

BAILIWICK NEWS

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“In Re: Whitehall Road Property”

By Katherine Watt

By unit vote on Monday, October 29 at the Centre Region Council of Governments (CRCOG) General Forum meeting, representatives from the five municipalities that participate in the regional parks program each voted by majority within their units to endorse the easement request from Toll Brothers for permission to construct a large sewage holding tank and related infrastructure on land owned by CRCOG and Ferguson Township, on which COG intends to build Whitehall Road Regional Park.

To the author’s knowledge, the only “No” votes were cast by Ferguson Township Councilwoman Laura Dininni and State College Borough Councilwoman Janet Engeman.

At the start of the agenda item, CRCOG Executive Director Jim Steff introduced a panel of “experts” whose expertise was limited to engineering and legal issues.

Designated “experts” included project engineers John Sepp of PennTerra Engineering on behalf of Toll Brothers; Robyn Froehlich of Stahl-Sheaffer Engineering on behalf of the Centre Region Parks & Recreation Authority (developers of the proposed Whitehall Road Regional Park); University Area Joint (Sewer) Authority Director Cory Miller; State College Borough Water Authority Director Brian Heiser; and conflicted solicitor Terry Williams, who simultaneously represents three different legal entities involved in the multiple underlying financial transactions (CRCOG, Centre Region Parks & Recreation Authority, and the Borough of State College).

Public commenters included Randy Hudson, Dorothy Blair and David Stone of Nittany Valley Environmental Coalition.

After allowing brief public comment by Hudson, Blair and Stone on the topic of Hudson’s request for a delay in the CRCOG vote to allow time for public reassessment of the siting of the sewage pump station to reduce risks to public water, and redesign of the WRRP plan to reduce grading, CRCOG General Forum chair Danelle Del Corso afforded the “experts” unlimited time to mischaracterize and reframe those public comments. Sepp turned in an impassioned performance as a man wrongfully accused of falsifying official documents, referring to *Bailiwick News*’ Oct. 26, 2018 edition and NVEC’s online sharing of that report.

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The author took note of Sepp’s and Miller’s claims, and research on the regulatory authority of the PA-

Department of Environmental Protection to establish and enforce standards for reporting projected sewage flow and organic loads for new land development continues, including a six-hour document review session in Williamsport on Dec. 6.

Research at this stage indicates that there’s a lot of room for data manipulation to skirt state and federal regulations governing sewage management planning. Applicants and sewer authorities can and do use different starting assumptions and conversion factors to convert between units, including population (occupied beds), dwelling units, Equivalent Dwelling Units (EDUs), per capita gallons per day of water consumption, and per capita pounds per day of solid waste production.

There are also at least two different frameworks used to calculate and price sewage use in the Centre Region. Within the Borough of State College, billing is “volumetric,” based on flow data collected within the pipelines. Outside the Borough’s borders, billing is by EDU-based estimates, without reference to actual measured water use. But customers in both pricing schemes are paying to use capacity at a single treatment facility.

Bailiwick News’ current hypothesis is that a key mechanism for the fraud being perpetrated on the public funders of the regional sewage system and its many costly expansions and upgrades in recent decades is preferential use of hydraulic loading (water use) as a sewage accounting benchmark.

Water consumption by household and business users has remained stable or declined slightly in recent decades despite population increases, thanks to water conserving appliances and fixtures, and tighter pipelines.

But exclusive use of the water benchmark for new construction permits obscures the irreducible volume of bio-solids added to the waste stream with increased population. Each new occupied bed added to the housing stock adds organic matter to the public sewer system and requires costly treatment and disposal.

In other words, it’s likely that many major Centre Region developers for the last 25 years have been underreporting the public impact of their additions to regional sewage management systems, with the complicity or more likely at the direction of UAJA’s Miller and the UAJA board – through UAJA policies governing EDU calculations and permit application drafting.

Knowingly or otherwise, CRCOG legislators who have voted for and relied on official Act 537 planning frameworks have endorsed the systemic fraud; the last comprehensive Act 537 Plan revision was done in 2006 and since then, amendments have been piecemeal.

Further screwing the public, DEP does not appear to have the resources to audit data submitted by developers,

regional sewer authorities and regional Act 537 governments.

Bailiwick News holds the view that citizens interested in protecting regional watersheds, farm fields, forests, meadows, and neighborhoods from land development and increased population densities should strongly consider running for local office in 2019, and if elected, should work to overhaul the regional Act 537 Plan to reduce authorized capacity at the UAJA treatment plant, and contract the regional growth boundary/sewer service area, thereby triggering a DEP-enforced ban on new connections creating net increases in sewage within the publicly-funded system.

Developers and their parasitic civil engineering firms will not like this idea, and will continue financially backing their own political candidates for local office who – if elected and not effectively challenged by dissident legislators – will continue authorizing full and expanded capacity at the UAJA plant, and expansions of the regional growth boundary to keep the horizontal and vertical sprawl machine operating full bore.

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Getting back to the Oct. 26 General Forum meeting, public commenters sought and were denied permission to rebut the “expert” claims.

Further gutting the deliberative process, Del Corso only allowed General Forum legislators to ask questions of the “experts;” legislators were not permitted to vocally draw conclusions from the presentations, assess the credibility or motives of the presenters, assert their own expertise as public policymakers, or make persuasive arguments to their fellow legislators.

Following the “expert” presentations and the questions-only from elected legislators, Ferguson Township Board of Supervisors chair Peter Buckland immediately moved to call the question; his motion was seconded; and General Forum voted by voice vote to end discussion and move on to the vote on the easement.

The approval vote cleared the way for Toll Brothers contractors to record the land development plan with the Centre County Recorder of Deeds, done on Nov. 2; to start excavating in the Harter-Thomas recharge area, now underway; and to build a large sewage holding tank, pump station and high-pressure sewage pipeline on public land about a mile from our main public water supplies.

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On November 13, the author and NVEC Vice President Mike Costello reviewed the Toll Brothers project file at the State College Borough Water Authority, seeking information about the water monitoring plan.

Among the documents was an Oct. 22, 2018 letter from Hatch, an engineering consulting firm, to SCBWA, memorializing the terms of a proposed contract for Hatch to provide water monitoring services.

According to the letter, Hatch will do four total monitoring “events” for a lump sum of \$12,800.

That includes two cycles of “continuous water level monitoring:” a three-month period pre-construction (which should have started in mid-July, since construction activity and tree-clearing were underway by mid-October), and a three-month period post-construction, at \$2,300 per event.

It also includes two rounds of water quality sampling (one pre-construction, and one post-construction) at \$4,100 per event. The samples will be sent to Fairway Labs in Altoona for analysis.

The original water quality testing plan was to test for eight categories of quality indicators and contaminants, but this list was expanded after a conversation Brian Heiser had with someone at Hatch on Oct. 18, 2018.

The new list of contaminants and quality indicators includes: pH; conductivity; hardness; alkalinity; chloride; methylene blue active substance (MBAs are detergents and foaming agents); sulfate; total dissolved solids (TDS); turbidity; color; total organic carbon; fluoride; cyanide; IOCs (inorganic chemicals)/full list metals; 8260 VOCs (volatile organic chemicals), full scan including benzene, toluene, ethylbenzene, xylene; SOCs (soluble organic chemicals) including pesticides; total coliform/ e. Coli (fecal coliform); oil/grease; glycols; dissolved oxygen; fertilizers (nitrogen, phosphorus, potassium); and nitrite

Baseline samples were taken from the monitoring well located on the southeastern corner of the stormwater detention basin sites on Oct. 31.

The results were returned to SCBWA on or about Dec. 13, 2018, and are available online at www.scbwa.org/sites/default/files/the_cottages_monitoring_well_baseline_data.pdf

The file review also turned up an Oct. 26, 2015 email from SCBWA consulting hydrogeologist David Yoxtheimer to SCBWA Director Heiser and Ken Beldin (Gwin Dobson Foreman consultant) just after they did a field visit to identify the monitoring well site, and Sheet 28 of the Planned Residential Development (PRD) plan (original 3/3/15, last updated 8/21/18).

Both documents called for a single pre-construction sample to be drawn one week after construction of the monitoring well, to allow the turbidity from the well construction time to settle. This was presumably the Oct. 31 sample, which suggests the monitoring well may have been drilled sometime around Oct. 24.

The plans then call for a second sample to be collected and analyzed within 60 days of tenant move-in.

Thereafter, the plans call for samples to be collected and analyzed once per year for five years, and then the results and trends will be evaluated to determine if additional annual testing should be done.

The current contract between Hatch and SCBWA only covers the initial pre-construction water quality sample and a single post-construction sample.

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On Dec. 11, Penn State President Eric Barron announced that “the University is investigating ways to conserve land it owns roughly between Whitehall Road and Rothrock State Forest at Musser Gap, in Ferguson Township just outside of the University Park campus.”

According to a Penn State press release, Barron said: “Our vision for this area is to not only **help protect the local water supply**, plant and animal species, but also make it a place where people can enjoy nature, learn about the environment and be inspired.” (Emphasis added.)

This is intriguing, since project proponents, including local developers, public administrators and elected officials, have repeatedly articulated their unsupported belief that land development in the watershed poses no risks to public water supplies, and have repeatedly accused civic activists of improperly whipping up public hysteria over a fat lot of nothing.

Moving on.

The press release stated that the 365-acre property “is being referred to as the Musser Gap to Valleylands (MG2V) site, includes the Musser Greenway Trail and is bordered by Rothrock State Forest and the proposed Whitehall Road Regional Park.”

The press release stated that Penn State would partner with ClearWater Conservancy on the possible conservation of the land, and that ClearWater would “work with the community and seek input from local residents...”

The first community forum hosted by ClearWater is scheduled for Thursday, January 31 from 6 to 8 p.m. at the Unitarian Universalist Fellowship of Centre County, 780 Waupelani Drive.

The 365 acres Barron referred to is most of the acreage that Nittany Valley Environmental Coalition and its precursors (Nittany Valley Water Coalition and a phalanx of loosely organized citizen activists) have been fighting since early 2015 to protect from the domino-effect of intensive land development set off by Penn State’s 2004 rezoning and 2012 sale of the 46 acres now under development by Toll Brothers for luxury student housing.

The most publicly-visible citizen action was the citizen occupation of the Toll Brothers site, which ran from June 3 through Oct. 8, 2017, in an effort to engage Penn State and Toll Brothers in a land swap and keep the student housing development off the watershed.

Penn State evicted the occupiers on Oct. 8, 2017, claiming that the land would be farmed in winter wheat while negotiations for the land swap proceeded.

Then on Dec. 21, 2017 – no wheat planted – and after apparently rebuffing overtures from Toll Brothers executive Charles Elliot to engage in the land swap, Penn State closed the sale.

Given this history of Penn State’s backstabbing local residents engaged in providing community input, and the noncommittal wording of the press release, stating only that Penn State is “investigating” conservation options, it would be worthwhile to maintain a healthy skepticism as the process moves forward.

Above all else, it will be crucial for citizens to pressure local legislators to hold firm and protect current legal tools that bar Penn State from extending the Blue Course Drive Extension (now under construction by Toll Brothers to provide access to the private student housing and public regional park), further into the watershed, across Slab Cabin Run to connect with Route 45.

If Penn State is given permission – by local legislators – to extend Blue Course Drive to Route 45, it will bring heavy traffic and associated pollutants across Slab Cabin Run less than a mile upstream from the Harter-Thomas wellfields, thus increasing contamination risks that have already been increased by current construction of the student housing and planned construction of the regional park.

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Back in early 2015, engaged citizens began to grapple with the implications for regional water security of the proposed public-private partnership between the CRCOG, Penn State, and Toll Brothers as the partnership related to planned development of land off Whitehall Road in the Harter-Thomas wellfield recharge area.

As we unearthed the public record using the 2008 Pennsylvania Right to Know Law, and tracked documents from CRCOG, State College Borough Water Authority, State College Borough, the Centre Region Parks & Recreation Authority and other governmental bodies, several activists began to speculate that – at some point in the prior decade – a “gentlemen’s handshake” agreement had been struck among public and private players, including ClearWater Conservancy.

In the mid-2000s, ClearWater was under the direction of Executive Director Jennifer Shuey (sister of Penn State University Planner Steve Watson, who simultaneously served as a voting member of the Centre Region Planning Commission) and Steve Miller, who simultaneously served as chairman of ClearWater’s board and a Ferguson Township supervisor.

The purpose of the agreement, activists speculated, was to kneecap any public or private agency attempting to block Penn State’s profiteering sale of portions of the land it had bought at well-below market rates from the R.K. Mellon Foundation in 1999.

The circumstantial evidence that such a backroom deal had been struck was the remarkable silence of otherwise vocal agencies and organizations with the most skin in the water protection game: the water authority and ClearWater Conservancy.

We didn’t think that the parties would have memorialized their agreement in writing that would provide direct evidence.

However, in late October 2018, Ferguson Township Councilwoman Dininni obtained access to a trove of historic Parks Authority documents.

On Oct. 26, she found a 2005 letter from a Penn State representative to a water authority representative,

laying out most of the big picture and the *quid pro quo* without which multiple public and private projects would not move forward.

To contextualize the letter, reprinted below, *Bailiwick News* is also reprinting an excerpt from the Sept. 7, 2004 Ferguson Township Supervisors Meeting Minutes: the meeting at which public complicity in Penn State's private profiteering became operational when the supervisors approved a rezoning request in violation of regional planning agreements designed to protect water, farmland and rural landscapes.

* * *

Excerpt from Sept. 7, 2004 Ferguson Township Board of Supervisors Minutes

...II. PUBLIC HEARINGS - ORDINANCES

Mr. Dan Sieminski representing Pennsylvania State University in the request to rezone tax parcel #24-04-76A addressed the Board of Supervisors. He stated that this is a request to rezone 26.3 acres located on Whitehall Road just south of Blue Course Drive. He has argued through the rezoning process in the past that this property and subsequent development will have minimal if any negative impact. The University owns 566 acres between Whitehall Road and Rte 45. The regional growth boundary runs along Whitehall Road and captures a part of the University's property that is already zoned R4.

In discussions with the Regional Ad Hoc Recreation and Parks Committee established by Centre Region COG, there were two 75-acre parcels that were identified that the University was offering the community at the University's cost, for community play fields. The parcel adjacent to the property proposed for rezoning is already zoned R4. The proposal is to put in a signalized intersection at Whitehall Road and continuing Blue Course Drive through the property.

Of the 26.3 acres only 9.3 acres is developable because of set backs and stormwater. There has been a 90ft right of way established for Blue Course Drive, creating an intersection at Whitehall Road.

Mr. Sebastian DeGregorio representing Centre Regional Planning Agency (CRPA) stated that in a review dated March 29, 2004 from CRPA staff a recommendation to deny this proposal for rezoning was provided to the township. He stated that in 2001 the official township map added the extension of Blue Course Drive between Whitehall Road and Rte. 45. The CRPA recommended against the road being shown in that location for the same reasons indicated in the review dated March 29, 2004.

The reasons being it was outside of the growth boundary, and that there was a road going through land consistently zoned Rural Agricultural (RA) and the CRPA did not feel it was consistent at that time (nor at the present time) with the 2000 Centre Region Comprehensive Plan and all of the other planning

documentation. The township at that time did not indicate that there was a master plan, or that there were potential discussions with the University about the planning for further improvements in that area. The CRPA is clearly on the record stating that they were not in favor of that road being listed on the official map.

Mr. DeGregorio stated that as far as the Ad Hoc Regional Park Planning Committee point is concerned, the agency was involved in the development of looking for regional parks. One of which is presently funded and located in College Township in Oak Hall. The second site is a portion of what was shown in Mr. Sieminski's presentation. Though the CRPA was involved in those discussions, at no time was zoning or the discussion of water or sewer facilities to either of those regional parks part of the discussion.

Mr. DeGregorio stated that to go back and look at the original review; the proposal to rezone from RA to R4 is inconsistent with present 2000 Centre Region Comprehensive Plan.

The property is outside the established regional growth boundary and the sewer service boundary that are defined and have been for the last five years.

He stated that CRPA would begin updating the Comprehensive Plan and Act 537 Plan documents at the end of 2004 well into 2005 and possibly 2006. The University Area Joint Authority has an established sewer service area rezoning policy that they have adopted in March 2004. He asked that the Board review this and consider it in their decision.

He feels that there is ample vacant land in the township and within Centre Region that is zoned for multi-family development. There is a strong inventory of R4 zoned property at present, and feels there will be a strong inventory going into the future. He feels there is no need to zone more land for multi-family development at this time.

The third point Mr. DeGregorio stated was the potential negative effects that could come about by development in the Slab Cabin Run Valley to the recharge area of the State College Borough Area Harter/Thomas well field. The well is located down gradient from that swale, not too far away is the Harder/Thomas well which supplies water on a daily basis to 35,000 to 40,000 people.

There are potential impacts from development leading to contaminated ground water, surface water run off, and potentials for spills or anything else that could occur to damage the water supply south of the proposed property line. If this property is rezoned there will be a need for a sewage pump station to pump sewage back up to the main line that is on Whitehall Road. He feels there are serious things to be considered with regard to the surface water and the ground water.

The next point Mr. DeGregorio made was the strength of the township's RA zoning. He stated that when he has talked with other municipalities in Centre Region the standard is always (and always has been) Ferguson Township's strong RA zoning.

Decisions were made well over 25-30 years ago to zone area similar to where this application is being discussed, from a much higher density potentially of maybe one unit to the acre to one unit to fifty acres. He feels the township has a strong inventory and has made strong commitments to uphold those decisions for a number of years up until this point.

He reiterated that the Centre Regional Planning Agency, the Centre Region Planning Commission, previous Planning and Zoning Director Cassandra Schmidt, Mr. Kunkle Township Manger, and the County Planning Agency have all recommended against this application, or in the very least that the application wait.

Mr. DeGregorio stated that the last few weeks and months there have been various trips discussing the negative and positive affects of Circleville Road's potential rezoning and the rezoning of John Imbt's property. Those parcels are within the township's growth boundary, and serious decisions have to be weighed as far as impact. But those are property's that are served with water and sewer, some can debate if the roads are adequate, but there is a road network to build around. That is not the case with this proposal. In the very least he asks that if the Board does not consider rezoning, to consider waiting for the Imbt and Circleville property, and look at the comprehensive plan being updated and Act 537 being updated in 2005.

Mr. Pytel stated that he disagreed with Mr. DeGregorio. There is transit service available, along with both water and sewer available. He stated that if the Board were to stop people from putting in sewers because a pump station is needed then half of the sewers on the University Area Joint Authority would disappear. The R3 land in State College is similar to R4 land in Ferguson Township and that is probably the last growth area that the township can put high-density people without going into farmland. He stated that the township is looking into revising the map in 2005, and if the township does not get the growth in that area someone else will get the growth within farmland.

Mr. Miller stated that when the issue came before the Board previously he voted to move it forward to this point in time. He feels the proposed property is still the best place the township has for this type of building, especially since it is on a major intersection. He spoke with Max Gill, and there are no problems concerning water. The proposed rezoning is far enough from the wells that Mr. Gill did not feel there was a problem. The one thing both the staff and the Planning Commission have recommended is to deny rezoning at this point in time.

Mr. Miller stated that after Cory Miller's presentation at the COG meeting and through various discussions, he thinks there are some potential complications. He recommends holding off on the rezoning until after the Act 537 proceedings, and work to get the rezoning incorporated in the Act 537, and at that point in time rezone the property. If the township cannot get the rezoning included in Act 537, then Mr. Miller is

inclined to rezone the property and see what complications arise. Mr. Pytel suggested that it might be too late at that time.

Mr. Irvin stated that the University would not be able to build until the Act 537 update is completed. Therefore, if it is done now or later will not make that much difference as far as he is concerned. Mr. Miller is concerned with finding out from the UAJA what conflicts will arise if property is rezoned before changing the Act 537 Plan.

Mr. Mascolo [husband of then-Parks Authority chair Sue Mascolo] stated that it is up to the University, if the property is rezoned, to get approval. He feels it should be developed, especially since it is next to R4, which is already in a regional growth boundary. The additional 9 acres of development would be minuscule compared to other developments.

Mr. Killian stated that he supports staff recommendation at this time. This would be Ordinance # 836

Mr. Pytel made a motion to rezone the 26.3-acre tax parcel #24-04-76A from RA to R4. Mr. Irvin seconded the motion. The motion passed by a vote of 3:2 with Mr. Irvin, Mr. Mascolo, and Mr. Pytel voting yes and Mr. Killian and Mr. Miller voting no.

* * *

Complete Sept. 30, 2015 letter from Daniel W. Sieminski, Associate Vice President for Finance and Business/Commonwealth Operations, Penn State University, to Max G. Gill, Executive Director of State College Borough Water Authority.

In Re: Whitehall Road Property

Dear Max:

This letter is intended to summarize and confirm our discussions with respect to the possible sale by the University to the State College Borough Water Authority of the parcel of land located along Whitehall Road in Ferguson Township. The conveyance will be subject to a conservation easement that will restrict the development of the property and dedicate its use to help ensure the water quality in the Authority's adjoining well field.

The parcel contains what is now estimated to be approximately 59 acres. The University has expressed its willingness to sell this acreage to the Authority at a sales price based on \$6,500 per acre. The precise acreage of the parcel to be conveyed will be established by the subdivision survey to be performed by Sweetland Engineering. The exact purchase price calculation will be made by taking the amount of acreage shown for the parcel in the subdivision survey, exclusive of any acreage contained within a public road right-of-way, and multiply it by the \$6,500 per acre value.

The final terms of a legally binding contract between the University and the Authority with respect to this

property will be contained in a formal agreement of sale to be executed by the parties which will be subject to the approval of the University's Board of Trustees and governing body of the Authority. However, this transaction cannot be viewed as an isolated deal between the University and the Authority, rather it is part of an overall plan for the University's property in the Whitehall Road area which involves other parties.

The proposed subdivision of this area contemplates four separate parcels to include a 75-acre parcel to Ferguson Township/Centre Region Council of Governments for park land and playfields, as well as an additional 25 acre parcel which the Township/COG will have an option purchase; the 59 acre parcel to be sold to the Authority; and the 26.3 acres of University land zoned R-4.

Accordingly, any sale of the property to the Authority will be contingent upon and part of an overall transaction involving Ferguson Township/COG closing on the acquisition of this 75 acre parcel, as well as the 26.3 acres of University R-4 land being included within the regional growth boundary.

We have also agreed that the costs of survey and subdivision would be divided among the parties involved in the following proportion: Ferguson Township/COG will pay 50% of the costs, the Authority will pay 30% of the costs and the University will pay 20% of the costs. Any realty transfer taxes attributable to the conveyance to the Authority would be divided equally between the parties.

As previously indicated, the legally binding contract with respect to this matter will be contained in the agreement of sale to be approved and executed by the parties at a later date, however I trust the above summary of the substance of this transaction is in keeping with your understanding. If so, please indicate that by countersigning a copy of this letter at the place noted below and returning it to me.

The letter was signed by Sieminski, with a blank signature line for Gill, and indicated copies of the letter were sent to unidentified individuals at "Ferguson Township" and "Centre Region Council of Governments."

* * *

To sum up, if CRCOG and Ferguson Township wanted land for a future regional park, then Ferguson Township supervisors were required to approve Penn State's rezoning request converting 26 acres of prime farmland to high-density residential housing use and support expansion of the regional growth boundary at COG. Ferguson Township supervisors acceded to the Penn State demand for rezoning in September 2004, bumping the market value of the rezoned rural acreage to \$293,478 per acre from about \$3,000 per acre prior to the rezoning.

Similarly, if the water authority wanted 59 acres for wellhead protection, then the COG General Forum was required to approve an amendment bringing those 26

rezoned acres of R-4 land into the Centre Region's sewer service area under Act 537.

And if CRCOG wanted the future housing developer to bear the costs of providing sewer system access to the future park, CRCOG had to add another 100 acres (the park land) to the sewer service area.

COG General Forum representatives acceded to the Penn State demand for inclusion of the 26 acres within the sewer service area in October 2006, by adopting the Centre Region Act 537 Plan, which redrew the regional growth boundary to incorporate it.

Then in February 2011, General Forum amended the Act 537 Plan to bump out the growth boundary again, incorporating the 100 acres of future parkland.

All these decisions were legally ratified by putatively public entities, comprised of elected representatives, against professional planners' recommendations and in violation to the regional land use policies memorialized in the 2000 Centre Region Comprehensive Plan, which had also been approved by the elected representatives serving on the CRCOG General Forum.

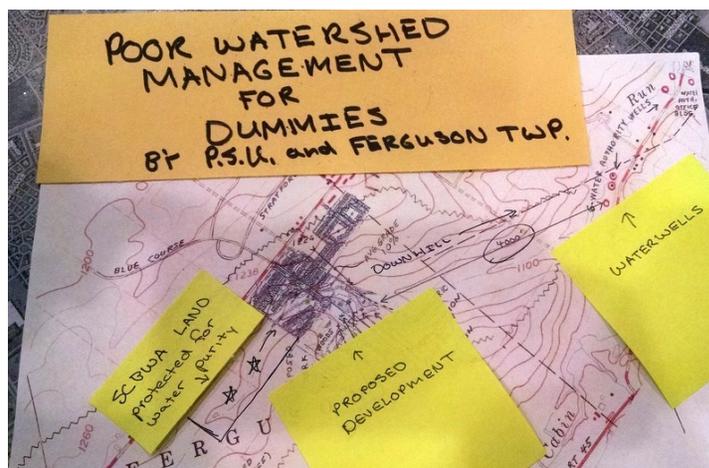


Photo May 10, 2015, by concerned citizen, posted at Save State College Water Supply Facebook.

CRITICAL ANALYSIS

The Sieminski letter is one concrete, operational example of the inverted totalitarian government under which Centre County citizens live.

It exemplifies the system through which unelected, unaccountable, entrenched bureaucrats within private corporations and public governmental agencies control the outcome of crucial local land use decisions, by controlling public access to information and controlling the agendas for publicly-elected boards.

Here's the crux: between 2008 and the 2017 Toll Brothers transaction, Penn State has sold 205 rural acres in Ferguson Township, purchased at an average price of \$2,876 per acre in 1999, for an average of \$70,679 per acre, with barely a peep of resistance from local governments, whose taxpayers have subsidized each transaction on one or both sides. See Table 1 and Table 2, below.

Those who privately control information and set agendas routinely set public policy, by narrowing the range of options presented to the public and our representatives. Our “choices” routinely turn out to be choices between shit on the one hand, or shittier shit on the other.

Understanding the letter, and how it fits into the regional governing system to excise the public from land use planning, will be useful as we move into 2019, continue developing independent, public interest information channels to break the bureaucrats’ monopoly; try to catch up to the backroom deals happening in real time; and elect better representatives who understand the shit show and are therefore better equipped and more motivated to reform it, or failing that, scrap it and start over.

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

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Table 1: Penn State’s 1999 purchase of five parcels of Ferguson Township agricultural land south of Whitehall Road and south of Rte. 45*, from a 50-50 partnership between Mark Bookman and the RK Mellon Foundation, represented by Mason Walsh as “Agent for the Participants in the Real Estate Account No. 1 created by Memorandum of Agreement dated as of June 1, 1988.” The partnership documents were “unrecorded.”

Parcel	Date	Deed Book	Page	Seller	Acres	Land Price
24-4/76	08/31/99	R1111	1010	Mellon/Real Estate Account No. 1 (50%)	15.375	\$1
		R1111	1018	Mark Bookman (50%)		\$339,392
24-23/28S	08/31/99	R1111	1026	Mellon/Real Estate Account No. 1 (50%)	12.080	\$1
		R1111	1031	Mark Bookman (50%)		\$120,510
24-4/76A	08/31/99	R1111	1058	Mellon/ Real Estate Account No. 1 (50%)	39.757	\$1
		R1111	1063	Mark Bookman (50%)		\$99,307
24-4/93A	08/31/99	R1111	1068	Mellon/ Real Estate Account No. 1 (50%)	133.084	\$1
		R1111	1075	Mark Bookman (50%)		\$405,534
24-4/94	08/31/99	R1111	1080	Mellon/ Real Estate Account No. 1 (50%)	363.796	\$1
		R1111	1089	Mark Bookman (50%)		\$657,415
					564.092	\$1,622,163
Average price per acre for PSU 1999 purchase of five parcels of land South of Whitehall Road in Ferguson Township						\$2,876 per acre

Table 2: Penn State’s subdivision of 398 of the 564 acres south of Whitehall Road and south of Rte. 45, starting in 2007, and sales of 205 acres between 2008 and 2017, leaving approximately 359 acres in Penn State’s possession currently.

Parcel	Date	Deed Book	Page No.	Purchaser	Acres	Land Price
24-4/94G Lot 6	05/30/08	R2011	0964	COG/Ferguson Township/DCNR @\$3,077 per acre	75	\$230,775
24-4/93F Lot 5	06/20/08	R2013	0568	SCBWA @\$6,500 per acre	59	\$383,500
24-4/93A Lot 7	05/27/11	R2080	0486	COG/Ferguson Township/DCNR @\$15,000 per acre	25	\$375,000
24-4/76 + 24-4/76A Lot 3 & 4	12/22/17	R2209	0719	Toll Brothers/Springton Pointe/ State College Apartments LLC @\$293,478 per acre	46	\$13,500,000
					205	\$14,489,275.00
Average price per acre for Penn State’s 2008-2017 sales of 205 of its 564 acres of land South of Whitehall Road						\$70,679 per acre
24-4/94 24-4/94A 24-4/94B 24-4/94C	Approximate remaining PSU-owned acreage south of Whitehall, now under “investigation” for conservation purposes, as of 12/11/18 Penn State press release				359	

*See May 21, 2018 *Bailiwick News* edition for a reproduction of a site map provided by Penn State via press release.