

BAILIWICK NEWS

Reporting and critical analysis of Centre County public affairs

March 1, 2017

Whitehall Road Regional Park as a case-study revealing fault lines in regional governing structures. (Continuation of a series.)

By Katherine Watt

In January and February, there were several developments in the ongoing debates around the fate of the proposed Whitehall Road Regional Park.

Readers who haven't yet read the first installments in the series and are interested in detailed background are encouraged to read the following *Bailiwick News* reports: Sept. 9, 2016; Sept. 16, 2016; Sept. 30, 2016; Oct. 21, 2016; Dec. 2, 2016; and Dec. 23, 2016.

BRIEF BACKGROUND

The basic issue raised by the Whitehall Road Regional Park planning and financing process is whether the Centre Region Parks & Recreation Authority – a quasi-public/quasi-private legal entity – should act as a land developer and use public funds to construct a park in the Zone 2 recharge area of the State College Borough Water Authority Harter and Thomas well-fields, putting public drinking water at risk of contamination, and taking 100 acres of high-quality farmland out of production.

In June 2011, the Centre Regional Recreation Authority (as it was then called) borrowed \$7,578,800 from Fulton Bank to plan and build Oak Hall Regional Park Phase 1, and Whitehall Road Regional Park Phase 1.

The loan was guaranteed by the taxing authority of five participating municipalities: State College, Ferguson, Patton, Harris and College, whose elected representatives had approved the park plans and the loan guarantees by COG resolution 2011-4 and 2011-5, and individual municipal resolutions adopted in May 2011.

The “drawdown” date listed in the original loan contract was June 1, 2013. Of the total borrowed, roughly \$4.8 million was designated for the Whitehall Road park, to be combined with a \$300,000 DCNR grant for a total Phase 1 budget of roughly \$5.1 million. The remainder of the loan proceeds were earmarked for Oak Hall Regional Park development, and have been spent on that projects.

At the time the parties signed the Fulton Bank loan contracts, they were confident that an adjacent student housing development would move forward, providing funds to construct a shared access road and utility hookups for electricity, water and sewer for the planned Whitehall Road park, and off-site traffic intersection upgrades.

However, multiple delays beset the adjacent Penn State/Toll Brothers housing development, such that the

Notes to Readers

Bailiwick News is an independent print newspaper launched Sept. 2, 2016, offering reporting and critical analysis of Centre County public affairs.

At the start, I had been aiming for a *Bailiwick News* issue to go out once a week, on Fridays. I still have a goal of roughly three or four editions each month, but I'll be publishing them as I finish them, rather than trying to meet a Friday deadline each week.

New editions are first published at *Steady State College* and Spring Creek Homesteading Fund's website for online readers, then distributed to an email distribution list. To be added to the list, please email kw.investigations.llc@gmail.com.

Online posts can be shared via Facebook and Twitter. A limited number of print copies are made available at two distribution boxes downtown on Allen Street: one in front of Schlow Library and one in front of McLanahan's.

Back issues online: steadystatecollege.wordpress.com at the Archives page and organized by topic at the Beats pages.

Readers are encouraged to print, copy and forward the newspaper to friends and neighbors.

loan drawdown date and interest rate has been renegotiated between the Centre Region Council of Governments (COG) and Fulton Bank. The most recent revised contract, purportedly approved by COG General Forum on Nov. 23, 2015, included a drawdown date of June 1, 2017.

The adjacent housing development is now in litigation related to environmental impacts on public water supplies, and the off-site traffic intersection improvements, paved access road, and utilities that the housing developer would have installed are not in the approved master plan and budget for the park project.

As a result, the Parks Authority, the COG Parks Capital Committee and other municipal elected and appointed officials have been struggling with a feasibility reassessment, based in part on a July 7, 2016 report drafted by Stahl-Sheaffer engineer Robyn Froehlich.

Much of that struggle has centered on the Parks Authority's desire to avoid another General Forum vote on the project, because they have reason to believe unanimous support for the project is no longer forthcoming due to changes in elected representatives serving on municipal boards, changes in municipal financial conditions, and changes in the project costs given the unanticipated burden of off-site traffic improvements, access road construction and utilities.

CONTEXT

The Whitehall Road Regional Park project lends itself to use as a case study, because it involves most of the crucial issues facing the Centre Region's long-term residents in our dual roles as political citizens and taxpayers. These issues are primarily driven by development pressure and the overall question of how the costs and benefits of residential and commercial development are allocated between private entities such as land developers, and public organizations operated by government employees paid primarily by real estate and income tax collections.

The park project provides a lens through which to address many questions.

Does it still make sense to exclude the population cohort of individuals aged 18-24 and Penn State University as an institution from Centre Region Council of Governments funding formulas, when the added expenses related to the growth of the undergraduate population as a proportion of overall population – and the growth of high-volume tourism activities – are paid primarily by the over-25 working population, which represents a shrinking piece of the population base?

Does it still make sense to restrict local revenue collection from hotels, bars, restaurants and other tourist-facing businesses to annual property tax payments, which are independent of sales volume? If not, how can public entities capture a portion of the alleged economic benefits of population and tourism expansion, that now accrue primarily to private entities (hotel, bar and restaurant owners) to offset increasing economic costs related to providing public services to undergraduate students and short-term transient visitors?

As the undergraduate student population increases, and Penn State adds large events to the annual calendar of tourist-draws, burdens on police, fire and emergency medical employees and volunteers increase. Increased stress impacts recruitment, retention and attrition. The costs for operating existing public safety departments, and recruiting, training and retaining new staff and volunteers to replace those who leave, is borne primarily by over-25, working, taxpaying residents.

As the undergraduate student population increases, the Centre Area Transportation Authority adds buses, bus routes and drivers. A good chunk of the maintenance and operation costs of the expanding bus fleet are borne by over-25 working, taxpaying residents.

As the undergraduate student population increases, adding cars to the local traffic load, roads wear out more quickly. Some must be widened, and some traffic intersections must be upgraded with signalization. A good chunk of the costs for road repairs, expansion and intersection improvements are borne by over-25 working, taxpaying residents.

As the undergraduate student population increases, water and sewer treatment demand rises, requiring

SIDEBAR: Commonwealth Court appeal to be heard March 6 in Harrisburg

Nittany Valley Water Coalition recently announced that the Toll Brothers' appeal of Centre County Common Pleas Judge Jonathan Grine's July 2016 decision stopping the proposed "Cottages" luxury student housing development for procedural violations of state and municipal zoning law will be heard by the Pennsylvania Commonwealth Court on Monday, March 6 at 1 p.m. in Harrisburg, 601 Commonwealth Avenue, Courtroom 3001.

The group is also fundraising to cover the costs of litigation. NVWC spokeswoman Kelli Hoover reported that citizen homeowners and farmers have been able to sustain the legal battle since December 2015 by raising more than \$20,000 from community donations. They've set a goal of raising another \$10,000 to finish the fight.

Hoover wrote:

"We all drink the water that is recharged by the wells that are at risk from this development. The implications of this court case go beyond Centre County and will be felt statewide. If Toll Brothers wins this appeal, a precedent will be set that municipal officials can ignore local zoning ordinances in favor of developers. It would also set a precedent that citizens who object to a development must file a legal objection within 30 days of 'tentative' municipal approval of a development plan...Both precedents would threaten local democracy and our environment."

To donate to the CommunityWise legal fund using PayPal, send donations to communitywisesc@gmail.com at www.paypal.com. To send a donation by check, please mail checks made out to CommunityWise to P.O. Box 1256, State College, PA 16804.

Contact Kelli Hoover if you are interested in attending the Harrisburg hearing; carpool arrangements are underway. Hoover's address: kxhoover2015@gmail.com

upgrades to existing plants and construction of new plants. A good chunk of the costs for water and sewer system maintenance, operation and expansion are borne by over-25 working, ratepaying residents.

As the undergraduate student population increases, burdens on the regional code inspection office increase, first for inspection of new student housing under construction, and then for routine inspection of existing rental units. The increased burden requires the code agency to hire and train more inspectors, purchase and operate more vehicles and computer infrastructure, and occupy more office space. A good chunk of the costs to operate and expand code inspection capacity is borne by over-25, working, taxpaying residents, although some is offset by permit fees paid by developers and landlords, particularly during "boom" times like the last few years.

As farmland close to the State College population center is taken out of production to build housing and amenities such as parks, the conversion simultaneously moves potential food crop production areas farther away from the population and (through impervious surfaces like

roads, parking lots and roofs) increases the sediment, nutrient and thermal pressure on area cold-water fisheries and Chesapeake Bay tributaries including Slab Cabin Run and Spring Creek. A good chunk of the costs to install new sediment and nutrient filtration systems along these waterways to manage stormwater runoff is borne by over-25, working, taxpaying residents.

As the undergraduate population increases in proportion to the over-25, working, taxpaying residents, the impact of the nuisance sub-set of the undergraduate population (binge-drinkers, public urinals, vandals, etc.), combined with the increasing tax burden that primarily subsidizes the undergraduate population drives many of the remaining over-25, working, taxpaying residents out of town, to more or less distant suburbs. This in turn increases suburban sprawl, takes more farmland out of production, and increases traffic on regional roads as workers who formerly walked or bicycled to work shift to driving.

Where is the point at which adding more undergraduate population and adding more tourist traffic costs the region more in increased public expenses than it brings in in increased public revenue? Have we reached it yet? If not, when will we reach it, and how will we handle the transition to a steady-state economy?

Local legislators – virtually all of whom are in the over-25, working, taxpaying cohort – constantly struggle to manage the high pressure of new residential and commercial development aimed primarily at serving transient students and tourists. And since time is a finite resource, it's virtually impossible for those same local leaders to take a breath, and establish an identity for the

region's over-25 population as something other than involuntary resident assistants living in a giant Penn State dormitory complex.

PREVIEW: NEXT INSTALLMENT

The next installment in this series will present information about key events in regional comprehensive planning since roughly 2000, including overviews of Penn State land purchasing and land subdivision in the Slab Cabin Run watershed; the Development of Regional Impact (DRI) and Regional Growth Boundary-Sewer Service Area (RGB-SSA) review and approval procedures established and used by the Centre Region Council of Governments to address the Whitehall Road Regional Park project in Ferguson Township and the Harvest Fields/Calvary Baptist Church project in Harris Township; and the evolution of the regional financing package for the Whitehall Road Regional Park through six COG General Forum votes to date.

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