PROJECT.

COMMISSIONERS COMMENTS:

THERE WERE NO COMMISSIONER COMMENTS

ADJOURNMENT

WITH NO FURTHER BUSINESS TO COME BEFORE THE COMMISSIONERS, MR. CZAPRACKI ADJOURNED THE MEETING AT 8:00 PM

ATTACHMENTS 1 THROUGH 7 ARE ATTACHED TO THESE MINUTES

_____ _____

JOSEPH HILLAN
TOWNSHIP SECRETARY

PAUL CZAPRACKI
PRESIDENT BOARD OFCOMMISSIONERS

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ATTACHMENT # 1

Newport Township
Special Counsel Statement to be attached to the November 9, 2026 minutes

The Newport Township Commissioners appreciate and encourage continued public dialogue related to the potential development of a data center in Newport Township.

The Commissioners continue to invite and encourage residents to provide public comment on any matter of interest, including the development of data centers, but legal counsel is advising the Commissioners to refrain from addressing any comments or making any statements regarding any particular project, developer or industry unless and until it makes its way through the Land Development Process and is presented to them for consideration. Pre-judging a specific data center proposal creates potential due process claims against the Township.

Newport Township has followed all governing laws related to actions under the Pennsylvania Municipalities Planning Code that established a legally binding process to ensure all questions related to any land development in Newport Township are answered before development proceeds. Any Land Development plan must fully comply with the Newport Township SALDO and Zoning Ordinance.

Newport Township officials, by bringing back the local zoning board and passing a new zoning ordinance and establishing a Planning Committee have taken significant action to ensure local control and public input on land development in the community.

The new zoning ordinance requires developers to submit a Full Impact Assessment Study (FIA) as part of the permit process before a project moves forward to final approval consideration. These concerns of the community which the Commissioners recognize as valid and important should be addressed to the Planning Committee moving forward.

The Newport Township Commissioners will continue to follow the law, and we will continue to provide for community input at every stage of the process.

The Newport Township Commissioners are committed to responsible land development that enhances the quality of life in our community, protects our environment, and promotes broad economic prosperity for Newport Township residents.

ATTACHMENT #2

Questions Related to Mr. Jason Tarnowski's Resignation from the Newport Township Zoning Hearing Board

The public expects a complete separation of interest between the Zoning Hearing Board and the major private entities selling or developing land in Newport Township.

I am requesting that the exact date the written letter of resignation was received by the Township Manager be noted in the minutes tonight.

I request that these specific questions regarding potential conflicts of interest and the ZHB appointment process be recorded fully in the official minutes of this November 9, 2026, meeting.

Before this board votes to accept Mr. Tarnowski's resignation, will the Township enter into the official minutes a definitive record of whether Mr. Tarnowski recused himself from all verbal and written discussions regarding the FIT Energy Data Center permits issued on August 10, 2026, due to his employment with Earth Conservancy?

Will the commissioners explicitly confirm tonight that all emails, text messages, and written communication between Mr. Tarnowski, the Township, and Earth Conservancy, regarding local data center zoning activity are actively being preserved as public records under the Pennsylvania Right to Know Law, regardless of his departure?

The Board has 30 days to fill this vacancy. What specific vetting procedures will the Commissioners use to ensure the next Zoning Hearing Board appointee has absolutely no professional, financial, or families ties to Earth Conservancy, FIT Energy, Fuel Cell, or any affiliated land-holding LLCs?

- Did Mr Tarnowski participate in any official or unofficial discussions regarding data center zoning parameters or specific land parcels before deciding to resign?
- Are there any pending applications, sketch plans, or zoning inquiries from Earth Conservancy currently active within Newport Township?

(KP, 2026, Nov 9, 2026 meeting)

ATTACHMENT #3

Newport Township Sewer Authority Sale to Wyoming Valley Sanitary Authority

Questions that were asked at the October 2026 Commissioners Meeting that have to date (November 9, 2026) have still not been answered. Requestor: Katherine Pohlidal, Newport Township resident.

Regarding the sale of the Newport Township Sewer Authority to the Wyoming Valley Sanitary Authority:

-What projected growth assumptions were used when evaluating the sale of the sewer authority?

-Did future industrial development projects influence the decision to pursue the authority sale? And if so, what forms of industry were included in the decision-making process?

-Have engineering reports identified future customers or categories of customers?

-What additional sewage treatment capacity will be available to Newport Township residents and businesses after this transaction is finalized? Provide specific details on the capacity of the Newport Township Sanitary authority vs. the Wyoming Valley Sanitory Authority?

ATTACHMENT #4

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BEFORE THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NEWPORT

LUZERNE COUNTY, PENNSYLVANIA

FORMAL CITIZENS' TECHNICAL PETITION AND DEMAND FOR MANDATORY SALDO

COMPLIANCE, INDEPENDENT ACOUSTICAL ESCROW (PA MPC § 503), AND CORRECTION

OF UNCONSTITUTIONAL NOISE CRITERIA UNDER ORDINANCE NO. 2026-1

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SUBMITTED BY: Affected Residents and Property Owners of Newport Township, Luzerne County, Pennsylvania

DATE: November 4, 2026

TO: Board of Commissioners, Township Manager, Township Solicitor, and Township Engineer

I. PURPOSE & PROCEDURAL STANDING

This formal petition is submitted on behalf of residents and taxpayers of Newport Township pursuant to Article I, Section 27 of the Pennsylvania Constitution, Section 503(1) of the Pennsylvania Municipalities Planning Code (Act 247, 53 P.S. § 10503), and Section 517 of the Newport Township Zoning Ordinance of 2026.

As the Township Engineer has officially confirmed that Land Development review for the proposed Fit Energy hyperscale data center project is governed by the Subdivision and Land Development Ordinance (SALDO) 10-step process, Petitioners formally place the Governing Body on notice of mandatory statutory requirements governing Step 2 (Completeness), Step 4 (Technical Review), and Step 6 (Board Action).

II: CRITICAL LEGAL AND TECHNICAL DEFECTS REQUIRING IMMEDIATE INTERVENTION

1. INCOMPLETENESS OF LAND DEVELOPMENT APPLICATION (SALDO STEPS 1 & 2):

Under Section 517.4 of the Newport Township Zoning Ordinance, any data center exceeding 10,000 square feet or 1 MW electrical load MUST submit a comprehensive Full Impact Assessment (FIA) prepared by licensed professional engineers. Under the Township's own SALDO process, an application CANNOT be deemed complete (Step 2)

or distributed for review (Step 3) until complete engineering models for the following mandatory components are submitted in full:

a. Hydrologic Impact Study (§ 517.4.A.3) evaluating aquifer drawdown and Cold Water Fishery recharge.

b. Noise and Generator Management Plan (§ 517.4.A.4) including full octave-band predictive modeling at residential boundaries.

c. Utility Coordination Plan (§ 517.4.A.2) confirming grid compatibility.

2. IMPROPER SEGREGATION OF BASELOAD POWER GENERATION:

The developer's public disclosures confirm the inclusion of a massive on-site natural-gas fuel cell power plant. Continuous baseload electric generation is NOT merely an accessory use under Section 517.5.G.3 (which restricts generators strictly to emergency standby). A 300+ MW gas generation facility constitutes a separate principal use under Section 528 (Gas-Fired Electric Generating Facility) or Section 541 (Power Generation) and MUST independently satisfy all specific criteria, buffers, and environmental impact reviews mandated therein.

3. UNENFORCEABLE AND HARMFUL ACOUSTIC METRICS (§ 517.5.E):

Section 517.5.E currently establishes a flat 65 dBA noise limit around the clock, omitting any nighttime reduction and omitting any regulation of low-frequency sound (dBC). Relying exclusively on dBA allows over 85 dBC of continuous low-frequency cooling fan rumble (31.5 Hz to 125 Hz) to vibrate residential structures and destroy sleep while falsely appearing compliant on a standard A-weighted sound meter. Enforcing a 65 dBA commercial noise limit within 600 feet of residential bedrooms violates the Board's constitutional trustee duties under Article I, Section 27 and fails the public health mandates of MPC Section 604(1).

III. FORMAL CITIZEN DEMANDS FOR BOARD ACTION

Petitioners formally demand that the Board of Commissioners and Township Solicitor take the following formal actions on the stenographic record:

DEMAND 1: MANDATE DEVELOPER-FUNDED PROFESSIONAL ESCROW (PA MPC § 503(1))

Pursuant to the explicit authority granted under Section 503(1) and Section 510 of the Pennsylvania Municipalities Planning Code, the Board shall require Fit Energy to execute a Professional Services Developer Escrow Agreement and deposit an initial cash escrow (minimum $50,000) prior to deemed completeness (Step 2). The Township—

NOT the developer—shall retain an independent, board-certified Member of the Institute of Noise Control Engineering (INCE) to review all acoustic submissions and conduct baseline ambient monitoring at zero expense to taxpayers.

DEMAND 2: REJECT ANY APPLICATION LACKING COMPLETED IMPACT ASSESSMENTS

The Township Engineer and Zoning Officer shall NOT certify any Preliminary Plan submission as "Complete" (Step 2) until all required engineering studies mandated

under Section 517.4 and Section 528 are completed in full, published on the Township public portal, and deposited in the municipal building for public review.

DEMAND 3: AMEND SECTION 517.5.E TO INCORPORATE MODERN ACOUSTIC STANDARDS

The Board shall immediately direct the Newport Township Planning Committee to advertise and recommend an amendment to Section 517.5.E replacing the 65 dBA standard

with the protective standards established by Luzerne County and acoustic science:

- Daytime (7:00 AM – 9:00 PM): Maximum 55 dBA and maximum 65 dBC.
- Nighttime (9:00 PM – 7:00 AM): Maximum 45 dBA and maximum 50 dBC.
- Low-Frequency Differential: Any condition where LCeq - LAeq ≥ 10 dB shall trigger a mandatory 5 dB penalty and require engineered acoustic baffling.
- Mandatory Equipment Setback: Minimum 2,000-foot separation between any continuous noise-producing equipment (coolers, fuel cells, transformers) and any residential dwelling or lot line.

IV. CONCLUSION & VERBAL RECORD STATEMENT

Petitioners request that this formal petition be entered into the permanent, unapproved minutes of the November 4, 2026 meeting, that a formal copy be transmitted

to the Township Engineer, and that written responses to Demands 1, 2, and 3 be issued prior to the December Planning Committee session.

Respectfully submitted,

Brenda Grabowski [redacted]

Resident Signature Street Address (Glen Lyon / Newport)

SIGNATURE	ADDRESS
	[redacted]
Jackie Gagdowski	[redacted]
	[redacted]
Deb Ward	[redacted]
Richard Lemanowicz	[redacted]
Guadalupe Galan	[redacted]
	[redacted]
	[redacted]
Carol W Dekker	[redacted]
	[redacted]
Karen Samuels	[redacted]

ATTACHMENT #5

Questions for Newport Township Commissioners and Supervisor -Regarding the Hyperscale Data Center -FIT Energy and Power Plants-Fuel Cell, Project Proposal

These questions are to be answered with the full scope of the entire Project Granite Proposal including the entire hyperscale data center and power plant campus for Newport Township.

Meeting: Monday, November 9, 2026, Submitted by Newport Township Residents of Glen Lyon, PA Submitter: Katherine Pohlidal: [redacted]

Process and Transparency

1. Will all Full Impact Assessment studies, consultant reports, environmental analyses, engineering reports, traffic studies, noise studies, groundwater studies, and correspondence be made publicly available before any hearings?
2. How many days will residents have to review impact assessment documents before public hearings?
3. Will residents be allowed to retain independent experts and submit expert testimony into the official record?
4. Will the Township hire independent third-party experts chosen by the Township, not the developer, to review technical studies?
5. Who will pay for independent expert review and peer review of technical submissions?
6. Will all meetings regarding zoning, land development, utility infrastructure, and permitting be publicly advertised?
7. Will all communications between developers and Township officials be preserved and made available through Right-to-Know requests?
8. What assurances exist that residents will have meaningful participation beyond merely commenting after applications are submitted?

Questions Regarding the Full Impact Assessment

1. What specific topics must the FIA address?
2. Will the FIA require cumulative impacts rather than examining each facility separately?

Human Health

1. Will a comprehensive health impact assessment be required?
2. Will cancer, asthma, COPD, cardiovascular disease, and childhood respiratory risks be evaluated?
1. Will health effects on communities, children, senior citizens, and medically vulnerable individuals be assessed?
2. What emergency medical capacity exists if industrial incidents occur?
3. Has any assessment been conducted regarding environmental justice concerns?

Emergency Response

1. Can current fire departments handle industrial-scale electrical and battery fires?
2. What specialized equipment would be required?
3. Who pays for additional training and equipment?
4. Will emergency response plans be publicly available?
5. What evacuation procedures would exist for residents?
6. How would first responders address gas leaks, explosions, transformer fires, or chemical releases? Any other emergency situations and safety threats to the public?

Water Resources

1. What volume of water would be required annually?
2. What will be the source of water?
3. What effect would withdrawals have on local groundwater?
4. What effect would withdrawals have on private wells?
5. Who pays if neighboring wells are damaged or depleted?

6. What risks exist from mine pool interactions?
7. Could development alter groundwater movement and create subsidence?
8. What geotechnical studies are required concerning former quarry operations?
9. What standards will determine whether land is suitable for heavy industrial development?
10. What bonding will be required if subsidence damages homes, roads, or utilities? Who is liable and financially responsible for any affiliated damages?

Wildlife and Natural Resources

Bat Habitat

1. Has the Township identified whether endangered or threatened bat species occupy the area in total? Not just the known bat hibernaculum.
2. Will surveys be conducted in full for all endangered and threatened species and natural resources including:

- Indiana Bat
- Northern Long-Eared Bat
- Tricolored Bat

1. Will habitat destruction occur?
2. Will tree clearing be restricted during bat maternity seasons?
3. What mitigation measures would be required?
4. If habitat loss occurs, how will replacement habitat be provided?

Other Wildlife

1. Will studies evaluate impacts on:

- Migratory birds
- Raptors
- Pollinators
- Amphibians

8. Was any portion of the ordinance drafted with assistance from parties connected to prospective development interests?

Legal Questions for the Newport Township Solicitor

1. Does the Township recognize its obligations under Article I, Section 27 of the Pennsylvania Constitution (Environmental Rights Amendment)?
2. How will officials demonstrate compliance with the Environmental Rights Amendment?
3. What analysis was conducted before allowing these uses by right?
4. Does the Township possess authority to deny a proposal if studies demonstrate significant adverse impacts?
5. What deficiencies in an FIA would justify denial?
1. Can the Township impose additional conditions beyond zoning requirements?
2. What legal protections exist for citizens if permitting decisions appear arbitrary or unsupported?
3. What appeal rights exist for residents?
4. What standing requirements apply to residents wishing to challenge approvals?
5. Can Township officials commit that all records associated with this development process will remain publicly accessible?

Constitutional and Citizen Rights Questions for Newport Township

1. How does a by-right ordinance assure meaningful public participation?
2. What opportunities remain for citizens to influence outcomes once a compliant application is submitted?
3. What protections exist against the public process becoming procedural rather than substantive?
4. If residents identify deficiencies in impact studies, how will those concerns be addressed?
5. Can citizens request additional independent studies?

Cumulative Impacts

"I request evaluation of cumulative impacts, including associated power generation, transmission infrastructure, water demands, traffic, emissions, stormwater, and all future phases of development."

Burden of Proof

"I believe the burden should rest on the applicant to demonstrate, through independent evidence, that the project will not harm public health, safety, environmental resources, community character, property values, or the constitutional environmental rights of residents."

Katherine Pohlidal, Newport Township Resident

November 9, 2026-Submitted both via email and in-person at the Newport Township Commissioners Meeting

ATTACHMENT #6

NEWPORT TOWNSHIP

PUBLIC QUESTIONS — FOR INCLUSION IN THE OFFICIAL MEETING MINUTES

1. EQUAL ENFORCEMENT OF TOWNSHIP RULES

1. When a homeowner violates a property rule, what penalties can the township impose? What safeguards ensure that large commercial and industrial projects are held to the same standards and face penalties when they violate township rules?

2. How often will large commercial sites be inspected to make sure they are following the zoning ordinance? Will inspection reports be available for the public to review?

2. STORMWATER, TRAFFIC, AND WILDLIFE

3. What limits are in place to prevent stormwater runoff from causing flooding or damage to nearby homes and properties during heavy rain?

4. What traffic studies have been done to determine whether local roads can safely handle more construction vehicles and heavy truck traffic? Will those studies be made available to residents?

5. What protections are in place to protect local wildlife, natural areas, and habitats from permanent damage caused by large industrial development?

3. THIRD-PARTY OVERSIGHT AND TRANSPARENCY

6. Since BHW Construction Consultation Services is handling code enforcement, what authority does the firm have to review applications or issue permits? Which major commercial approvals must be reviewed publicly by the elected commissioners?

7. What safeguards are in place to prevent conflicts of interest? If an appointed professional, including the township solicitor, has a private business relationship with a developer involved in a project in this area, how will that relationship be disclosed and handled? Will that professional be required to step aside from advising on matters involving a conflict?

Submitted respectfully for inclusion in the official Newport Township meeting minutes.

Meeting date: 11/9/2026

Submitted by: Cheryl Chonko

ATTACHMENT #7

NEWPORT TOWNSHIP

Questions Submitted to the Board of Commissioners for the Official Meeting Minutes

1. Private Discussions and Zoning Decisions

Question 1. What is this board's official rule about individual commissioners, the manager, or the solicitor holding private, unadvertised meetings or exchanging private emails with developers and their lawyers before voting on laws that benefit them?

Question 2. If a developer asks the town to change the wording of a law before a public vote, does the town keep a public list of those changes so residents can see who is actually writing our local rules?

2. Public Participation and Noise Protections

Question 3. By making these huge projects 'by right,' this board legally stripped local residents of our voice. It means neighbors can no longer object or ask for changes at public zoning hearings. Why did this board choose a structure that cuts the community out of the process?

Question 4. Also, under the noise rules in this text, what are the exact decibel limits for continuous, 24-hour industrial operations measured at the property line? How will the town protect neighborhoods from low-frequency vibrations or a constant mechanical hum?

3. Permit Oversight and Professional Conflicts

Question 5. Are the big commercial permits issued by this private firm reviewed and approved by our elected commissioners, or does this outside company have total, independent power to hand out permits behind closed doors?

Question 6. Lastly, to keep the public's trust, will this board create a clear rule requiring all appointed professionals—like our solicitor—to step away from writing township laws if their private law firms represent big developers in neighboring towns?

Request: Please include these six questions, as submitted, in the official minutes of the commissioners' meeting.

Meeting date: 11/9/2026 Submitted by: Corinne Pegarella