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.

To Attend the LIVE Meeting Via Phone:
• Dial +1 646 558 8656 ● Meeting ID: 844 3046 0008 ● Passcode: 793565

* Click here for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific agenda items and for items not on the agenda, written public comments may be submitted until 12:00 noon the day of the meeting by emailing jsnyder@collegetownship.org.

COUNCIL MEMBERS: 2023 COMMITTEE ASSIGNMENTS:
Carla Stilson, Chair...................................... COG Executive Committee
                                          COG Climate Action and Sustainability Committee (CASC)
                                          Centre County Solid Waste Advisory Board
Dustin Best, Vice Chair................................. COG Human Resources Committee
                                          COG Parks Capital Committee
                                          Centre Area Cable Consortium
                                          Spring Creek Watershed Commission (SCWC)
                                          CT Industrial Development Authority (CTIDA)
Eric Bernier .................................................. COG Land Use Community Infrastructure Committee (LUCI)
                                          COG Facilities
                                          Centre County Metropolitan Planning Organization Coordinating Comm.
Rich Francke .................................................. COG Finance Committee
                                          COG Parks & Recreation Governance Committee
Susan Trainor................................................ COG Public Safety
                                          CT Local Traffic Advisory Committee (LTAC)

COLLEGE TOWNSHIP COUNCIL MEETING

CALL TO ORDER/PLEDGE OF ALLEGIANCE

PUBLIC OPEN DISCUSSION: For any item not on this agenda, please:
• Limit comments to five minutes
• Provide the who, what, where and why
• Ask to add your topic to this or a future agenda, if needed
NEW AGENDA ITEMS:

PLANS:  
P-1  State College Food Bank Sketch Plan; 105/169 Gerald Street  
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 Reports (Public invited to report)

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

OLD BUSINESS:  
OB-1  Spring Creek Watershed Commission Bylaws  
Discussion/Action  
(A. Brumbaugh)

NEW BUSINESS:  
NB-1  DRAFT Official Map and Ordinance  
Discussion/Remand to PC  
(L. Schoch)

STAFF INFORMATIVES (Informational Only)

COUNCIL/STAFF OTHER MATTERS (Informational Only)

ADJOURNMENT
January 25, 2023

Lindsay Schoch, Community Planner
Mark Gabrovsek, Zoning Officer
Don Franson, P.E., Township Engineer
College Township
1481 East College Avenue
State College, PA  16801

RE: STATE COLLEGE FOOD BANK
105/169 GERALD STREET BUILDING ADDITION
CONCEPT PLAN SUBMISSION/REQUEST FOR DETERMINATION

Lindsay/Mark/Don:

Per our coordination meeting in late December, the State College Food Bank has acquired the 105/169 Gerald Street property (UPI 19-14A-34) currently housing Apple Hill Antiques and other tenants. They wish to construct several additions to the current structure and make site improvements in order to relocate food bank operations from their current facility on South Atherton Street to this location in 2024, and as such, we understand this proposal will be classified as a land development. Please find enclosed an initial Concept Plan for Township review and comment.

Proposed improvements include:
- Construction of a 1,080 SF front building addition.
- Construction of a 3,156 SF rear building addition.
- Construction of a 318 SF truck dock building addition.
- Reconstruction of surrounding pavement and parking areas.
- Renewal of building utility services.
- Installation of stormwater management system to handle increase in site impervious cover.
- Installation of new site collection and conveyance system.
- Site lighting, signage, pavement markings.
- Landscaping including shade trees and buffer plantings as required.

We offer the following observations and questions:

1. Zoning Permitted Use: “food bank” is not a direct contemplated use under C-1 General Commercial Zoning. Therefore, we would maintain that a proposed food bank use would qualify as a “service establishment” permitted use. Does the Township agree with this approach?

2. Parking Model: we would maintain that a food bank use is most akin to a “retail wholesale” classification for purposes of parking requirements modeling. This would require a minimum of 38 parking stalls and a maximum of 76. 42 parking stalls are proposed, which meet the internal needs of the Food Bank for staff and client parking. See attached parking model. Does the Township agree with this approach?

3. Stormwater Management: this proposal entails construction of two building additions to the existing structure at 105 Gerald Street (after removal of a small separate building in front of the main building) as well as reconstruction and augmentation of the surrounding parking and driveway.
facilities. The existing 1.98-acre lot contains 58.92% impervious cover in the form of roof and asphalt (50,928 SF). Proposed improvements will modestly increase this existing impervious cover by 8,370 SF to 68.61%. The existing site does not contain any sort of stormwater management facilities beyond a rudimentary collection & conveyance system consisting of a few inlets and small pipes transporting runoff to the Gerald Street public stormwater conveyance system; apparently this site was developed prior to the introduction of stormwater management requirements in the 1980’s. As such, we understand that the Food Bank will be responsible for providing on-lot stormwater management in the form of rate and volume control for the increase in impervious coverage of +8,370 SF. Does the Township agree with this approach?

4. Truck Apron: the Food Bank receives nearly all incoming food shipments via single unit box trucks. However, on occasion they do receive food shipments via standard semi-truck units, and it is possible that some of these semi-truck units could be maximum length WB-67 units. Therefore, the site layout has been configured to allow this type of large semi-truck to access and navigate the site, using the access driveway that will be designated for one-way counter-clockwise movements. The exiting movement back towards SR 26 is the most difficult, and must be facilitated by a mountable curb island in order for trucks to make the 180-degree exit maneuver – see Concept Plan. Of necessity, some of this mountable apron must lie in the Gerald Street ROW. In theory, dependent upon your response to item #5 below, a public sidewalk could be meshed with this apron as well.

5. Public Sidewalk: per our discussion at the December 20, 2022 staff coordination meeting, we understand that the developer will be obliged to construct public sidewalk in association with a land development at this property in accordance with Ordinance No. O-22-04. Ostensibly that construction would occur along Gerald Street along the property frontage from the intersection with Commercial Boulevard to the existing site driveway. While this alignment does appear technically feasible to install, the Food Bank desires to learn if construction of this particular sidewalk alignment would be considered beneficial to the Township. They also desire to know if this proposed facility would score 7 or less on the Project Prioritization Matrix. Could you please provide us with your additional input on this matter?

Based on necessary occupancy schedules, the Food Bank desires to submit land development plans to the Township in early March of this year. Therefore, we would request to appear in front of the Township Planning Commission and Board in February to present this Concept Plan if at all possible. Ideally, we would have staff input on the above items before those appearances so that we know how to proceed. If easier and more efficient, I would be glad to come in and meet with you to discuss these items and any other observations you may have rather than going back and forth in writing. Please advise.

Sincerely,

Michael Pratt
Project Manager

Enclosures:
1. Concept Plan
2. Parking Model
February 2, 2023

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

Section I: Short-Term Issues  Section II: Long-Term Issues

SECTION I
Short-Term Issues

SECTION II
Current Long-Term Issues

(I) 21-03 Pike Street Traffic-Calming Construction

Comments: 1/24/23 Project work suspended until spring 2023.

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

Comments: 01/11/23 DPZ reviewed and approved final Scope of Work; CT Solicitor reviewed and approved final contract language. CT Council to consider execution of contract for services with DPZ at 1/19/23 regular meeting.

Comments: 1/26/23 DPZ participated in meeting with CT Staff and prospective developer concerning a significant land development proposal within the study area.

(I) 19-08 Solar Power Purchasing Agreement

Comments: 12/12/22  Given complexity of proposals, schedule has been adjusted. A selected proposal will be forwarded for review by 15 SPPA members for decisions by 2/14/2023.

Comments: 01/17/23  Schedule for member decisions shifted to 2/28/23.

(I) 20-03 LTAC Evaluation/Recommendation for Centre Hills Village


Comments: 1/20/23  Voting materials posted via US Mail from College Township.

Comments: 1/30/23  Voting continues. Deadline for voting concludes at 5:00 PM on Friday, February 3, 2023. LTAC to meet on February 8, 2023, to review final vote tally.

(I) 21-02 Thompson Woods Preserve (TWP)

Comments: 01/06/23  Confirmed with State College Borough that Borough appointees will be delayed until February/March 2023. CT Council anticipating making all CT appointments on February 2, 2023.

Comments: 1/19/23  CT Council appointed Mr. Eric Silver and Mr. Earl Moore to the TWP Governance Committee. CRPRA to name their appointee to Governance Committee at their February 2023 meeting.

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


Comments: 01/12/23  No MTF announcements made at 1/12/2023 meeting of CFA.
(I) 21-06 Nittany Casino at Nittany Mall

Comments: 1/25/23 PA Gaming Control Board awarded Category 4 license to SC 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.
From: Adam Brumbaugh
Sent: Wednesday, January 18, 2023 4:18 PM
To: Jennifer Snyder
Subject: FW: IDA Bylaws

Follow Up Flag: Follow up
Flag Status: Flagged

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From: Louis Glantz <louis.glantz@gmail.com>
Sent: Wednesday, January 18, 2023 10:00 AM
To: Adam Brumbaugh <abrumbaugh@collegetownship.org>
Subject: IDA Bylaws

I thought I sent this message on Jan 6, it may have been left in my drafts.

I reviewed the New Bylaws of the IDA. They are legally acceptable.

- Louis

Louis T. Glantz, Esquire
Glantz, Johnson & Associates
1901 E. College Ave.
State College, PA 16801
(814) 238-0221
(814) 238-8016 fax

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CA-1 Minutes, Approval of
a. January 3, 2023, Reorganization Meeting
b. January 3, 2023, Regular Meeting
c. January 19, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
a. Email from Daniel Materna, dated January 23, 2023, regarding Casino
b. Email from Daniel Materna, dated January 24, 2023, regarding Casino
c. Email from PA DEP, dated January 25, 2023, regarding Benner Investigation Update
d. Email from Daniel Materna, dated January 26, 2023, regarding Casino
e. Letter from Representative Takac, dated January 30, 2023, regarding PennDOT Green-Light Go Grant Application – SR 150 (Benner Pike) Corridor System

CA-3 Action Item, Approval of
a. NONE

Photo by Frank Scott IV
CALL TO ORDER:

Judge Greg Koehle officiated in swearing in newly appointed Council Member Susan Trainor to fill an unexpired seat with a term ending January 4, 2024.

Point of Protocol – College Township Council members typically rotate through the offices of vice chair and chair in order of election. The Township Manager typically serves as the Temporary Chair at this meeting.

Mr. Brumbaugh, Township Manager, served as Temporary Chair and called to order at 12:03 PM, the January 3, 2023, College Township Council Reorganization Meeting and led in the Pledge of Allegiance.

FIRST ORDER OF BUSINESS:

Mr. Brumbaugh, Temporary Chair, called for nominations for the position of Council Chair for 2023.

Mr. Francke moved to nominate Ms. Carla Stilson as Council Chair for the year 2023.
Mr. Best seconded the motion.
Mr. Brumbaugh moved to close nominations and elect Ms. Carla Stilson as Council Chair for the year 2023.
Motion carried unanimously.

The gavel was turned over to Ms. Stilson for the remainder of the meeting.
SECOND ORDER OF BUSINESS:

Chair Stilson called for nominations for the position of Council Vice Chair for 2023.

Mr. Bernier moved to nominate Mr. Dustin Best as Vice Chair for the year 2023.
Mr. Francke seconded the motion.
Chair moved to close nominations, and elect Mr. Dustin Best as Council Vice Chair for the year 2023.
Motion carried unanimously.

NEW BUSINESS:

NB-1 COG Committee and Regional Appointments:

a. COG Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>2022 Rep.</th>
<th>2023 Rep.</th>
<th>1st Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Executive</td>
<td>Francke</td>
<td>Stilson</td>
<td>Tues. Jan 17, 2023, 12:15 PM</td>
</tr>
<tr>
<td>2) Finance</td>
<td>Francke</td>
<td>Franke</td>
<td>Thurs. Jan 12, 2023, 8:30 AM</td>
</tr>
<tr>
<td>3) Human Resources</td>
<td>Best</td>
<td>Best</td>
<td>Wed. Jan 11, 2023, 12:15 PM</td>
</tr>
<tr>
<td>4) Parks Capital</td>
<td>Best</td>
<td>Best</td>
<td>Thurs. Jan 12, 2023, 12:15 PM</td>
</tr>
<tr>
<td>5) Public Safety</td>
<td>Takac</td>
<td>Trainor</td>
<td>Tues. Jan 10, 2023, 12:15 PM</td>
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<tr>
<td>7) Facilities</td>
<td>Bernier</td>
<td>Bernier</td>
<td>Tues. Jan 10, 2023, 8:30 AM</td>
</tr>
<tr>
<td>8) Climate Action &amp; Sustainability</td>
<td>Stilson</td>
<td>Stilson</td>
<td>Mon. Jan 9, 2023, 12:15 PM</td>
</tr>
<tr>
<td>9) Parks &amp; Rec Governance</td>
<td>Francke</td>
<td>Franke</td>
<td>Wed. Jan 25, 2023, 8:30 AM</td>
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<tr>
<td>10) General Forum</td>
<td>ALL</td>
<td>ALL</td>
<td>Mon. Jan 23, 2023, 7:00 PM</td>
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</tbody>
</table>

b. Regional/General Committees:

<table>
<thead>
<tr>
<th>Committee</th>
<th>2022 Rep.</th>
<th>2023 Rep.</th>
<th>1st Meeting</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) LTAC</td>
<td>Stilson</td>
<td>Trainor</td>
<td>Wed. Jan 11, 2023, 7:00 PM</td>
</tr>
<tr>
<td>2) SC Watershed Delegate</td>
<td>Takac</td>
<td>Best</td>
<td>Wed. Jan 18, 2023, 7:00 PM</td>
</tr>
<tr>
<td>3) SC Watershed Alternate</td>
<td>Sharp</td>
<td>Sharp</td>
<td>Wed. Jan 18, 2023, 7:00 PM</td>
</tr>
<tr>
<td>4) Centre Area Cable Consort.</td>
<td>Best</td>
<td>Best</td>
<td>TBD</td>
</tr>
<tr>
<td>5) CCMPO Coordinating</td>
<td>Bernier</td>
<td>Bernier</td>
<td>Tues. Feb. 28, 2023, 6:00 PM</td>
</tr>
<tr>
<td>6) CCMPO Technical</td>
<td>Franson</td>
<td>Franson</td>
<td>Wed. Feb. 8, 2023, 9:30 AM</td>
</tr>
<tr>
<td>7) CTIDA Liaison</td>
<td>Takac</td>
<td>Best</td>
<td>Wed. Jan. 18, 2023 9:30 AM</td>
</tr>
<tr>
<td>8) CC Solid Waste Advisory Comm.</td>
<td>Stilson</td>
<td>Stilson</td>
<td>Monday, Jan. 23, 2023, 4:30 PM</td>
</tr>
</tbody>
</table>
c. PSATS Voting Delegate:

1) CT Voting Delegate  
   Takac  
   Trainor  
   2023 PSATS Conv. 4/23/23

Full consensus of Council on the approval of NB-1

CONSENT AGENDA:

CA-1 Appointment of all College Township Committee Alternates with full force vote, As Needed

CA-2 Appointment of Louis T. Glantz, Glantz and Johnson, as College Township Solicitor for 2023

CA-3 2023 Auditing Services - Fiore Fedeli Snyder Carothers; Appointment of

CA-4 Re-appointment of all current College Township staff members to their current positions and the additional appointments of the following for 2023:
   Adam T. Brumbaugh  -  Township Manager/Secretary;
   -  Right-To-Know Officer;
   -  Tax Collection Committee Delegate;
   -  Privacy Official; and
   -  Security Officer;

   Donald M. Franson  -  Local Traffic Advisory Committee;
   -  CCMPO Technical Committee to 12/31/2023;

   Robert T. Long, Jr.  -  Township Treasurer; and
   -  Tax Collection Committee First Alternate;

   Amy Kerner  -  Local Traffic Advisory Committee;

   Jeremiah Northridge  -  Local Traffic Advisory Committee;

   Jennifer Snyder  -  Assistant Township Secretary; and
   -  Tax Collection Committee Second Alternate;
   -  Assistant Right-To-Know Officer.

CA-5 Appointment of Trans Associates as College Township Traffic Engineer, McCormick Taylor as alternate College Township Traffic Engineer and Keller Engineering as College Township Consulting Engineers for 2023

CA-6 Disposition of Records R-23-01; Approval of

CA-7 Appointment of Sewage Enforcement Officers for 2023, as presented below:

Walter Schneider PA SEO 03970  -  Primary Sewage Enforcement Officer
Cory M. Warner PA SEO 03994  -  Secondary Sewage Enforcement Officer
James W. Royer PA SEO 04028  -  Secondary Sewage Enforcement Officer
Robert E. Royer, Jr. PA 04025  -  Secondary Sewage Enforcement Officer
Bryan K. Roan PA SEO 04041  -  Secondary Sewage Enforcement Officer
CA-8 College Township Rates, Fees and Penalties Schedule; Amendment of
a. R-23-02 §A202-1 Building and construction codes; property maintenance and fire code
b. R-23-03 §A203-10 Sewer Enforcement Officers Fee Schedule; Sewage Disposal Systems
c. R-23-04 §A203-12 Solid Waste Collection
d. R-23-05 §A203-16 Zoning
e. R-23-06 §A203-20 Administration Fees
f. R-23-07 §A203-22 Food Establishments Fees and Penalties

CA-9 R-22-08 Amendment to Section §184-21 Local Services Tax – Collection Costs

CA-10 Authorities, Boards, and Commissions (ABC) Matters
a. Appointments and Reappointments to Authorities, Boards, & Commissions:

1) Michael Grutzeck Water Authority 1/1/2023 – 12/31/2027;
2) Pat Vernon Local Traffic Advisory Committee 1/1/2023 – 12/31/2026;
3) Dave Wasson Vacancy Board 1/1/2023 – 12/31/2023;
5) Judi Sittler Parks & Recreation Comm. 1/1/2023 – 12/31/2027;
6) Earl Moore Parks & Recreation Comm. 1/1/2023 – 12/31/2027;
7) Kimberly Fragola Schlow Library Board 1/1/2023 – 12/31/2025;
8) Alex Verseput C-NET Board 1/1/2023 – 12/31/2025;
9) Noreen Khoury Planning Commission 1/1/2023 – 12/31/2026;
10) Ray Forziat Planning Commission 1/1/2023 – 12/31/2026; and
11) Steve Lyncha Zoning Hearing Board 1/1/2023 – 12/31/2027;

CA-11 Appointment of the following financial institutions as depositories for College Township funds for 1/1/2023 through 12/31/2023: First National Bank of Pennsylvania, PA Local Government Investment Trust (PLGIT), and Jersey Shore State Bank.

CA-12 Setting of mileage reimbursement rate at the federal IRS rate

Mr. Francke made a motion to approve the Consent Agenda.
Mr. Bernier seconded the motion.
Motion carried unanimously.

ADJOURNMENT:

Mr. Bernier moved to adjourn the January 3, 2023, College Township Council Reorganization Meeting.
Chair seconded the motion.
Chair Stilson adjourned the January 3, 2023, Reorganization Meeting of the College Township Council at 12:12 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
ATTENDED BY –

COUNCIL: Carla Stilson, Chair
Dustin Best, Vice Chair
L. Eric Bernier
D. Richard Francke
Susan Trainor

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Don Franson, P.E., P.L.S., Township Engineer
Amy Kerner, P.E., Public Works Director
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer
Jennifer Snyder, CGA, Assistant Township Secretary

CALL TO ORDER: Ms. Carla Stilson, Chair, called to order the January 3, 2023, Regular Meeting of the College Township (CT) Council at 12:13 PM, which followed the Reorganization Meeting.

PUBLIC OPEN DISCUSSION:

No Public Open Discussion brought forward for discussion.

NEW AGENDA ITEMS:

No New Agenda Items were brought forward.

REPORTS:

a. Manager’s Update

Mr. Brumbaugh, Township Manager, offered that all of the work on Pike Street project for the season has been completed. The remaining work will be completed in the spring with a Dedication Ceremony to take place in late April, early May. Berry Alley will be reopened to two-way traffic once signage is in place. Ms. Kerner, Public Works Director, offered that she has ordered the signs and once they are in place, the street will open as two-way traffic. The LTAC process voting material, explanation of the project description and ballot, to be reviewed by LTAC at their January 11, 2023, meeting.
b. COG Regional, County, Liaisons Reports

No COG Regional Reports at this time. Council offered that Halfmoon Township issued an ordinance to withdraw from the Schlow Library contract.

c. Staff/P.C./Other Committees


d. Diversity, Equity & Inclusion (DEI) Reports (Public Invited to Report)

Council offered that January is Slavery and Human Trafficking Prevention Month. She would like to see brochures/flyers added to Township bulletin boards to create awareness.

CONSENT AGENDA:

CA-1 Minutes, Approval of
a. December 15, 2022, Public Hearing 2023 CT Budget
b. December 15, 2022, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
a. Email from Nicole Allam On-Minear, dated December 12, 2022, regarding Berry Alley
b. Email from Jim Eberly, dated December 14, 2022, regarding Berry Alley
c. Email from Daniel Materna, dated December 14, 2022, regarding Casino
d. Letter from Centre County 911 Emergency Communications, dated December 12, 2022, regarding addressing at the Mount Nittany Medical Center
e. Email from Daniel Materna, dated December 20, 2022, regarding Casino
f. Letter from DEP, dated December 21, 2022, regarding Centre County Recycling and Refuse Authority, Dale Summit Transfer Station Permit

Council asked to pull CA-2.d. from the Consent Agenda.

Mr. Francke made a motion to approve the January 3, 2023, Consent Agenda minus CA-2.d.
Mr. Best seconded the motion.
Motion carried unanimously.

CA-2.d.: Council discussed the addressing issue at the Mount Nittany Medical Center. This has been an ongoing issue over the past twenty-years. Staff is anticipating a Land Development Plan for a bed tower at the Mount Nittany complex this year and will raise the issue again related to addressing. It is a large undertaking for the hospital but with the LDP for the bed tower project, Staff suggests it is time for them to undertake the necessary addressing changes.

Mr. Francke made a motion to accept CA-2.d.
Mr. Best seconded the motion.
Motion carried unanimously.
OLD BUSINESS:

OB-1  Dale Summit Area Plan; Form Based Code  
   a.   Review Scope of Work with DPZ

In a memorandum to Council dated December 22, 2022, Ms. Lindsay Schoch, AICP, Principal Planner, offered that the following a formal review of proposals submitted in response to the Township’s Request for Proposals for a Form Based Code Consultant, the review committee has recommended that College Township engage DPZ CoDesign for the project.

Staff prepared a DRAFT Scope of Work for the project, which DPZ is reviewing. Prior to the approval of any contract between College Township and DPZ, the Scope of Work must be acceptable to both parties and consultant pricing be updated as may be directed by the Scope of Work.

Staff is asking for comments from Council that will be incorporated with DPZ comments and brought forward to Council for final approval on January 19, 2023.

Council added the following comments:
   - Electronic and website based links be requested from the consultant; and
   - Staff/Working Group provide regular reporting of deliverables to Council.

This agenda item will be back to Council on January 19, 2023, for final approval.

NEW BUSINESS:

NB-1  Spring Creek Watershed Commission Bylaws Review

Mr. Don Franson, Township Engineer, offered that in November, the Township received a letter from Mr. Paul Takac, Spring Creek Watershed Commission (SCWC) Chair, asking Council to review and comment on the updated Bylaws unanimously authorized by all 10 SCWC members at their November 16, 2022, meeting. The current Bylaws require any of the Executive Committee, Chair, Vice Chair and Secretary, be an elected officials. Last year, there was only three elected officials on the Commission so they all held positions on the Executive Committee. A proposed change in the Bylaws allows for members of the Executive Committee to be either an elected official or the alternate member of the SCWC. The proposed changes also adds a Treasurer to the Executive Committee and a fifth position, as an at-large position.

Mr. Sharp, CT’s SCWC alternate, offered that the SCWC would reorganize with the mandates of the current bylaws so only Elected Officials will be elected to the Executive Committee. In past years, not enough elected officials were appointed to serve on the SCWC so it was difficult to elect an Executive Committee. He opined that it is important for municipalities to appoint an elected official to serve on the SCWC.

Council is asked to review the Bylaws and make recommendations. Council offered the Bylaws should state that the at-large position should come from the membership of the SCWC. A consensus of Council is in favor of the proposed bylaws.
NB-2  College Township Industrial Development Authority Bylaws

Mr. Brumbaugh offered the College Township Industrial Development Authority (CTIDA) reviewed a DRAFT of proposed Bylaw modifications intended to provide clarity and reference for the governance of the CITDA. The CTIDA Board moved to forward the proposed Bylaw modifications to Council for review and comment prior to adoption by the CTIDA. The last modification to the Bylaws took place in 2008.

The CTIDA Governance Committee has worked diligently to bring the proposed Bylaws to this point. There are three primary functional changes to the proposed Bylaws. The first addresses membership on the CTIDA Board, from that of eight (8) appointed Board Members to nine (9) members, all of which are appointed by the CT Council. Second, the proposed Bylaws explicitly identifies the role of the CTIDA officers and their responsibilities to the Board. Finally, the proposed Bylaws address the CTIDA committee structure that has been developed and implemented beginning in March of 2022. Four (4) working committees of the CTIDA – Governance, Finance, Loan and Marketing – have been established and tasked with specific responsibilities for operational elements of the CTIDA.

Council offered the following comments to the proposed CTIDA Bylaws:

- Clarify the term of appointment as relates to filling of unexpired terms. Suggested “5 years or less” to address unexpired terms and keep appointments staggered.
- Elaborate on the number of members required to take affirmative action if a minimum quorum is in attendance. (Quorum language says 5 of 9 members comprise a quorum; question is, how many affirmative votes if 5 are in attendance are required to constitute official action? 
- There should be a reference as to where the official journal(s) of the IDA will reside, i.e. College Township Municipal Building.
- Clarify the process of selection of professional staff (solicitor, auditor, etc.). Does Governance Committee select or do they solicit input from Board, draft RFPs, review RFP responses and make recommendations for appointment back to the Board.
- Can/should Governance items be prioritized and reflected in the Bylaws?
- Agree on frequency of RFP process for professionals and reflect either in Bylaws or in separate policy.
- Should a listing of hierarchy of documents be incorporated into Bylaws: PA Economic Development Law/Articles of Incorporation/Bylaws/Policies?
- Should specific assignments to Committees be addressed, i.e. Chairman of IDA shall be chair of Governance Committee?
- Identify a location for acknowledgement role of non-voting, non-member Council Liaison.
- Indemnification section: should indemnification be expanded to the appointing authority, College Township/Council?

Mr. Brumbaugh will forward these comments to the CTIDA Governance Committee for consideration.
NB-3  PSATS Annual Conference Attendance (April 24-27, 2022)

Messrs. Best and Bernier and Ms. Trainor anticipate attending the PSATS Annual Conference. Ms. Snyder will get them registered the conference and hotel reservations.

STAFF INFORMATIVES:

No *Staff Informatives* were pulled for discussion.

OTHER MATTERS:

Council discussed the Authorities, Boards and Commissions (ABC’s) seats open. There are two (2) potentially three (3) seats open on the CTIDA, two (2) alternate members of the Planning Commission, and two (2) Thompson Woods Preserve Governance Committee positions. Council will interview candidates in an Executive Session in advance of the meeting on January 19, 2023, CT Council meeting and have a discussion related to the Managers Evaluation. Council. A Special Meeting will be advertised and take place to review the Climate Action and Adaptation Plan (CAAP).

Council asked that Staff get quotes every five (5) years for appointed positions in the reorganization meeting such as solicitor and engineering services.

Chair Stilson stated her goal for the year is to use the skills/gifts of those serving on Council to better serve the Township. She looks forward to a good year.

ADJOURNMENT:

Mr. Francke moved to adjourn the January 3, 2023, Regular College Township Council Meeting. Chair seconded the motion.

The January 3, 2023, Regular College Township Council Meeting was adjourned at 1:30 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
ATTENDED BY –
COUNCIL: Carla Stilson, Chair
Dustin Best, Vice Chair
L. Eric Bernier
D. Richard Francke
Susan Trainor

STAFF: Adam T. Brumbaugh, Township Manager/Secretary
Don Franson, P.E., P.L.S., Township Engineer
Amy Kerner, P.E., Public Works Director
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer

CALL TO ORDER: Ms. Carla Stilson, Chair, called to order the January 19, 2023, Regular Meeting of the College Township (CT) Council at 7:03 PM and led in the Pledge of Allegiance.

ANNOUNCEMENT

Chair Stilson announced that the CT Council met in Executive Session prior to the start of the meeting for personnel matters.

PUBLIC OPEN DISCUSSION:

No Public Open Discussion brought forward for discussion.

SPECIAL PRESENTATION:

SP-1 Centre County Metropolitan Planning Organization (CCMPO) Update on Active and Long Range Transportation Plan

Mr. Jim Saylor, Principal Transportation Planner, and Ms. Anne Messner, Senior Transportation Planner, CCMPO, offered an update and an overview of two CCMPO transportation efforts, the development of an Active Transportation Plan and the Centre County Long Range Transportation Plan of 2050.

Ms. Messner offered a brief overview of the main responsibilities of the CCMPO. They are working on developing a Centre County Active Transportation Plan, which is intended to address multiple items related to improved mobility for bicyclists, pedestrians, as well as other traditional and emerging mobility devices in Centre County. The CCMPO’s Active Transportation Plan is
envisioned as both complementing and expanding upon foundation laid by College Township’s planning efforts.

Mr. Saylor offered the Long Range Transportation Plan (LRTP) of 2050 serves as the official, foundational transportation plan for the metropolitan area. He opined they are currently projecting a 30-month update process with adoption occurring no later than September 2025. In 2018, they met with municipalities across the county. They hope to recap the priorities discussed in 2018, determine if they are still priorities and identify additional issues and needs.

Council was presented with the College Township Municipal Worksheet Input and Needs Summary from 2018. Council was asked if anything has changes from the input and needs from 2018 and if there is anything new to be added to the list.

Council offered the following comments to be addressed on an updated Long Range Plan:
- Updates regarding the “S” curve on 322;
- Emphasis on the area of the mall and the Dale Summit Area plan;
- Park Avenue expansion project; and
- Account for recent CT Official Map updates.

Staff offered comments on the following areas: eastbound ramp off 322, Brush Valley Road Bridge, pipes at Blaise Alexander and YBC, the old Whitehall Road behind The Retreat, the intersection of Elmwood and College Avenue and the proposed path to campus.

NEW AGENDA ITEMS:

Mr. Francke made a motion to add a new agenda item to appoint members to serve on the Thompson Woods Preserve Governance Committee.
Mr. Bernier seconded the motion.
Motion carried unanimously.

NB-1 Appointment of Thompson Woods Preserve Governance Committee Members

Mr. Brumbaugh offered that over the last several months, College Township has worked with the State College Borough, to develop an Intermunicipal agreement for the governance of the Thompson Woods Preserve. An Advisory Committee and a Governance Committee was formed in the agreement. College Township is to appoint two (2) members to the Governance Committee.

Mr. Francke made a motion to appoint Mr. Earl Moore and Mr. Eric Silver to the Thompson Woods Preserve Governance Committee.
Mr. Best seconded the motion.
Motion carried unanimously.
PLANS:

P-1 Mount Nittany Medical Center (Bed Tower) Sketch Plan

Ms. Schoch, AICP, Principal Planner offered that before Council is a sketch plan for the Mount Nittany Medical Center Bed Tower project. This sketch plan went before the Planning Commission at their January 17, 2023, meeting.

Mr. Bryan Roach, Mount Nittany Medical Centre Chief Financial Officer, offered he is excited to see this project moving forward as it builds on their mission of Healthier People Stronger Communities.

Mr. Joseph Siekirk, Plant Moran, and Mr. Jim Ralph, Stantac, offered a summary of the project, which includes three (3) buildings:
- A 170 car garage;
- A 10-story, 296,000 sq. ft. bed tower; and
- A 2-story central energy plant.

They reported the existing bed count of the hospital is 238 and this new facility would increase that count to 243 private-rooms. The project also includes an outpatient area and cafeteria. Construction is anticipated to begin in 2023 and be completed in early 2026. Entry to campus will remain the same; however, there will be a new front entrance to the hospital.

Mr. Robert Hoffman, Planning Commission liaison, offered the PC was pleased with the stormwater management features and thoroughly accepted the plan presented. Ms. Schoch offered that PC asked if the rates for patient would increase since they are moving from double occupancy rooms to all single occupancy. Mount Nittany offered that rates would not increase.

Mr. Siekierk offered additional information about the project form Council’s questions and comments. The existing hospital rooms will become private rooms; 85 rooms in the old portion of the hospital and 168 rooms in the new bed towers. The healing garden will be relocated to a new location. The project falls well below the allowable impervious surfaces. The new energy plant augments the new facilities.

Council asked the developers to consider looking at improving pedestrian flow internally and from adjacent areas to promote wellness; a walkway to the hospital so that access to the hospital is not only accessible by car; and preventative programs and services in the community.

Mr. Pat Vernon, College Township resident, asked about the budget for the project and if the hospital will become a teaching hospital. Mr. Roach offered that the budget for the project is $350 million.

Sue Smith, Lemont, opined that there have been many complaints about the Emergency Room (ER) Services and asked if this new project would directly or indirectly have an impact on the services received in the ER.
REPORTS:

a. Manager’s Update

In the Manager’s Update, Mr. Brumbaugh, Township Manager, offered that the handrails and parking signs have been installed on Pike Street project. Work is finished until spring of 2023. DPZ reviewed the Scope of Work and the CT Solicitor reviewed and approved final contract language for Form Based Codes. Council to consider execution of contract for services with DPZ later in the meeting.

Local Traffic Advisory Committee (LTAC) reviewed and approved voting materials. Confirmed voting dates of January 23 through February 3, 2023. Voting materials (145 ballots) to be mailed out on Friday, January 20, 2023.

The Spring Creek Park Master Plan has been completed and will be removed from the Manager’s Update. College Township Council appointed two (2) members to the Thompson Woods Preserve Governance Committee earlier in this meeting. SC Borough confirmed they are delayed in making appointments. No awards have been announced for the CFA Grant related to the Path to Campus. State College Gaming license hearing tentatively scheduled by PA Gaming Control Board for January 25, 2023.

Mr. Pat Vernon, CT Resident, asked about vote tabulations. Mr. Brumbaugh offered that votes would be tabulated shortly after the end date of February 3, 2023.

Ms. Noreen Khoury, CT Resident, asked procedural questions and the percentage of votes needed to move forward.

Mr. Brumbaugh offered the LTAC would convene quickly at the end of the voting period.

b. COG Regional, County, Liaisons Reports

College Township Industrial Development Authority (CTIDA): Mr. Best reported the CTIDA met on January 18, 2023, and held their annual reorganization meeting and approved new Bylaws.

COG Human Resources Committee: Mr. Best reported the COG Human Resources Committee met on January 11, 2023, and held their annual reorganization meeting, approved the 2023 Salary Schedule, approved a job description for the Captain: Special Operations, and recognized COG Employee milestones.

COG Parks Capital Committee: Mr. Best reported the COG Parks Capital Committee met on January 12, 2023, and held their annual reorganization meeting, heard project updates on the Whitehall Road Regional Park Phase I, Millbrook Marsh Nature Center SCED Phase II, and project management of Whitehall Road Regional Park/Millbrook Marsh Nature Center.

Spring Creek Watershed Committee (SCWC): Mr. Best reported the SCWC met on January 19, 2023, and held their annual reorganization meeting. The SCWC extended the review time of the Bylaws and will address at the February 15, 2023, meeting. Council is asked to submit final
comments regarding the Bylaws prior to this meeting. The SCWC expressed interest in aiding, where needed, the Spring Creek Park Master Plan.

**COG Facilities Committee:** Mr. Bernier reported the COG Facilities Committee met on January 10, 2023, and held their annual reorganization meeting, discussed the Long Range Facilities Plan, cold weather facilities impacts, and heard updates on the Whitehall Road Regional Park and Millbrook Marsh.

**COG Land Use Community Infrastructure (LUCI) Committee:** Mr. Bernier reported the Land Use and Community Infrastructure (LUCI) Committee met on January 13, 2023, and held their annual reorganization meeting and discussed potential LUCI Committee work tasks for 2023.

**COG Finance Committee:** Mr. Francke reported the Finance Committee met on January 12, 2023, and held their annual reorganization meeting, authorized the purchase of ThreatID Material Analyzer, discussed the 2024 COG Budget and the Finance Committee prioritization.

**COG Executive Committee:** Ms. Stilson reported the Executive Committee met on January 17, 2023, and held their annual reorganization meeting, confirmed Alpha Fire Company Chief Command officers, and made appointments to serve on the Whitehall Road Regional Park project coordination team.

**COG Climate Action Sustainability (CAS) Committee:** Ms. Stilson reported the COG CAS Committee met on January 9, 2023, and held their annual reorganization meeting, reviewed accomplishments for 2022 and discussed work tasks for 2023.

c. **Staff/P.C./Other Committees**

**Planning Commission (PC):** Mr. Robert Hoffman, PC Liaison to Council, and Ms. Noreen Khoury, Alternate PC Liaison to Council, offered that the PC met on January 17, 2023, and reviewed the Land Development Plan for the Arize Federal Credit Union and received a Sketch Plan for the Mount Nittany Medical Center Bed Tower. They also discussed the Maxwell Development of Regional Impact (DRI).

d. **Diversity, Equity & Inclusion (DEI) Reports (Public Invited to Report)**

Mr. Francke reported he was invited to attend the Martin Luther King Jr. Banquet on the floor of the Bryce Jordan Center on Sunday, January 15, 2023. There were 800 people in attendance.

**CONSENT AGENDA:**

**CA-1 Minutes, Approval of**

- December 22, 2022, Special Meeting

**CA-2 Correspondence, Receipt/Approval of**

- Letter from PennDOT, dated December 30, 2022, regarding response to CT letter regarding “S” curve.
b. Letter from Centre County MPO, dated January 6, 2023, regarding response to CT letter regarding “S” curve.

c. Email from Daniel Materna, dated January 15, 2023, regarding casino

d. Email from Andrew Shaffer, dated January 13, 2023, regarding casino

e. Letter from Penn Terra Engineering, dated January 9, 2023, regarding 90-day time extension request from PennTerra Engineering for the Canterbury Crossing Phases IV & V, Lots 32 and 33, Phases 3 & 4 Final Land Development Plan to May 2, 2023

CA-3 Action Item, Approval of

a. Audit Services proposal from Fiore Fedeli Snyder Carothers, LLP. 2022 – 2026

   Mr. Bernier made a motion to approve the January 19, 2023, Consent Agenda with a correction to CA-1.a.
   Ms. Trainor seconded the motion.
   Motion carried unanimously.

OLD BUSINESS:

OB-1 Form Based Code; Scope of Work and Contract with DPZ

Ms. Lindsay Schoch, AICP, Principal Planner, offered Council reviewed the DRAFT Scope of Work prepared in conjunction with DPZ CoDesign, LLC, and had minimal changes. DPZ also reviewed the Scope and had no substantive changes, most importantly; the small changes to the Scope did not change the price DPZ quoted the Township.

Before Council for approval is the proposed Project Scope of Work and the contract between College Township and DPZ CoDesign, LLC.

Mr. Senin Antonio, DPZ CoDesign, LLC, offered that DPZ is excited to get started working with the Township and the project consultant, Marina Khoury, is ready to get to work.

   Mr. Francke made a motion to approve the Scope of Work for the development and implementation of a Form Based Code for the Dale Summit area and following the approval of the Scope of the Work, award a contract to DPZ, CoDesign, LLC, in the amount of $299,995, with additional reimbursable expenses not to exceed $25,000. The project fees and hourly rates are included in the meeting’s agenda packet.
   Mr. Best seconded the motion.
   Motion carried unanimously.

NEW BUSINESS: (See NB-1 above)

STAFF INFORMATIVES:
No Staff Informatives were pulled for discussion.

OTHER MATTERS:

Mr. Bloom, Assistant Township Manager, offered a reminder to Council of the Special Meeting to be held on January 30, 2023, to discuss the Climate Action and Adaptation Plan (CAAP).

ADJOURNMENT:

Ms. Trainor moved to adjourn the January 19, 2023, Regular College Township Council Meeting.
Chair seconded the motion.

The January 19, 2023, Regular College Township Council Meeting was adjourned at 9:24 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary
Jennifer Snyder

From: Daniel Materna <sailordan76@verizon.net>
Sent: Monday, January 23, 2023 7:25 PM
To: CTCouncil; mark@centrecountypa.gov; aConcepcion@centrecountypa.gov; sdershem@centrecountypa.gov
Cc: Adam Brumbaugh; Mike Bloom
Subject: Community opposition to proposed casino at the Nittany Mall
Attachments: January 14 casino.org article with 196 comments as of 1-23-2023.pdf; January 22 casino.org article with 44 comments as of 1-23-2023.pdf

Dear members of the College Township Council and the Commissioners of Centre County,

There has been significant acceleration to the momentum of strong community opposition to the proposed casino at the Nittany Mall.

In just the past ten days, Penn State alumnus Devin O'Connor ('05) wrote the following two Nittany Mall Casino-related articles that have now quickly risen to the top of the "Most Commented" list at this nationwide casino-industry website where Mr. O'Connor has been a senior reporter for the past nine years.

The link below is to the first article and was published on January 14. 196 public comments are already posted below the article and all of them are attached to this email.

State College Casino Hearing Set, Cordish to Make Case Against Bally's

This next link is to the second article and was published on January 22. 44 public comments are already posted below that article and all of them are also attached.

State College Community Strongly Opposes Bally's Casino Near PSU

Thank you for your consideration of all described above and for reviewing the 240 very recent public comments in the two attachments.

Sincerely,
Daniel Materna
Centre County, PA
Good morning, Members of the College Township Council,

You probably have not yet seen the 30-page attachment because it was filed and posted on the PGCB website yesterday afternoon.

It may affect tomorrow's PGCB casino licensing hearing in Harrisburg.

Sincerely,
Dan Materna
Walker Township
STADIUM CASINO RE, LLC’S PETITION TO SUPPLEMENT RECORD IN LICENSING PROCEEDING WITH EXPERT REPORT OF TAMI BOGUTZ STEINBERG, ESQ.

Petitioner and Nominal Intervenor Stadium Casino RE, LLC (“Stadium”) hereby submits this petition to the Pennsylvania Gaming Control Board (the “Board”) to supplement the record in the proceeding regarding the Category 4 slot machine license application of SC Gaming OpCo, LLC (“SC Gaming”) with the Expert Report of Tami Bogutz Steinberg, Esq. (the “Report”), attached to this petition as Exhibit A. In support of this Petition, Stadium states as follows:

I. Introduction

1. On August 26, 2022, Stadium filed a Petition to Intervene in this licensing proceeding to challenge whether the Board has the statutory authority to consider SC Gaming’s application for a Category 4 license. See Dkt. 10577-2022.

2. The Petition to Intervene alleges and presents evidence to show that Ira Lubert, the winning bidder at the September 2020 auction for the right to apply for the Category 4 license, did not himself apply for the license as required by 4 Pa.C.S. § 1305.2(c)(10). See, e.g., Petition to Intervene ¶¶ 50-53, 75, 79-80. Rather, after Mr. Lubert won the bid, he formed SC Gaming and sold ownership and control interests in that entity and its affiliates to persons ineligible to participate in the Category 4 auction and, thus, ineligible to apply for the license.
See generally id. Because Mr. Lubert applied for the license not just on behalf of himself but also on behalf of others, the applicant is substantively different from Mr. Lubert, and this Board does not have the statutory authority to consider SC Gaming’s application, let alone grant SC Gaming a license.

3. SC Gaming and Mr. Lubert deflect by repeatedly stating that Mr. Lubert is, for present purposes, the sole owner of SC Gaming, ignoring interests held by investors that have not yet been triggered and excluding a variety of direct and/or indirect interests (other than common stock) in Mr. Lubert’s investment group, including in SC Gaming and its affiliates. In fact, the Board considers indirect ownership interests held by both individuals and entities as just as important as the type of direct interests on which Mr. Lubert exclusively focuses. See 58 Pa. Code §§ 433a.3, 433a.4. For purposes of this Category 4 license, however, all of these interests must be looked at and analyzed in determining whether the ownership in this gaming project is different than just Mr. Lubert.

4. Stadium’s challenge is not merely a question of SC Gaming’s suitability or eligibility for licensure, as both SC Gaming and/or the Board (through the Board’s Office of Chief Counsel) have argued in this proceeding and the parallel Commonwealth Court proceeding. Rather, as detailed below, Stadium’s challenge goes directly to the Board’s statutory authority to even consider SC Gaming’s application and the Board’s failure to comply with directives from the legislature. These are not issues that the OEC, the BIE, the FIU, or any department, division or bureau within the Board, have considered.
5. Stadium’s Petition to Intervene requested an opportunity to engage in discovery, present testimony and evidence during the licensing hearing, and cross-examine witnesses. But in an Order dated December 14, 2022, the Board allowed Stadium to intervene as only a “participant.” The Order states: “No other testimony, witness statements or other evidence will be accepted, absent a future Board ruling.” The Order further permits Stadium to present only fifteen minutes of oral argument at the licensing hearing, which is not nearly sufficient to develop Stadium’s argument, particularly if Stadium’s argument follows the presentation of new evidence about the interests in SC Gaming or its affiliates.

6. The Board did not provide reasons for its December 14 Order, nor did the Board thereafter issue an opinion supporting its Order.

7. After the Board orally issued the Order at the December 14 hearing, undersigned counsel requested an opportunity to supplement Stadium’s Petition to Intervene and corresponding written statement. In response, Chairperson Smyler stated that (a) the request is premature, and (b) Stadium may request to supplement the record in writing at a later time.¹

8. Stadium respectfully submits that Stadium’s intervention in this proceeding as a mere participant, with no opportunity to conduct discovery, present evidence, or cross-examine witnesses, constitutes an abuse of discretion and legal error, as it effectively requires Stadium to present its challenge on only the pleadings. That is not how administrative or adversary proceedings work in the normal course, and the Order underscores what Stadium has argued in the parallel proceeding pending before the Commonwealth Court, No. 249 MD 2021 – namely,

¹ The transcript of the December 14, 2022 hearing is not yet available on the Board’s website, but the video recording is posted on the website at https://gamingcontrolboard.pa.gov/?p=141. Chairperson Smyler’s statement is at 1:28:00 through 1:28:20 of the video recording.
that the threshold question of the Board’s statutory authority should be decided by the courts, not the Board itself.2

9. While reserving its right to appeal the Board’s Order denying Stadium the right to meaningfully participate in this licensing proceeding, and without waiving its right to continue to pursue its pending challenge in the Commonwealth Court, Stadium nonetheless heeds Chairperson Smyler’s admonition and petitions the Board to supplement the record in this licensing proceeding with the Expert Report of Tami Bogutz Steinberg, which identifies a variety of ways that parties structure transactions and parcel out ownership or control interests to investors.

10. Stadium proffers the Report without the underlying information about how SC Gaming and Mr. Lubert in fact structured their investment group, because SC Gaming has not made those facts public, and the Board has not given Stadium an opportunity to obtain them.

II. Stadium Challenges the Board’s Statutory Authority, Not SC Gaming’s Eligibility or Suitability for Licensure

11. Contrary to arguments that SC Gaming, Mr. Lubert, the OEC and the Board itself (through its Office of Chief Counsel) have made in this licensing proceeding and/or the parallel Commonwealth Court case, Stadium’s challenge is not about SC Gaming’s eligibility and suitability for a Category 4 slot machine license. Rather, Stadium’s challenge is about the threshold issue of whether the Board has the statutory authority to even consider SC Gaming’s application. No other party has addressed or pursued that issue.

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2 As Stadium detailed in its Petition to Intervene, Stadium filed a complaint in the Commonwealth Court on July 28, 2021, to challenge the Board’s statutory authority to consider SC Gaming’s application, captioned Stadium Casino RE, LLC v. Pennsylvania Gaming Control Board, No. 249 MD 2021. SC Gaming and the Board filed preliminary objections against the complaint; the Commonwealth Court heard argument on the preliminary objections on March 9, 2022; but the Court has not yet issued a decision.
12. Section 1305.2(c)(10) of the Gaming Act provides very specific statutory directives to both the winning bidder and the Board. This section provides: “The winning bidder shall submit an application for the Category 4 slot machine license within six months of the payment of the winning bid amount.” 4 Pa.C.S. § 1305.2(c)(10)(i) (emphasis added). It further provides that, if the winning bidder does not submit an application within that time period, the winning bidder forfeits the right to apply and the “board shall conduct another auction.” Id. § 1305.2(c)(10)(ii) (emphasis added). These are mandatory, statutory directives.

13. Stadium has alleged, and presented evidence to show, that Mr. Lubert did not submit an application for the slot machine license. Instead, he formed an investment group, parceled off ownership and control interests in that group, put forward an applicant (SC Gaming), and is seeking a license for interests that are substantively different from Mr. Lubert. Assuming that’s true, Mr. Lubert has forfeited his bid, and the Board is statutorily required to conduct another auction under Section 1305.2(c)(10)(ii).

14. The other parties to this proceeding, and the Board (through its Office of Chief Counsel) in the Commonwealth Court proceeding, have continued to characterize Stadium’s challenge as one about SC Gaming’s eligibility and suitability for licensure. But whether the Board itself has complied with Section 1305.2(c)(10) of the Gaming Act has nothing to do with eligibility or suitability for licensure.

15. In fact, nowhere in the Gaming Act or the Board’s regulations are questions of statutory authority delegated to the Board or any of the departments/bureaus within the Board (e.g., the OEC, the BIE, the FIU, or the Office of Chief Counsel). See, e.g., 4 Pa.C.S. § 1325 (statutory eligibility criteria for licensure, none of which encompasses statutory authority or compliance with the legislature’s directive on when to conduct another auction); id. § 1313
16. That is why the documents and information about ownership interests must be provided to Stadium – the one party in this proceeding focused on statutory authority. It is also why the Board should grant this petition to supplement the record with the Expert Report, which further explains why the underlying documents evidencing such interests are critical to resolving Stadium’s challenge.

III. Specific Support for Petition to Supplement with Expert Report

17. Ms. Steinberg is the Chair of the Business & Corporate Department of the law firm Flaster Greenberg. She has been practicing law for over 30 years and has substantial experience structuring transactions and investment groups on behalf of clients. Ms. Steinberg also chairs Flaster Greenberg’s Gaming Industry Group and has represented gaming clients in a variety of general corporate, contractual and regulatory matters, including before the Board. Her biography, which further details her education and experience, is attached to the Report.

18. The Report explains how investment groups are commonly structured, including what investors typically require in exchange for their funds. The Report goes on to identify several different ways such interests are issued to investors, including, without limitation, springing interests, convertible interests, and contractual interests that are akin to ownership.
19. Because the Board has limited Stadium’s access to the application materials and denied its request for discovery, Stadium and Ms. Steinberg do not know how SC Gaming and Mr. Lubert structured their investment group and exactly what interests they sold to investors.

20. But Ms. Steinberg reviewed the limited public information about SC Gaming’s investment group, including (a) its highly redacted application submitted to the Board, (b) Bally’s Corporation’s Form 8-K announcing its “partnership” with Mr. Lubert, and (c) David Cordish’s Verification attached to the Petition to Intervene, and the Report flags statements in these documents that are indicia of ownership or control in the applicant and putative licensee.

21. By way of example, SC Gaming’s application for the license states that it is answering questions “specifically with respect to [it]”, and not its “principals, affiliates, intermediaries, subsidiaries and holding companies.” Petition to Intervene, Ex. A-1 at Att. to p. 3. Information about SC Gaming’s principals and affiliates, including information about the investment group that SC Gaming formed and the interests in that investment group, are apparently in “the separate application form completed by and submitted for each of them,” id., none of which have been made available to Stadium.

22. As another example, in response to the Board’s request that SC Gaming describe “Any Other Material Reorganization, Readjustment or Succession of [it] or Any of its Subsidiaries or Acquisitions,” SC Gaming answered that there are “[n]one, other than transactions undertaken by Mr. Lubert to organize and capitalize the project to ensure the development and operation of the proposed Category 4 facility will be successful.” Id., Att. to Sch. 32. The Report opines that the transactions identified in this statement to “organize and capitalize” the gaming project could include the sale of ownership or control interests in the project. Report at 6-7.
23. As a third example, Bally’s Corporation stated in a Form 8-K, dated March 4, 2021, that it entered into a “partnership” with Mr. Lubert to “jointly design, develop, construct and manage a Category 4 licensed casino in Centre County, Pennsylvania,” in which Bally’s “will maintain a majority equity interest.” Petition to Intervene, Ex. A-2. The Report likewise concludes that this “partnership” with Bally’s, which explicitly refers to Bally’s “majority equity interest,” is another indicator of ownership in the gaming project. Report at 7-8.

24. As a final example, the Verification of David Cordish details statements that Richard Sokolov and Robert Poole made to Mr. Cordish about their investments in Mr. Lubert’s winning bid. Messrs. Sokolov and Poole are identified as principals in SC Gaming’s application, and the Report explains how investors in speculative investments like gaming projects are unlikely to invest without obtaining an ownership or control interest in the project. Report at 8-9.


a. First, Ms. Steinberg is unquestionably qualified to opine on how transactions and investment groups are commonly structured – in particular, transactions and investment groups in regulated industries like gaming – because she has more than 30 years of experience representing clients involving these types of matters.

b. Second, Ms. Steinberg’s knowledge of and experience with structuring transactions and investment groups is beyond the knowledge possessed by average laypersons without her decades of experience, and her opinions about structuring and ownership are generally accepted among attorneys and dealmakers.
Third, the Report further shows that the Board’s Order limiting Stadium’s role in this licensing proceeding, and denying Stadium the ability to conduct discovery, present evidence, and cross-examine witnesses, constitutes an abuse of discretion and legal error. The Report provides several examples of interests that SC Gaming and Mr. Lubert may have sold to persons and entities in their investment group that go directly to Stadium’s threshold challenge to the Board’s authority to consider the application. That there are such potential interests underscores the importance of a fair proceeding on a complete record to determine whether those interests exist here and whether they render bidder Mr. Lubert substantively different from applicant SC Gaming and therefore deprive the Board of jurisdiction. Accordingly, the Report will assist both the Board and the parties in determining whether the Board (a) is exceeding its statutory authority and (b) has erred in restricting Stadium’s ability to pursue this issue.

26. The Report does not prejudice any other parties, all of whom have had ample notice of the issues in dispute and will have an opportunity to present their own evidence and opinions about how SC Gaming and Mr. Lubert structured their investment group.

27. After the Board denied Stadium’s requests for discovery and an active role in the licensing proceeding in its December 14, 2022 Order, Stadium worked diligently over the holidays to identify, engage, and provide information to Ms. Steinberg, and Ms. Steinberg likewise worked diligently to draft the Report based on the limited information available to Stadium. Stadium files this petition in advance of the licensing hearing on January 25, 2023 – which the Board scheduled at the earliest possible date after its December 14, 2022 Order – so that the Board has the benefit of this petition at that hearing.
WHEREFORE, based on the foregoing, Stadium hereby requests that the Board grant this petition and include the Expert Report of Tami Bogutz Steinberg, Esq. as part of the materials it considers in connection with SC Gaming’s pending application for a Category 4 slot machine license.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER

Date: January 23, 2023

By: Mark A. Aronchick (I.D. No. 20261)
    Jason A. Levine (I.D. No. 306446)
    Cary L. Rice (I.D. No. 325227)
One Logan Square, 27th Floor
Philadelphia, PA 19103
(215) 568-6200

Counsel for Stadium Casino RE, LLC
BEFORE THE
PENNSYLVANIA GAMING CONTROL BOARD

In Re:

Category 4 Casino License Application of SC Gaming OpCo, LLC

PGCB Docket No. 9923-2021

ORDER

AND NOW, this _____ day of ______________, 2023, it is hereby ORDERED that the Petition to Supplement Record in Licensing Proceeding with Expert Report of Tami Bogutz Steinberg, Esq. (the “Report”) is GRANTED. The Report shall be part of the record in Category 4 License Application of SC Gaming OpCo, LLC (“SC Gaming”), and the Board shall consider the Report in determining whether it has the statutory authority to consider the Application and issue a license.

By the Board:

Denise J. Smyler, Chair
Pennsylvania Gaming Control Board
VERIFICATION

I, Joseph Weinberg, hereby state that the facts set forth in the foregoing Petition to Supplement Record in Licensing Proceeding with Expert Report of Tami Bogutz Steinberg, Esq. are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 P.C.S. § 4904 relating to unsworn falsification to authorities.

Date: January 23, 2023

Joseph Weinberg
EXHIBIT A
January 23, 2023

Mark A. Aronchick, Esquire  
Jason A. Levine, Esquire  
Hangley Aronchick Segal Pudlin & Schiller  
One Logan Square  
27th Floor  
Philadelphia, PA  19103

RE: Pennsylvania Gaming Control Board – SC Gaming Op Co, LLC

Dear Counsel:

This Report is being provided upon request of Stadium Casino RE, LLC’s (“Stadium”) in connection with its challenge to the Pennsylvania Gaming Control Board’s (the “PGCB”) ability to consider SC Gaming Op Co, LLC’s (“SC Gaming”) Category 4 slot machine license application under the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. § 1101, et seq. (the “Gaming Act”). I have been advised that Stadium has been granted nominal intervention rights in PGCB’s licensing proceeding for SC Gaming’s application for a Category 4 slot machine license (the “Licensing Proceeding”). I am also aware that there is a related proceeding pending before the Commonwealth Court of Pennsylvania, captioned Stadium Casino RE, LLC v. Pennsylvania Gaming Control Board, et al., 249 MD 2021 (Pa Commw. Ct.) (the “Commonwealth Court Action”).
The purpose of this Report is twofold: First, to identify various types of ownership and control interests that may be provided to parties in exchange for an investment or loan in lieu of or in addition to the issuance of common stock. And second, to opine, based on a review of the limited record in the Licensing Proceeding, as to whether there are indicia of ownership or control in the gaming project, including SC Gaming and its affiliates, by persons other than Ira Lubert, the winning bidder at the September 2, 2020 Category 4 auction conducted by the PGCB.

In preparation for this Report, I have reviewed relevant portions of the record in the Licensing Proceeding, including without limitation, Stadium’s Petition to Intervene, the briefs filed in support of and in opposition to the Petition to Intervene, the public version of SC Gaming’s Application for a Category 4 Slot Operator License, dated on or around March 4, 2021 (“SC Gaming Application”), Bally’s Corporation Form 8-K dated March 4, 2021 (“Bally’s 8-K”), the Verification of David S. Cordish (Exhibit E to Stadium’s Petition) (“Cordish Verification”) and the PGCB list of ownership interests dated as of April 1, 2021 (“PGCB Ownership List”) (collectively, the “Record”). I have also reviewed relevant portions of the Complaint filed by Stadium in the Commonwealth Court Action. The SC Gaming Application that is available for public review is a heavily redacted version that fails to disclose most of the pertinent information necessary to gain a clear and meaningful understanding of the actual ownership and control arrangements that were created in connection with this gaming project.

I am currently the Chair of the Business and Corporate Department at Flaster Greenberg, PC, a full service regional law firm. I have practiced over 30 years, including almost 20 of which were spent at large Philadelphia-based law firms. My practice includes mergers and acquisitions, general corporate representations, bank financings, private placements, joint ventures and other transactional matters for closely-held businesses. I also chair Flaster Greenberg's gaming industry
group, having spent over 25 years representing owners, developers and others involved in the
gaming industry in various corporate, contractual and regulatory matters, including before the
PGCB.

A. Ownership and Control Interests in General

By way of background, business ventures (including those in regulated industries like
gaming) involve financial, operating and control issues which are heavily negotiated among the
parties and often result in complex, multi-tiered structures with several entities, and a variety of
ownership interests and contractual rights. Investors/financiers put their money into a venture with
the expectation of obtaining a significant return on their funds and often maintaining some level
of control over the project to protect their investment.

There are a myriad of techniques that are utilized by dealmakers in order to structure
transactions to maintain the delicate balance between the demands of the investors/financiers to
maximize their profits and control over the venture, as opposed to the founders’ desire to retain a
reasonable level of profit and control for themselves. The structuring of financing transactions is
even more complicated and requires greater creativity in regulated industries like gaming which
require submission to intrusive background investigations and ongoing compliance requirements
that are resisted by some investors/financiers.

The Gaming Act itself broadly defines “ownership interest” as “[o]wning or holding or
being deemed to hold, debt or equity securities or other ownership interest or profits interest.” 4
Pa C.S. § 1201 [emphasis added]. And the lead in to the PGCB Ownership List on its website
states that their reference to “Net Ownership Interests” is based on “common stock and does not
account for other stock or debt holdings.” [emphasis added] As such, the Pennsylvania legislature
and the PGCB itself have acknowledged that common stock is not the sole indicator of an ownership interest in an entity.

Some examples of the types of interests that are utilized in structuring transactions include, without limitation, various classes of equity such as common stock and preferred stock, profits interests, restricted stock, options, warrants, convertible debt, exchangeable debt, springing interests, investment contracts, percentage rent under a lease tied to the net revenues of the tenant, cash flow participation under a note, fees for management, administrative and other services tied to a percentage of net revenue, supermajority voting provisions, veto rights, and other contractual interests that are akin to ownership. Regardless of how the interests are characterized or documented by the parties, the economic realities are that interests like these carry sufficient indicia of an ownership and/or control interest – i.e., are current or future interest in the profits of the venture and/or the ability to exert control over the venture – that they in substance are ownership or control interests even though they are not the traditional common stock.

The following are some illustrations of how these ownership techniques are implemented to provide ownership to investors/financiers without issuing them common stock:

- Convertible Debt. An individual loans funds to a business in exchange for a promissory note bearing interest, which note is fully or partially convertible into common or preferred stock at an agreed upon time in the future. This conversion right can be automatic upon the occurrence of a triggering event or it can be at the option of the investor or the entity. Triggers in the gaming context can vary, but often are tied to the commencement of operations, or more likely, the closing of commercial financing, as financial institutions prefer and often require a minimum level of equity investment and limit any additional debt on the project.
• Springing Interests. These interests are more contractual and are not always tied to a debt obligation. However, similar to convertible debt, the individual obtains an interest in a venture after the occurrence of an event or at a specified time. In most instances, these interests are automatic when the triggering event or timeframe occurs. The triggers could be the same as those mentioned above under convertible debt, or could be earlier upon licensure of the project or of the individual investors themselves, among other triggers.

• Warrants. These rights provide the holder with essentially an option to buy a certain amount of equity (i.e., common stock) of the entity at a fixed exercise price for a set period of time. They are included in some financing transactions as an incentive to the investor/financier. The exercise price is generally based on the fair market value of the shares at the time of the financing (but can be even lower, if the parties agree – e.g. $.01 per share), rather than the value of the shares on the exercise date, providing the holder with the benefit of any increase in value without the risk. The number of shares the holder has the right to purchase can be fixed in the warrant or can be based on a formula, and the term is flexible, but often for a five to ten year duration. So essentially the holders have the right to exercise the warrant and become a shareholder at any time during the term.

• Contractual Rights. There are many contractual rights that investors/financiers and others negotiate that are equity equivalents as they can provide the investor/financier with a right to a percentage of net revenue of the venture, in addition to sometimes also including veto rights or consent for certain actions, such
as hiring/firing key employees, approving a management or development agreement, obtaining additional financing, etc.

This is not an exhaustive list; however, it is included to shed some light on how these rights can be treated as ownership interests by dealmakers, regulators, and others, because there is effectively no substantive difference between these interests and traditional ownership rights. A full review of any such contractual and other arrangements that may exist among the parties is necessary in order to be able to reach a conclusion as to whether they are ownership interests.

B. SC Gaming

There is inadequate information available with regard to the actual arrangements that exist among SC Gaming, its affiliates, Bally’s Corporation and persons who are claimed to have financed the bid. However, based on the limited information I was able to review, there appear to be multiple indicia of ownership and/or control in persons beyond Ira Lubert in this gaming project.

- The SC Gaming Application states that SC Gaming is providing its responses “specifically with respect to [it], and not its “principals, affiliates, intermediaries, subsidiaries and holding companies.” See Attachment to Page 3 of SC Gaming Application. It further states that any information about SC Gaming’s principals and affiliates, including the interests of any investors, are in “the separate application form completed by and submitted for each of them,” id., none of which were available for me to review to determine if they include “ownership interests.”

- In response to PGCB’s request that SC Gaming describe “any other material reorganization, readjustment or succession of applicant or any of its subsidiaries or acquisitions,” SC Gaming answered that there are “[n]one, other than transactions undertaken by Mr. Lubert to organize and capitalize the project to ensure the
development and operation of the proposed Category 4 facility will be successful as otherwise disclosed to the Board to the extent applicable to this schedule.” See Attachment to Schedule 32 to the SC Gaming Application. The transactions identified in this statement that were undertaken to “organize and capitalize” the gaming project are not disclosed in the public record, but could very well include the issuance of some of the types of ownership interests detailed earlier in this Report.

- Schedule 16 and 17 and Appendix 6 to the SC Gaming Application ask SC Gaming to provide information regarding any securities options that exist or are to be created relating to securities issued by it, and further provides on Schedule 16 that for purposes of that Schedule, “option” means any “right, warrant or option to subscribe to or purchase any securities issued by applicant.” All of these Schedules/Appendices were completely redacted, implying that “options” have been issued or are to be created for SC Gaming’s securities¹, as elsewhere in the application when something was not applicable, they simply stated “Does not apply.”

- Bally’s 8-K² states that Bally’s signed a “framework agreement” with Mr. Lubert to “jointly design, develop, construct and manage a Category 4 licensed casino in

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¹ Note that as a limited liability company, the securities that SC Gaming issues are membership interests, not common stock as is referred to in the SC Gaming Application, but they are effectively the equivalent.

² The Form 8-K is a filing under The Securities Act of 1934 with the Securities and Exchange Commission (the “SEC”) to provide the company’s shareholders and the market with information regarding materially significant events relating to the company, and it is signed by an officer of the company. The disclosure from Bally’s 8-K was in a press release dated March 4, 2021 that was incorporated as an exhibit to the Form 8-K and was signed by the Executive Vice President and Chief Financial Officer of Bally’s before being filed with the SEC.
Centre County, Pennsylvania,” in which Bally’s “will maintain a majority equity interest in the partnership.” What is interesting here is that Bally’s didn’t just refer to a development and/or management arrangement, which is more commonplace. Rather, they referenced a “partnership” and a “majority equity interest,” the latter of which seems to indicate that Bally’s has an ownership interest in the gaming project beyond traditional development and management fees. And further, the fact that Bally’s Board members were listed as principals of SC Gaming on the PGCB Ownership List also infers that Bally’s involvement is more than just that of a manager and developer, but that that they either have an ownership interest and/or controlling interest in the gaming project, including SC Gaming and/or its affiliates.3

- The Cordish Verification details statements that Richard Sokolov and Robert Poole made to Mr. Cordish about their investments in Mr. Lubert’s winning bid payment. As stated earlier, in my experience, sophisticated investors in speculative ventures like gaming projects are unlikely to invest or otherwise finance a transaction without obtaining some form of an ownership or control interest in the venture, even if it is a convertible, springing or other form of contractual interest. While we do not know what contractual arrangements may exist among the parties, the SC

3 Section 1103 of the Gaming Act defines as “principal” as “[a]n officer; director; person who directly holds a beneficial interest in or ownership of the securities of an applicant or licensee; person who has a controlling interest in an applicant or licensee, or has the ability to elect a majority of the board of directors of a licensee or to otherwise control a licensee; lender or other licensed financial institution of an applicant or licensee, other than a bank or lending institution which makes a loan or holds a mortgage or other lien acquired in the ordinary course of business; underwriter of an applicant or licensee; or other person or employee of an applicant, slot machine licensee, manufacturer licensee or supplier licensee deemed to be a principal by the Pennsylvania Gaming Control Board.” [emphasis added]
Gaming Application does list Messrs. Sokolov and Poole as officers of SC Gaming and its affiliates and as members of the Board of Managers of SC Gaming’s parent company, SC Gaming HoldCo, LLC. See Attachment to Schedule 5 to SC Gaming Application. However, without reviewing the operating agreement for SC Gaming HoldCo, LLC, or any of its affiliated entities, there is no way to know what level of control Mr. Sokolov, Mr. Poole, or others may have over Mr. Lubert’s investment group in this gaming project by way of being members of the Board of Managers of SC Gaming HoldCo, LLC.

Therefore, although Ira Lubert claims to be the sole owner of SC Gaming, the only evidence I have seen to that effect are simply statements in the SC Gaming Application that he owns all of the common stock or “net ownership interests,” which, as discussed earlier, is utilized by the PGCB to refer to just common stock and not “other stock or debt offerings.” This seems to be a creative way for SC Gaming to respond to the question about ownership without directly responding, as it omits critical information regarding other “ownership interests” in the gaming project, including in SC Gaming and its affiliates. The additional evidence noted above – i.e., the snippets in the highly redacted SC Gaming Application, the disclosure in the Bally’s 8-K, and the admissions made to Mr. Cordish by Messrs. Sokolov and Poole – is enough to raise a red flag as to whether there are other ownership or control interests in the gaming project. A review of the full record relating to this question, including all of the contractual relationships among SC Gaming, its affiliates, Bally’s and Messrs. Sokolov, Poole and any other investors, is essential for

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4 Note that in SC Gaming’s responses to Stadium’s Petition to Intervene, they allege that Mr. Lubert “holds 100% of the ownership interests,” without any explanation of how they define ownership (including whether their definition includes the various ownership interests identified above), and without any further proof or evidence to rule out the other potential “ownership interests” that may exist based on other information in the Record, as discussed herein.
me to be able to provide a thorough analysis and opinion as to the actual ownership of this gaming project. I am available to do so once I have that information.

Very truly yours,

FLASTER/GREENBERG P.C.

Tami Bogutz Steinberg

TBS/kd
Tami Bogutz Steinberg is chair of Flaster Greenberg’s Business & Corporate Department. For over 30 years, scores of business owners, entrepreneurs and closely held businesses across a wide range of industries have turned to Tami as their trusted legal advisor. She is known as one of South Jersey and Philadelphia’s leading business and corporate attorneys. She represents businesses in all stages of their business life cycle, from formation through dissolution or sale. Her practice has a large focus on mergers and acquisitions, in addition to representing businesses in bank financings, joint ventures, partnership and shareholder transactions, contracting, dispute resolutions, corporate governance and private placements.

Ms. Steinberg works with business owners and C-level executives in identifying their needs and providing practical advice to guide them through the ever-changing business and legal environment, always with their desired goals in mind. She regularly functions as outside general counsel, providing oversight and counsel with the myriad of issues her clients encounter, including corporate, real estate, tax, employment, intellectual property and litigation. She also has considerable experience working with business owners in closely held companies to resolve disputes among the owners.

Ms. Steinberg has considerable experience counseling business owners at every stage of the business life-cycle, including protective measures to address potential future business disputes. She regularly assists litigators in settling shareholder and partner disputes that are in active litigation or in which litigation is threatened. She represents both minority and majority shareholders/partners and other disenfranchised parties.

Ms. Steinberg also serves as Chair of the firm’s Gaming Industry Group. She represents casino developers and operators in the competitive process for new facilities and in running operating facilities. She also represents online sports and gaming entrepreneurs as they maneuver through the regulatory process, in addition to providing them with corporate counsel. Ms. Steinberg assists gaming clients with obtaining financing and licensing, negotiating management agreements, handling general corporate, contractual and regulatory matters.
and overseeing lobbying efforts, real estate, labor, employment and litigation issues.

**REPRESENTATIVE MATTERS**

**Corporate Matters:**

- Represented the largest provider of portable fans and heaters in the United States in a major stock sale of all of its stock to two private equity firms.
- Represented a regional provider of telecommunications services in the purchase of the assets of another telecom provider in order to increase our client's geographic footprint. The transaction was the culmination of a multi-year process and involved extensive negotiations, regulatory approvals, and complex due diligence review.
- Represented a newly formed private equity company in the purchase of a 92.5% interest in GS Pacific ER LLC, the owner of a shopping center in San Jose, California. The transaction included complex negotiations of the purchase agreement, operating agreement, and loan documents.
- Represented the purchaser of the assets of a sandwich meat manufacturing and distribution business, including associated real estate purchase, multi-tiered bank financing, agreements with investors, employment agreements with key employees, rollover equity, and multiple escrows.
- Represented a supplier of marketing, promotional and organizational products in the sale of its assets to a larger marketing company in a strategic acquisition, including the continued employment of the principal.
- Represented a closely-held equipment distribution company owned by two families in the redemption of 50% the outstanding shares from one of the families, including promissory note and stock pledge, in connection with a business divorce.
- Represented the principal shareholder and company in an internal dispute with the other voting shareholder who was also a company employee, resulting in an all-cash repurchase of his shares.
- Represented the owner of a real estate limited partnership in a springing sale of a 50% interest in a limited partnership (including the general partnership interest), in exchange for a development agreement and development plans for the associated commercial building.
- Represented the shareholders of a retail appliance sale and refurbishing business in the sale of stock to an individual purchaser. The transaction also included the sale of associated real estate to the purchaser.
- Represented two separate groups of employees of affiliated companies in the purchase of shares as part of the principal’s transition plan. The transaction included shareholder agreements and promissory notes.
- Represented one family in a closely-held equipment distribution company in a stock repurchase of all of the shares owned by the other family. The repurchase was the culmination of a tumultuous partnership, including the settlement 15 years ago of litigation between the families that resulted in a restructuring of the shareholders agreement to enable the families to continue to work together until the recent transaction.
- Represented a closely-held flooring company in the redemption of the shares owned by one of the two families, payable in part with a promissory note and stock pledge.
- Represented the owner of a real estate development company in the sale of limited liability interests to the prior purchaser of the operating business that was leasing the real estate.
Continued

- Represented the principal shareholder of two related companies in the sale of stock to a private equity firm. The transaction included multiple escrows, including an escrow for PPP funds pending forgiveness.
- Represented the principal shareholder and company in an internal dispute with another shareholder, resulting in the ultimate redemption of the client’s shares, structured with a five-year note, secured by a pledge of stock and a personal guaranty of the client.
- Represented the principal and a closely held manufacturer and distributor of HVAC parts in a sale of stock to two private equity firms, including significant equity rollover, employment agreements, escrows, and strategic planning and corporate restructuring in advance of the transaction. Worked closely with the investment banker in marketing the company.
- Represented an illustration agency in the sale of the business, structured with seller financing tied to gross receipts, secured by a security interest in royalty payments, personal guaranty and life insurance.
- Represented a U.K. company in the purchase of substantially all of the assets of two U.S.-based vacation home exchanges. The purchase price was based solely on the net profits of the business for the succeeding two years.
- Represented a manufacturer and distributor of electronics storage and charging stations in the sale of its stock to a private equity firm.
- Represented the seller in a stock sale to a private equity fund. The transaction included rollover equity and an employment agreement for the principal.
- Represented a full-service catering business in the sale of the business to its employees. The transaction included seller financing, which was secured by stock pledge.
- Represented the purchasers in a stock redemption transaction in the purchase of the equity, which included long-term seller financing secured by a stock pledge.
- Represented a manufacturer of stock and custom point of purchase display units and fixtures in the sale of its equity to a group of private investors. The transaction included strategic structural and estate planning, including a spin-off of the operating assets to a newly-formed limited liability company, rollover equity, as well as an agreement of the acquirer to purchase the underlying real estate from the seller at a pre-negotiated price.
- Represented the owners of a dental practice in the sale of its assets, including the existing lease, to an independent dentist.
- Represented the owner of an optometry and vision care services business in an asset sale. The principal also sold the underlying real estate on which the business operated.
- Represented a public biopharmaceutical company in establishing North American headquarters in New Jersey and obtaining Grow NJ credits.
- Represented a global e-commerce services company in the sale of a division to a competitor.
- Represented a sign company in multiple financings and debt restructuring.
- Represented a data center business in the sale of a division.
- Represented financially distressed, multi-state retail chain in negotiating and closing the sale of its assets, including multiple leases, lenders and franchisees, to a private equity firm, completing the deal in just 10 days.
In a complex and hostile business divorce with over twenty companies and thousands of intellectual property assets, represented a 50% owner in negotiating the division of the entities and assets, as well as settlement of the remaining issues.

Represented national service company and its affiliates in numerous financings and refinancings, including working capital, construction, term and EDA loans.

Represented national service company in general corporate and shareholder matters, corporate restructurings and spin-offs, and in negotiating design, build and maintenance contracts for a new corporate headquarters.

Represented media company as outside general counsel, including responding to RFPs, negotiating exclusive contract with state agency, drafting form advertising and sponsorship agreements, and negotiating customer contracts.

Represented technology company in sale of its assets, including ongoing consulting agreements, earn-out and purchase price adjustments.

Represented durable medical equipment supplier in contractual matters, shareholder and employee issues and eventual sale of the company as part of a roll-up.

Represented a transport temperature control supplier in the sale of its assets to Thermo King Corporation, a unit of Ingersoll Rand Company Limited.

Represented minority owners of a construction business in the settlement of hostile business divorce litigation, resulting in a buy out of the client’s shares and ongoing employment arrangements.

Represented an owner of a food processing and packaging equipment company in the negotiated settlement of a shareholder dispute and ultimate restructuring of the management of company.

Represented a technology integration and consulting company in multiple private equity and debt financings, acquisitions and general corporate matters.

Gaming Matters:

Represented a public gaming company in its competitive bid as manager for a gaming license in Philadelphia, Pennsylvania.

Represented a public gaming company in its successful bid as manager/developer for a resort casino license in Pennsylvania, and ongoing representation in regulatory matters.

Represented a public gaming company in its competitive bid for a gaming license in Pittsburgh, Pennsylvania, including agreement to finance a new hockey arena.

Represented developers of the first Native American urban casino in California, including regulatory matters with the state of California, Department of Interior and National Indian Gaming Commission, land into trust issues, negotiating management and buyout agreements, overseeing lobbying efforts to thwart actions to stop the project and various contractual matters.

Represented a public racetrack company in all matters, including simulcasting at casinos, regulatory approvals and compliance, financings, securities filings, stock exchange matters and general contracting. Negotiated settlement agreement resulting from lawsuit among directors, which led to ultimate sale of assets, including real estate, shuttered Las Vegas casino and two racetracks through private auctions and sales.
**HONORS & AWARDS**

- Law Influencer, *ROI-NJ*, 2022
- Rated AV® Preeminent™ by Martindale-Hubbell
- Top Business Attorneys List - Business & Corporate Law, *South Jersey Biz* magazine, 2019
- Named a New Jersey “Super Lawyer,” 2015, 2016, by Thomson Reuters, publishers of *New Jersey Super Lawyers* magazine
- Named to the “Legal Elite” list by *SmartCEO Magazine*, 2011

*A description of the standard or methodology on which the accolades are based can be found here. No aspect of this advertisement has been approved by the Supreme Court of New Jersey.*

**PROFESSIONAL AFFILIATIONS**

- New Jersey State Bar Association
- Chamber of Commerce Southern New Jersey
  - Past Member, Board of Directors
  - Vice Chair, Membership Committee
- Pennsylvania Bar Association
  - Vice Chair, Health Care and Hospital Law Committee, 1994
- Camden County Bar Association
- Philadelphia Bar Association
- International Association of Gaming Advisors (IAGA)
- Southern New Jersey Development Council
  - Membership and Marketing Committee, 2007 – 2010
- Association for Corporate Growth
  - Membership Committee, 2001 – 2006
- Villanova University School of Law
  - Firm Representative, 2000 – 2004
- National Association of Bond Lawyers
  - Member, 1993 – 1997

**COMMUNITY ACTIVITIES**

- Congregation Beth El
  - Executive Committee (2015-2021), Vice President (2017-2021), Board of Trustees (2014-present), Budget and Finance Committee (2015-present), Strategic Planning Committee (2014-2016), Chair of Adult Education Committee (2013-2015)
Hadassah (Raquella Chapter)
  - Past Member
Woodrock, Inc.
  - Board of Directors, 2002 – 2005
Freire Charter School
  - Mentor, 2000 – 2001

**ARTICLES & ALERTS**

Litigation Newsletter - June 2020
*Newsletter (June 30, 2020)*

PPP Flexibility Act of 2020 Signed into Law
*Legal Alert (June 5, 2020)*

SBA Releases Guidance on Paycheck Protection Program
*Legal Alert (April 3, 2020)*

Application for the Paycheck Protection Program Loan Under the CARES Act
*Legal Alert (April 1, 2020)*

Atlantic City RE Will Diversify In Wake Of Casino Closures
*Law360 (September 11, 2014)*

Odds Are NJ Casino Closures Will Spark Deal Wave
*Law360 (July 18, 2014)*

What's the Next Step for the Foxwoods License?
*The Legal Intelligencer (March 2011)*
CERTIFICATE OF SERVICE

I, Mark A. Aronchick, hereby certify that on this 23rd day of January, 2023, true and correct copies of the foregoing Petition to Supplement Record in Licensing Proceeding with Expert Report of Tami Steinberg, Esq. was served upon the following by e-mail and by First Class Mail:

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[Signature]
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To: Benner Township <bennertwp@aol.com>
Cc: Adam Brumbaugh <abrumbaugh@collegetownship.org>; Brandy Reiter (Sen. Dush) <breiter@pasen.gov>; Ciccone, John <jciccone@pa.gov>; Cindy Kunes <cindy.kunes@mail.house.gov>; Dershem Centre Co <sdershem@centrecountypa.gov>; Dressler, Jared <jardresle@pa.gov>; Elizabeth Kishbaugh <elizabeth_kishbaugh@casey.senate.gov>; Farmerie, Randy <rfarmerie@pa.gov>; J Franek <jfranek@centrecountypa.gov>; Jere Northridge <jnorthand@collegetownship.org>; M McCain <mmccain@pahousegop.com>; Mark Centre Co <mark@centrecountypa.gov>; Mark Long <mlong@pahousegop.com>; Matt Wise <mwise@pasen.gov>; Meade, Lisa <lmeade@pa.gov>; Mike - Centre Co <mike@centrecountypa.gov>; Mike Pipe <mpipe@centrecountypa.gov>; Doug Erickson <derickson@twp.patron.pa.us>; brian@scbwa.org; Sharon Royer <slrbtwp@aol.com>; Thetford, Daniel <dthetford@pa.gov>; jawharran@centrecountypa.gov

Subject: Benner Investigation update - January 2023

Good afternoon,

Attached are two documents providing you with an update of DEP’s investigation of and response to the PFAS contamination in Benner Township as well as a list of some questions that residents have asked in recent weeks. This information will also be posted on our project web page at Benner Township HSCA Investigation (pa.gov).

As always, should you have any questions or concerns, please do not hesitate to contact me directly at 570-327-3418 or via e-mail at csinclair@pa.gov.

Have a good day,
Cheryl

Cheryl Sinclair, P.G. (she/her/hers) | Environmental Group Manager
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Benner Township PFAS Investigation

January 2023 Update

Since December 1, 2022, DEP has collected water supply samples from 5 homes that have had a POET system installed by DEP. Analytical results were received and shared with the homeowners. Of those sampled, all 5 were non-detect (ND) for all PFAS analytes in post-treatment samples. Samples collected post-treatment confirm the POET systems are working effectively to remove the PFAS contamination from the water supply wells. DEP and our contractor continue to respond to any issues or additional plumbing needs on an individual home-by-home basis. Post-treatment sampling will be ongoing on a semi-annual basis to determine the maintenance needs for the POETs.

With the publication of the revised MCLs on January 14, 2023, these levels have been adopted as drinking water and cleanup standards for PA. DEP’s contractor is working through the procurement process to have POET systems installed in 15 additional homes that now qualify for them under the new MCLs. These homes have all been offered bottled water as a temporary drinking water source until POET installation is completed, and testing has confirmed the systems are working as designed.

DEP’s contractor’s detailed work plan has been approved for additional soil sampling in locations where PFAS was suspected to have been used in historic operations. A geophysical survey and fracture trace analysis is also planned to determine the best locations for groundwater monitoring wells in our efforts to further delineate the PFAS contaminant plume. DEP will be securing additional property access agreements for any additional sampling needs.

DEP’s contractor has begun working with the local water authorities (Benner Township Water Authority, Spring Benner Walker Joint Authority, College Township Water Authority and State College Borough Water Authority) to gather information needed to complete an engineering feasibility study to determine any special needs related to long-term maintenance as well as the best route for a public water line servicing Walnut Grove Estates and the surrounding community. In mid-November DEP had met with representatives of some of the local authorities, along with the Benner Township supervisors, to discuss the various aspects of the feasibility study and provide updated information on potential pathways and funding.

DEP to date has received responses from all but one entity in regard to our request for information on potential use of PFAS-containing compounds at seven properties. Following review of all documents, DEP anticipates moving forward with discussing responsibility for remediation actions in 2023.
1. Since the Maximum Contaminant Levels (MCLs) have been adopted as of January 14, 2023, what can Benner Township residents expect?

With the publication of the MCLs of 14 ppt for PFOA and 18 ppt for PFOS on January 14, 2023, the MCLs are now regulated standards for both drinking water and groundwater cleanup. Residents whose home wells contained concentrations of PFOA and PFOS below the previous standard of 70 ppt but above the new MCLs will receive POET systems. All who qualify have already been supplied with bottled water.

2. What is the timeframe during which residents who now qualify for POET systems can expect installation?

DEP’s list of residences to receive POETs in the Walnut Grove community has been updated and shared with our contractor. The contractor is actively working through the procurement process at this time. Upon approval of the contract, work will commence on scheduling the home assessments and installation of the POET systems in the additional homes.

3. What is the status of DEP’s examination of potentially installing a public water line into the Walnut Grove neighborhood? What funding sources are being considered or investigated to make this move faster?

DEP’s contractor has begun working with the local water authorities in and around Benner Township to develop an Engineering Feasibility Study. This study will determine any special engineering needs that may be required for long-term maintenance of the system as well as the best route and origin for the water line extension. DEP has looked into several potential funding sources, finding that many require the planning and permitting to be completed prior to qualifying for funding. DEP has committed to completing the Engineering Feasibility Study and assisting with planning and identifying funding as our investigation progresses.

4. Why has DEP not named a responsible party for the PFAS contamination yet?

DEP continues to conduct our review of records and documents received in response to our request for information from seven entities who were identified as having potentially utilized PFAS in either historic or current operations. DEP
anticipates completing this review and moving forward with determination of the responsible party(ies) in 2023.

5. There have been recent articles on the toxic levels of PFAS compounds in freshwater fish. What is being done to address this in PA?

   Any warnings regarding fish consumption would be issued by PA Fish and Boat Commission; questions on this should be directed to them.

6. If I have questions or concerns regarding the installation of a POET system offered by DEP, or a POET system already installed by DEP, who should I contact?

   DEP encourages you to contact us with any issues, questions, or concerns you may have about the POET systems we have installed or are in the process of installing as a part of the Benner Township PFAS Investigation.
Dear members of the College Township Council,

The attachment announces the official approval of the casino license application for the Nittany Mall Casino.

Your constituents should be aware and remember that the business addresses for five of the applicants listed are located in College Township.

Bravo Zulu to each of the applicants!
(Yes, you will need to Google that).

Best regards,
Dan Materna

Sent from the all new AOL app for Android
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA GAMING CONTROL BOARD

IN RE: The Matter of the Application of SC Gaming OpCo, LLC, GID #133208-1
Category 4 Slot Machine License

ORDER

AND NOW this 25th day of January 2023, the Pennsylvania Gaming Control Board (the “Board”), based upon the full and careful consideration of the application and record of evidence before it, finds that SC Gaming OpCo, LLC satisfies the requirements for a Category 4 slot machine license pursuant to the provisions of the Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S. §§ 1101 – 1904, as amended, (the “Act”) and the Board’s accompanying regulations as follows:

1. SC Gaming OpCo, LLC submitted an application for a Category 4 slot machine license pursuant to 4 Pa.C.S. § 1305.2(c)(10)(i) and caused payment of the application fees.

2. Pursuant to 58 Pa. Code. § 433a (relating to principals) and 58 Pa. Code § 435a.2 (relating to key employees), the following applicants submitted for licensure in conjunction with SC Gaming OpCo, LLC’s application along with the required application fees:

- SC Gaming HoldCo, LLC – GID #134292-1
- SC Gaming, LLC – GID #134240-1
- 2901 ECA Associates, LLC – GID #134290-1
- AMK SCG, LLC – GID #134212-1
- Kervandjian Family Limited Partnership – GID #134209-1
- Ira M. Lubert – GID #19436-10
- Ara Kervandjian – GID #134213-1
- Robert Poole, Jr. – GID #134277-1
- Richard Sokolov – GID #134271-1
- Eric Pearson – GID #97359-2
- Frederick Isick Sahakian – GID #135202-1
3. After evaluating the suitability of SC Gaming OpCo, LLC, the Board finds that SC Gaming OpCo, LLC has proven that it is of good character, honesty and integrity and is otherwise eligible and suitable for licensure.

4. The eligibility and suitability of the applicants identified in Paragraph 2 have been investigated and the Board finds that each is of good character, honesty, and integrity and is otherwise eligible and suitable to be issued a license in connection with SC Gaming OpCo, LLC’s Category 4 slot machine license.

5. Each of the entities and individuals licensed pursuant to this Order are subject to all conditions, restrictions and requirements of the Act and all regulations of the Board.

6. The licenses issued pursuant to this Order are subject to renewal every five years and are nontransferable pursuant to 4 Pa.C.S. § 1326 (relating to renewals) and 4 Pa.C.S. § 1327 (relating to nontransferability of licenses).

7. Pursuant to 58 Pa. Code § 421a.1(a) (relating to general requirements), a license or other approval issued by the Board is a revocable privilege.

8. Pursuant to 4 Pa.C.S. §1202(a)(1) (relating to general powers), the Board has sole regulatory authority over every aspect of the authorization, operation and play of slot machines, table games and interactive gaming devices and associated equipment in this Commonwealth.

9. Pursuant to 4 Pa.C.S. § 1202(b)(12) and (15) (relating to specific powers), the Board has authority to issue, approve, renew, revoke, suspend, condition, or deny issuance or renewal of slot machine and any other type of license.
WHEREFORE, IT IS ORDERED THAT the Board hereby approves the Category 4 slot machine license for SC Gaming OpCo, LLC and the licensure of the applicants identified in Paragraph 2, subject to continuing compliance with the Act, including the Board’s regulations promulgated thereunder, including notice and filing requirements.

WHEREFORE, IT IS FURTHER ORDERED THAT the Board shall issue the Category 4 slot machine license to SC Gaming OpCo, LLC upon satisfaction of the following conditions:

a. SC Gaming OpCo, LLC pays any outstanding fees, as determined by the Board, pursuant to 4 Pa.C.S. § 1208 within 10 business days of notification by the Board; and

b. SC Gaming OpCo, LLC agrees to the Board’s conditions of licensure for a Category 4 slot machine license as evidenced by the signing of the Statement of Conditions by SC Gaming OpCo, LLC’s executive officer or authorized designee within 10 business days of the receipt of the same.

BY THE BOARD:

Denise J. Smyler
Chair

DATED: January 25, 2023

The Board will issue an adjudication that will be forthcoming.
January 30th, 2023

Stephen A. Gault, P.E., PTOE
Chief, TSMO Arterials & Planning Section
Bureau of Maintenance and Operations, Transportation Operations Division
Pennsylvania Department of Transportation
400 North Street
Harrisburg, PA 17120-0064

RE: PennDOT Green-Light-Go grant application – State Route 150 (Benner Pike) Corridor System, College Twp (Centre County).

Dear Mr. Gault,

I am writing to express my strong support for College Township’s application for a PennDOT Green-Light-Go grant for the Benner Pike/State Route 150 corridor, which is located in a high traffic volume commercial district.

The Benner Pike/Route 150 Corridor System project will directly support the following goal statements as outlined in Pennsylvania 2045 Long-Range Transportation Plan:

- Safety – Enhance safety and security for both motorized and non-motorized modes throughout Pennsylvania’s transportation system.
- Performance – Improve the condition and performance of Pennsylvania’s transportation assets.

This project represents a fiscally responsible approach to improving capacity and overall traffic flow on a roadway currently experiencing congestion and safety issues. By modernizing the signal equipment and ensuring its proper timing, College Township is aiming to improve travel efficiency while also lowering signal operational and maintenance costs over time. The project will result in significant benefits to the traveling public and its host municipality.

I appreciate your attention in this matter. Please feel free to contact me if you have any questions or concerns. Thank you for your time and consideration.

Sincerely,

Paul Takac
State Representative
82nd House District
To: Member Municipalities of the
Spring Watershed Commission

November 28, 2022

Dear Municipal Colleagues,

I write to you with purpose and excitement today about the Spring Creek Watershed Commission. In recent weeks and months, Commission members, subject matter experts and a slew of volunteers have invested their hard work and energy to re-activate the mission and re-align the watershed stewardship efforts established in the 2007 Municipal Agreement as sponsored by 12 member municipalities in the watershed.

As you know, my campaign for the Pennsylvania House of Representatives proved successful on November 8. At the end of November, I will be leaving my seat on the College Township Council and stepping down as Chair of the Watershed Commission. In preparation for 2023, I would ask you to assist the Commission by preparing to take the following actions in the New Year:

- Please appoint a voting member and alternate member to SCWC for 2023.
  Per 2007 Articles of Agreement: “The voting member shall be a member of the municipal governing body; the alternate member shall be appointed by the governing body but need not be a member of the governing body but shall have all voting rights in the absence of the voting member.” (Sec 3.A);
- Please review/comment on updated By-Laws (attached) unanimously authorized for review by all 10 SCWC members at 11/16/22 meeting. The By-Law revision will be considered at the January 18, 2023 Organizational Meeting; and
- Please join with me and our neighboring municipalities to reinvigorate and fulfill the mission we set out to achieve in 2007 and to re-double our efforts to protect and enhance the incredible natural resource we have been entrusted with in the Spring Creek Watershed.

Yours in partnership and service,
Paul Takac
SPRING CREEK WATERSHED

COMMISSION BY-LAWS

The participating municipalities in the Spring Creek Watershed in Centre County, Pennsylvania have formed the Spring Creek Watershed Commission (SCWC) through an intermunicipal agreement, dated September 26, 2007. Section 3 (Governing Body), Subsection C., provides in part that the SCWC may, “…prescribe, amend and repeal by laws…governing the manner in which its business may be conducted.” The by-laws of the SCWC shall be as follows:

ARTICLE 1 OFFICERS, TERMS & ELECTION

Section 1. The officers of the SCWC shall be Chairperson, Vice-Chairperson, and Secretary, and Treasurer. The Chairperson and Vice-Chairperson must be elected officials from Participating Municipalities. Officers can be either an appointed member of a governing body or an alternate member appointed by the governing body of a member municipality.

Section 2. The Chairperson shall preside at all meetings and hearings of the SCWC and shall have the duties normally conferred by parliamentary usage on this office. He/she shall be a member of all committees.

Section 3. The Vice-Chairperson shall act as Chairperson in the Chairperson’s absence.

Section 4. The Secretary, with the assistance of such staff as is available, shall keep the minutes and records of the Commission, shall prepare the agenda of regular and special meetings under the guidance of the Chairperson, provide notice of all meetings to SCWC members, arrange proper and legal notice of meetings and hearings, attend to correspondence of the SCWC and such other duties as are normally carried out by a Secretary.

Section 5. The Treasurer will conduct all the financial affairs of the SCWC and provide monthly statements at the meetings. In addition, the Treasurer will coordinate the annual financial review with the SCWC CPA/
accountant and report the results back to the SCWC. The Treasurer will prepare the annual budget and the year-end report that will be sent to the member municipalities.

Section 5-6. The election of officers shall take place at the annual organizational meeting.

Section 6-7. Nominations shall be made from the floor at the annual organizational meeting and election of officers shall immediately follow.

Section 7-8. A candidate receiving a majority vote of the membership of the SCWC shall be declared elected and shall serve one year or until his/her successor shall take office.

Section 8-9. Vacancies in office shall be filled immediately by regular election procedure.

ARTICLE 2 MEETINGS, VOTING, QUORUMS & ATTENDANCE

Section 1. An annual organizational meeting shall be held in the month of January of each year at the time, on the date and at the place designated by the SCWC for a regular meeting with the agenda being as follows:

a) Election of Officers;

b) Any Other Business.

Section 2. Establish a yearly meeting calendar of regular meetings that will be held by the SCWC on a periodic, recurring basis. The last regularly scheduled meeting of each year, the SCWC shall establish the times(s) of day, date(s), and place(s) where the regular meetings will be held by official action during the December meeting of each year and advertise such regular meetings in a county paper of record with a watershed-wide circulation the Centre Daily Times. It shall be presumed that the SCWC will hold all of its regular meetings at the time, on the date, and at the place designated unless a meeting is canceled by the Chairperson for cause and notice is given to SCWC members. In the event of a conflict with
holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting.

Section 3. A majority of the participating municipalities represented by their respective appointed elected or alternate member present at any meeting shall constitute a quorum of the Commission for the purpose of organizing the SCWC and conducting its business and for all other purposes.

Section 4. Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting within seven days when requested to do so by a majority of members of the SCWC. The Secretary shall notify all members of the SCWC in writing or electronically no less than three (3) days in advance of such special meeting.

Section 5. The Commission, at any meeting, may reschedule a regular meeting or establish a special meeting at the convenience of the Commission. Any such meeting shall be advertised in the Centre Daily Times.

Section 6. All meetings or portions of meetings at which official action is taken shall be open to the public. However, the SCWC may meet in closed session only pursuant to “The Sunshine Act of 1987.”

Section 7. Unless otherwise specified, Robert’s Rules of Order shall govern the proceedings at meetings of this Commission.

Section 8. Member/alternates are expected to attend regularly scheduled meetings. The Participating Municipality, as the appointing authority, shall be notified giving the relevant facts in the matter with a recommendation from the SCWC to remove or replace any member/alternate who is absent from any four consecutive regular monthly SCWC meetings or who is absent from six regular monthly meetings during any twelve month period.

Spring Creek Watershed Commission Page 3 of 5 February 20, 2008 By-Laws

ARTICLE 3 COMMITTEES

The Commission may establish committees and shall be responsible for appointing committee members.

Section 1. Executive Committee: The four elected officers, plus one appointed “at
large member,” shall comprise the Executive Committee. The committee will oversee other committees. The Executive Committee will be responsible for setting the regular meeting agenda, submitting the annual plan and budget to the SCWC, and recommending any fees, membership dues, or rate changes.

ARTICLE 4 ORDER OF BUSINESS

Section 1. The order of business at regular meetings shall be:

   a) Roll Call;
   b) Public Comment & Written Correspondence;
   c) Review of Minutes of Previous Meeting(s) and Action Thereon;
   d) Educational Presentations, if any
   e) Report of Officers and Committees;
   f) Old Business;
   g) New Business;
   h) Financial Report;
   i) Approval of Bills;
   j) Relevant water-related news from member municipalities, if any;
   k) Any other matters of record; and
   l) Adjournment.

ARTICLE 5 HEARINGS

Section 1. The SCWC may hold public hearings when it decides that such hearings will be in the public interest.

Section 2. Except as required by law, notice of the time and place of such public hearings, when on matters of widespread interest, shall be published in a county paper of record with watershed-wide circulation pursuant to public notice requirements.

Section 3. The matter before the SCWC shall be presented in summary, by some person designated by Chairperson, and parties in interest shall have privilege of the floor.
Section 4. A record shall be kept of those speaking before the SCWC public hearings.

ARTICLE 6 AMENDMENTS

Amendment(s) to the by-laws may be initiated by majority vote at any meeting. Written notification will be given to all SCWC members with the amendment(s) being voted on at a following meeting by majority vote.

Original Bylaw date: February 20, 2008

Revised Adoption date:
SPRING CREEK WATERSHED COMMISSION

AGREEMENT

THIS AGREEMENT is to form the Spring Creek Watershed Commission, hereinafter referred to as the SCWC entered into this 2nd day of August, 2007, between municipalities of the Commonwealth of Pennsylvania as listed in Attachment I. Each of the 14 municipalities that are contained within the Spring Creek Watershed is authorized to become a member of the SCWC and shall automatically become a member with the adoption of an ordinance indicating the intent to join and full payment of fee assessment. For this agreement to be valid, at least 7 of the municipalities shall be participating municipalities at all times.

PROVISIONS OF THIS AGREEMENT

Based on the foregoing, and within the agreement provisions of the Intergovernmental Cooperation Law (53pa.C.S.A Section 2301 et. Seq.) as amended, the municipalities agree and intend to be legally bound by the following:

Section 1. Definitions.

A. The Spring Creek Watershed Commission shall mean the cooperative entity formed by the participating municipalities named herein.

B. Eligible Municipalities shall mean the townships and boroughs named in Attachment I.

C. Participating Municipalities shall mean those townships and boroughs that have enacted an ordinance to join the SCWC and are current in their fees.

Section 2. Purpose.

The Spring Creek Watershed Commission is a watershed-wide organization whose basic mission is the stewardship of our land and water resources.

The Watershed Commission is formed to implement the Spring Creek Watershed Management Plan and an annual work plan of associated projects to protect and enhance the quality of life within the Spring Creek Watershed.
Additionally, the Spring Creek Watershed Commission will promote and coordinate policies, rules, and regulations to protect and enhance the natural resources found throughout the Watershed and establish a leadership role within the Watershed to advance and coordinate projects and programs among municipalities that are consistent with the mission statement as found in Attachment II for the Spring Creek Watershed.

Section 3. **Governing Body.**

A. The powers of the SCWC shall be exercised by a governing body (hereinafter called the “Commission”) consisting of one voting member from each participating municipality. The governing bodies of each participating municipality shall appoint a member and an alternate member to the Commission, whose term shall commence on the date of appointment, and shall notify the SCWC annually in writing of those appointments. The voting member shall be a member of the governing body of the municipality. The alternate member shall be appointed by the governing body of the participating municipality. Alternates need not be a member of the governing body of the municipality but shall have all voting rights in the absence of the voting member.

B. Commission members shall hold office until their successors have been appointed and may succeed themselves. A member or alternate shall serve at the pleasure of the municipality that has appointed such member. If a vacancy shall occur by reason of the death, disqualification, resignation, or removal of a member, the municipality from which the member was appointed, shall appoint a successor.

C. A majority of the participating municipalities represented by their respective appointed or alternate member present at any meeting shall constitute a quorum of the Commission for the purpose of organizing the SCWC and conducting its business and for all other purposes. The Commission shall have full authority to manage its properties and its business and to prescribe, amend, and repeal by-laws, rules, and regulations governing the manner in which its business may be conducted.

D. The SCWC may appoint a legal advisor.
Section 4. Powers.

The Spring Creek Watershed Commission shall have and may exercise all powers necessary or convenient for the carrying out of the aforesaid purpose set forth in Section 2 above, including but without limiting the generality of the following rights and powers:

A. To have an existence perpetually from the date this Agreement is signed by at least 7 of the eligible municipalities and as long as there are at least 7 or more participating members.

B. To adopt, use and alter at will, a corporate seal.

C. To acquire, purchase, hold, lease as lessee, and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out its purposes, and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.

D. To acquire by purchase, lease or otherwise, and/or to construct, improve, maintain, repair, and/or operate projects.

E. To appoint officers, agents, professional technical advisors, and employees as required.

F. To make contracts and to execute all instruments necessary or convenient for the carrying on of its business.

G. Without limitation of the foregoing, to accept grants from any Federal agency, the Commonwealth of Pennsylvania, municipality, school district, corporation, nonprofit entities, individual, estate, or authority, upon simple majority approval of the Commission.

H. To pledge or otherwise encumber all or any of its revenues or receipts as security for all or any of its obligations upon simple majority approval by the participating municipalities.

I. To carry out the powers granted to it by its member municipalities.

Section 5. New Program/Projects.

The SCWC is a voluntary organization that provides a menu of services to its participating municipalities. These services, both Projects and Programs, can be defined
as activities performed on behalf of the participating municipalities which relate to providing a variety of governmental services to the public. All new Projects and Programs initiated by the SCWC or by an individual participating municipality shall first be submitted by the SCWC to all of the participating municipalities to determine initial interest. Those municipalities that express interest shall then develop a detailed proposal that will again be reviewed by the SCWC and others may join at this point. If sufficient interest is expressed, the interested municipalities may proceed to enter into an appropriate arrangement or agreement or contract based upon a voluntary contribution, or assessment, sufficient to cover all costs without any obligations on the non-participating municipalities.

Section 6. **Moneys.**

A. All moneys of the SCWC, from whatever source derived, shall be paid to the treasurer of the SCWC.

B. The SCWC’s fiscal year shall be January 1 to December 31.

C. The SCWC shall annually submit to each participating municipality on or before September 15th its budget for the upcoming fiscal year.

D. Annually by November 15th the SCWC’s participating municipalities are requested to approve their share of the SCWC’s general administration budget for the upcoming fiscal year.

E. Where moneys are to be provided directly to the SCWC for general administration expenses by the participating municipalities, these moneys shall be provided on a per capita basis. By approval of all governing bodies of all participating municipalities the funding formula may be modified.

F. Moneys required for SCWC programs, not included in the general administration budget, will be allocated to the participating municipalities as agreed by those participating municipalities. Specific SCWC programs are optional depending on the need and the desires of the municipalities.

G. After the SCWC’s fiscal year ends on December 31, it shall file on or before July 1 of the succeeding year an annual report of its fiscal affairs covering the preceding fiscal year with its member municipalities. At a minimum, the SCWC shall have
its books, accounts, and records audited by two non-officer members of the Commission. This internal audit team shall be appointed by a simple majority vote of the members of the Commission. The SCWC may have its books, accounts, and records audited by a certified public accountant. A copy of the audit report either completed by the internal audit team or a certified public accountant shall be filed in the same manner and within the same time period as the aforesaid annual report. If the SCWC fails to make an audit, then the participating municipalities may designate an auditor or accountant who is hereby authorized and empowered from time to time to examine, at the expense of the SCWC, the books, accounts, and records of the SCWC, including its receipts, disbursements, contracts, leases, investments, and any other matters relating to its finances, operation, and affairs.

H. The treasurer and assistant treasurer shall give bond in such sums as may be fixed by the SCWC, which bond shall be subject to the approval of the Commission and the premiums for which shall be paid by the SCWC.

Section 7. Award of Contracts.

All supplies and materials of any nature made, where the entire cost, value, or amount of such supplies and materials, shall require advertising, bidding, or price quotation under the Township Code, Borough Code, or Home Rule Charter and Administrative Code shall only be entered into after complying with the advertising, bidding, or price quotation requirements of the most stringent of the applicable Township Code, Borough Code, or Home Rule Charter and Administrative Code requirements.

Section 8. Termination.

A. An individual municipality may withdraw from the SCWC with the enactment of an ordinance by the governing body and shall provide written 90-day notice thereof to the SCWC. Individual municipal termination will be without prejudice; however, any assets will remain with the SCWC and any individual municipal liability will be assessed against the exiting municipality.

B. By mutual agreement of all participating municipalities or when membership falls below seven (7), the SCWC shall enter into its final stage of operation, at which
time the Commission shall continue with existing projects and shall not undertake any new project(s). At the time all projects are complete, the SCWC shall cease to exist and the assets and liabilities shall be distributed in a manner consistent with the amounts contributed among the active participating municipalities after an audit pursuant to Section 6G has been completed.

Section 9. **Exemption from taxation.**

The SCWC shall have the same exemption from taxation as its participating municipalities.

Section 10. **Initial start-up.**

Within sixty (60) days from the date this Agreement is signed by the seventh member municipality which has enacted an ordinance to join, the SCWC shall prepare and submit to the member municipalities its bylaws setting forth its meeting dates and its proposed 2007 budget.
PARTICIPATING MUNICIPALITIES:

BOROUGH OF BELLEFONTE
Attest: ____________________ By: ____________________
Secretary President, Borough Council

TOWNSHIP OF BENNER
Attest: ____________________ By: ____________________
Secretary Chair, Board of Supervisors

TOWNSHIP OF BOGGS
Attest: ____________________ By: ____________________
Secretary Chair, Board of Supervisors

BOROUGH OF CENTRE HALL
Attest: ____________________ By: ____________________
Secretary President, Borough Council

TOWNSHIP OF COLLEGE
Attest: ____________________ By: ____________________
Secretary Chair, Township Council

TOWNSHIP OF FERGUSON
Attest: ____________________ By: ____________________
Secretary Chair, Board of Supervisors

TOWNSHIP OF HALFMOON
Attest: ____________________ By: ____________________
Secretary Chair, Board of Supervisors

TOWNSHIP OF HARRIS
Attest: ____________________ By: ____________________
Secretary Chair, Board of Supervisors
BOROUGH OF MILESBURG

Attest: ____________________________    By: ____________________________
Secretary                          President, Borough Council

TOWNSHIP OF PATTON

Attest: ____________________________    By: ____________________________
Secretary                          Chair, Board of Supervisors

TOWNSHIP OF POTTER

Attest: ____________________________    By: ____________________________
Secretary                          Chair, Board of Supervisors

TOWNSHIP OF SPRING

Attest: ____________________________    By: ____________________________
Secretary                          Chair, Board of Supervisors

BOROUGH OF STATE COLLEGE

Attest: ____________________________    By: ____________________________
Secretary                          President, Borough Council

TOWNSHIP OF WALKER

Attest: ____________________________    By: ____________________________
Secretary                          Chair, Board of Supervisors
APPROVED BY THE PARTICIPATING MUNICIPALITIES AS FOLLOWS:

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<td>Township of Walker</td>
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Attachment I: List of Eligible Municipalities

Bellefonte Borough
Benner Township
Boggs Township
Centre Hall Borough
College Township
Ferguson Township
Halfmoon Township
Harris Township
Milesburg Borough
Patton Township
Potter Township
Spring Township
State College Borough
Walker Township
1) To establish a long-range vision for the watershed that represents a consensus of thoughts and ideals that are commonly shared by the people of the Spring Creek Watershed.

2) To establish a leadership role within the watershed to advance and coordinate projects and programs that are consistent with the long-range vision of the Spring Creek Watershed.

3) To develop a long-range comprehensive Watershed Management Plan and a program of meaningful associated projects to protect and enhance the quality of life within the Spring Creek Watershed.
MEMORANDUM

To: College Township Council
Thru: Mike Bloom, Assistant Township Manager
From: Lindsay K. Schoch, AICP | Principal Planner
Re: The Official Map
Date: January 26, 2023

What is an Official Map?

The Official Map is an Ordinance and a planning tool provided to local governments through the Pennsylvania Municipalities Planning Code (MPC). The MPC grants municipalities the authority to make an official map of all or a portion of the municipality which may show appropriate elements or portions of elements of the comprehensive plan adopted with regard to public lands and facilities, and which may include, but need not include:

1) Existing and proposed public streets, watercourses and public grounds, including widening, narrowing, extensions, diminutions, openings or closings of the same;
2) Existing and proposed public parks, playgrounds and open space reservations;
3) Pedestrian ways and easements; Railroad and transit rights-of-ways and easements;
4) Flood control basins, floodways and flood plains, storm water management areas and drainage easements;
5) Support facilities, easements and other properties held by public bodies undertaking the elements of the comprehensive plan.

The Official Map is not a required ordinance of a municipality, but is a useful tool to ensure the implementation of adopted plans. The proposed update of College Township’s Official Map includes the recommendations outlined in the recently adopted Pedestrian Facilities Master Plan. By including these recommendations in the Official Map, College Township will have the option to develop the streets, property, paths, etc. when poised for development.
Official Map Revisions:

College Township’s current Official Map was most recently revised on November 19, 2015 and is in need of the following updates:

- The removal of the following proposed roadways:
  - Puddintown Road Extension; and
  - Stewart Drive Extension
- Ensuring the definitions are consistent with those found in other areas of the township code (Chapter 177 – Streets, Sidewalks), and
- Accounting for all township-owned land, and
- All other requirements as set forth in the MPC.

The Proposed First Draft of the Official Map also includes these updates specific to the Pedestrian Plan:

- The removal of the following proposed Bike/Pedestrian Paths:
  - Boalsburg Road; and
  - Orchard Road to Porter Road
- Inclusion of the following routes identified in the Pedestrian Plan:
  - Primary and Secondary Corridors; and
  - Potential Greenways

The Process:

1. First Draft of Official Map presented to Council, this triggers the MPC’s 45-day Planning Commission Review period (unless Council chooses to extend the time).
2. Council remands the Official Map to the Planning Commission.
3. This 45-day period is also the most opportune time for the Parks and Recreation Committee to review the Official Map and provide their input.
5. Barring any substantive changes, Council will set a Public Hearing and authorize staff to commence the required 45-day Public Review period.
6. Public Notice of the 45-day review period and Public Hearing are advertised.
7. The proposed Official Map is shared with the Centre Regional Planning Agency, the Centre Region Planning Commission, and any adjacent municipality in which any newly proposed streets, paths or other public land intersects or intends to lead.
8. Council conducts the Public Hearing and considers action on the proposed Official Map.
9. Upon Council approval, the Township has 60-days to record the map with the Recorder of Deeds.
Next Steps:

Once remanded by Council, staff will work with the Planning Commission to ensure all required elements are contained in the Ordinance language and included on the map. Staff will also provide the Official Map to the College Township Parks and Recreation Committee for their cursory review and comment during the 45-day Planning Commission review period.

Attachments:

- The Official Map Draft dated January 26, 2023 *(NB-1.a)*
- The Official Map Ordinance Text *(NB-1.b)*

Action Requested:

Following review of the attached, and barring any substantive changes, staff is requesting that Council consider the following action:

1. Remand the Official Map to the College Township Planning Commission for their 45-day review period.
Chapter 133
Official Map

[HISTORY: Adopted by the Township Council of the Township of College 11-14-1985 by Ord. No. 87; amended in its entirety 6-15-2006 by Ord. No. O-06-08. Subsequent amendments noted where applicable.]

GENERAL REFERENCES
Planning Commission — See Ch. 52.
Streets and sidewalks — See Ch. 177.
Subdivision of land — See Ch. 180.
Zoning — See Ch. 200.

Article I
General Provisions

§ 133-1 Title.
This chapter shall be known and may be cited as the "College Township Official Map Ordinance."

§ 133-2 Statutory authority.

§ 133-3 Purpose.
This chapter is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare;

to facilitate adequate provision of public streets and facilities;
to improve traffic circulation;
to provide for the recreational and open space needs of the community;
to protect and enhance water resources; and
to facilitate the subdivision of land and the use of land and watercourses.

§ 133-4 Severability.
Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the chapter than the one so declared.

Article II
Establishment of Controls

§ 133-5 Official Map provisions.
A. The Official Map, as enacted by ordinance, and subsequently amended, shall identify the location of the
(1) Existing and proposed public streets, well sites, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of same.

(2) Existing public and proposed active recreation areas and natural/preservation areas.

(3) Bicycle/pedestrian ways and easements.

(4) Railroad and transit rights-of-way and easements.

(5) Flood control basins, floodways and floodplains, stormwater management areas and drainage easements.

(6) Support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 of the Pennsylvania Municipalities Planning Code.

(7) Conservation easements and riparian buffers.

B. At the time of enactment of this chapter, all existing property records, aerial photography, photogrammetric mapping or surveys designating the location of the lines of existing public streets, rights-of-way, watercourses and public grounds, including surveys prepared by government agencies or incorporated as part of a final recorded subdivision and land development plans duly approved by the College Township Council, shall, by reference, be deemed an attachment to the Official Map for the purpose of designating the location of said existing lines. For the acquisition of lands or easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor registered in the Commonwealth of Pennsylvania.

C. For the purpose of initially reserving land on the Official Map, property records, aerial photography, photogrammetric mapping, or other methods sufficient for the identification, description and publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor, registered in the Commonwealth of Pennsylvania.

D. The College Township Council, by amending ordinances, may make additions or modifications to the Official Map or part thereof by adopting surveys, property records, aerial photography, or photogrammatic mapping designating the location, the lines, or boundaries of public streets, watercourses or public grounds to be so added or modified and may also vacate any existing or proposed public street, watercourse or public ground contained in the Official Map or part thereof.

§ 133-6 Incorporation of Map; certification and changes.

The Official Map, including all notations, references and other data shown thereon, is hereby incorporated by reference into this chapter as if it were fully described herein.

A. Certification of the Official Map.

(1) The Official Map shall be identified by the signatures of the College Township Council members, attested by the College Township Secretary, under the following words: "This is to certify that this is the Official Map of the Township of College adopted by Ordinance No. -- ---- and referred to in Article II of Ordinance No. -- ---- of the Township of College, Centre County, Pennsylvania," together with the date of enactment of this chapter. The Map shall be kept on file with the College Township Manager.

(2) The Official Map and Official Map Ordinance have been adopted pursuant to the provisions provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official Map and the
Official Map Ordinance of the Township of College, Centre County, Pennsylvania is recorded in the Centre County Recorder of Deeds Office.

B. Changes in the Official Map. If, in accordance with the provisions of this chapter, changes are made to the location of lines designating existing or proposed public streets, watercourses or public grounds, such changes shall be entered promptly on said Map. All changes, except those resulting from subdivision and land development plans as specified in § 133-11 below, shall be certified by initialing of the Map by the Chairman of Council, together with the amending ordinance number and date of enactment.

§ 133-7 Relationship to County Official Map.
The adoption of an Official Map by Centre County shall not affect the Official Map of College Township, except that the Centre County Official Map shall govern as to county streets and public grounds of Centre County in accordance with the Pennsylvania Municipalities Planning Code.

§ 133-8 Relationship to adjacent municipalities.
If the Official Map or amendment thereto shows any street intended to lead into any adjacent municipality, a certified copy of the Official Map or amendment thereto shall be forwarded to such adjacent municipality.

Article III
Effect of Controls

§ 133-9 Construction within mapped streets, watercourses or public grounds.
For the purpose of preserving the integrity of the Official Map of College Township, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner.

§ 133-10 Special encroachment permit.
A. Application. When the property of which the reserved location forms a part that cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the College Township Council for the grant of a special encroachment permit to build on said property. Before granting any special encroachment permit authorized in this section, the College Township Council may submit the application for a special encroachment permit to the College Township Planning Commission and allow the Planning Commission 30 days for review and comment and shall give public notice and hold a public hearing at which all parties of interest shall have an opportunity to be heard.

B. Appeal. A refusal by the College Township Council to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code in accordance with Article V of this chapter.

§ 133-11 Reservations.
College Township shall designate reservations as follows:

A. Size and location. The size and location of a reservation shall be determined as follows:

1. Reservations shown on the Official Map which are shown as constituting an entire property shall be the same size and the same location as that of the property designated on the Official Map.

2. Reservations shown on the Official Map which are shown as constituting only a portion of a property shall be sized and located based on the approximate size and location of the designation as shown on the
(3) Reservations shown on the Map as corridors or rights-of-way, such as bicycle/pedestrian ways or streets, shall be of a sufficient width to allow for the designated purposes. Rights-of-way for streets shall be in conformance with Chapter 177, Streets and Sidewalks, and bicycle/pedestrian ways shall be at least five feet wide for pedestrian ways or 10 feet wide for off-street bicycle ways, plus a buffer on both sides of the path which would amount to a twenty-foot wide easement or right-of-way.

(4) At the Council's discretion, the size and/or location may deviate from the requirements listed above if it determines that the new size and/or location will allow sufficient size and access for the proposed public use and that new size and/or location will meet the intent of the reservation.

B. Public access. Public access shall be granted for all reservations shown on the Map except for those properties designated as "riparian buffers" on the Official Map. The Council may require public access as part of the acquisition of riparian buffers shown reserved on the Official Map if one of the following conditions is met:

1. The tract of land in question is proposed to be subdivided, as defined in Chapter 180, Subdivision of Land, into four or more lots, or

2. The tract of land in question is proposed for a land development as defined in Chapter 180, Subdivision of Land.

C. Bicycle/pedestrian ways. The Official Map shall designate bicycle/pedestrian ways to be located and provided for as follows:

1. Those bicycle/pedestrian ways designated as within the right-of-way or public utility easement shall be located within said right-of-way or easement. No land shall be acquired from individual property owners unless there are physical site constraints, in which case the acquisition of additional right-of-way for the bicycle/pedestrian way shall be necessary and permitted.

2. Those bicycle/pedestrian ways designated as on private property shall require the acquisition of such land necessary from those properties reserved on the Official Map. The location of the acquired land shall be similar to that shown on the Official Map.

3. Those bicycle/pedestrian ways designated as undetermined shall be located in a manner that limits the need for acquiring private property. Preference shall be given to routes that are within or directly adjacent to rights-of-way and shall be located as to limit the impact to private property as much as possible.

D. Exemptions. Any modifications to a single-family house involving actions listed in § 133-11A which constitute an addition of 25% or less area of the structure or impervious coverage shall be exempt from the provisions of this chapter. The percentage increase shall be measured from the area existing at the time of adoption of the College Township Official Map.

§ 133-12 Reservation period.

The College Township Council shall fix the time for which streets and public grounds shown on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds including riparian buffers shall lapse and become void after the owner of such property has submitted a written notice to the Council announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or made formal application for an official permit to build a structure for private use unless the College Township Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the following reservation periods as measured from the date of the written notice or made formal application to the Township:
A. Single-family houses. The reservation period for any action which requires a driveway permit, building/zoning permit and/or a zoning change of use permit for a single-family house shall be 90 days unless exempt pursuant to § 133-11D.

B. Land development, subdivisions, conditional use permits. The reservation period for any action which requires land development and/or subdivision approval pursuant to Chapter 180 of the College Township Code or conditional use permit pursuant to Chapters 86, 87 and 88 of the College Township Code shall be one year.

§ 133-13 Effect of Official Map on mapped streets and other public grounds.
The adoption of any street or street lines as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes, nor shall it obligate College Township to improve or maintain any such street. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by College Township.

§ 133-14 Release of damage claims or compensation.
A. Any releases or agreements, when properly executed by the College Township Council and the owner and recorded, shall be binding upon any successor in title.

B. The College Township Council may designate any of its agencies or Township Solicitor to negotiate with the owner of land under the following circumstances:
(1) Whereon reservations are made;
(2) Whereon releases of claims for damages or compensation for such reservations are required; or
(3) Whereon agreements indemnifying the College Township Council from claims by others may be required.

Article IV
Adoption and Amendment

§ 133-15 Procedure.
Prior to the adoption of any survey of existing or proposed public streets, watercourses or public grounds as the Official Map or part thereof, or any amendments to the Official Map, the College Township Council shall refer such surveys and amendments to the College Township Planning Commission, the Centre Regional Planning Commission and the Centre County Planning Commission for review. The Commissions shall report their recommendations on said proposed Official Map, part thereof or amendment thereto within 45 days unless an extension of time shall be agreed to by the College Township Council. If, however, the Planning Commission(s) fails to act within 45 days, College Township Council may proceed without its recommendations. Centre County and adjacent municipalities may offer comments and recommendations during said forty-five-day review period. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to College Township Council or Planning Commission if requested by same during the said forty-five-day review period. Before voting on the enactment of the proposed Official Map, part thereof or amendment thereto, the College Township Council shall hold a public hearing thereon after giving public notice of such hearing.

§ 133-16 Recording.
Following adoption of the chapter and Official Map, or part thereof or amendment thereto, a copy of same, verified by the College Township Council, shall be submitted to the Recorder of Deeds of Centre County and shall be recorded within 30 days of the effective date. The fee for recording and indexing ordinances and amendments shall be paid by College Township and shall be in the amount prescribed by law for the recording of ordinances by the Recorder of Deeds.
§ 133-17 Amendment by subdivision plan.

After adoption of the Official Map or part thereof, all streets, watercourses and public grounds on final recorded subdivision and land development plans which have been duly approved by the College Township Council shall be deemed amendments to the Official Map. Notwithstanding any other terms of this chapter, no public hearing need be held or notice given if the amendment of the Official Map is the result of the addition of a plan which has been duly approved by the College Township Council.

Article V

Violations, Penalties and Appeals

§ 133-18 Notice of violation.

Whenever any person, partnership or corporation shall have violated the terms of this chapter, the College Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this chapter within seven days or such additional period, not to exceed 30 days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, College Township may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply. Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

§ 133-19 Violations and penalties.

Any person, partnership or corporation who fails to comply with this chapter within the period stated in the notice of the Manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty as set forth by resolution by the College Township Council. Each and every day of continued violation shall constitute a separate violation.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this chapter within the time specified by the Manager, College Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violations for failure to comply.

B. In addition to the fines for violations, costs and penalties provided for by this section, College Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

C. The cost for removal, fines and penalties hereinabove mentioned may be entered by College Township as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

§ 133-20 Appeals.

Any appeal from a decision or action of the College Township Council or of any officer or agency of College Township in matters pertaining to this chapter shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

Article VI

Definitions

§ 133-21 Word usage.

For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:
A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained or arranged to be used or occupied."

§ 133-22 Terms defined.

Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

ACTIVE RECREATION AREAS

Public grounds which would be used for the purposes of providing for activities such as sports, walking, running, biking and play areas. For the purposes of the Official Map, active recreation areas would be parks that are envisioned to be improved to build facilities such as playgrounds and sports fields/courts.

BICYCLE/PEDESTRIAN WAYS

A pathway used for the purposes of providing travel options for bicyclists and/or pedestrians. For the purposes of the Official Map, bicycle and pedestrian ways shall be implemented as easements or through fee simple ownership and typically will be 20 feet wide if not adjacent to an existing right-of-way such as a street.

BUILDING

A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

CONSERVATION EASEMENT

A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property.

EASEMENT

A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which stated in the easement in the form of a document recorded with the Recorder of Deeds of Centre County.

NATURAL/PRESERVATION AREAS

Public grounds reserved on the Official Map for the purpose of preserving or protecting environmentally sensitive areas, scenic vistas or to provide open space. For the purposes of the Official Map, natural/preservation areas are envisioned to remain unimproved and provide for passive recreation activities such as hiking or mountain biking.

PUBLIC

Owned, operated or controlled by a government agency.
PUBLIC ACCESS
A means of physical approach to and through a property made available to the general public.

PUBLIC GROUNDS
A. Parks, playgrounds and other public areas.
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE
Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing.

RESERVATION
A tract of land or portion of which is demarcated for public benefit on the College Township Official Map and thus is considered reserved for the purposes of this chapter. Reservations on the College Township Official Map include active recreation areas, natural/preservation areas, riparian buffers, bicycle/pedestrian ways and roads.

RIGHT-OF-WAY
A corridor of land set aside for use, in whole or in part, by a street. The surface of and space above and below any real property in the Township of College in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, bike path, shared-use path or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes but excluding lands other than streets that are owned by the Township. The phrase "in the right(s)-of-way" means in, on, over, along, above and/or under the right(s)-of-way.

RIPARIAN BUFFER
A portion of land adjacent to a body of water which is used to filter stormwater runoff, shade and cool streams, and stabilize stream banks or shorelines. Riparian buffers consist of natural elements, such as trees, shrubs and grasses, and can be used for the purposes of the Official Map as a conservation easement or to allow public access or both.

STREET
A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians. A strip of land or part thereof within the right-of-way, whether dedicated or not, that is intended or used for vehicular and pedestrian traffic. The phrase "in the (a) street(s)" means in, on, over, along, above and/or under the (a) street(s).

TOWNSHIP
The Township of College. County of Centre, Commonwealth of Pennsylvania.

WATERCOURSE
A stream of surface water, including river, stream, creek or run, whether or not intermittent.

Attachments:
Attachment 1 - Official Map