

BAILIWICK NEWS

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A Tale of Two Penn States

Part 1

By Katherine Watt

On June 3, Nittany Valley Water Coalition launched an occupation at the site of the proposed student housing development near Whitehall Road and Blue Course Drive.

On October 4, Penn State executives instructed the Ferguson Township police to evict the protestors and directed PSU Office of Physical Plant employees to confiscate canopies, folding chairs, coolers and other items kept at the site. Protestors removed the last few signs from nearby church property on October 7.

Despite a controversy lasting more than two and a half years; a land use appeal filed in Centre County, appealed to Commonwealth Court and now on appeal to the state Supreme Court; a physical occupation lasting 127 days and thousands of activist hours; many media reports in newspapers, on radio and television; citizen presentations at public meetings; dozens of letters to the editors of local and state newspapers; hundreds of emails to trustees; collection of petition signatures; posting yard signs at campaign-supporting homes and businesses all across the region; homemade videos; thousands of dollars in donations supporting the occupation and the legal fund; and distribution of thousands of fliers from roadsides to doorsteps, not a single Penn State trustee has ever publicly addressed the substantive community health concerns and institutional land-grant-mission incongruities raised.

Not a single trustee has publicly acknowledged those concerns and incongruities exist.

Or, for that matter, ever acknowledged that the Centre Region's people exist as autonomous human beings.

To the trustees, the people who live here are perceived simply as an amorphous, silent pool of laborers and tuition dollars, and our physical environment is simply a dumping ground for pollution.

That, in a nutshell, is the gap between the two Penn States. There's an imaginary, responsive, accountable, honorable institution promoted by university media-spinner-in-chief Lisa Powers and her minions.

And then there's the reality: a blind, deaf, mute, violently destructive corporate monster. Our own community vampire squid, to borrow Matt Taibbi's phrase describing Goldman Sachs.

This series will include background to orient new readers and reorient returning readers, a month-by-month account of what happened this summer, and then critical analysis.

BACKGROUND

On August 25, 1999 corporate Penn State bought 26 acres of land near the intersection of Whitehall Road and Blue Course Drive. The land was, at that time, zoned Rural Agricultural and outside the "regional growth boundary" established by the Council of Governments to steer development toward the urban core and protect ecologically sensitive areas and agricultural land. The 26 acres formed the core of the 44-acre parcel now under a cloud of controversy. Penn State bought it from RK Mellon Foundation and Mark and Marcia Bookman (50-50 joint owners) for \$1 and \$99,307 respectively. We have the deeds.

On Nov. 7, 2003, then-Penn State Vice President for Finance and Business Gary Schultz submitted an application to Ferguson Township seeking township upzoning of the land from RA to R4/multifamily residential, and incorporation within the regional growth boundary. We have the application forms and checks.

From November 2003 to September 2004, numerous area municipalities and planning agencies recommended Ferguson Township deny Penn State's upzoning application, to protect the public water supply in the nearby Harter and Thomas wellfields operated by the State College Borough Water authority, the farmland and regional growth boundary. We have the minutes and memos.

On Sept. 7, 2004, the Ferguson Township Board of Supervisors thumbed its nose at the recommendations, and threw the watershed, the farmland and the regional growth boundary under the bus, by approving Penn State's request. We have the minutes.

On Feb. 25, 2008, Penn State filed a "declaration of access easements" with the Centre County Recorder of Deeds, citing a subdivision plan approved by the Ferguson supervisors on Feb. 14, 2008. The subdivision plan depicted road access across the watershed from Blue Course Drive to Shingletown Road, and linked development of an adjacent, proposed regional park to development of high-density housing on the Penn State parcel. The Ferguson supervisors' chair at the time was Richard Mascolo. Mascolo's wife Sue was, at the time, chair of the Centre Region Parks Authority Board. Neither recused. We have the subdivision plans, easement documents, meeting minutes, and the deed documents transferring ownership of other parcels in the subdivision plan to the State College Borough Water Authority, Ferguson Township and the Centre Region Council of Governments.

On December 29, 2011, Penn State real estate division representatives met with Toll Brothers executives at the Hotel Hershey. The Penn State employees presented the

developers with a glossy, 20-page marketing booklet singing the praises of the hot student housing market, rising Penn State enrollment, and the Whitehall Road parcel.

The booklet was prepared by a broker to solicit bids to construct student housing on the land rezoned at Penn State's request in 2004 and subdivided at Penn State's request in 2008. We have the marketing booklet and handwritten notes from the meeting. From the notes, attendees at that meeting appear to have included Craig Rickards, then-Manager of Penn State Facilities and Real Estate Services (now deceased); Michael Jordan, a "PSU Grad, and Assistant VP and Controller" at Toll Brothers; Richard Keyser, Toll Brothers Vice President for Commercial Acquisitions and Development; Charles Elliott, Toll Brothers Managing Director and Charles Vatterott, Executive Vice President of Development at Aspen Heights.

On April 24, 2012, Penn State Senior Vice President for Finance and Business David Gray signed a sales contract with Keyser of Toll Brothers. We have portions of the sales contract, including the signature page, but not the full document, because Gray won't release it.

On May 4, 2012, the Penn State Board of Trustees, led by Karen Peetz, President of Bank of New York Mellon, whose subsidiary Boston Company Asset Management was, at the time, the seventh largest shareholder of Toll Brothers, approved the sales contract for \$13.5 million. We have the board minutes and an August 2012 *Reuters* article on Peetz' conflict of interest.

On Sept. 20, 2013, the Penn State trustees added 5.5 acres to the planned sale, located outside the regional growth boundary and still zoned Rural Agricultural (RA), for the housing development's stormwater management basins – an illegal use of RA land under Ferguson Township's zoning ordinances. The minutes noted that Peetz was absent for the vote, but in any case, that the Board found she had no conflict of interest under university bylaws. We have the minutes.

On March 2, 2015, against the written and verbal recommendation of Ferguson Township Planning and Zoning Director Maria Tranguch, the township supervisors gave the Toll Brothers land development plan – to build 268 cottage-style units housing 1,093 students surrounded by parking for their cars – "tentative" approval. In her recommendation, Tranguch cited the same water, farmland and growth boundary protection concerns cited by other planners and public officials a decade before, along with the legal problems of subdividing RA land and putting stormwater detention basins on it in violation of local zoning ordinances.

The community campaign to protect the site from development formed that month.

On Nov. 9, 2015, after several months of public historical and legal research, and citizen outcry at public meetings all across the region, Ferguson Township voters elected three new supervisors to be sworn into office the following January. The winning candidates were all water

and farmland protection activists challenging the supervisors who had granted the project tentative approval in March.

On Nov. 16, 2015, determined to kick the citizenry in the teeth one last time, the outgoing township Board of Supervisors gave the project final approval.

On Dec. 15, 2015, citizen plaintiffs under the banner of Nittany Valley Water Coalition filed a land use appeal in the Centre County Court of Common Pleas. [Disclosure: The author is a plaintiff on the land use appeal].

On July 18, 2016, Centre County Judge Jonathan Grine vacated the township's approval. Grine found that Ferguson Township had attempted an "end run" around municipal zoning ordinances, by approving the plan without subjecting it to normal zoning variance or rezoning procedures for the 5.5-acre parcel planned for stormwater detention. Toll Brothers promptly appealed Grine's ruling to Commonwealth Court.

On Oct. 28, ClearWater Conservancy announced the launch of the Slab Cabin Run Initiative, aiming to raise \$2.75 million by Sept. 2017 to fund purchase of conservation easements covering 300 acres of the Meyer and Everhart farms along University Drive Extension, across from the Friends School. The land is in the same watershed, and the campaign's purpose was to protect the same Harter and Thomas water wellfields, that the citizen campaign to stop the upstream student housing development has been fighting to protect.

On May 17, 2017, a Commonwealth Court panel found in favor of the developers, and against the homeowners and farmers, focusing on the 30-day window of time for appeal after the March 2, 2015 "tentative" township approval. If allowed to stand, the Commonwealth Court decision sets a precedent that a municipal legislature may repeal or amend any portion of municipal zoning laws not only by the two traditional methods: zoning amendment or by waiver procedures before the local zoning hearing board, as set forth in the PA Municipalities Planning Code, but also through the approval of a "tentative" land development plan that includes the zoning amendment, so long as the local legislature isn't caught doing so and formally challenged by alert citizens within 30 days of the "tentative" act.

In late May, local resident Lori Bedell created an online petition as part of Friends of Slab Cabin Run "Demand that Penn State act as a responsible steward to our community's water." (At last check October 5, the petition had 423 signatures.)

By June, citizen plaintiffs announced their plan to appeal the Commonwealth Court decision to the Supreme Court and launch the site occupation to take the fight directly to the Penn State Board of Trustees.

As of October 10, the Supreme Court had not said whether the court would hear the appeal, or leave the Commonwealth Court ruling intact.

JUNE 2017: Occupation Day 1 to Day 28

The occupation began at 9 a.m. on Saturday, June 3, when David Hughes – a Penn State entomology and biology professor – and a handful of other activists showed up at the site near Whitehall and Blue Course, set up their tents and sleeping bags, and began waving signs to passing motorists driving along Whitehall Road.

The next day, June 4, the water coalition issued a statement outlining their demands:

“We want PSU to place the land into a long-term easement, advanced low-impact experimental farm for education and research, a passive recreation or nature education place, or some combination of these. This is the best use of this land and makes it compatible with the conservation easement by ClearWater Conservancy to protect Slab Cabin Run and the Harter-Thomas wells. There is a lot of community support for this and it would improve Penn State’s reputation with the region.”

In conversations and email exchanges during early June, SCBWA board member Gary Petersen accused Hughes and other water coalition activists of “whipping up hysteria” about contamination risks, while acknowledging that those claiming low or no risk had no specific studies to back up their position.

Inexplicably, Petersen further told Hughes in a June 6 email that Petersen couldn’t recommend any independent consultants to conduct studies of contamination risk, and that he thought it would “be difficult to find one because most will agree that it is not an issue.” Petersen appeared to believe that competent scientists draw their conclusions before conducting research.

In lieu of actual safety studies specific to the development site, Petersen absurdly suggested in a follow-up email June 7, “maybe someone could visit the site during a large rain storm to see if any of the runoff from this site reaches Slab Cabin Run.”

On June 10, NVWC spokeswoman and Penn State entomology professor Kelli Hoover sent an update to campaign supporters, thanking participants in a June 9 meeting at the occupation the previous night and summarizing efforts to organize the occupation over the prior week. Hoover concluded: “What a great community we have. If only Penn State felt that we deserved better treatment.”

On June 11, the water coalition put out a press release announcing that the group would appeal the Commonwealth Court’s May 2017 decision to the state Supreme Court.

Within the first two weeks of the encampment, the press release announced, hundreds of people had stopped by, including neighbors, local farmers, and Penn State alumni. All were opposed to student housing development on the watershed. Many brought water and food donations. All encouraged the protestors to stick with their efforts to protect the land.

The press release went on to cover the scientific basis for citizen opposition, noting that “the site sits on a karst limestone/dolomite hill, traversed by an intermittent stream, in an area pocked with existing sinkholes, less than a mile upgradient from the shallow Harter and Thomas wellfields.”

The water coalition cited dye trace studies conducted in 2006 by the State College Borough Water Authority (SCBWA) showing that dyes released in the upper Slab Cabin Run watershed, although not released from within the boundaries of the Toll Brothers site, appeared downstream in the Harter and Thomas wellfields within two to three days.

The coalition cited earlier studies dating back to 1966, documenting “a complex network of underground channels connecting surface and subsurface water flows,” along with May 2013 and December 2014 CMT Technologies infiltration analyses conducted at the Toll Brothers/PSU parcel.

The release further stated that the coalition did not trust Toll Brothers to accurately report the proposed development’s water risks, or properly implement and maintain mitigation systems, given the company’s record of Clean Water Act violations with the US Environmental Protection Agency.

They did not trust local government officials to advocate for public health and safety interests, or to maintain staff trained to supervise proper implementation of mitigation systems, given that the Ferguson supervisors removed zoning protections for water and farmland in 2004 at Penn State’s request, and then in 2015 approved the Toll Brothers’ dangerous development plan, violating the township’s own zoning ordinance.

The coalition stated that they did not trust subcontractors would follow the design plans to the letter and that none of the mitigations would fail, and highlighted the increased risks “with climate change bringing more frequent and more dramatic rain events.”

Supporting this increased risk argument, activist Terry Melton wrote an email to Hoover on June 6, citing remarks given by Clive Lipchin of the Arava Institute for Environmental Studies during a Centre Region water seminar on Oct. 28, 2016. Melton wrote:

“My notes say 70% greater precipitation with storms of 2 inches or more for the area. 2.5-3 degree temperature rise by mid-century making the climate like that of Birmingham, Alabama. (Believe this was National Oceanic and Atmospheric Administration data).”

The June 11 water coalition press release further stated that the coalition did not trust that if the mitigation structures failed, breaches would be identified quickly and that local disaster response programs would be implemented rapidly, effectively and with comparable long-term operating costs.

Finally, the coalition concluded: “We do not trust Penn State officials’ two-facedness: public claims of caring about our community coupled with angry private statements –

with no supporting evidence – that the project poses no risks and that they are unable to break the sales contract.”

Laura Dininni's Daily Updates

Laura Dininni, a Ferguson Township supervisor propelled into office in November 2015 on the wave of public support for water, farmland and growth boundary protection, began posting daily updates from the occupation on June 12, Day 10.

Dininni kicked off by citing a June 12 *Centre Daily Times* article by Sara Rafacz, which quoted Charles Elliott, Toll Brothers Managing Director: “If there were other options presented to us that made sense for our company, we would be happy to have discussions...And I think it’s unlikely, but if one of those options ... presented to us is build in another location instead of here, we would consider it.”

Dininni described that piece of information as “momentous,” and the water coalition’s leaders immediately began working to set up a meeting with Elliott to discuss alternative sites for a land swap.

Throughout the next several weeks of intense heat and dramatic thunderstorms at “No Tollville,” Dininni continued to report on much-appreciated deliveries of ice, water, Gatorade, home-cooked meals, snacks and early morning coffee; installation of numerous large, hand-painted wooden signs urging Penn State and Toll Brothers to “do the land swap;” set-up and repositioning of donated canopies for maximum shade; battening down tarps against wind and rain; protestors waving signs to madly honking drivers on Whitehall Road; press visits; distribution of yard signs; and publication of letters to the editor.

Of particular poignancy, Dininni reported on the occupiers planting a symbolic vegetable and flower garden just off the berm, a tribute evoking both the long history of family farming on the land, and the original mission of Penn State as Pennsylvania’s only land-grant university.

By late summer, the small garden had produced tomatoes, squash, and lots of flowers. The garden was trampled and then ripped out by the roots by Penn State Office of Physical Plant staffers, at the direction of Penn State executives, on October 4. The dead tomato plants were returned to the occupiers with their other property during a pick-up on October 9.

On June 15 (Day 13), Dininni reported that the State College Borough Water Authority board had heard a thoroughly-researched presentation by David Hughes at their board meeting that day, and had promptly voted unanimously to “direct staff to research the feasibility of dye trace testing to assess potential fractures, conduits to the wells, and the interconnectivity of surface and ground water.”

The water authority’s community spirit on this issue was short lived, however. On July 31, without any further data collection or explanation, the board issued a mealy-mouthed public statement saying staff and board

were “comfortable” with the Toll Brothers plan, and inaccurately implying that the construction process would not include blasting of the bedrock subsurface.

Adding to the color commentary on June 15, Dininni wrote:

“Octogenarian Eileen came with her cane and we helped her to and fro. She stayed well over an hour. She was very dismayed at the plan to develop the farmland and apologized several times for ‘getting her fire up.’ I thoroughly encouraged her to come back and get her fire up any time.”

On June 16, the water coalition’s attorney Jordan Yeager filed the group’s appellate brief with the Supreme Court.

June 17 (Day 15) brought “an entire bucket of super fine tent stakes (along with a good supply of strong cord),” guacamole and chips, an invitation to speak at a neighborhood association picnic, storage bins, and dozens more people stopping by to chat, donate funds and pick up signs, plus a request for supporters to bring lawnmowers and weedwhackers to clear tall grasses for sign placements and pathforging down to the swale and the old oak tree nestled in it.

Dininni concluded:

“It is just so tragic that Penn State, all that it is and claims to be, would do this. In the face of this tidal wave of support. When folks are by the road with signs and waving, almost every car that goes by waves and thumbs up or beeps. The overwhelmingly positive community response to this action makes crystal clear what the position of the community is. Right behind us.”

Over the coming days, supporters brought fresh raspberries, came to play guitar at the site, and began putting together informational handouts, planning construction of a wooden dishwashing station and drafting a *Center Daily Times* advertisement thanks to a funding offer by the Sierra Club – Black Moshannon group.

On June 22, Kelli Hoover and David Hughes did a radio interview with Jason Crane on the Morning Mixtape on 98.7-FREQ radio.

June 22 was the summer solstice, and as night fell, Dininni shared a Save State College Water Supply Facebook post:

“Tonight we again discussed how the Toll Brothers said they would come to the table and Penn State remains silent. We are...waiting at the community table. Please join us PSU. We know you can do it. Just believe. Think of what opportunity lies here. Let’s repair the damage done by evolving into the institution SO MANY PEOPLE know we can be. The occupation is full of alums. We are...setting the table for you.”

David Hughes' Open Letter

Also on June 22, Hughes submitted a detailed, citation-rich open letter to Penn State President Eric Barron and the Penn State trustees.

His letter's main point was to convey the many risks the university has opened itself to, by continuing to endorse the housing development in "a fragile ecological area with connections to the well water." Hughes listed two main political risks: continued erosion of Penn State's reputation in the Centre Region community, and violation of Penn State's fiduciary obligations as Pennsylvania's land grant university, under the Environmental Rights Amendment to the state constitution (Article 1, Section 27).

The constitutional amendment is cited in Penn State's 2016-2020 Strategic Plan, and had recently strengthened by a June 20 state Supreme Court ruling on the Commonwealth's role as "trustees" rather than "proprietors" of public natural resources, including water, on behalf of current and future generations. The case was *Pennsylvania Environmental Defense League v. Commonwealth of PA*.

Hughes further cited the Ferguson Township Community Bill of Rights, adopted by voters in November 2012 and guaranteeing citizens the "right to pure water," alongside strengthened stormwater management regulations adopted by the Ferguson supervisors in June 2016, with which the approved Toll Brothers plan would not be compliant.

Hughes said his interest was in "protecting the mission of our University and the noble aims laid out in our strategic plan to be good stewards."

Hughes' letter laid out how Penn State's position on development on the recharge area willfully disregarded six scientific documents: a January 2007 SCBWA Sourcewater Protection Report and appendices; a July 2007 SCBWA Dye Trace Study; CMT Technologies' May 28, 2013 infiltration analysis at the proposed development site; hydrogeologist David Yoxtheimer's October 31, 2014 letter to Ferguson Township Planning and Zoning Director Maria Tranguch; CMT Technologies' updated infiltration analysis dated December 22, 2014; and a "Final Stormwater Management Report" submitted to Ferguson Township on June 5, 2015.

Hughes acknowledged that hydrogeology is not his area of expertise, and limited himself to the presentation of facts and direct quotes from more than 1,000 pages of expert reports that he had read.

He started by quoting Appendix G – "Description of the Watershed Model and its Calibration" – of the January 2007 SCBWA Sourcewater Protection Report:

"The results of the dye tracing [on Slab Cabin Run] provided independent evidence of the importance of subsurface flows in the transmission of water beneath the surface channel of Slab Cabin Run. This information lead to the conclusion that, in practical effect, there are two Slab Cabin Runs, one in the visible surface channel and another hidden from view in the shallow subsurface."

Noting that the Harter and Thomas wellfields provide "greater than 65% of the water for State College each day," Hughes cited the July 2007 SCBWA Dye Trace Study for the fact that tracer studies in November 2005 and

December 2006 showed that dyes released into Slab Cabin Run upstream of the Harter and Thomas wellfields entered the wells in five days. Another dye released in Musser Gap, a dry (at the time) tributary of Slab Cabin Run, showed up in the creek after 12 days, and in the two wellfields after 20 and 28 days.

Hughes pointed out to Barron, "as a geologist you know that the reason for such interconnectedness is the karst and epikarst nature of the dolomite bedrock in our valley" and continued "although this topography is well known, a repeated counterargument I have heard was that it is not a cause for concern as there is plenty of soil that would filter out any contaminants long before it reaches the wells."

Hughes rebutted this off-record counterargument, citing the two CMT Laboratories infiltration studies, which were included with the June 5, 2015 "Final Stormwater Management Report" submitted to Ferguson Township.

CMT analysts reported that the dolomite rock subsurface at the site is covered with very shallow Hagerstown and Opequon soils, and that the 5.5 acres proposed for the stormwater detention basin sit on top of an existing swale over a fracture zone with extensive sinkholes.

The CMT authors wrote that they had to use non-conventional testing protocols, in addition to conventional protocols, because the soil is so shallow.

Hughes quoted CMT as saying that the subsoils have "excellent structure/macropore abundance" but that their "close proximity...to permeable bedrock" means the soil may not function as the filter such a site requires: the stormwater and pollutants could readily pass through the shallow soils into the subsurface and from there into Slab Cabin Run's surface and subsurface flows and into the public water wells.

He went on to observe that while the CMT studies were not formal risk assessments, between May 2013 and December 2014, the CMT analysts increased their recommended safety factor from 2-2.5, to 3.0.

The CMT reports raised a "red flag," Hughes wrote, on the subject of compaction: the declining ability of soils to filter contaminants as the array of natural holes in the soil structure collapses. CMT recommended not only that all heavy equipment be prohibited from the infiltration pit during construction, but also that those charged with maintaining the basin in the future refrain from even bringing in lawnmowers. CMT site analysts further observed that engineered solutions such as man-made separation filtration structures would be prone to clogging, further reducing the filtration ability of the existing soil layer and any engineered systems laid over it.

CMT researchers' also emphasized the high risk that the karst rock and its permeable bedrock mean "significant subsidence and sinkhole activity could occur," concluding, "in terms of risk management, we do not believe there is an effective method for elimination of sinkholes in karst infiltration areas...and the risk is inherent."

Hughes further quoted the Oct. 31, 2014 Yoxtheimer letter to Ferguson Township, for the propositions that

farming, the historic land use, “does not significantly increase the potential for sinkholes to form on this tract,” while “the significant grading, landscape alteration, increase in impervious surfaces, and channeling of stormwater involved with this project [Cottages] does increase the risk of sinkhole formation and therefore does increase the potential to degrade ground water quality.”

Meetings

On June 25, Hoover sent out another campaign update. Hoover said she and David Hughes met with David Gray, Vice President for Finance and Business, and three other Penn State staffers, on Friday, June 23.

Hoover reported that Gray insisted Penn State could not pull out of the sales contract with Toll Brothers without getting sued. She reported Gray also took the position that Penn State would not bear responsibility if the development contaminated public water, on the grounds that Penn State is “just the seller.” Gray, for reference, was the Penn State signatory on the sales contract, which he would not allow Hoover or Hughes to review to confirm the implied absence of contingency clauses permitting parties to withdraw from the contract for cause, without penalty.

However, Hoover said, Gray agreed to contact Toll Brothers executives to request a meeting with water coalition representatives to discuss alternative sites.

On June 26 at 5 p.m., the Ferguson Township Board of Supervisors held an executive session to discuss the possibility of submitting a township letter to the state Supreme Court, asking the court to take up the water coalition’s appeal of the May 2017 Commonwealth Court decision.

Supervisor Laura Dininni had proposed that the township urge the Supreme Court to hear the appeal, out of concern that the conflict between the November 16, 2015 PRD approval by the township and the township’s own zoning laws had left township staff – and municipalities across Pennsylvania – in a legally ambiguous position and weakened agricultural zoning as a land use planning tool. Hoover put out a call for citizens to contact the supervisors in support of the proposed letter; roughly 50 citizens sent emails ahead of the executive session.

Although the door to the meeting was closed, I was in the hall outside waiting to see if they would emerge and announce a public meeting to hold a vote. The supervisors and staff were speaking loudly because one participant was on speakerphone, so I heard most of the discussion through the closed door.

Meeting participants included Board Chair Steve Miller, supervisors Laura Dininni and Rita Graef in person, supervisor Peter Buckland by telephone, Township Manager Dave Pribulka and Township Solicitor Joe Green. Supervisor Janet Whitaker was absent.

Pribulka summarized the problem well, explaining that the 5.5-acre parcel intended for stormwater detention,

under the current legal circumstances, is simultaneously part of the adjacent Planned Resident Development (PRD) zoning, as an “accessory” to the student housing development, and also not part of the PRD, because it’s still zoned Rural Agricultural, although its planned use doesn’t comply with township laws governing authorized uses of RA land. Township staff are therefore in a bind if and when confronted with another land development plan making similar requests for similar land use plan approvals.

Supervisors Dininni and Buckland generally argued in favor of asking the Supreme Court to take up the case to provide clarification.

Chair Miller and Solicitor Green generally argued in favor of doing nothing, on the grounds that the Township “won” at the Commonwealth Court level. Green apparently prepared a recommendation memo to that effect.

Supervisor Graef generally tried to say nothing substantive while still saying words occasionally.

In the end, Buckland rang off before anyone could make a motion, and in the ensuing procedural discussion about whether to hold a vote and if so, whether to open the meeting to the public to witness the vote (in compliance with the Pennsylvania Sunshine Act), Dininni was told that without decisive supervisor action to reverse Green’s recommendation as written in his memo, the solicitor’s recommendation would simply be implemented without a board vote.

And so it was: decision by solicitor by default.

On June 26 at 7 p.m, Penn State’s new Director of Local Government and Community Relations, Charima Young, circulated a two-page flier to local government officials during the Centre Region Council of Governments General Forum meeting, putting forward the institution’s version of the site’s ownership and development history.

On June 30, the water coalition held a potluck party at the encampment, to celebrate one month of occupation. Andy Tolins and Haystack Lightnin’ performed on a beautiful summer evening, and a good time was had by all.

To be continued.

Bailiwick News is an independent newspaper offering reporting and critical analysis of Centre County public affairs.

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