The meeting is a Hybrid Meeting (In-Person or via Zoom).

**General Meeting Information**

College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

**To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:**
- Click [HERE](#) to REGISTER for the meeting via Zoom. Once registered, you will receive a confirmation email containing information about joining the meeting. See the College Township website at [www.collegetownship.org](http://www.collegetownship.org) for detailed instructions on how to participate via zoom.

Written public comments, for specific agenda items, may be submitted until 12:00 noon the day of the meeting by emailing [jsnyder@collegetownship.org](mailto:jsnyder@collegetownship.org).

College Township is committed to making meetings accessible to everyone. If you require an accommodation or service to fully participate, please contact Jennifer Snyder at [jsnyder@collegetownship.org](mailto:jsnyder@collegetownship.org) or 814-231-3021.

**COUNCIL MEMBERS:**
- **Dustin Best, Chair**
- **Eric Bernier, Vice Chair**
- **Rich Francke**
- **Susan Trainor**
- **Tracey Mariner**

**2024 COMMITTEE ASSIGNMENTS:**
- COG Executive Committee
- COG Parks Capital Committee
- COG Climate Action and Sustainability Committee (CASC)
- Spring Creek Watershed Commission (SCWC)
- COG Land Use Community Infrastructure Committee (LUCI)
- COG Facilities
- CC Metropolitan Planning Organization Coordinating Committee (CCMPO)
- COG Finance Committee
- COG Parks & Recreation Governance Committee
- COG Public Safety
- CT Local Traffic Advisory Committee (LTAC)
- CT Industrial Development Authority (CTIDA)
- Centre Area Cable Consortium
- COG Human Resources Committee

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**COLLEGE TOWNSHIP COUNCIL MEETING**

**ANNOUNCEMENT:** Council met in an Executive Session prior to the start of the meeting to discuss personnel.

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

**PUBLIC OPEN DISCUSSION:**
For any item not on this agenda. Please limit comments to five minutes.
NEW AGENDA ITEMS: Majority vote of Council required to add de minimis business item(s) to the agenda.

PLANS:  
P-1  320 Struble Road Building Addition Final Land Development Plan  
      320 Struble Road State College PA 16801 Tax Parcel 19-04-024E  
      Discussion/Action  
      (L. Schoch)

P-2  Mount Nittany Elementary School Sketch Plan  
      240 Villa Crest Drive State College PA 16801 Tax Parcel 19-006-007  
      Discussion  
      (L. Schoch)

REPORTS:  
a. Manager’s Update  
b. COG Regional, County, and Liaison Reports  
c. Staff/P.C./Other Committee Reports  
d. Diversity, Equity, Inclusion & Belonging Reports (Public invited to report)  
   To review CT’s DEIB Calendar, please scan:

CONSENT AGENDA:  
CA-1  Minutes  
CA-2  Correspondence  
CA-3  Action Items

OLD BUSINESS:  
No Old Business Items on the agenda

NEW BUSINESS:  
NB-1  COG Executive Director Recruitment and Search Committee  
       Discussion/Appointment of  
       (A. Brumbaugh)

STAFF INFORMATIVES (Informational Only)

COUNCIL/STAFF OTHER MATTERS (Informational Only)

ADJOURNMENT
CA-1 Minutes, Approval of
   a. January 18, 2024, Regular Meeting
   b. January 24, 2024, Joint Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Daniel Materna, dated January 27, 2024, regarding casino
   b. Email from Susan Strauss, dated January 29, 2024, regarding casino

CA-3 Action Item, Approval
   a. Appointment of John Peterson to the CT Industrial Development Authority for a five-year term

Photo by Frank Scott, IV
Penn Terra Engineering on behalf of the applicant, C. Wayne Company LP, is proposing a 7,064 square foot building addition to their existing property at 320 Struble Road, Tax Parcel 19-04-24E, a 1.731 acre lot.

On Tuesday, January 16, 2024, at their regular scheduled meeting, the Planning Commission made a motion to recommend Council approve the plan.

I recommend Council move to approve the 320 Struble Road Building Addition Final Land Development Plan dated December 18, 2023 and last revised January 8, 2024 subject to the following conditions:

1. Within ninety (90) days from the date of approval by Council, all conditions must be satisfied, final signatures must be obtained and the plan must be recorded with the Centre County Recorder of Deeds Office. Failure to meet the ninety (90) day recordation time requirement will render the plan null and void.
2. Pay all outstanding review fees.
3. Address, to the satisfaction of the Township Engineer, any outstanding plan review comments from staff.
4. Fully comply with College Township Code Section 180-12.
5. All conditions must be accepted in writing within seven (7) days from the date of the conditional approval letter from the Township Engineer.
LAND DEVELOPMENT PLAN NARRATIVE

320 Struble Road
Land Development Plan

December 18, 2023
Revised January 8, 2024

C. Wayne Company LP is proposing a building addition to their existing property located at 320 Struble Road, which was originally Lot 2A of the Ruetgers Organics Subdivision. The property is of Tax Parcel 19-04-24E and is currently zoned, I-1, General Industrial. The site, which contains an existing 8,114 square foot warehouse building utilized by Peirce-Phelps, Inc. for storage and distribution of HVAC equipment.

A 7,064 S.F. addition is proposed at the existing building for additional storage space. The addition will extend from eastern face of the existing building towards Struble Road. All utility service connections will be made internally in the building. The additional building area will be used fully for storage. There will be no increase in the number of employees.

The existing 1.731-acre site has 58 parking spaces including two ADA spaces. With the building addition and area for large semi-truck trailer, to access and unload, 23 spaces were eliminated and 35 parking spaces are now proposed. With the proposed addition, a total of 12 parking spaces are required.

A new loading dock and building entrance will be located at the side of the building facing Struble Road. The other existing remaining entrances are at the rear and north side of the building where on-grade access currently exists.

For the proposed development, adjustments to the front parking area will be made to accommodate the new truck movements. Existing pavement will be removed in the front and rear parking areas thus eliminating an increase in the impervious coverage for the development. New curbing and parking islands are proposed.

As part of the previous subdivision and land development plans, a sidewalk has been installed along the front of the property at Struble Road and an existing pedestrian connection from the existing building to that sidewalk. A new striped crosswalk will be proposed across the driveway to connect the new addition to the existing sidewalk along the driveway.

Overall, there is a net decrease of impervious coverage for the proposed project. The existing stormwater management conveyance systems will remain in place and no new stormwater management measures are proposed.

New canopy trees are proposed for the proposed parking island in the front and rear parking areas and shrubs in the new loading dock island. All other existing will remain.

The lighting at the existing loading dock facing Struble Road will be removed with the building addition and new LED lighting proposed at the new loading dock area.
320 STRUBLE ROAD - BUILDING ADDITION

FINAL LAND DEVELOPMENT PLAN

COLLEGE TOWNSHIP * CENTRE COUNTY * PENNSYLVANIA

DECEMBER 18, 2023

LAST REVISED: JANUARY 8, 2024
Mount Nittany Elementary School
SKETCH PLAN PROJECT NARRATIVE

This plan proposes a 26,000 square foot building addition to the existing Mount Nittany Elementary School to accommodate an increase in enrollment. The addition is proposed to be added on the southern side of the existing building. Passenger vehicle access/drop-off will be provided with by constructing a new access drive connected to the existing elementary/middle school parking lot and running in a southerly direction parallel to the existing building and the new addition. This access drive is intended to be used by parents for drop off and pick up. In addition to the access drive, 44 parking spaces will be added to provide visitor, faculty, and staff parking. Pedestrian connections will be maintained to the existing streets and new connections within the campus will be developed to ensure pedestrian mobility. The existing open grass playing fields and the softball field located on the east side of the existing school will be shifted for the addition and access drive/parking. The existing grass field within the elementary school bus loop will be rehabilitated for continued physical education and extracurricular activities. Stormwater management will be directed into inlets and piping and will be directed to detention facilities.
February 1, 2024

Status: (C) = Complete; (I) – Incomplete; (D) = Dropped; (R) - Rewritten

(I) 21-04 Dale Summit Small Area Plan (SAP)

Comments: 12/19/23 Staff to discuss review process for approval of Dale Summit Plan and Form Based Code review with PC.
Comments: 1/29/24 Joint meeting of CTC and PC to review and confirm completed Dale Summit Area Plan.
Comments: 1/29/24 DPZ Draft Form Based Code distributed to CTC and PC in advance of next joint meeting in March of 2024.

(I) 19-08 Solar Power Purchasing Agreement

Comments: 1/22/24 SPPA Working Group met to review completed contracts and plan for participant approvals.

(I) 21-05 Path to Campus (East College Avenue Shared Use Path)

Comments: 12/4/23 Based on resident request, staff is investigating the potential for crowdsourcing funds for infrastructure projects.
Comments: 12/4/23 Announcement of grant recipients for the TASA and CFA-MTF programs are anticipated in early 2024.

(I) 21-06 Nittany Casino at Nittany Mall
9/22/22, 9/26/22, 10/3/22, 10/13/22, 10/19/22,
11/14/22, 12/21/22, 1/25/23.
Comments: 1/25/23  PA Gaming Control Board awarded Category 4 license to S23C Gaming. Appeals to the PAGCB decision must be filed within 30-days and any appeal of PAGCB decision will be heard by PA Supreme Court.
Comments: 2/22/23  Zoning permits for commercial alterations submitted for former Macy’s building by 2901 ECA Associates. Projected value of work was estimated at $33 million.
Comments: 9/12/23  Pending court cases in Commonwealth Court consolidated to State Supreme Court.
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Next Steps</th>
<th>Staff/Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week Ending</td>
<td>Interim Zoning Changes in Dale Summit</td>
<td>Ordinance enacted.</td>
<td>Technical Corrections necessary. References only. Working with E-Code to ensure all items presented to PC and Council are included in the Enacted language.</td>
<td>Staff</td>
</tr>
<tr>
<td>January 19, 2024</td>
<td>Plan Preparation</td>
<td>Preparing for Joint Meeting #1 with Council and the Planning Commission</td>
<td>Hold Joint Meeting #1 on Wednesday, January 24, 2024 at 6:00 PM</td>
<td>Staff / PC / CTC</td>
</tr>
<tr>
<td></td>
<td>Code Preparation</td>
<td>Prepare for Joint Meeting #2.</td>
<td>Provide materials for Joint Meeting #2 at the conclusion of Joint Meeting #1.</td>
<td>Staff / PC / CTC</td>
</tr>
<tr>
<td></td>
<td>DPZ Discussions</td>
<td>On-going discussions with DPZ.</td>
<td>DPZ will be in attendance at the Joint Meeting #2.</td>
<td>Staff / PC</td>
</tr>
</tbody>
</table>
Name of Meeting Attendee: L. Eric Bernier

1. REPORTING ON: Land Use and Community Infrastructure Committee  DATE: Thursday 2/1/24

2. REQUIRES COUNCIL COMMENTS BACK TO COMMITTEE:  YES  X  NO

3. BRIEF OVERVIEW OF MEETING:

- COMPREHENSIVE PLAN UPDATE:
The committee received an update from the CRPA Director on the proposed format and timeline for the update of the 2013 Comp Plan. Staff’s presentation summarized the materials and work to date. Staff received feedback on the path forward related to engagement and an overall timeframe. It is staff’s expectation to bring a draft engagement plan and proposed timeframe back to the committee for the March LUCI Committee meeting.

- PSU ROADMAP:
The committee discussed the topics contained in the recently released “Road map for University's future”.

Meeting adjourned at 1:46 p.m.
CA-1 Minutes, Approval of
   a. January 18, 2024, Regular Meeting
   b. January 24, 2024, Joint Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Daniel Materna, dated January 27, 2024, regarding casino
   b. Email from Susan Strauss, dated January 29, 2024, regarding casino

CA-3 Action Item, Approval
   a. Appointment of John Peterson to the CT Industrial Development Authority for a five-year term

Photo by Frank Scott, IV
CALL TO ORDER: Mr. Dustin Best, Council Chair, called to order the January 18, 2024, regular meeting of the College Township (CT) Council at 7:01 PM and led in the Pledge of Allegiance.

PUBLIC OPEN DISCUSSION: No Public Open Discussion Items brought forward.

NEW AGENDA ITEMS: No New Agenda Items were added to the agenda.

REPORTS:

a. Manager’s Update

Mr. Mike Bloom, Assistant Township Manager, offered that Council and the Planning Commission will hold a joint work session on January 24, 2024, at 6:00 PM to discuss the Dale Summit Area Plan and Form Based Code. The Solar Power Purchasing Working Group will meet next on January 24, 2024. He offered that Staff is monitoring the weather forecast for tomorrow.

b. COG Regional, County, Liaisons Reports

COG Human Resources Committee: Ms. Mariner reported the COG Human Resources Committee met on January 10, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, approved the 2024 Salary Schedule, and reviewed the Senior Planner job description.

COG Facilities Committee: Mr. Bernier reported the COG Facilities Committee met on January 9, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, and received a presentation on the Long Range Facilities Plan. The Committee also heard updates on three (3) ongoing projects:
custodial services and building maintenance review; Whitehall Road Regional Park; and, Millbrook Marsh Nature Center Spring Creek Educational Building Phase II/Diane Kerly Welcome Pavilion.

**Land Use Community Infrastructure Committee (LUCI):** Mr. Bernier reported the LUCI Committee met on January 10, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, and heard a presentation by Planning Director Mike Tylka about future activities for the LUCI committee.

**COG Climate Action Sustainability Committee (CAS):** Mr. Best reported the CAS Committee met on January 8, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, heard a presentation by Planning Director Mike Tylka on future activities and potential work tasks for 2024, and reviewed the Regional Residential Refuse and Recycling proposal.

**Spring Creek Watershed Commission (SCWC):** Mr. Best reported the SCWC met on January 17, 2024, and held their reorganization meeting, heard a presentation on Acid Mine Drainage and the Moshannon Creek Watershed Association, and discussed the State of the Watershed.

**COG Public Safety Committee:** Ms. Trainor reported the Public Safety Committee met on January 9, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, discussed the Emergency Management Coordinator and Deputy Positions, confirmed Alpha Fire Co Command Officers, Centre Region Fire Marshals, and Centre Regional Assistant Fire Marshal.

**College Township Local Traffic Advisory Committee (LTAC):** Ms. Trainor offered that the LTAC met on January 10, 2024, and held their reorganization meeting, and heard an update by the Township Engineer related to Oak Ridge Avenue.

**College Township Industrial Development Authority (CTIDA):** Ms. Trainor offered the CTIDA met on January 17, 2024, and held their reorganization meeting, discussed their financials, and approved the RFP for Auditing services.

**COG Finance Committee:** Mr. Francke reported the COG Finance Committee met on January 11, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, heard a presentation by Kimberlee MacMullen, COG Finance Director, on the 2025 COG Budget, and the COG Finance 2024 Objectives.

**COG Parks Capital Committee:** Mr. Francke reported the COG Parks Capital Committee met on January 11, 2024, and held their reorganization meeting, approved the 2024 meeting schedule, heard project updates on Whitehall Road Regional Park Phase I project, Millbrook Marsh Nature Center Spring Creek Education Building Phase II & Diane Kerly Welcome Pavilion and heard a presentation by Mr. Eric Norenberg and Ms. Kristy Owens on the future activities of the Committee.

It was noted that College Township continues to be well-represented in leadership of COG and Regional Committees.

c. **Staff/Planning Commission/Other Committees**

In his written reports, Mr. Matthew Fenton, PC Liaison to Council, reported the PC met on January 2, 2024 and January 16, 2024. At the January 2, 2024, meeting, the PC held their reorganization meeting and heard a Chalk Talk presentation by Mr. Adam Brumbaugh, Township Manager, related to Workforce Housing. At the January 16, 2024, meeting, the PC reviewed the answers from Council related to Workforce Housing.
d. Diversity, Equity, Inclusion & Belonging (DEIB) Reports (Public Invited to Report)

Mr. Bloom, Assistant Township Manager, reported College Township officials attended a recent Martin Luther King banquet and January 27 is International Holocaust Remembrance Day.

CONSENT AGENDA:

CA-1 Minutes, Approval of
a. December 21, 2023, Public Hearing College Township Budget
b. December 21, 2023, Regular Meeting
c. January 2, 2024, Reorganization Meeting
d. January 2, 2024, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
a. Email Kristy Owens, dated January 1, 2024, regarding Vandalism for Fogleman field
b. Letter Wayne Laubscher, dated January 11, 2024, regarding 2023 County West Nile Virus Program
c. Email Daniel Materna, dated January 12, 2024, regarding Casino – PGCB Lack of Transparency
d. Invitation 35th Annual Historic Preservation Awards – CC Historical Society

CA-3 Action Item, Approval
a. Intermunicipal Agreement with Harris Township regarding sub-lease of 1.1-acre property identified as No. 2 located at 2900 Block of Stewart Drive, State College
b. Appointments to the CT Industrial Development Authority;
   i. One-Year Term
   ii. Two-Year Term
   iii. Five-Year Term

Council pulled CA-3.b. for further discussion.

Council discussed briefly CA-2.a. related to vandalism in the Parks. Council is committed to stopping this from happening. They asked that Staff add this to a future agenda for discussion.

Mr. Bernier made a motion to approve the January 18, 2024, Consent Agenda minus CA-3.b.
Ms. Mariner seconded the motion.
Motion carried unanimously.

CA-3.b.: Council interviewed two of the three candidates, Messrs. Jake Igoe and Richard Button, for potential appointments to the College Township Industrial Development Authority. Ms. Miller, CTIDA Executive Director, met with each candidate and recommended Mr. Igoe be appointed to fill the unexpired one-year term, and Mr. Button be appointed to fill the unexpired two-year term.

Mr. Bernier made a motion to appoint the interviewed candidates as recommended by the CTIDA Executive Director.
Ms. Trainor seconded the motion.
Motion carried unanimously.

OLD BUSINESS: No Old Business items on the agenda.
NEW BUSINESS:

**NB-1 Policy Direction for 2025-2029 Capital Improvement Program**

Mr. Mike Bloom, Assistant Township Manager, offered that on an annual basis College Township develops 5-year Capital Improvement Program (CIP), which is an important planning document that ultimately informs a major portion of the annual budget. This strategic planning effort provides Council with an annual opportunity to review the Township’s Mission-Values-Goals Statements and offer policy-level direction to Staff through Objectives to be factored into the development of the CIP.

The development of the Strategic Summary document shows the alignment of Vision and Mission with Values and Goals. It provides a series of Policy-Level Objectives that could be realized through Capital and Operational Implementations Steps, which could then be transferred into proposed expenditures in the current and future CIPs and Township Budgets.

Mr. Bloom offered that the discussion today provides an opportunity to move the strategic planning efforts, for the 2025-2029 CIP, to the very beginning of the development process, which allows Council’s direction to better inform Staff’s work in compiling the DRAFT CIP document.

Council was asked to: review the Township’s Mission-Values-Goals Statements; review the alignment and categorization of the Values and Goals in the Strategic Summary and offer feedback; and, review the Objectives identified in the Strategic Summary and offer input on any revisions/additions to this policy-level direction.

Council made the following suggestions:

- Consider adding language to the Mission-Values-Goals Statement related to public safety;
- Add the terminology “suburban” to the Mission Statement;
- Expand the “diversity and inclusiveness” statement to address Diversity, Equity, Inclusion, and Belonging;
- Expand infrastructure reference to include pedestrian facilities under Objectives;
- Values is missing the state regarding “engaging and involving citizens;”
- Add “assigned duties that are appropriate” to Objective 3
- Expand Objective 6 to read “COG and other regional bodies;”
- Add an emphasis to expand Broadband fiber; and,
- Consider assigning dates appropriate to accomplish objectives.

Mr. Bloom thanked Council for their comments. He will prepare an updated Draft to bring back to Council to kick off the 2025-2029 CIP.

**NB-2 Review of Cities Digital Inc. (LaserFiche) Proposal**

Mr. Mike Bloom, Assistant Township Manager, offered that Staff continues to work with consultants, Cities Digital Incorporated (CDI), on implementation of the LaserFiche document management system. The development of the new system has proven to be more complex than initially anticipated. To date, CDI has completed the file structure for the Administrative and Finance Departments.

Staff anticipates the full buildout of the remaining departments, Engineering, Public Works and Planning/Zoning, will require upwards of 160 hours. CDI offers packages of service levels up to the Diamond Plan which includes 160 hours at $28,000.00, a 12.5% discount. The budget for 2024 for this line items is $13,000.00. Since this recommendation represents an expenditure that significantly exceeds the estimate provided in the budget, Staff is asking Council for approval.
Council supports the additional support hours to implement this new system.

Mr. Francke made a motion to authorize Staff to execute the 160 hour Diamond Plan Service Contract with Cities Digital Inc. for the buildout of the LaserFiche Document Management System not to exceed $28,000.00 with funds being reallocated from the General Fund.
Ms. Mariner seconded the motion.
Motion carried unanimously.

STAFF INFORMATIVES: No Staff Informatives brought forward for discussion.

OTHER MATTERS: Council discussed the recent issues with collection of Refuse and Recycling due to inclement weather.

ADJOURNMENT:
Chair Best called for a motion to adjourn the meeting.

Ms. Trainor moved to adjourn the January 18, 2024, Regular College Township Council Meeting.
Chair seconded the motion.

The January 18, 2024, Regular College Township Council Meeting was adjourned at 8:00 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
ATTENDED BY –
COUNCIL: Dustin Best, Chair
D. Richard Francke
Susan Trainor
Anthony Fragola

PLANNING COMMISSION: Ray Forziat, Chair
Ed Darrah, Vice Chair
Noreen Khoury
Matthew Fenton

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Mike Bloom, Assistant Township Manager
Don Franson, P.E., P.L.S., Township Engineer
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer
Jennifer Snyder, CGA, Assistant Township Secretary
Sharon Meyers, Senior Support Specialist Engineering/Planning

ABSENT: L. Eric Bernier, Council, Vice Chair
Peggy Ekdahl, Secretary, Planning Commission
Robert Hoffman, Planning Commission
Ash Tounayants, Planning Commission

CALL TO ORDER:
Mr. Dustin Best, Council Chair, called to order the January 24, 2024, Special Joint Meeting of the College Township (CT) Council and Planning Commission (PC) at 6:01 PM and led in the Pledge of Allegiance.

BUSINESS:
Ms. Lindsay Schoch, AICP, Principal Planner, offered that Council and PC will discuss the Dale Summit Area (DSA) Plan by reviewing the plan’s Vision Statement, reviewing the 75% completed plan and reviewing the updates to the plan made by DPZ CoDesign. As a refresher, Ms. Schoch reiterated that the DSA contains ten different zoning districts, fragmented development patterns, numerous zoning use change requests, no sense of place, lack of pedestrian and bicycle facilities, no green space, commercial uses in industrial spaces and light industrial functions in commercial spaces. These downfalls of the DSA are what led College Township to think about doing something different in this area. With the mix of uses already established, the Township began looking at regulating zoning on form in this area, rather than use, or in other words, Form Based Code.

Form based code is a form of zoning which concentrates on the form of buildings and how they relate to the public realm. Uses are important, but the form of the buildings are of higher importance. In Form Based Code, the more intense uses are limited to intensity zones or centers. Each zone has specific regulations which control the form to ensure compatibility.
Ms. Schoch read aloud the DSA Plan Vision and offered the Vision is the tangible element of the process that establishes policy for Council moving forward in planning Dale Summit.

Work on the DSA Plan began in January of 2021 with a Kickoff meeting. From this meeting, several key events took place.

- A Citizen’s Advisory Committee was formed.
- A SWOT Analysis was performed.
- Focus Groups were organized.
- A Draft Plan was written.
- Training was held on Form Based Code.
- A Request for Qualifications was prepared and responses were submitted.
- DPZ CoDesign, LLC. (DPZ) was interviewed and hired in January of 2023.

After the hiring of DPZ, interim zoning steps were discussed and a rezoning request was received asking to allow Multi-Family Uses in the Planned Research and Business Park District (PRBD). PC and Council discussed this request and in October 2023, a public hearing was held and Council passed Ordinance O-23-05 allowing Multi-Family Uses in the PRBD by Conditional Use.

A DSA Redevelopment Plan Charrette took place in June of 2023. Ms. Schoch opined the Charrette was well attended and a lot of good information was gleaned by Staff and DPZ. The outcome of this 4-day Charrette guided the remaining 25% of the DSA Plan. The following was identified from the Charrette:

- Strong interest in the Dale Summit evolving to serve as a hub of activity, potentially with multiple smaller centers;
- Desire for more walkability;
- General support for the findings in the Market Analysis;
- Interest in entertainment, indoor recreation, food and beverage uses;
- Interest in variety of smaller housing types;
- Need for office and industrial is limited – can be accommodated in a mix with commercial and housing;
- Interest in building on local identity connected to the outdoors by adding trails, bike lanes, and walking connections to connect to protected lands; and,
- Status quo is not an option.

In July of 2023, Staff received a Draft Form Based Code and took several months to review and discuss with DPZ how the Draft could better form to College Township’s code as it exists now. In October, a second Draft FBC was received by Staff. DPZ also submitted a Draft DSA Plan with the remaining 25% completed.

Ms. Schoch offered that Staff distributed to Council and PC the Draft DSA Plan for review in December of 2023 and this joint meeting was scheduled to review and receive feedback.

Mr. Mike Tylka, Centre Regional Planning Agency Director, offered that he has had firsthand experience in a community in Iowa with Form Based Code. He opined that FBC works. He added that the average resident is unaffected by FBC, as it mostly affects developers. He suggested that Staff work with developers in the early stages, pre-application meetings, to guide them through FBC. He offered to serve as a helpful resource to all during this process.

Council and Planning Commission shared support for the Vision of the Dale Summit. Many expressed their excitement to see the process getting started but recognize it is a long process that will take many
months to complete. Council/PC is cognizant that College Township will continue to conduct business during this regulatory change. Interim steps will be necessary until the plan is implemented. The move to FBC is a big step for College Township and the Centre Region. Educating developers and the community is a big piece to the success of the plan.

Mr. Brumbaugh, Township Manager, offered that Council and Planning Commissioners should take the next few weeks to familiarize themselves with the Draft Dale Summit Area Plan. In the coming weeks, Staff will release the Draft FBC in preparation for another joint meeting, likely to occur in March.

ADJOURNMENT:

Chair Best called for a motion to adjourn the January 24, 2024, Special Joint Meeting of the College Township Council and Planning Commission.

Mr. Ed Darrah, Planning Commission, made a motion to adjourn. Chair Best seconded the motion.

Chair Best adjourned the January 24, 2024, Special Joint Meeting at 7:03 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary/Manager
Jennifer Snyder

From: Daniel Materna <sailordan76@verizon.net>
Sent: Saturday, January 27, 2024 2:39 PM
To: CTCouncil
Cc: Adam Brumbaugh; Mike Bloom; Lindsay Schoch
Subject: Reply Brief filed with PA Supreme Court on January 19, 2024 by STADIUM CASINO RE, LLC

Good afternoon, members of the College Township Council,

The attachments (Part 1 of 2 and Part 2 of 2) are provided to keep you informed. When the Pennsylvania Supreme Court votes to deny the actual issuance of the proposed casino's license, the reasons for that decision will now be already known by any addressee interested in reading them.

Please remember not to "pull" this correspondence for further discussion at the next College Township Council Meeting. That way, Council will remain consistent with previously adhered to casino-related correspondence protocols.

Finally, please remember that an alphabetical listing of all persons in the Commonwealth who would keep you informed of these specific details contains only one name.

Sincerely,
Dan Materna
IN THE SUPREME COURT OF PENNSYLVANIA

No. 20 MM 2023

STADIUM CASINO RE, LLC,

Petitioner,

v.

Pennsylvania Gaming Control Board,

Respondent.

REPLY BRIEF FOR PETITIONER STADIUM CASINO RE, LLC

Appeals from Orders of the Pennsylvania Gaming Control Board,
Docket Nos. 9923-2021 and 10577-2022

Related Action: Stadium Casino RE, LLC v. Pennsylvania Gaming Control Board,
No. 249 MD 2021, over which this Court exercised plenary jurisdiction on
September 6, 2023, Dkt Nos. 44 MM 2023, 50 MM 2023

Date: January 19, 2024

Mark A. Aronchick (ID No. 20261)
Jason A. Levine (ID No. 306446)
Cary L. Rice (ID No. 325227)
Gianni M. Mascoli (ID No. 332372)
Hangley Aronchick Segal Pudlin &
Schiller, P.C.
One Logan Square, 27th Floor
Philadelphia, PA 19103
(215) 568-6200

Attorneys for Petitioner
Stadium Casino RE, LLC
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I. INTRODUCTION

Reading the response briefs of the Board and the Lubert Parties, one may come away with the misimpression that Stadium’s threshold challenge is just about process – that the Board engaged in a two-year investigation; that the Board made detailed findings of fact and conclusions of law; and that Stadium’s “procedural objections” are “entirely irrelevant, and wrong.”

These characterizations ignore and deflect from the core issue in this appeal: whether Mr. Lubert is the sole owner of SC Gaming; or whether he parceled out ownership interests in SC Gaming to persons who could not bid or apply for this one casino license themselves. If Mr. Lubert is not the sole owner, and if his investors paid for the winning bid and have ownership interests in SC Gaming, then the Lubert Parties did not comply with Section 1305.2(c) of the Gaming Act; they circumvented the limitations imposed by the General Assembly in the May 2020 amendment to the Fiscal Code; and they triggered mandatory directives in Section 1305.2(c)(8) and (10), requiring the Board to award the right to apply for this license to Stadium or, at a minimum, conduct another auction.

These are the arguments Stadium has been making, and the Board and the Lubert Parties have been ignoring, for years. And now that Stadium finally has obtained the administrative record, identified the interests that the Lubert Parties issued to their investors, and detailed at length why those interests constitute
ownership, the Board refuses to explain its decision, including why the Individual Investors – *who are identically situated to Mr. Lubert* – do not have ownership interests in SC Gaming, even though Mr. Lubert does.

What happened here is unprecedented. The General Assembly limited who could bid and apply for this one license; Mr. Lubert and his investors structured their transactions to circumvent those limitations; and the Board condoned what they did, seemingly wanting so badly to be done with slot machine licensing that it was willing to ignore legislative text and intent. The Board now demands complete discretion over its decision because of its extensive “procedure,” despite having never actually explained how its interpretation of ownership comports with either (1) Section 1305.2(c)’s requirements that the winning bidder, and the winning bidder alone, pay the winning bid and apply for the license, or (2) the limited authority the legislature gave the Board in the May 2020 amendment.

The Board’s acceptance of the Lubert Parties’ own characterization of the interests they parceled out to investors elevates form over substance and allows parties to circumvent ownership limitations simply by calling ownership interests something else. Such a decision not only contradicts decades of precedent that takes an objective, functional approach to ownership, it will have unintended consequences in other statutory and regulatory schemes that turn on ownership. What is worse here, not only did the Board abdicate its duty to actually assess the
core question of ownership, it now asks this Court for a level of absolute discretion as to its decision that has never been granted to an agency. Stadium’s challenge cries out for judicial intervention to correct these fundamental errors.

II. ARGUMENT

A. Neither the Board nor the Lubert Parties Squarely Address the Issue on Which This Appeal Turns: Ownership

1. Ownership is the Crux of the Category 4 Licensing Scheme and the General Assembly’s Limited Authorization to the Board in the May 2020 Amendment to the Fiscal Code

Stadium briefly reiterates the statutory framework on which its challenge is based – a framework “the Board largely does not take issue with,” Bd. Br. 7 – because it is the foundation of Stadium’s threshold challenge.

In 2017, the General Assembly created a new Category 4 slot machine license, and it authorized only existing licensees to bid for the right to apply. Act 42 of 2017, P.L. 419 (Oct. 30, 2017), codified at 4 Pa.C.S. §§ 1305.1(a), 1305.2(a)-(b). If, and only if, an auction failed to generate any bids from the existing licensees, the Board could expand those authorized to bid to include entities that did not have an existing stake in the Pennsylvania gaming market, called “qualified entit[ies]” in the Gaming Act. Id. § 1305.2(b.1); see also id. § 1103 (defining “qualified entit[ies]”). That limited authority reflects the legislature’s stated concern to protect Pennsylvania’s existing casino industry and prevent Category 4 licenses from becoming a vehicle for new entrants into the gaming market. See 4
Pa.C.S. § 1102(12.5); Stadium Br. 8. The Board never exercised its authority to conduct an auction at which “qualified entities” could bid, and the auctions authorized by the 2017 legislation ended. Stadium Br. 9-10.

To generate additional revenue, the General Assembly amended the Fiscal Code in May 2020 to instruct the Board to conduct one more auction for a Category 4 license. At this auction, only existing licensees and persons with an ownership interest in an existing licensee could bid. 72 P.S. § 1724.1-E(c). In other words, one had to have already bought into the Pennsylvania gaming industry to bid. Qualified entities, like those who invested in Mr. Lubert’s gaming project, were not authorized to do so.¹

Ownership is also relevant under Section 1305.2(c), which requires the winning bidder – and the winning bidder alone – to pay the winning bid and apply for the license. As the Board has readily acknowledged, a winning bidder who is an individual may apply in the name of an entity so long as the entity is “owned solely by the bidder.” Bd. Br. 36. This requirement ensures that persons whom the legislature prohibited from bidding do not enter the Pennsylvania market indirectly through an applicant entity.

¹ The Lubert Parties characterize the May 2020 amendment to the Fiscal Code as an expansion of the Board’s authority. Lubert Br. 41. This characterization is peculiar, as the plain text of the amendment ensures that only persons with an existing connection to Pennsylvania gaming can bid and apply, a substantial narrowing of what the General Assembly contemplated in the 2017 legislation.
To summarize, an applicant’s ownership is a paramount concern with respect to Category 4 licenses. And it matters here in two ways: (1) a person must have an ownership interest in a Pennsylvania casino to bid for the right to apply for this one license, see 72 P.S. § 1724.1-E(e)(2)(iv); and (2) that person, upon winning the bid, must apply in their own name, or in the name of an entity they solely own, see 4 Pa.C.S. § 1305.2(c)(7), (10)(i).

2. Ownership Is Broad, Objective and Functional

Ownership is defined broadly in both the Gaming Act and this Court’s jurisprudence, “consonant with the legislature’s stated objective in the Gaming Act.” SugarHouse HSP Gaming, L.P. v. Pennsylvania Gaming Control Bd., 162 A.3d 353, 377 (Pa. 2017) (“Sugarhouse II”). In SugarHouse II, this Court rejected the Board’s “narrow interpretation” of the related concept of “financial interest” in the Gaming Act, concluding that the Board’s interpretation would have “absurdly exclude[d]” interests the General Assembly clearly intended to include in that enactment. Id. And in Greenwood Gaming and Entertainment, Inc. v. Pennsylvania Gaming Control Board, this Court adopted a broad definition of an “owner” of real property to include equitable ownership interests – i.e., a person who has a contractual right to purchase property but has not yet been conveyed title. 15 A.3d 884, 890 (Pa. 2011).
The Board attempts to distinguish this Court’s reasoning in *SugarHouse II, Greenwood*, and another section of the Gaming Act where the General Assembly expressly adopted a broad definition of “ownership,” 4 Pa.C.S. § 1201(n), by claiming that they involved distinct interests, and that there were “strong public policy reasons” for a broader definition in those instances. Bd. Br. 37-38. But the legislature expressed equally strong reasons for a broad interpretation of ownership here, both in its stated intent in establishing Category 4 casinos, *see* 4 Pa.C.S. § 1102(12.5), and in refusing to allow non-licensed “qualified entities” to bid or apply under the May 2020 amendment to the Fiscal Code. The goal was to generate additional revenue without harming the existing gaming industry by allowing new persons who had not already invested in this market to enter. The General Assembly gave effect to that goal by requiring that an entity applicant be solely owned by the winning bidder, *see* 4 Pa.C.S. § 1305.2(c)(10)(i); Bd. Br. 36, thereby preventing exactly what Mr. Lubert did here – namely, selling interests in the applicant to investors who could not themselves bid or apply.

The Board and the Lubert Parties, for all their arguments about the Board’s extensive investigation and procedures, never once articulate what ownership is or why the interests Mr. Lubert parceled out to the Individual Investors and/or Bally’s are not ownership. Instead, they distract by doubling down on the red herring in Section 1313 of the Gaming Act, which permits “financial backers” to support
applicants. See Lubert Br. 35-36; Bd. Br. 32-35. But as Stadium has already explained, that a bidder or applicant can obtain financial support is immaterial to whether it has complied with the requirements the General Assembly placed on a particular license in the first instance, which in this case restrict who can own a bidder or applicant. See Stadium Br. 38. Section 1313, a subsection enacted over a decade before Category 4 licenses were created, does not undermine the specific limitations on ownership imposed by Section 1305.2(c) and the May 2020 amendment.2

Ownership is also objective. The Board’s failure to recognize this fact is why its position is so unworkable. The Board and the Lubert Parties effectively claim that ownership is whatever the parties to a transaction say it is. Bd. Br. 15-18; Lubert Br. 37. That makes no sense, as that subjective definition would turn ownership into a mere construct of transactional counterparties rather than an objective legal right. It would also create perverse incentives to circumvent

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2 The Board reaches for maximum discretion by focusing on both financial backers in Section 1313 and change of control in Section 1328, but it ignores entirely the most recent gaming legislation that authorized this license. Both Sections 1313 and 1328 were enacted as part of the original Gaming Act in 2004, but the statutory authority at issue here is from the 2017 legislative expansion of gaming that established Category 4 licenses and the May 2020 amendment granting the Board limited authority to conduct an auction for one more Category 4 license. Stadium Br. 8-11. The Board should have given maximum credit to the recent legislation, rather than minimizing it. See, e.g., 1 Pa.C.S. § 1936 (instructing judiciary to interpret statutes enacted by different legislatures by favoring more recent statute).
statutory requirements like the ones at issue in this appeal, allowing unauthorized
third parties to obtain ownership in an entity in all but name.

Contrary to the Board’s argument, this Court has affirmed that ownership
has objective meaning. By way of example, in Sugarhouse II, this Court did not
accept the Board’s say-so about the related concept of “financial interest,” and
instead looked to the term’s “ordinary and commonly understood meanings” and
the “legislature’s stated objective in the Gaming Act” to determine its meaning.
162 A.3d at 376-77. As another example, in Greenwood this Court looked to the
history and law of equitable ownership to determine an applicant’s compliance
with licensure requirements – as the Board and Mr. Lubert, who were parties to
that case, endorsed to support their proposed broad interpretation of “ownership.”
See Greenwood, 15 A.3d at 890.

Finally, and relatedly, extensive case law in Pennsylvania, as well as
Delaware (the law that governs the Convertible Notes), shows that ownership is

3 Discussing Sugarhouse II, the Board contends that the “common and approved”
definition of ownership is a “‘right or legal share’ that entitles one to ‘legal or rightful title.’” Bd.
Br. 38 n.19 (quoting Webster’s dictionary). This definition does not help the Board. Not only
does it highlight that ownership is objective, it also plainly encompasses the Individual Investors’
interests in NewCo, which provide

1620a-21a (§§ 1(e), 5). Such a “right” here is demonstrably inconsistent with the General
Assembly’s stated objectives for Category 4 licenses, and for this Category 4 license in particular
– to generate additional revenue without upending the Pennsylvania gaming market by limiting
bidders and applicants to only those who already have an existing stake in this market. See
Stadium Br. 8.
viewed functionally. Whether an investment should be characterized as debt or equity “must be resolved in case-by-case determinations,” irrespective of how transactional parties may classify it. O’Reilly v. Cellco Indus., Inc., 402 A.2d 686, 689 (Pa. Super. Ct. 1979); see also id. at 690 (citing John Kelley Co. v. Comm’r, 326 U.S. 521, 530 (1946)) (“[T]here is no one characteristic . . . which can be said to be decisive[.]”); Wolfensohn v. Madison Fund, Inc., 253 A.2d 72, 75 (Del. 1969) (same). Particularly relevant is whether the instrument has (or lacks) a maturity date or a fixed schedule of payments, i.e., key features of debt. See, e.g., Plum Prop. Assocs., Inc. v. Min. Trading Co., LLC, 2014 WL 10913818, at *4 (Pa. Super. Ct. July 29, 2014) (Donohue, J.) (non-precedential) (debt instruments deemed equity where “record is replete with evidence to support a characterization of the monetary transfers as equity contributions”). Courts have also looked to whether an investment possesses key features of ownership or equity, such as equal rights to profits or assets. See, e.g., Moore v. Am. Fin. & Sec. Co., 73 A.2d 47, 48 (Del. Ch. Ct. 1950) (“Certificates of Contingent Obligation” deemed equity investments where holders would recover upon insolvency “share and share alike”).

4 Likewise, federal courts re-characterize debt as equity for tax purposes, in particular where “[a] corporation is closely held,” and “form does not necessarily correspond to the intrinsic economic nature of the transaction.” Fin Hay Realty Co. v. United States, 398 F.2d 694, 697 (3d Cir. 1968). In this case, that will not be necessary because the Convertible Notes expressly state that .
3. The Board Ignores and Misstates the Administrative Record With Respect to Ownership

Applying the objective, functional factors considered in the cases described above, the record conclusively demonstrates that the Individual Investors’ interests in SC Gaming are “ownership.” Nearly all the features that courts look for – control, lack of a fixed repayment schedule or maturity date, and entitlement to profit-sharing pro rata – are present in the . See Stadium Br. 25-26.

26. Fundamentally, each Individual Investor’s interest in NewCo is identical to Mr. Lubert’s with respect to all the features of ownership – . See id.

The Board and the Lubert Parties do not rebut or even engage on this extensive record evidence, and they ignore the multiple, indisputable inconsistencies between their prior representations and the administrative record that Stadium bullet-pointed in its opening brief. The closet the Board comes to actually engaging on the record is in a footnote on page 14 of its brief, in which the Board disputes that Associates LLC (“LandCo”), which is an indirect subsidiary of NewCo. The Lubert Parties likewise deflect by focusing on LandCo, see Lubert Br. 43, ignoring entirely that the Individual Investors’ ownership interests at the time SC Gaming applied for the license were (and still are) in NewCo, the ultimate parent entity in the corporate hierarchy. To be clear, contrary to the Gaming Board’s representations, each Individual Investor has , see R-1633a at § 7
side-step the record entirely by summarily, and falsely, stating that the Individual Investors’ interests are mere “potential future equity interests . . . that may – or may never – vest.” Lubert Br. 37; see also Bd. Br. 32. Never once do the Board or the Lubert Parties grapple with the objective indicia of ownership in the Convertible Notes or the fact that each of the Individual Investors has the same rights, responsibilities, and control in NewCo as Mr. Lubert. And, in fact, by the Convertible Notes’ express terms, Stadium Br. 26 (citing R-1620a-21a at §§ 1(e), 5). In other words, the Individual Investors’ interests in NewCo are unconditional.⁶

For the same reasons, the Board and the Lubert Parties are wrong to suggest that the Board’s authority to approve licensee changes-in-control somehow renders

⁶ Ironically, in Greenwood, Mr. Lubert and the Board argued, and this Court concluded, that “license approval was not a condition precedent” of the acquisition of certain real estate by Mr. Lubert’s entity, Valley Forge Partners, and accordingly that entity was the owner of the land on which the casino would be developed. 15 A.3d at 890-91. That is exactly the case here – the Individual Investors and Mr. Lubert themselves will treat their interests as ownership regardless of what the Board does.
the Individual Investors' interests contingent. Lubert Br. 44-45; Bd. Br. 46-47. Their ownership interests exist now, whether or not the Board blesses the superficial re-labeling of those interests from "debt" to "equity" after a license is granted, as Stadium explained in its opening brief. Stadium Br. 54-55.

Rather than actually engage on the fundamental question of ownership, the Board repeatedly emphasizes the extensive resources it apparently devoted to ensuring compliance with the Gaming Act, see Lubert Br. 45-46; Bd. Br. 43-46, as if its process is the only thing that matters. But Stadium has scoured the administrative record and extensively reviewed every filing the Board has made in this appeal, the underlying licensing proceeding, and the Commonwealth Court Action. Nowhere does the Board explain why the Individual Investors' interests, which again are functionally identical to Mr. Lubert's, are not ownership while Mr. Lubert's interests are ownership.

In a final effort to turn this Court's attention away from the core issue of ownership, the Board and the Lubert Parties make a series of strawman arguments. For example, the Board devotes multiple pages of its brief to a phrase the Board uses in its published reports -- "net ownership interests" -- from which the Board excludes all ownership interests other than common stock. Bd. Br. 40-42; R-76a (Board's posted information about licensee ownership). That phrase was at issue in this dispute years ago, when the Board refused to produce details about SC
Gaming’s ownership and Stadium was forced to rely on circumstantial evidence that there were owners in SC Gaming other than Mr. Lubert. However, once the Board produced the administrative record to Stadium in September 2023, the Board’s phrasing became irrelevant, because Stadium could finally identify the actual ownership interests in SC Gaming.

As another example, both the Board and the Lubert Parties claim that Stadium believes the Lubert Parties conspired with their investors, hid information from the Board, and have “secret ownership interests,” and then they knock that argument down by pointing out that SC Gaming hid nothing from the Board. Bd. Br. 40; Lubert Br. 2, 8. Stadium, however, has never claimed that the Lubert Parties hid anything from the Board. Rather, the Board has always had all the information necessary to assess the core question of ownership, and yet refused to provide that information to Stadium and failed to comply with the mandatory directives in Section 1305.2(c). The only thing that was (and remains) hidden is the basis for the Board’s conclusions on ownership.

4. The Board Demands Absolute Discretion on Its Decision About Ownership, Usurping the General Assembly’s Authority

The closest the Board has come to articulating a legal standard is its acknowledgement that an entity applicant must be “owned solely” by the winning bidder. Bd. Br. 36. More than two years ago, in its briefing before the Commonwealth Court, the Board stated: “Section 1305.2(c)(10)(i) does not require
that the winning bidder submit the application *in his own name*; rather the winning bidder can form a separate entity to be the applicant, so long as owned solely by the bidder.” R-515a (emphasis in original).

Despite the Board’s express reference to Section 1305.2(c)(10)(i), which requires the winning bidder – and the winning bidder alone – to timely apply for the license, the Board now claims that the Board was not interpreting “explicit statutory language,” but rather a requirement “from the Board’s exercise of discretion.” Bd. Br. 36. But of course that’s not the case, and it is inconsistent with the position the Board has taken for years. The requirement that an applicant be solely owned by the winning bidder is a statutory requirement rooted in the plain text of Section 1305.2(c)(10)(i).

The Board then leverages its self-proclaimed discretionary (not statutory) rule to argue that what constitutes “ownership in the context of a Category 4 applicant also falls to a reasonable exercise of the Board’s discretion.” Bd. Br. 37. The Board is just making this up, and it conflicts with how agency discretion works. Allowing the Board to recharacterize a statutory requirement as a Board-created discretionary rule is akin to the Board making, enforcing, and interpreting law – a clear usurpation of legislative and judicial authority. *See Crown Castle NG E. LLC v. Pennsylvania Pub. Util. Comm’n*, 234 A.3d 665, 677 (Pa. 2020) (Mundy, J.) (“A court does not defer to an administrative agency’s interpretation of
the plain meaning of an unambiguous statute because statutory interpretation is a question of law for the court.”). That is flatly inconsistent with the established role of Commonwealth agencies, the Gaming Act, and this Court’s scrutiny of Board decisions about ownership and other financial interests in prior cases, such as Greenwood and Sugarhouse II.

In fact, the Board’s position with respect to ownership in this proceeding is even inconsistent with how the Board itself has approached interpretation of ownership issues in those cases. In Sugarhouse II, this Court recounted how the Board “examined the language of” Section 1330 to interpret the term “financial interest,” and grounded its interpretation in that section’s text and “what it perceives to be the General Assembly’s intent.” 162 A.3d at 372-73. Although this Court rejected the Board’s “narrow interpretation of financial interest” and faulted the Board for “never articulat[ing] a definition for this term,” id. at 373 (emphasis in original), at least the Board tried to connect its interpretation with legislative intent. Here, the Board has not even done that – it has not articulated a definition for “ownership”; it has not explained why Mr. Lubert’s interests are ownership but the Individual Investors’ identical interests are not; and it has not rooted its decision in the Gaming Act or legislative intent.  

7 That “financial interests” are different from “ownership interests” – which the Board’s brief emphasizes, Bd. Br. 38 – misses the point. The point is that the Board did not conduct the
To be clear, despite having ample opportunity during its 22-month investigation, in its lengthy Suitability Report, and in every filing the Board and its staff have made in both the licensing proceeding below and in the Commonwealth Court Action, the Board has never explained what ownership is and why that interpretation comports with Section 1305.2(c) of the Gaming Act, the May 2020 amendment to the Fiscal Code, or the General Assembly’s expressed intention to limit those who could bid for this one license to existing slot machine licensees and persons with an ownership interest in an existing licensee.

The essence of agency discretion is that agencies are uniquely equipped to make factual and legal determinations necessary to their exercise of authority. Here, however, deference is unwarranted because the record is devoid of any consideration or analysis of the core issue – that of ownership. See, e.g., Sugarhouse II, 162 A.3d at 375-76 (“[A]lthough we accord an administrative agency such as the Board substantial deference in construing the laws it is tasked with administering, we need not defer uncritically, particularly if we find that the interpretation is imprudent or inconsistent with legislative intent.”) (citation omitted); Greenwood Gaming & Ent., Inc. v. Commonwealth, 263 A.3d 611, 624-25 (Pa. 2021) (quoting United States v. Mead Corp., 533 U.S. 218, 228 (2001))

_rigorous analysis required to both interpret what “ownership” means and apply that interpretation to Mr. Lubert’s investment group, as this Court required the Board to do in SugarHouse II._
(Wecht, J., concurring) ("[E]ven if one supposes that reviewing courts should sometimes place great weight on an agency’s interpretation of an ambiguous statute, this is not one of those times. That’s because ‘[t]he fair measure of deference to an agency administering its own statute has been understood to vary with circumstances, and courts have looked to the degree of the agency’s care, its consistency, formality, and relative expertness, and to the persuasiveness of the agency’s position[.]’"). As Stadium has repeatedly pointed out, the Board’s failure to analyze the issue of ownership has been apparent from the start, as the Board — or, more accurately, the Board’s counsel and Executive Director, see infra p. 24 n.10 — made a determination about SC Gaming’s ownership (and the Board’s compliance with Section 1305.2(c)) as early as March 2021, long before the Board’s licensure investigation began in earnest. As a result, the Board never analyzed or developed a record on what “ownership” actually means under Section 1305.2(c) of the Gaming Act.

The Board, like any Commonwealth agency, is entitled to discretion with respect to the laws that it administers. But it is not entitled to ignore legislative text or the clear intent of the General Assembly; it is not entitled to disregard the record; and it is not entitled to ignore challenges to both its authority and compliance with legislative directives. The Board got the ownership issue wrong,
and even worse, it never explained its decision or made a record on this issue for this Court to review.

**B. The Board Does Not Have Unbridled Discretion to Decide Whether It Has Jurisdiction and Has Complied With the Legislature’s Mandatory Directives in the Gaming Act**

The Board and the Lubert Parties devote much of their briefs to characterizing Stadium as a usurper of the Board’s authority, who has improperly acted as a “private attorney general” to disrupt the licensing process with its challenge. Bd. Br. 23-32; Lubert Br. 24-30, 49-50. They have been mischaracterizing Stadium’s challenge for years. Stadium has repeatedly made clear that it does not challenge SC Gaming’s eligibility or suitability for licensure, but its (and, concomitantly, the Board’s) compliance with Section 1305.2(c) of the Gaming Act. That section, unlike “Section 1302, 1303, 1304, or 1305,” contains no “eligibility criteria,” see Bd. Br. 29-30 (emphasis omitted), but rather mandatory directives to the Board if a winning bidder fails to properly exercise its right to pay the winning bid and apply for a Category 4 license. Those directives include awarding the right to apply for the license to the second-highest bidder – in this case, Stadium – if the winning bidder does not itself timely pay the winning bid, 4 Pa.C.S. § 1305.2(c)(8), or conducting another auction (at which Stadium would bid) if the winning bidder fails to timely apply, *id.* § 1305.2(c)(10)(ii).
Treating compliance with the Section 1305.2(c) directives as a mere licensing “eligibility” issue conflates a completely different approach to slot machine licensing that the legislature created in 2017, whereby only the winning bidder may apply, with the categories of licensure that the legislature created in 2004, whereby anyone may apply. See Stadium Br. 44-45. The Board ignores the evolution of gaming legislation by going back to the pre-Category 4 framework. Its approach is also uniquely problematic here because the Board can only consider one application at a time for this license. This means that, if the Board has nearly unfettered discretion to decide its own authority to consider an application at the outset, it will then spend years investigating eligibility criteria that are entirely irrelevant to whether the Board had authority to start the investigation in the first place.

Let’s take the Board’s position one step further. No one disputes that the Board lacks authority under the May 2020 amendment to consider an application submitted by Bally’s or by the Individual Investors themselves. What the Board and the Lubert Parties are arguing here is that, if the Board decided to proceed on those applications without addressing the gating issue of its authority, that decision would be a matter of “licensing eligibility” committed to the Board’s discretion, and Stadium (or any other aggrieved party) would have no right to go to court and challenge whether the Board is proceeding ultra vires. By foreclosing any judicial
review until the process is complete, the Board can ensure its statutory authority is a fait accompli.

The Lubert Parties argue that it has to be this way, because only the Board’s staff can engage in the necessary years-long investigation to resolve the question of ownership. Lubert Br. 28-29. That’s plain wrong. The Board could have – and should have – considered the ownership question at the outset, as Stadium urged it to do just weeks after SC Gaming submitted its application. R-236a-38a; R-248a-51a. And the record reveals that it could have done that quickly, as the Individual Investors’ interests are apparent on the face of the Lubert Parties’ transactional documents. See Stadium Br. 25-26. That is what the legislature instructed the Board to do in Section 1305.2(c)(10) – i.e., to determine whether the winning bidder itself has timely applied; and if the winning bidder failed to do so, to conduct another auction. It makes no sense for that decision to be made two years later,\(^8\) and if the Board refuses to properly consider the threshold ownership and jurisdictional issues, then the proper forum for a party to challenge the Board’s

\(^8\) Both the Board and the Lubert Parties cite authority to suggest that the Board gets to determine its statutory authority “in the first instance” as a Commonwealth agency. Lubert Br. 25-28; see also Bd. Br. 27-29 (suggesting that Board’s “jurisdiction” to consider applications is unquestioned). But even if the Board has jurisdiction to determine its authority in the first place, that issue is still a gating issue that either triggers or does not trigger the Board’s right to continue with a licensing process. None of their cited authority suggests that the Board’s decision on the scope of its authority gets any deference, or is not subject to judicial review, just as any other agency’s decision on that issue would be.
authority is the Commonwealth Court in its original jurisdiction, as Stadium did. The Board also clearly knows it can seek clarification from the judiciary on its statutory authority, because it did so with its counterclaim filed in the Commonwealth Court Action. See Stadium Br. 20 n.3.

Both the Board and the Lubert Parties go to great lengths to argue that Stadium has interfered with and delayed the licensing process. Stadium has explained at great length, both here and in its opening brief, why it did what it did, including raising the threshold issue of the Board’s authority immediately after SC Gaming applied for the license and then, when the Board ignored Stadium, filing the Commonwealth Court Action. Their attempt to blame Stadium at this late stage is nonsense.

C. The Board and the Lubert Parties Deflect From the Threshold Issues of Ownership, Statutory Authority, and Compliance with Mandatory Legislative Directives

The Board raises several extraneous points to deflect from the issues of ownership, statutory authority, and compliance with mandatory directives. None have merit.

First, the Board accuses Stadium of making inappropriately “slanted” factual assertions in its briefs. See Bd. Br. 9. But these supposedly “slanted” assertions are actually statements of undisputed fact; e.g., that the Board refused to provide Stadium its record until two months before Stadium filed its opening brief,
R-1094a ¶ 9; and that the Board dismissed Stadium’s concerns about its statutory authority in its early 2021 letters, *e.g.*, R-253a. The Board also faults Stadium for representations that purportedly confuse the duties of the Board itself as opposed to its bureaus/divisions. Bd. Br. 9. These statements merely reflect, as the Board itself acknowledges, “that references to the Pennsylvania Gaming Control Board can mean different things depending on the context,” and that the Board’s employees in fact “carry out the duties of the Board.” Bd. Br. 3 n.2, 7. Indeed, the Lubert Parties’ brief does the same thing, *see, e.g.*, Lubert Br. 20, and the Board’s own Executive Director likewise referred loosely to the Board’s bureaus/divisions as “the Board” in correspondence about Stadium’s challenge, *see* R-245a, R-253a.

*Second,* the Board extensively argues an issue it never raised during the Commonwealth Court Action or the licensing proceedings, incorrectly asserting

---

9 The Board also raises a series of issues with the format of Stadium’s brief. For example, the Board seemingly seeks to dismiss this appeal because Stadium’s brief includes an Introduction and commentary in the Statement of Orders to be Reviewed, *see* Bd Br. 3 n.3, even though the appellate rules do not preclude either to assist the Court, *see* R.A.P. 2111(a), 2115, and even though the Lubert Parties’ own brief includes an Introduction. As another example, the Board claims that Stadium’s Statement of the Case section is defective because it contains a “Statutory Framework” subsection and is long. *See* Bd Br. 5. But, in addition to the Gaming Act’s legal implications, the statutory framework is part of “the facts which are necessary to be known in order to determine the points in controversy,” *see* R.A.P. 2117, and indeed is the foundation of everything that follows in Stadium’s brief. Moreover, the Statement of the Case is long because it is the first time that any party has detailed the various interests Mr. Lubert issued in exchange for investments in the casino project. As to the Board’s other claims about missing parts of Stadium’s brief, Stadium does not understand them because all those parts are in there. *See, e.g.*, Stadium Br. 18 n.2. In any event, the Board does not allege prejudice or anything resembling a “substantial” defect in Stadium’s briefing.
that Stadium violated Section 1202.1 of the Gaming Act by communicating "ex parte" with the Board and its counsel. See Bd. Br. 21-22, 49-50. Stadium did not violate that provision – which imposes duties on the Board and certain of its staff, not Stadium – by directing its concerns about the Board’s non-compliance with its statutory directives to the Board’s Executive Director and copying personnel from the Office of Chief Counsel. R-236a. Nor is it even proper to characterize these communications as ex parte, because the Lubert Parties’ counsel were copied on every such communication. It is not even clear why the Board brings this up, other than to defend the fact that the Board’s Executive Director consulted with the Office of Chief Counsel about Stadium’s challenge and ultimately adopted the Lubert Parties’ legal position.  

Stadium raised its challenge early and directly with the Board because the Board alone (and not the BIE, OEC, or its Chief Counsel) is charged with vindicating Stadium’s statutory rights under Section 1305.2(c). By going to the Board first, Stadium did exactly what it should do – namely, seek relief directly

---

10 The Board strangely admits that the positions taken in its 2021 letters and in the Commonwealth Court Action were not the Board’s at all, but rather those of its staff. Bd. Br. 21 n.14, 49-50. What follows is that the Executive Director and Chief Counsel formed legal conclusions that guided the two-year process before the Board even addressed the threshold issues of ownership and its authority. That completely undermines the Board’s contention that its decisions on these threshold issues are entitled to deference, because they were not even made by the Board, but by its staff.
with an agency before initiating potentially protracted and costly litigation. And only when the Board summarily dismissed Stadium’s challenge did Stadium pivot to litigation to seek redress and preserve its statutory rights.

Finally, the Board and the Lubert Parties once again deflect by pointing to other Category 4 licensing proceedings – including one in which Stadium’s parent company obtained such a license – as evidence that Stadium’s challenge is meritless, and that Stadium knows better than to raise its challenge here. See Lubert Br. 39-40; Bd. Br. 47-48. These proceedings are inapposite and underscore the impropriety of the Lubert Parties’ attempt to circumvent the Gaming Act.

As to Stadium, the parties have been down this road during this dispute many times. In early 2018, Stadium Casino, LLC ("Stadium Parent") was the winning bidder at an auction for a Category 4 license, and it subsequently submitted an

---

The Lubert Parties seem to take a position exactly the opposite of the Board’s, arguing that Stadium needed to take these threshold issues up with the Board directly and even sooner than it did to preserve Stadium’s right to pursue its challenge. See Lubert Br. 36 n.5 (arguing that Stadium waived right to challenge Board’s authority under 1 Pa. Code § 35.20 by not timely raising issue). While this argument (1) is foreclosed by this Court’s precedents, see Sugarhouse II, 162 A.3d at 367 (“nothing in the Board’s regulations” suggests that litigants “must follow” the timing requirement the Lubert Parties cite), (2) was rejected by the Commonwealth Court, Stadium Casino RE, LLC v. Pennsylvania Gaming Control Bd., 2023 WL 1807764 at *6 (Pa. Commw. Ct. 2023), and (3) is not at issue in this appeal because the Board never considered it during the licensing proceedings, it underscores the Board’s and the Lubert Parties’ inconsistent response to Stadium’s pursuit of its statutory rights. Similarly, the Lubert Parties also seem to fault Stadium for not asking the Commonwealth Court to preliminarily enjoin the Board’s licensing process. Lubert Br. 12. Not only is this position inconsistent with other parts of their brief that suggest agencies need not halt proceedings when their jurisdiction or authority is in question, Lubert Br. at 27, it also ignores that Stadium had not yet (and still has not) suffered irreparable harm, because Stadium still can be awarded the right to apply for this license or, at a minimum, bid at another auction under Section 1305.2(c)(8) or (10)(ii).
application to the Board, choosing a location near Pittsburgh to develop a casino. In early 2019, at least in part at the suggestion of the Board’s staff, Stadium Parent filed a petition to (1) change the applicant entity to its wholly-owned subsidiary, Stadium Westmoreland RE, LLC and (2) have Stadium (the petitioner in this appeal and another subsidiary of Stadium Parent) become the Category 2 licensee at their anticipated Philadelphia casino. Critically, each of these Stadium entities have exactly the same owners – not just common stock ownership, but all ownership, including preferred stock, convertible interests, and other forms of ownership. In contrast, Mr. Lubert is not the sole owner of SC Gaming, and that is the crux of what this case is all about.¹²

III. CONCLUSION

At this late stage before this Court, the Board and the Lubert Parties can no longer duck and hide behind procedural defenses and extraneous matter. Whether Stadium’s threshold challenge is properly characterized as jurisdictional or

¹² The other Category 4 licensing process the Lubert Parties reference involved Greenwood Gaming and Entertainment, Inc. in 2018. The Lubert Parties appear to contend that the winning bidder in that proceeding substituted an entity as the applicant (GW Cumberland OpCo) that was not owned by the winning bidder. But the documents on which they rely do not support that conclusion, and they do not make sense, as the ultimate parent entity – Greenwood Gaming and Entertainment, Inc. – appears to be owned by different people at different parts of the Board’s own published report on licensee ownership. See https://gamingcontrolboard.pa.gov/files/licensure/reports/Ownership_Interest.pdf (as of Sept. 30, 2023) at 2, 14. In any event, to the extent the Board failed to follow the Gaming Act in 2018 with respect to an application and no one challenged that statutory violation, it only underscores that this Court must exercise its judicial oversight over the Board’s authority, because the Board has not constrained itself.
statutory authority or something else, the core issues of (1) whether Mr. Lubert is
the sole owner of SC Gaming; (2) whether Mr. Lubert, as the winning bidder,
himself paid the winning bid; and (3) whether Section 1305.2(c) allowed the Board
to consider SC Gaming’s application and grant a license, are ripe and ready for this
Court to consider on its merits.

For the foregoing reasons, as well as those stated in its opening brief,
Stadium respectfully requests that this Court vacate the Board’s orders during the
licensing proceeding below and mandate that the Board comply with the directives
in Section 1305.2(c) by awarding the right to apply for this license to Stadium or
directing the Board to conduct a new auction. However, if the Court believes it
needs a more developed record, as Stadium has been pursuing for years, it could
remand these proceedings to the Commonwealth Court to address in the first
instance the issues of ownership and the Board’s authority.

Respectfully submitted,
HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER
/s/ Mark A. Aronchick
Mark A. Aronchick (I.D. No. 20261)
Jason A. Levine (I.D. No. 306446)
Cary L. Rice (I.D. No. 325227)
Gianni M. Mascioli (I.D. No. 332372)
One Logan Square, 27th Floor
Philadelphia, PA 19103
(215) 568-6200
Counsel for Petitioner

Dated: January 19, 2024
Dear College Township Council,

I am sending a recent document just filed with the PA Supreme Court Middle District on the ongoing case involving the casino at the Nittany Mall.

Please note item 7 on page 3 "...In addition, the case has faced particular public scrutiny because of local opposition to the Lubert Parties' selected casino location in the State College community...."

As the Council is aware through voluminous public correspondences, vocal participation at public meetings, and letters/articles to various news media, the overwhelming majority of College Township residents are patently opposed to the casino being built in the Nittany Mall. The exact numbers of CT residents who oppose and have opposed this issue can and should be confirmed and verified through CT.

Thank you for including this document in your records.

Sincerely,

Susan Strauss
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

STADIUM CASINO RE, LLC

Petitioner,

v.

Pennsylvania Gaming Control Board

Respondent.

PETITIONER STADIUM CASINO RE, LLC’S
APPLICATION FOR EXPEDITED ORAL ARGUMENT AND
RECONSIDERATION OF THE COURT’S SEPTEMBER 6, 2023 ORDER

Petitioner Stadium Casino RE, LLC ("Stadium") files this Application to request oral argument on an expedited basis and for reconsideration of this Court’s September 6, 2023 Order directing that the matter be submitted on the briefs. That Order was issued before Respondent the Pennsylvania Gaming Control Board (the "Board") had even produced to Stadium the core transactional documents directly at issue in this appeal. Stadium, therefore, seeks oral argument on an expedited basis, as both this appeal and the related Commonwealth Court Action over which this Court exercised plenary jurisdiction, have already been pending for several years. See Case Nos. 44 MM 2023, 50 MM 2023. In support of its Application, Stadium further avers as follows:
1. On September 6, 2023, this Court ordered the Prothonotary “to establish a briefing schedule, with the matter submitted on the briefs.”

2. On September 11, 2023, pursuant to a Confidentiality Stipulation filed with this Court, the Board provided Stadium access to the administrative record for the first time, including documents that bear directly on the formation and ownership of, and interests in, Intervenor SC Gaming OpCo, LLC (“SC Gaming”) and its affiliates.

3. On November 15, 2023, Stadium filed its opening brief with a nearly two-thousand page appendix, detailing the various interests Intervenor Ira Lubert issued to his investors. On January 2, 2024, the Board and the Lubert Parties filed response briefs, and on January 19, 2024, Stadium filed its reply brief.

4. Oral argument is warranted for four reasons.

5. First, a primary issue in this appeal – whether Mr. Lubert’s investors have ownership interests in SC Gaming that triggered the mandatory directives in Section 1305.2(c)(8) and (10)(ii) of the Gaming Act – can only be resolved by examining the documents that were provided to Stadium just four months ago. While the parties have been engaged in protracted motions practice in both the licensing proceeding before the Board and the Commonwealth Court Action, only now – for the first time before this Court – is Stadium able to present its challenge based on the evidence contained in the underlying record.
6. Second, this appeal raises significant issues about a Commonwealth agency’s authority, including whether an agency can decide its own authority, how that decision should be made, and whether and when an aggrieved party can challenge that decision. That the Board proceeded with the administrative process without addressing the threshold issue of its authority, contravening the Commonwealth Court’s decision in Stadium Casino RE, LLC v. Pennsylvania Gaming Control Bd., 2023 WL 1807764 at *6 (Pa. Commw. Ct. Feb. 8, 2023), underscores the significance of this issue and the need for oral argument.

7. Third, casino licenses are of substantial public importance, as the General Assembly has recognized when it initially enacted and subsequently amended the Gaming Act. See 4 Pa.C.S. § 1102. In addition, this case has faced particular public scrutiny because of local opposition to the Lubert Parties’ selected casino location in the State College community. Oral argument will provide the public with critical information about this proposed casino and its owners.

8. Fourth, holding oral argument on an expedited basis will not prejudice the Board or the Lubert Parties. This dispute began nearly three years ago when Stadium first raised concerns about SC Gaming’s ownership and the Board’s authority to consider SC Gaming’s application. If the Board and the Lubert Parties had addressed these issues at that time, this dispute would have been resolved long before now. Instead, the Board took nearly two years to complete its
licensing process while these threshold issues remained unresolved. Then, during this appeal, the Board provided its administrative record on a piecemeal basis, ultimately filing three motions to fulfill its obligations under Pa. R.A.P. 1952.

9. For the foregoing reasons, oral argument in this case is both necessary and warranted.

WHEREFORE, Stadium respectfully requests that the Court schedule oral argument on Stadium’s appeal as soon as the Court’s schedule permits.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

By: /s/ Mark A. Aronchick
Mark A. Aronchick (Id. No. 20261)
Jason A. Levine (Id. No. 306446)
Cary L. Rice (Id. No. 325227)
Gianni M. Mascioli (Id. No. 332372)
One Logan Square, 27th Floor
Philadelphia, PA 19103
(215) 568-6200

January 22, 2024

Attorneys for Petitioner
CERTIFICATE OF COMPLIANCE WITH Pa. R.A.P. 127

I, Mark A. Aronchick, hereby certify that this filing complies with the provisions of the Case Records Public Access Policy of the United Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.

Dated: January 22, 2024

/s/ Mark A. Aronchick
Mark A. Aronchick (Id. No. 20261)
Hangley Aronchick Segal Pudlin & Schiller
One Logan Square, 27th Floor
Philadelphia, Pennsylvania 19103
(215) 496-7002
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

STADIUM CASINO RE, LLC

Petitioner,

v.

Pennsylvania Gaming Control Board

Respondent.

ORDER

AND NOW this ______ day of ____________, 2024, upon consideration of the Application for Relief of Petitioner Stadium Casino RE, LLC ("Stadium") for Expedited Oral Argument and Reconsideration of the Court’s September 6, 2023 Order, and all responses thereto, it is HEREBY ORDERED that the Application is GRANTED. The Prothonotary is directed to place this matter on our ___________ 2024 argument list.

_____________________________ J.
January 23, 2024

TO: Municipal Chairs/Vice Chairs
    Municipal Managers

FROM: Eric Norenberg, Executive Director

SUBJECT: General Forum Follow-up

At its January 22, 2024, meeting, General Forum members approved the following action which requires Municipal Board/Council Follow-Up:

EXECUTIVE DIRECTOR RECRUITMENT AND SCREENING COMMITTEE

During the Executive Committee meeting on Tuesday, January 16, 2024, the Executive Director shared his retirement plans, effective June 1, 2024. The Committee discussed possible next steps with the Human Resources Director and Executive Director based on the process that was used during the previous Executive Director recruitment.

Accordingly, to begin the hiring process for the next Executive Director, the General Forum approved that a Recruitment and Search Committee be formed with one representative from each COG member municipality and the COG Executive Director as a non-voting member. In addition, the General Forum has approved the following:

- Each COG municipality should designate either an elected official or a municipal manager to participate on the committee. Representatives should be designated by **February 9, 2024**, so that the committee may begin work in early February.
- The Committee will be responsible for determining whether to utilize the services of a recruitment consultant, in conjunction with the Executive and HR Directors.
- In addition, the Committee should be authorized to use COG Contingency Funds for recruitment and hiring costs.

The related motions as approved by the General Forum at its January 22, 2024, meeting:

*That the General Forum, as recommended by the Executive Committee, establish a COG Executive Director Recruitment and Search Committee with one representative, either an elected official or a municipal manager, from each of the Centre Region municipalities, and the current Executive Director*
as a non-voting member. And, further, that the municipal appointments to the Committee be forwarded to the COG Executive Director by February 9, 2024.

And,

That the General Forum, as recommended by the Executive Committee, authorize the Recruitment and Screening Committee, if deemed necessary, to retain the services of a recruitment consultant to support the process to select the next COG Executive Director and that those costs, and associated advertising and recruitment expenses, be charged to the COG Contingency Fund.

ITEM OF INTEREST TO THE MUNICIPAL BOARDS/COUNCILS

GENERAL FORUM MEETING DATES

The General Forum adopted the following 2024 meeting dates with all sessions beginning at 7:00 PM:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
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<th>Location</th>
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<tbody>
<tr>
<td>January 22</td>
<td>COG Building/Zoom</td>
<td>July 22</td>
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<td>February 26</td>
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<td>August 26</td>
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<td>March 25</td>
<td>COG Building/Zoom</td>
<td>September 23</td>
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<td>April 29*</td>
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<td>October 28</td>
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<td>May 28**</td>
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<td>November 25</td>
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<td>June 24</td>
<td>COG Building/Zoom</td>
<td>December 16**</td>
<td>COG Building/Zoom</td>
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*Date changed to accommodate the Passover holiday.
**Date changed to accommodate the Memorial Day holiday.
***Date changed to accommodate a municipal meeting.

APPOINTMENTS

The General Forum made the following appointments:

Reappointment of Centre Region Fire Marshals:
Centre Region Fire Marshal: Barrett Smith
Centre Region Assistant Fire Marshals: Brian Bittner, Todd Johnson, Timothy Townsend, Robert Nese

Appointment of Centre Region Assistant Fire Marshal:
Vincent Finochio

Confirmation of 2024 Alpha Fire Company Command and Fire Police Officers:

<table>
<thead>
<tr>
<th>2024 Alpha Fire Company Command Officers</th>
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<tbody>
<tr>
<td>Louis (Tony) Berrena, Fire Chief</td>
</tr>
</tbody>
</table>
COLLEGE TOWNSHIP COUNCIL
1481 E. College Avenue State College PA 16801

Hours: M-F 8:00 AM to 5:00 PM
Phone: 814-231-3021 Fax: 814-231-3020
Email: admin@collegetownship.org Website: www.collegetownship.org

Council: 1st and 3rd Thursday at 7:00 PM Planning Commission: 1st and 3rd Tuesday at 7:00 PM
College Township Water Authority: 1st Wednesday at 7:00 PM Parks & Recreation Committee: 2nd Monday at 7:00 PM
Industrial Development Authority: 3rd Wednesday at 9:30 AM Zoning Hearing Board: Meets as needed
Local Traffic Advisory Board: Meets as needed University Area Joint Authority: (See also Page 45)

All College Township meetings held in the 2nd Floor Meeting Room of the Township Building.

COUNCIL
Dustin Best Chair PO BOX 664 Lemont PA 16851 231-3021
L. Eric Bernier Vice Chair 118 Jay Lane SC PA 16801 231-3021
D. Richard Francke Council 1621 Elizabeth Street SC PA 16801 231-3021
Susan Trainor Council 370 Florence Way, SC PA 16801 231-3021
Tracey Mariner Council 2674 Penbrook Lane, SC PA 16801 231-3021

STAFF
Adam T. Brumbaugh Manager/Sec 1481 E. College Avenue SC PA 16801 231-3021
Mike Bloom Asst. Twp. Manager 1481 E. College Avenue SC PA 16801 231-3021
Jennifer Snyder Asst. Twp. Sec 1481 E. College Avenue SC PA 16801 231-3021
Donald Franson Engineer 1481 E. College Avenue SC PA 16801 231-3021
Mark Gabrovsek Zoning Officer 1481 E. College Avenue SC PA 16801 231-3021
Lindsay Schoch Principal Planner 1481 E. College Avenue SC PA 16801 231-3021
Robert T. Long Treasurer/Finance Dir. 1481 E. College Avenue SC PA 16801 231-3021
Louis Glantz, Esq. Twp. Solicitor 1901 E. College Avenue SC PA 16801 238-2491

PLANNING COMMISSION
Ray Forziat Chair 234 Claremont Ave. SC PA 16801 231-3021
Matthew Fenton Vice Chair 1247 Mayberry Lane SC PA 16801 231-3021
Peggy Ekdahl Secretary 1300 Oak Ride Ave. SC PA 168001 231-3021
Robert Hoffman 101 Hillview Ave. SC PA 16801 231-3021
Noreen Khoury PO BOX 531 Lemont PA 16851 231-3021
Ash Toumayants 165 Meadowsweet Dr. SC PA 16801 231-3021

CT Water Authority
Martin McGann Chair 441 Spring Lea Drive SC PA 16801 231-3021
Cristin Long, Esq. Solicitor 811 University Drive SC PA 16801 238-4926

PARKS & RECREATION COMMITTEE
David Schulte Chair 1248 Mayberry Lane SC PA 16801 231-3021

INDUSTRIAL DEVELOPMENT AUTHORITY
Keri Miller Executive Director 1481 E. College Avenue SC PA 16801 208-4124
Lam Hood Chair 233 Lions Hill Road SC PA 16803 208-4124
Jeffrey Stover, Esq. Solicitor 122 E. High Street Bellefonte PA 16823 355-8235

ZONING HEARING BOARD
Ben Eltz Chair 137 Clover Road SC PA 16801 231-3021
Jeffrey Stover, Esq. Solicitor 122 E. High Street Bellefonte PA 16823 355-8235

LOCAL TRAFFIC ADVISORY COMMITTEE
Don Hartzell Chair 250 Brush Valley Rd Boalsburg PA 16827 231-3021

OTHER
Brian Schultz Constable 2452 Lexington Circle SC PA 16801
Jonathan Risley EM Coordinator 2643 Gateway Dr. SC PA 16801 231-3056
Centre Region Code UCC Bldg. Code Enforcement 2643 Gateway Dr. SC PA 16801 231-3056
Walt Schneider Sewer Enforcement Officer 2643 Gateway Dr. SC PA 16801 231-3056
BOARD OF TRUSTEES MEETING MINUTES  
Wednesday—December 13, 2023—6 PM  
Schlow Zoom Room

TRUSTEES PRESENT: Robin Barton, Casey McClain, Sharon Rovansek, Sue Traynor, Sue Werner, Barbara Ziff
SCHLOW STAFF PRESENT: Lisa Rives Collens, Library Director; DJ Lilly, Office Manager; Kim Patti, Head of Advancement Services
TRUSTEES ABSENT: Naila Basa, Kimberly Fragola, Linda Trevino

The meeting was called to order at 6:03pm.

1. Roll Call to ensure all can hear and be heard.

2. Public Comments—none

3. Agenda Items
   A. Introduction to Kim Patti, Head of Advancement Services
   Kim previously volunteered at Schlow Library. She started as a meteorologist at AccuWeather, then
   shifted to employment at SCASD, ultimately working in the high school library while she got her
   library degree.
   As of today, the Fall Fund Drive has raised $97,783. At this time last year, $66,065 in gifts had been
   received. The number of donors has increased slightly, some people gave larger gifts than in the
   past, and the Giving Tuesday push raised about $6000 in one day.
   Kim is developing two newsletters to start in 2024. One is a preview of services and events for patrons
   and the other is for donors specifying what their donations have allowed Schlow to do.
   A new Book-A-Day fundraising campaign will allow people to dedicate a day as a tribute for $100 which
   will include a variety of recognitions including a digital bookplate which will allow the honoree to be
   searchable in our online catalog.

   B. Farewell to Departing Trustees—Casey McClain & Lisa Rives Collens
   Casey thanked both Sharon Rovansek and Sue Werner for their dedication, leadership, commitment and
   heart, specifically thanking Sue for her longevity of service and Sharon for her advocacy on behalf of
   her community.
   Lisa thanked Sue for nurturing and guiding her as a new director, and for doing the same for leaders at
   groups throughout the community. She also thanked Sharon for expressing from her heart about
   what libraries mean to her and working so hard for her community.

   C. Halfmoon Township Update
   A communication was sent to those patrons using the book lockers regarding their removal which was
   met with gratitude for the service. The lockers were picked up this past weekend. The book drop will
   be removed shortly after the first of the year.
D. 2022 Audit Approval—DJ Lilly
The auditors found no exceptions or issues in the 2022 audit.
MOTION: The Schlow Centre Region Library Board of Trustees approved the 2022 Audit as presented.
Moved by Robin Barton, seconded by Sue Werner, passed unanimously.

E. 2024 Budget Update—Lisa Rives Collens
The 2024 budget was passed in its entirety by the COG General Forum although the vote was not unanimous. Lisa is expecting further discussion about the process and priorities in 2024 and she is planning to invite Kimberlee McMullan, the new COG Finance Director, to the Finance Committee and Trustees’ meeting in February for mutual education.

F. Parking Project Update—DJ Lilly & Lisa Rives Collens
After researching multiple companies and contacting references, the staff committee with representatives from Administration, IT Services and Patron Services chose Parking Boxx, a smaller company from Canada, which seems to focus on smaller customers who aren’t necessarily interested in a large revenue stream. The committee has chosen many proactive components to include such as an extended warranty and having replacement parts on hand.
MOTION: The Schlow Centre Region Library Board of Trustees approved proceeding with the purchase of the Parking Boxx system per their $81,037.00 quote. Moved by Sue Werner, seconded by Barbara Ziff, passed unanimously.

4. Committee and Representative Reports
   A. Director’s Advocacy Report—Lisa Rives Collens
The State Legislature is meeting this week so there is a final opportunity before their holiday break to send a communication encouraging them to do what is necessary to move library funding forward so that state funds will not be delayed come 2024.

   B. District Advisory Council—no report

   C. Federation Board—no report

   D. Finance Committee—Barbara Ziff
The Committee discussed the Budget as well as the status of removal of library equipment from Halfmoon Township.

   E. Foundation Report—Kim Patti
The Foundation met earlier in the week to pass their 2024 operating budget. Their next meeting is in early January to get organized for the year.

   F. Governance & Personnel Committee—Lisa Rives Collens
Lisa will be asking the Committee to review the Event Space Policy, and although there will likely be no legal changes, it seems to make sense to require outside group coordinators to include in any communications a disclaimer that the Library does not endorse the group or their activities. Discussion ensued about whether or not all advertising should require approval.

   G. Investment Committee—no report

   H. Presidents’ Committee—no report
I. Strategic Planning Committee—Lisa Rives Collens
A total of 748 patron surveys have been received so far. Lisa has been comparing the overall response results with the community interviews.

5. Consent Agenda Items
   A. Voucher and Financial Reports for October 2023 and November 2023
   B. October 11, 2023 Trustees’ Meeting Minutes
MOTION: The Schlow Centre Region Library Board of Trustees approved the Consent Agenda Items as presented. Moved by Sue Werner, seconded by Barbara Ziff, passed unanimously.

6. Comments for the Good of the Order
   • The January 17 meeting is scheduled to be in person in order to hopefully welcome the two new Trustees.

The meeting was adjourned at 6:58pm.

Respectfully submitted,

DJ Lilly
Schlow Library Office Manager
### Statement of Activity - MTD and YTD by Fund
December 31, 2023

Please note that another version of the December (i.e. year-end) financial report is forthcoming after the 2023 books are closed.

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<td>5,155.05</td>
<td>4,500.00</td>
<td>(655.05)</td>
<td>(114.56)</td>
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<td>-</td>
<td>519.41</td>
<td>221.00</td>
<td>(298.41)</td>
<td>(235.03)</td>
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<td>(101.92)</td>
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<td>2,805.00</td>
<td>500.00</td>
<td>(2,305.00)</td>
<td>(561.00)</td>
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<td>1,763,783.00</td>
<td>-</td>
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<td>4354 000 State Revenue</td>
<td>-</td>
<td>263,342.00</td>
<td>262,812.00</td>
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<td>(100.20)</td>
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<td>159,500.00</td>
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<td>(142.34)</td>
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<td>4387 000 Contributions and Donations</td>
<td>7,484.03</td>
<td>63,683.39</td>
<td>55,000.00</td>
<td>(8,683.39)</td>
<td>(115.79)</td>
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<td>-</td>
<td>(1,493.85)</td>
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<tr>
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<td>25,382.68</td>
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<td>(107.50)</td>
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<td>122,606.15</td>
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<td>67,393.85</td>
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<td><strong>Total: 99.46%</strong></td>
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<tr>
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<td>10,000.00</td>
<td>9,000.00</td>
<td>(10.00)</td>
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<td>4400 05D Grant Revenue - ARPA Grant</td>
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<td>1,550.00</td>
<td>-</td>
<td>(1,550.00)</td>
<td>-</td>
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</table>
## Statement of Activity - MTD and YTD by Fund

December 31, 2023

Please note that another version of the December (i.e. year-end) financial report is forthcoming after the 2023 books are closed.

<table>
<thead>
<tr>
<th>S05 - Library Operating</th>
<th>M-T-D Actual</th>
<th>Y-T-D Actual</th>
<th>Annual Budget</th>
<th>Variance</th>
<th>% Used</th>
<th>Notes</th>
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<tbody>
<tr>
<td>4400 05G Grant Revenue - Hamer Foundation</td>
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<td>(30,000.00)</td>
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<tr>
<td><strong>Total Revenues</strong></td>
<td><strong>53,998.28</strong></td>
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<td><strong>2,531,621.00</strong></td>
<td><strong>(67,759.27)</strong></td>
<td><strong>(102.68)</strong></td>
<td><strong>Target: 100%</strong></td>
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### Expenditures

<table>
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<tr>
<th>Description</th>
<th>M-T-D Actual</th>
<th>Y-T-D Actual</th>
<th>Annual Budget</th>
<th>Variance</th>
<th>% Used</th>
<th>Notes</th>
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<tr>
<td>6112 000 Salaries &amp; Wages - Full Time Staff</td>
<td>80,326.97</td>
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<td>318,825.00</td>
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<td>6187 000 Medical Waiver Reimbursement</td>
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<td>17,721.00</td>
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<td>6188 000 Merit Adjustment/Achievement</td>
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<td>-</td>
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<td>20,045.00</td>
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<td>6192 000 FICA</td>
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<td>105,152.00</td>
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<td>6196 000 Health, Dental &amp; Vision Insurance</td>
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<td>260,416.00</td>
<td>(29,660.13)</td>
<td>111.39</td>
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<td>800.00</td>
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<td>Y-T-D Actual</td>
<td>Annual Budget</td>
<td>Variance</td>
<td>% Used</td>
<td>Notes</td>
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</table>
**Statement of Activity - MTD and YTD by Fund**
**December 31, 2023**

*Please note* that another version of the December (i.e. year-end) financial report is forthcoming after the 2023 books are closed.

<table>
<thead>
<tr>
<th>S05 - Library Operating</th>
<th>M-T-D</th>
<th>Y-T-D</th>
<th>Annual</th>
<th>Variance</th>
<th>% Used</th>
<th>Notes</th>
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<tbody>
<tr>
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<td>-</td>
<td>360.49</td>
<td>-</td>
<td>(360.49)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>7621 05F Designated - Prog, Equip, Furn - 2022 Flood</td>
<td>-</td>
<td>1,493.85</td>
<td>-</td>
<td>(1,493.85)</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>161,010.26</strong></td>
<td><strong>2,635,262.53</strong></td>
<td><strong>2,675,074.00</strong></td>
<td><strong>39,811.47</strong></td>
<td><strong>98.51</strong></td>
<td>Target: 100%</td>
</tr>
<tr>
<td><strong>Excess Revenue Over (Under) Expenditures</strong></td>
<td><strong>(107,011.98)</strong></td>
<td><strong>(35,882.26)</strong></td>
<td><strong>(143,453.00)</strong></td>
<td><strong>(107,570.74)</strong></td>
<td><strong>(25.01)</strong></td>
<td></td>
</tr>
</tbody>
</table>
## Statement of Activity - MTD and YTD by Fund
December 31, 2023

<table>
<thead>
<tr>
<th>S06 - Library District</th>
<th>M-T-D Actual</th>
<th>Y-T-D Actual</th>
<th>Annual Budget</th>
<th>Variance</th>
<th>% Used</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4341 000 Interest Earnings</td>
<td>14.48</td>
<td>4,228.75</td>
<td>250.00</td>
<td>(3,978.75)</td>
<td>(1,691.50)</td>
</tr>
<tr>
<td>4354 000 State Revenue</td>
<td>-</td>
<td>-</td>
<td>276,105.00</td>
<td>276,105.00</td>
<td>-</td>
</tr>
<tr>
<td>4388 000 Contributions/Donations - Materials</td>
<td>-</td>
<td>12,272.01</td>
<td>12,000.00</td>
<td>(272.01)</td>
<td>(102.27)</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>14.48</td>
<td>16,500.76</td>
<td>288,355.00</td>
<td>271,854.24</td>
<td>(5.72)</td>
</tr>
</tbody>
</table>

<p>| <strong>Expenditures</strong>       |              |              |               |          |        |
| 6112 000 Salaries &amp; Wages - Full Time Staff | 7,404.98 | 93,610.44 | 92,079.00 | (1,531.44) | 101.66 |
| 6115 000 Salaries &amp; Wages - Part Time Staff | 729.89 | 8,617.51 | 8,501.00 | (116.51) | 101.37 |
| 6188 000 Merit Adjustment/Achievement | - | - | 1,509.00 | 1,509.00 | - |
| 6192 000 FICA | 607.20 | 7,623.81 | 7,695.00 | 71.19 | 99.07 |
| 6194 000 Unemployment Compensation | - | 588.54 | 630.00 | 41.46 | 93.42 |
| 6195 000 Workers Compensation Insurance | - | - | 453.00 | 453.00 | - |
| 6196 000 Health, Dental &amp; Vision Insurance | - | 25,606.68 | 21,311.00 | (4,295.68) | 120.16 |
| 6197 000 Pension | 555.38 | 6,204.64 | 6,155.00 | (49.64) | 100.81 |
| 6199 000 Life Insurance | 65.84 | 788.57 | 248.00 | (540.57) | 317.97 |
| 7219 000 Miscellaneous Expense | - | 15.10 | - | (15.10) | - |
| 7220 000 Operating Supplies | - | - | 200.00 | 200.00 | - |
| 7331 000 Mileage, Parking &amp; Tolls | - | 1,130.97 | 3,000.00 | 1,869.03 | 37.70 |
| 7332 000 Interlibrary Delivery Service | - | 45,633.00 | 42,000.00 | (3,633.00) | 108.65 |
| 7333 000 Homebound Delivery | - | 1,500.00 | 1,500.00 | - | 100.00 |
| 7341 000 Advertising | - | 212.16 | 1,000.00 | 787.84 | 21.22 |
| 7420 000 Dues, Subscriptions, &amp; Memberships | - | 755.00 | 575.00 | (180.00) | 131.30 |
| 7422 000 Interlibrary Loan/OCLC | - | - | 2,000.00 | 2,000.00 | - |
| 7452 000 Contracted IT/Network Services | 82.68 | 5,827.37 | 13,000.00 | 7,172.63 | 44.83 |
| 7460 000 Employee Development | 174.75 | 4,169.40 | 10,000.00 | 5,830.60 | 41.69 |</p>
<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>2021/22</th>
<th>2022/23</th>
<th>2023/24</th>
<th>2024/25</th>
<th>2025/26</th>
<th>2026/27</th>
</tr>
</thead>
<tbody>
<tr>
<td>7602 000</td>
<td>Professional Materials</td>
<td>(65.00)</td>
<td>3,917.41</td>
<td>4,600.00</td>
<td>682.59</td>
<td>85.16</td>
<td></td>
</tr>
<tr>
<td>7608 000</td>
<td>Database &amp; Online Services</td>
<td>-</td>
<td>12,050.00</td>
<td>16,000.00</td>
<td>3,950.00</td>
<td>75.31</td>
<td></td>
</tr>
<tr>
<td>7611 000</td>
<td>Downloadable Materials</td>
<td>91.85</td>
<td>29,071.78</td>
<td>30,000.00</td>
<td>928.22</td>
<td>96.91</td>
<td></td>
</tr>
<tr>
<td>7620 000</td>
<td>Designated - Library Materials</td>
<td>298.38</td>
<td>10,453.26</td>
<td>6,000.00</td>
<td>(4,453.26)</td>
<td>174.22</td>
<td></td>
</tr>
<tr>
<td>8780 000</td>
<td>Furniture</td>
<td>-</td>
<td>-</td>
<td>1,500.00</td>
<td>1,500.00</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>9000 000</td>
<td>Interfund Transfers</td>
<td>-</td>
<td>6,902.50</td>
<td>13,805.00</td>
<td>6,902.50</td>
<td>50.00</td>
<td></td>
</tr>
<tr>
<td><strong>Total Expenditures</strong></td>
<td></td>
<td>9,945.95</td>
<td>264,678.14</td>
<td>283,761.00</td>
<td>19,082.86</td>
<td>93.28</td>
<td></td>
</tr>
<tr>
<td><strong>Excess Revenue Over (Under) Expenditures</strong></td>
<td></td>
<td>(9,931.47)</td>
<td>(248,177.38)</td>
<td>4,594.00</td>
<td>252,771.38</td>
<td>5,402.21</td>
<td></td>
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</tbody>
</table>
## Statement of Activity - MTD and YTD by Fund
### December 31, 2023

<table>
<thead>
<tr>
<th>S07 - Library Capital</th>
<th>M-T-D Actual</th>
<th>Y-T-D Actual</th>
<th>Annual Budget</th>
<th>Variance</th>
<th>% Used</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenues</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4341 000 Interest Earnings</td>
<td>458.43</td>
<td>21,981.89</td>
<td>2,020.00</td>
<td>(19,961.89)</td>
<td>(1,088.21)</td>
</tr>
<tr>
<td>4350 000 Municipal Contributions</td>
<td>-</td>
<td>92,500.00</td>
<td>92,500.00</td>
<td>-</td>
<td>(100.00)</td>
</tr>
<tr>
<td>4387 000 Contributions and Donations</td>
<td>-</td>
<td>17,700.00</td>
<td>100,000.00</td>
<td>82,300.00</td>
<td>(17.70)</td>
</tr>
<tr>
<td>4392 000 Interfund Operating Transfers</td>
<td>-</td>
<td>13,450.00</td>
<td>23,000.00</td>
<td>9,550.00</td>
<td>(58.48)</td>
</tr>
<tr>
<td>4400 000 Grant Revenue</td>
<td>-</td>
<td>199.50</td>
<td>-</td>
<td>(199.50)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Revenues</strong></td>
<td>458.43</td>
<td>145,831.39</td>
<td>217,520.00</td>
<td>71,688.61</td>
<td>(67.04)</td>
</tr>
</tbody>
</table>

| **Expenditures**      |              |              |               |          |        |
| 8720 000 Improvements of Buildings & Facilities | 878.00  | 73,170.65    | 236,500.00    | 163,329.35 | 30.94  |
| 8760 000 Computer Equipment | -     | 19,760.29    | 54,978.00     | 35,217.71 | 35.94  |
| 8780 000 Furniture     | -          | -             | 10,000.00     | 10,000.00 | -      |
| 8780 07C Furniture - Nursing Station Grant | -     | 326.12       | -             | (326.12) | -      |
| **Total Expenditures**| 878.00  | 93,257.06    | 301,478.00    | 208,220.94 | 30.93  |
| **Excess Revenue Over (Under) Expenditures** | (419.57) | 52,574.33    | (83,958.00)   | (136,532.33) | 62.62  |
# December 2023 Circulation Report - Schlow Centre Region Library

## PRINT

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Fiction</td>
<td>65,252</td>
<td>5,102</td>
<td>6,010</td>
<td>65,252</td>
<td>74,180</td>
<td>13.68%</td>
</tr>
<tr>
<td>Nonfiction</td>
<td>53,432</td>
<td>4,063</td>
<td>4,868</td>
<td>53,432</td>
<td>59,787</td>
<td>11.89%</td>
</tr>
<tr>
<td>Paperback</td>
<td>30,912</td>
<td>2,377</td>
<td>2,622</td>
<td>30,912</td>
<td>33,205</td>
<td>7.42%</td>
</tr>
<tr>
<td>Periodicals</td>
<td>2,665</td>
<td>247</td>
<td>199</td>
<td>2,665</td>
<td>3,329</td>
<td>24.92%</td>
</tr>
<tr>
<td>Lucky Day Books</td>
<td>1,660</td>
<td>181</td>
<td>83</td>
<td>1,660</td>
<td>1,698</td>
<td>2.29%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>153,921</strong></td>
<td><strong>11,970</strong></td>
<td><strong>13,782</strong></td>
<td><strong>153,921</strong></td>
<td><strong>172,199</strong></td>
<td><strong>11.87%</strong></td>
</tr>
</tbody>
</table>

## Young Adult

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fiction</td>
<td>19,635</td>
<td>1,317</td>
<td>1,634</td>
<td>19,635</td>
<td>21,157</td>
<td>7.75%</td>
</tr>
<tr>
<td>Nonfiction</td>
<td>2,026</td>
<td>131</td>
<td>190</td>
<td>2,026</td>
<td>2,127</td>
<td>4.99%</td>
</tr>
<tr>
<td>Paperback</td>
<td>3,593</td>
<td>248</td>
<td>347</td>
<td>3,593</td>
<td>4,195</td>
<td>16.75%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>25,254</strong></td>
<td><strong>1,696</strong></td>
<td><strong>2,171</strong></td>
<td><strong>25,254</strong></td>
<td><strong>27,479</strong></td>
<td><strong>8.81%</strong></td>
</tr>
</tbody>
</table>

## Children

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Easy Fiction</td>
<td>98,334</td>
<td>7,051</td>
<td>7,480</td>
<td>98,334</td>
<td>106,998</td>
<td>8.81%</td>
</tr>
<tr>
<td>Fiction</td>
<td>95,693</td>
<td>6,909</td>
<td>8,097</td>
<td>95,693</td>
<td>104,384</td>
<td>9.08%</td>
</tr>
<tr>
<td>Nonfiction</td>
<td>52,772</td>
<td>3,426</td>
<td>3,513</td>
<td>52,772</td>
<td>53,028</td>
<td>0.49%</td>
</tr>
<tr>
<td>Paperback</td>
<td>35,883</td>
<td>2,709</td>
<td>2,397</td>
<td>35,883</td>
<td>36,975</td>
<td>3.04%</td>
</tr>
<tr>
<td>Periodicals</td>
<td>1,689</td>
<td>100</td>
<td>50</td>
<td>1,689</td>
<td>1,602</td>
<td>-5.15%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>284,371</strong></td>
<td><strong>20,195</strong></td>
<td><strong>21,537</strong></td>
<td><strong>284,371</strong></td>
<td><strong>302,987</strong></td>
<td><strong>6.55%</strong></td>
</tr>
</tbody>
</table>

## AUDIOVISUAL

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Memory Kits</td>
<td>17</td>
<td>0</td>
<td>4</td>
<td>17</td>
<td>23</td>
<td>35.29%</td>
</tr>
<tr>
<td>Comp. Software</td>
<td>1,340</td>
<td>100</td>
<td>114</td>
<td>1,340</td>
<td>1,500</td>
<td>11.94%</td>
</tr>
<tr>
<td>CDs-Music</td>
<td>1,122</td>
<td>135</td>
<td>129</td>
<td>1,122</td>
<td>1,649</td>
<td>46.97%</td>
</tr>
<tr>
<td>CDs-Spoken</td>
<td>5,351</td>
<td>428</td>
<td>376</td>
<td>5,351</td>
<td>4,910</td>
<td>-8.24%</td>
</tr>
<tr>
<td>DVDs</td>
<td>26,288</td>
<td>2,045</td>
<td>2,250</td>
<td>26,288</td>
<td>25,414</td>
<td>-3.32%</td>
</tr>
<tr>
<td>Technology*</td>
<td>163</td>
<td>4</td>
<td>9</td>
<td>163</td>
<td>139</td>
<td>-14.72%</td>
</tr>
<tr>
<td>Equipment*</td>
<td>15</td>
<td>0</td>
<td>2</td>
<td>15</td>
<td>20</td>
<td>33.33%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>34,296</strong></td>
<td><strong>2,712</strong></td>
<td><strong>2,884</strong></td>
<td><strong>34,296</strong></td>
<td><strong>33,655</strong></td>
<td><strong>-1.87%</strong></td>
</tr>
</tbody>
</table>

## INTERLIBRARY LOAN

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside County: ILL Items to Schlow Patrons</td>
<td>1,022</td>
<td>61</td>
<td>35</td>
<td>1,022</td>
<td>530</td>
<td>-48.14%</td>
</tr>
<tr>
<td>Inside County: Schlow to Centre Libraries</td>
<td>14,359</td>
<td>1,122</td>
<td>910</td>
<td>14,359</td>
<td>13,495</td>
<td>-6.02%</td>
</tr>
<tr>
<td><strong>INTERLIBRARY LOAN TOTAL</strong></td>
<td><strong>15,381</strong></td>
<td><strong>1,183</strong></td>
<td><strong>945</strong></td>
<td><strong>15,381</strong></td>
<td><strong>14,025</strong></td>
<td><strong>-8.82%</strong></td>
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## DIGITAL

<table>
<thead>
<tr>
<th>Category</th>
<th>2022 TOTAL</th>
<th>DEC 2022</th>
<th>DEC 2023</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>eAudiobooks (OverDrive-Adult/YA)</td>
<td>39,265</td>
<td>3,318</td>
<td>3,625</td>
<td>39,265</td>
<td>46,692</td>
<td>18.92%</td>
</tr>
<tr>
<td>eAudiobooks (OverDrive-Children)</td>
<td>9,743</td>
<td>833</td>
<td>1,004</td>
<td>9,743</td>
<td>12,830</td>
<td>31.68%</td>
</tr>
<tr>
<td>eAUDIOBOOK TOTAL</td>
<td>49,008</td>
<td>4,151</td>
<td>4,629</td>
<td>49,008</td>
<td>59,522</td>
<td>21.45%</td>
</tr>
<tr>
<td>eBooks (OverDrive-Adult/YA)</td>
<td>49,447</td>
<td>3,944</td>
<td>3,819</td>
<td>49,447</td>
<td>49,356</td>
<td>-0.18%</td>
</tr>
<tr>
<td>eBooks (OverDrive-Children)</td>
<td>11,886</td>
<td>960</td>
<td>1,226</td>
<td>11,886</td>
<td>12,757</td>
<td>7.33%</td>
</tr>
<tr>
<td>eBOOK TOTAL</td>
<td>61,333</td>
<td>4,904</td>
<td>5,045</td>
<td>61,333</td>
<td>62,113</td>
<td>1.27%</td>
</tr>
<tr>
<td>eMagazines (Flipster)</td>
<td>5,118</td>
<td>353</td>
<td>257</td>
<td>5,118</td>
<td>3,859</td>
<td>-24.60%</td>
</tr>
<tr>
<td>eMovies (Canopy-Adult)</td>
<td>6,121</td>
<td>367</td>
<td>639</td>
<td>6,121</td>
<td>7,053</td>
<td>15.23%</td>
</tr>
<tr>
<td>eMovies (Canopy-Children)</td>
<td>79</td>
<td>8</td>
<td>5</td>
<td>79</td>
<td>89</td>
<td>12.66%</td>
</tr>
<tr>
<td>eMedia (Hoopla-Adult/YA)</td>
<td>5,720</td>
<td>743</td>
<td>403</td>
<td>5,720</td>
<td>5,650</td>
<td>-1.22%</td>
</tr>
<tr>
<td>eMedia (Hoopla-Children)</td>
<td>1,318</td>
<td>n/a</td>
<td>85</td>
<td>1,318</td>
<td>1,218</td>
<td>-7.59%</td>
</tr>
<tr>
<td>eMISC TOTAL</td>
<td>18,018</td>
<td>1,471</td>
<td>1,389</td>
<td>18,018</td>
<td>17,869</td>
<td>-2.65%</td>
</tr>
<tr>
<td><strong>DIGITAL TOTAL</strong></td>
<td><strong>128,359</strong></td>
<td><strong>10,526</strong></td>
<td><strong>11,063</strong></td>
<td><strong>128,697</strong></td>
<td><strong>139,504</strong></td>
<td><strong>8.40%</strong></td>
</tr>
</tbody>
</table>

## MISCELLANEOUS

<table>
<thead>
<tr>
<th>Category</th>
<th>YTD 2022</th>
<th>YTD 2023</th>
<th>CHANGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Museum Passes</td>
<td>116</td>
<td>100</td>
<td>-13.79%</td>
</tr>
<tr>
<td>Musical Instruments</td>
<td>22</td>
<td>21</td>
<td>-4.55%</td>
</tr>
<tr>
<td>Games</td>
<td>103</td>
<td>233</td>
<td>116.50%</td>
</tr>
<tr>
<td>Maps</td>
<td>16</td>
<td>16</td>
<td>43.75%</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td><strong>658,389</strong></td>
<td><strong>49,533</strong></td>
<td><strong>53,759</strong></td>
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<tr>
<td>2022 TOTAL</td>
<td>DEC 2022</td>
<td>DEC 2023</td>
<td>YTD 2022</td>
</tr>
<tr>
<td>-----------</td>
<td>----------</td>
<td>----------</td>
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</tr>
</tbody>
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