

MINUTES OF THE BIG BEAVER BOROUGH COUNCIL MEETING JULY 21, 2026

Held at the Big Beaver Municipal Building, 114 Friendship Rd, Darlington, PA 16115

Public Hearing: Intent to Organize a Joint Municipal Authority Solicitor. Michael Santicola called the hearing to order at 6:00pm. During the hearing Jessica Chaney made a motion, seconded by Jeff Magee to approve Ordinance 250 to create a Joint Municipal Authority. All in favor. Erin Walter concluded the public hearing at 6:05 pm.

Vice President Erin Walter called the meeting to order at 6:05 pm followed by the Pledge of Allegiance and the Lord's Prayer.

Roll Call:

Mayor: Michelle Joy

Council Vice President: Erin Walter

Council Members: Karla Myers

Jeff Magee

Jessica Chaney

Eli McCormick

Deborah Eutsler

Administrator: Jennifer Gasser

Engineer: Dan Martone

Chief of Police: David Johnson

Zoning Officer: William Payne

Special Council: Don Graham

Solicitor: Michael Santicola

Absent: Council President: Kimberly Wagner

Approval of Agenda:

Jeff Magee made a motion, seconded by Deborah Eutsler to approve the agenda. All in favor, motion carries.

Public Comment:

Kathy McClure, a resident of Big Beaver Borough, addressed Council with questions regarding the Switch land development application, including whether the application is complete and requesting information on the proposed power source, air quality, water usage and quality, backup power systems, lighting, noise, and whether a LERTA application had been submitted. Ms. McClure also asked about the curative amendment. Special Council Don Graham explained that the curative amendment process and it was initiated after the Switch application was received and, therefore, would not apply to that application. He also discussed the application and advised no LERTA application had been submitted.

Bart Carr, 204 Hollowvue Road, asked about the project's anticipated water usage and whether there was any guarantee that it would not impact the existing water supply. Borough Engineer Dan Martone stated that he had not yet completed his review of the plans but had been informed there would be no evaporative water loss. Solicitor Graham added that any determination regarding potential impacts to the water supply would require consultation with the water provider.

Ms. McClure advised there is a lot of questions that need to be answered and asked how the Borough could ensure the applicant would be held accountable, noting what she believed were shortcomings in the SR Zoning District regulations. Solicitor Graham responded that once the plans are approved, the applicant is required to comply with those approved plans, and any violations would constitute a violation of the approval and could be subject to Borough enforcement.

Marty Morris addressed Council and stated that, in his opinion, because the Borough had already received the Switch application, a curative amendment was no longer necessary. He also discussed a recent conversation with representatives of Switch and read an email he had received regarding his concerns about the project's ability to address infrasound and the potential impacts associated with it. Mr. Morris expressed his opinion that

Switch did not fully understand the requirements for protecting against infrasound. Mr. Morris offered to serve as a consultant to the Borough, at no cost, stating that he believed Switch would give greater consideration to his concerns if he were acting on behalf of the Borough.

Jennifer Calvin, a resident of McKinley Road, addressed Council regarding speeding concerns on the roadway and asked whether a speed sign or speed bumps could be installed. Borough Engineer Dan Martone explained the requirements associated with installing speed bumps.

Cindy Evans addressed Council and expressed concerns about enforcement of the proposed Switch data center, stating her belief that if violations occurred, the company would simply pay any fines and continue operating. She also stated that she had spoken with a resident of West Mayfield whose son lives near a similar facility in Virginia and, according to Ms. Evans, residents there have experienced noise and vibration issues that have made it difficult to sell their homes. Ms. Evans thanked Council for dropping the value of her house and discussed the timing of the Curative Amendment, as she knows they have been in contact with Switch, as Switch tells people they talk to them. Ms. Evans concluded by stating that she was disappointed with Council's actions.

Bart Carr addressed Council and stated that it's true in the value of selling in Big Beaver as he has turned down by multiple applications and that potential buyers are currently waiting to see what happens with the proposed data center before moving forward.

Ms. Cook addressed Council and stated that she was glad to see the timer was no longer being used and questioned why addresses were being requested from residents. Erin Walter advised that the request for addresses was made during the hearing process. Ms. Cook appreciated Council for the curative amendment but questioned the 30-day timeframe. Special Council Don Graham clarified that the process provides 30 days to specify the defects and six months to adopt a cure. Cindy Evans stated that the curative amendment would not apply to Switch because the application had already been submitted. Mr. Graham explained that the curative amendment was not directed at any specific property or individual, but was brought forward based on concerns raised by multiple parties. He stated that there was no defect in the Borough's zoning ordinance related to data center use, as that use was already provided for in the ordinance. He further explained that an additional use related to ethanol facilities was included in the curative amendment because that use was not addressed in the ordinance. Mr. Graham advised that the Switch application was submitted when it was submitted and stated that, after speaking with (Switch's) counsel following the filing, he was advised that the application was filed due to concerns regarding potential state legislation imposing a moratorium.

Ms. Cook advised that she had shut down the Big Beaver Talks page and it's a restart and she would like to restart again with Council. She expressed concerns that residents felt the issue had been avoided and stated that she believed open and honest communication was needed. Ms. Cook stated they have support from Fair Shake attorneys, and referenced residents suing their council. She expressed concerns about potential costs to taxpayers and states it's about time we all work together. Ms. Cook also stated that she loves Mr. Morris' suggestion to assist the Borough.

Erin Walter advised the Borough had an Executive Session on Wednesday July 8, 2026 from 6:00pm-7:11pm for emergency preparedness.

Approval of Minutes:

Jeff Magee made a motion, seconded by Eli McCormick to approve the Minutes of July 7 and 9, 2026, June 2026 Financials and July 2026 Bill List. All in favor, motion carries.

Mayor Joy questioned the bill list and exurbanite cost, noting that a significant portion appeared to be related to Right-to-Know (RTK) requests. She asked whether a comparison could be provided between past RTK-related legal expenses and current costs.

Ms. Gasser advised that from January 1, 2026, through June 23, 2026, RTK-related legal fees totaled \$6,860. She provided a comparison of prior years, noting that RTK legal fees were \$400 in 2025, \$140 in 2024, and \$40 in 2023. Mayor Joy asked what services were included in the RTK legal fees. Ms. Gasser explained that the fees were related to reviewing responses and appeals.

Administrative Reports:

Mayor: Mayor Joy discussed the Big Beaver Veterans Memorial and recognized the efforts of the previous group that constructed the memorial. She advised that she was not requesting funding or any decisions from Council at this time. The goal is to reactivate the group, bring in a new generation of volunteers, and continue supporting the memorial through community involvement. Mayor Joy discussed the initiatives of the group and sees this as a partnership with the community lead group and the Borough.

President Report: No Report

Administrator: Jennifer Gasser advised that she is beginning budget preparation and will be requesting budget recommendations from the committees next month. She also reported on an administrative meeting with Eastern Gas regarding the proposed pipeline project in the Borough.

Professional Reports:

Fire Department: Turned In. Matt Straub reported 18 calls for the month of June and they conducted 5 hours of in house training and 50 hours of outside training.

Zoning/Code Enforcement: Turned in. Bill Payne reported that he issued five building permits and has continued working on code enforcement matters. He advised that four additional citations have been issued and has Magistrate hearings on August 3, August 11, and September 15 for previously issued citations.

Police Department: Turned in. Chief Johnson reported 87 calls for service, which included some of the items addressed at the last meeting and, going forward, they will address the concerns brought up by Ms. Calvin

Engineer: Turned in. Dan Martone reported on the administrative meeting with Eastern Gas regarding the proposed pipeline project. Jennifer Gasser also advised of the upcoming public open house for the project to be held at the Ramada. Mr. Martone reported that the Planning Committee will continue discussions on the proposed battery energy storage system ordinance. He also provided an update on Norwood Drive, explaining that the roadway remains limited to one lane while and the railroad company is doing their own testing. He noted that the issue extends beyond the slide itself and that the road will likely remain one lane for the foreseeable future. Mr. Martone also reported on MEPPI's request for a temporary certificate of occupancy. He provided an update on the Alley Hill Drive road project, stating that a preconstruction meeting will be held shortly and that the goal is to complete the project before the start of the school year. He added that the Public Works Committee will discuss the possibility of widening the roadway.

Solicitor: No Report

New Business:

- A. Dan Martone advised that he discussed the status of Shadeland Circle with the Planning Committee. He explained that a significant portion of Shadeland Circle was never created, opened, constructed, or dedicated. He noted that property owners have recently consolidated lots and are interested in constructing a home. The owners have requested permission to use the unopened portion of Shadeland Circle as a driveway, as it would provide a safer access point than Shenango Road. Mr. Martone explained that, because the roadway was never opened or dedicated as a public road, ownership may have reverted to the adjoining property owners. Council expressed no objection to Mr. Martone working with the Borough Solicitor to review the status of the paper road

- B. Jenifer Gasser advised this is to advertise the legal notice that the Municipal Authority Ordinance was adopted. Jessica Chaney made a motion, seconded by Karla Myers to approve to publish Notice of Adopted Ordinance to Form an Authority. All in favor.
- C. Mayor Joy advised this is the donation the borough normally makes to the Fire Department every year. Jessica Chaney made a motion, seconded by Eli McCormick to make a donation to the Big Beaver Volunteer Fire Company for \$79,500. All in favor, motion carries.

Special Counsel Don Graham discussed the review process for the Switch land development application. He advised that the Planning Committee's initial review of the application is scheduled for August 27. Prior to that meeting, he anticipates that review letters will be received from the Borough's consultants. Mr. Graham explained that Borough Engineer Dan Martone will lead the technical review, with assistance from several consultants, including an acoustical engineer, traffic engineer, and likely a consultant with experience in data center operations. Mr. Graham reviewed Council's role in the land development process, emphasizing that Council is not an advocate either for or against the proposed development. Rather, Council's responsibility is to objectively review the application and determine whether it complies with the Borough's ordinances and applicable regulations. He stated that while he appreciated the suggestions that Council work collaboratively with residents opposed to the project, doing so would not be appropriate. Mr. Graham explained that Mr. Martone will evaluate the application based solely on the requirements of the Borough's ordinances and provide objective recommendations regarding compliance. He further advised that the governing body has a legal obligation to act in good faith by identifying any deficiencies in the application and informing the applicant of the revisions necessary to bring the plan into compliance.

Meeting Adjourned 7:03PM

Respectfully Submitted,

Jennifer Gasser
Administrator