MEETING MINUTES
CENTRE COUNTY PLANNING COMMISSION
March 20, 2012

Members Present: Freddie Persic, Chair; Bob Dannaker, Vice-Chair; Mimi Wutz, Secretary; Dennis Hameister, Chris Kunes; Jack Shannon and Tom Poorman

Members Absent: Kevin Abbey

Staff Present: Robert Jacobs, Sue Hannegan, Anson Burwell, Chris Schnure, Mike Bloom and Mary Wheeler

Others Present: Don Franson, County Engineer

1. Call to Order - Pledge of Allegiance
Chair Persic welcomed everyone to the Planning Commission meeting and called the meeting to order at 6:00 p.m.

2. Citizen Comments
None

3. Approval of Minutes
A motion was made by Mr. Hameister and second by Mr. Dannaker to approve the minutes of February 21, 2012. Motion carried.

4. Planning Commission Member Updates
None

5. Old Business
None

6. New Business

□ MPO Update - Mike Bloom

Mr. Bloom presented information regarding Metropolitan Planning Organization (MPO) Funding. Discussion has taken place at the MPO level about MPO funding from the local formula perspective. That discussion has progressed and the local funding subcommittee has met; and at this month’s Coordinating Committee meeting there is going to be
discussion regarding how to address that request. The outcome of the subcommittee meeting is an expected motion at the MPO meeting asking the County for an additional contribution to the MPO budget of approximately $30,000 in cash. This direction is a shift away from the Centre Region funding formula that the Council of Governments (COG) uses, to a per capita basis. This step will be a progression toward changing how the MPO is funded overall and may result in structure changes. It is unknown what kind of reaction the proposal will receive at the MPO Coordinating Committee. Should the proposal be accepted, it will then be presented to the Board of Commissioners. Obviously everyone’s budgets are tight, so this will be evaluated closely.

Penns Valley Rails-To-Trails Feasibility Study – Gregg Township was awarded roughly $33,000 from the Department of Conservation and Natural Resources (DCNR) for a Feasibility Study on a former rail line running through the valley approximately 33 miles from the furthest end of the county, through Boalsburg to Lemont. Until recently, this project had been an all volunteer basis with the township helping on the financial side. Project administration will now be done by our office with Mike Bloom serving as coordinator. The township will continue to handle the financial side. Jane Scheuchenzuber has been the lead person with this project and will continue to be one of the key outreach people and serve a key role on the Steering Committee. The Scope of Work has been drafted, and the Request for Proposal (RFP) will be taken to the Board of Supervisors on April 12, 2012 for their review and discussion. It will also be forwarded to DCNR for their review and comment. Through a dedication of parkland, one of the developments that occurred on the Kauffman property off of Sinking Creek Road set aside a pretty good section of the rail bed for recreational use rather than set aside a new parkland area. This easement agreement for the railroad right-of-way was a significant contribution and initiated greater interest in the trail project and served as a platform to begin the project.

At the Federal level, the Senate Transportation Bill has passed; however, we have heard nothing from the House as to where they are going with their Transportation Bill. The two bills are distinctly different. The Senate Bill is the one that basically eliminates the MPO’s. It changes the thresholds for small MPO’s from 50,000 population base to a 250,000 population base. Obviously that changes what happens at our level. Some recent changes in language may allow for some “grandfathering and exceptions”. Our MPO is well positioned based on the staff contingent and the fact that we are building a “Traffic Demand Model” to meet some of those exception requirements. This legislation is still in play and considerations continue for the potential elimination of the MPO’s. The Regional Planning Organizations (RPO’s) are structured differently and don’t answer as much to the Federal level as the MPO does. So the RPO’s would still remain in place. SEDA-COG and North Central would be fine, which is my understanding coming out of the Bill; but it specifically targets the smaller MPO’s, i.e. Centre County, Blair, Williamsport would be some of the key ones locally that would be on the chopping block if this continues to go the way it is headed. The House Bill is a bit more forgiving and I think the threshold is a population of 200,000 and obviously we are right on the cusp of that, but again that one had a lot more of the language in there that could be “Grandfathered in” exceptions based on staff contingent. And again regardless of which Bill comes through or what variation of the Bill comes through, I think Centre County is actually positioned pretty well to make a case that the MPO functions the way it is supposed to and that we have a strong
staff contingent that can meet the needs of what they expect of the larger MPO.

**Local Bridge Update** - Mike Bloom

Mr. Bloom updated the Commission members on the Local Bridges and the Retroactive Reimbursement Program (Attachments #1 & #2).

**Centre County Natural Gas Industry Update** - Sue Hannegan

Ms. Hannegan noted that there are currently 62 Marcellus Shale wells drilled in the County (Attachment #3). DEP reports that there are 58. This discrepancy is being discussed and hopefully resolved because, based on the ACT 13 impact fee calculations, every well would result in approximately an $8,000 fee disbursement to municipalities. No new Spud wells, to date, in 2012.

**Source Water Protection** - The community water systems located in the Moshannon-Mosquito Creeks Watershed and the Clearfield Creek Watershed are meeting March 21, 2012 to discuss the possibility of joining together to form a water coalition. The purpose of the coalition would be to share information; educate the public on ways to protect water as an important resource; and also to submit a grant application for a Water Resource Education Network Grant (WREN Grant). Staff will be attending.

Upcoming Events: Centre County Association of Township Officials Spring Meeting is Thursday, March 29th, at Central PA Institute of Science and Technology (CPI). Mr. Jacobs and Ms. Hannegan will be presenting information regarding the Act 13 Requirements for the local municipalities. Centre County Public Issues Form is scheduled for Saturday, April 14th @ 9:00 a.m. to 7:00 p.m. at CPI. Meet-U Trailer (Mobile Energy Education Training Unit is scheduled for April 19th, at CPI and will be open to high school students during the day; and the public at 3:00 p.m. Dave Yoxtheimer from the Marcellus Center for Outreach and Research will be speaking at 7:00 p.m. on “Recent Trends in Shale Gas Development in Pennsylvania”. This effort has been paid for 100% by various businesses associated with the Natural Gas Industry in Centre County.

**HB 1950 / Act 13 Impact Fees** flow chart (Attachment #3) All of the fees due to the Public Utility Commission will need to be paid by the Natural Gas Producers by September 1, 2012. Those funds then will be redistributed to the counties and local municipalities in December. The following year the producers will pay by April. It is delayed this year due to the fact that the legislation was just passed in February. The state should receive approximately $200m; $23m will go to selected State Agencies, as listed. There are two pots of money that are guaranteed to bring funds into Centre County. One is the Highway Bridge Improvement Restricted Account which is earmarked for locally owned at-risk bridges. Estimates show that an amount of approximately $220,000 may come to Centre County – enough perhaps for repair and reconstruction of a bridge through the local bridge reimbursement program. The other pot is Greenways, Recreation and Open Space Initiatives in the amount of $133,000 approximately. There are other opportunities to receive funds under the other headings, but those two have already been specified.
Of the local share, 36% goes to the host municipalities, which are yellow on the map included with Attachment #1. Meetings have been held with all of the host municipalities and they have been cautioned not to earmark the funds at this point, because the PUC is currently developing guidelines for the administration of the entire program. Some of those guidelines were posted on Friday, March 16th, and begin to provide more information as to the obligations of local municipalities. A county website will be established linking viewers to the information that they need.

There are 13 Eligible Uses for the funds that come back to local municipalities as listed within Attachment #3. The law states that those projects must be associated with natural gas production. There are non-host municipalities who will receive a disbursement and are pretty far removed from where the activity is located and just what that will mean for those municipalities remains to be seen. The range of uses is fairly broad but for some communities where the sums aren’t big enough to take on a project, the Capital Reserve fund option may be the most viable. Most importantly, we wait for the PUC to finalize the guidelines.

The Centre County Municipal Gas Impact Fee Calculator (Attachment #4) provides an estimate of the municipal disbursements to be received in the county. It is very dependant on the number of wells located in the state and Centre County and recorded by DEP. The more wells there are, the more money received. We would also encourage municipalities to set up separate ledger accounts for these funds. There are going to be report requirements. Each municipality will need to supply a written report to PUC and post it on a website. It can be the County’s website, if a municipality does not have a website.

One of the first reporting requirements that the municipality must do is to certify their annual budget. The PUC has posted a draft form for review and comment. If any municipality or organization has questions, our staff will assist. Also, watch the county’s website as there will be an Act 13 Natural Gas Impact Fee link available on the county’s homepage.

Mr. Jacobs noted that two weeks ago staff went out to the host municipalities with Commissioner Pipe to make presentations. Every municipality will have to address their local municipal ordinances to allow oil and gas operations. Each horizontal well is paying into the fund at $50,000 per well based on the 2011 average natural gas price per cubic foot. It is then distributed outward to the local counties and municipalities. Next year those same wells will have to pay a fee up or down depending on the price of natural gas. It is anticipated that this will be the highest year for a while, but there is a 15 year payment program for a well unless it is capped or production drops below 90,000 cubic feet. Those are the two caveats in the legislation that would permit a well to come out of the payment schedule. If well drilling goes beyond the Marcellus to the Utica the impact fee provisions continue because a Utica well is also considered unconventional.

7. **Review of Subdivision and Land Development Plans** – Anson Burwell and Chris Schnure (Attachments #5 & #6)

**Subdivisions:**
1. Dr. Gerald F. & Susan W. Clair Subdivision -- previously tabled
   Final Plan
   2-Lots (Residential)
   Benner Township

   No action needed on the above mentioned plan and plan remains tabled to be revisited at the April 17, 2012 meeting.

2. Status Update on John Hull Development (Attachment #7) – Anson Burwell

   At the February 21, 2012 meeting the Commission granted one remaining 90 day time extension and agreed to waive the time extension request fee subject per the applicants agreeing to drop or settle the law suit between them and the Walker Township Board of Supervisors (reference letter from the CCPC dated February 23, 2012) Mr. & Mrs. Hull agreed to the stipulations in correspondence dated March 1, 2012. Staff has been in contact with the applicant’s attorney and he has agreed to schedule a meeting with the solicitor for Walker Township to address the formal dropping or settling of the pending law suit which will most likely be held in our office.

   Discussion ensued, with no action necessary

3. Engineer’s Reviews and Site Inspections: “Conflict of Interest concern raised at the February Meeting (Attachment #8) – Anson Burwell

   At the February 21, 2012 meeting a concern was raised by Mr. Hameister and Mr. Abbey regarding use of the same Engineer to represent a municipality as well as the County, as specified in the required Memorandum of Understanding. Mr. Burwell researched the law and spoke to the County Solicitor and generated a handout to provide clarification concerning this issue.

   Chair Persic also read an e-mail from Mr. Abbey which said “I reflected on the conflict of interest issue and believe I was on the wrong wavelength during the February meeting. I came down pretty hard on Anson and I apologize for that. I was wrong to do so and misguided in my understanding of this issue. I appreciate staff’s effort to go the extra mile on this topic. The clarification provided today, confirms that I was off base last month and I would like to set the record straight on my confusion. I intend to call Anson and communicate this misunderstanding to him directly.”

   Discussion ensued, with no action needed.

Time Extension Requests:

- G. M. McCrossin, Inc. Land Development (CFA)
  Benner Township.............................................................2nd Request (No Fee Required)
• Sandy Ridge Wind Farm O & M Building Land Development (CFA)   File No. 68-11
  Taylor Township.........................................................3rd Request (No Fee Required)

• The Former Wolf’s Furniture Store Land Development (CFA)   File No. 140-09
  Benner Township..........................................................3rd Request (No Fee Required)

• Disposition of Commonwealth Real Property -- S. C. I. at Rockview (CFA) File No. 188-10
  Benner Township..........................................................4th Request ($50.00 Fee Required)

• Old Fort Road Land Development (CPA)                          File No. 149-10
  Potter Township..........................................................4th Request ($50.00 Fee Required)

• Jaybird Manufacturing, Inc. Land Development (CFA)            File No. 21-11
  Potter Township..........................................................4th Request ($50.00 Fee Required)

• The Village of Nittany Glen Land Development, Phase III-A (CFA) File No. 136-10
  Benner Township..........................................................5th Request ($100.00 Fee Required)

• Sports Management Group, Inc. Land Development, Phase VI (CFA) File No. 253-07
  Haines Township..........................................................17th Request ($700.00 Fee Required)

Note:  CPA = Conditional Preliminary Plan Approval
      CFA = Conditional Final Plan Approval

A motion was made by Mr. Hameister and second by Ms. Wutz to approve the
above-mentioned Time Extensions.  Motion carried.

Major Subdivision and Land Development Plan Sub-Committee Meeting -The Thursday,
March 29, 2012 meeting will be attended by Chris Kunes, Mimi Wutz and Denny Hameister.

8. Director's Report and Other Matters to Come Before the Commission

None

With no further business to come before the Commission, a motion was made by Mr.
Shannon and second by Ms. Wutz to adjourn at 7:59 p.m.  Motion carried.

Respectfully submitted,

Robert B. Jacobs, Director

mlw

THESE MINUTES WERE APPROVED AT THE APRIL 17, 2012,
CENTRE COUNTY PLANNING COMMISSION MEETING

6
Local Bridge Funding Request

Centre County Planning Commission

March 20, 2012

Retroactive (Local) Bridges

Boggs Township
T-461 Fairview Road over Little Marsh Creek

College Township
T-376 Trout Road over Spring Creek
# Centre County LRTP 2040

## Local Bridge - Projects Outside of Fiscal Constraint

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<tr>
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<th>Project Name</th>
<th>Requested by</th>
<th>Description</th>
<th>Estimated Cost</th>
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*Adopted September 28, 2010*

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## Local Bridge Information

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- Funding is proposed in the Draft Centre County FY 2013-2016 Transportation Improvement Program
- Project is a candidate for the retroactive bridge program
Local Bridge Information

Formal Retroactive Requests to the MPO

T-371 Krout Lane    T-464 Harter Road    T-348 Ardery Hollow

All three bridges were ranked the highest priority project for each municipality as part of the CCMPO LRTP 2040 solicitation process.
Funding

Draft TIP FFY 2014 - $200,000
T-371 Krout Lane

Cost Estimate - $180,000

T-371 Krout Lane Bridge - Benner Township
T-348 Ardery Hollow Road

T-348 Ardery Hollow Road Bridge - Worth Township
Technical Committee Recommendation

1. The Coordinating Committee should commit 50% of the state funds in the Local Bridge Retroactive Reimbursement Line Item in FFY 2014 of the new 2013-2016 Centre County TIP to the T-371 Krout Lane Bridge project in Benner Township, and the remaining 50% to the T-464 Harter Road Bridge project in Gregg Township.

2. If additional funds become available for the Local Bridge Retroactive Reimbursement Program through bid savings from other projects, an increase in funding allocations, or other means, the Benner Township T-371 and Gregg Township T-464 bridge projects should receive priority to receive additional funding. However, the municipalities must make a request for funding at the time that additional funds become available.
Local Bridge Funding Request

Centre County Planning Commission

March 20, 2012
T-371 Krout Lane

Cost Estimate - $180,000
T-348 Ardery Hollow Road

T-348 Ardery Hollow Road Bridge - Worth Township
T-942 Lower Coleville Road
T-395 Peace Road

[Image of the bridge and surrounding area]

[Map showing the location of the bridge in Boggs Township]
T-312 Shady Dell Road
T-546 Egg Hill Road
Well Report:
- Approximately 47 additional wells permitted

Source Water Protection:
- Central PA Source Water Coalition – Public water providers in the Moshannon – Mosquito Creeks Watershed and the Clearfield Creek Watershed are beginning the process to form a regional coalition for information sharing, to encourage the development and implementation of Source Water Protection Plans, and to provide educational opportunities that create a greater understanding of surface and groundwater as an important resource.

ACT 13: Impact Fee Legislation
- Presented to all 5 host municipalities.
- See attached information.

Upcoming Events:
1) Centre County Association of Township Officials Spring Meeting:
   Thursday, March 29th, Central PA Institute of Science and Technology (CPI)

2) Centre County Public Issues Forum: “The Marcellus Shale – What Does It Mean For Us?” Saturday, April 14th, 9 a.m. to 3 p.m., CPI

3) MEET-U Trailer: April 19th, CPI
   - Open to the public at 4 p.m.
   - School tours during the day.
   - Industry exhibit
   - Dave Yoxtheimer from the Marcellus Center for Outreach and Research will be speaking at 7:00pm on “Recent Trends In Shale Gas Development in Pennsylvania”.
HB 1950 / Act 13 – Impact Fees

Pennsylvania Utility Commission

$23 million off the top to Selected State Agencies
- County Conservation Districts
- Fish and Boat Commission
- PUC (administration)
- DEP
- PEMA

- Office of State Fire Commissioner
  - PennDOT for rail freight
  - Marcellus Legacy Fund
  - Housing Affordability and Rehabilitation Enhancement Fund

60% Local Governments

40% Statewide Initiatives
Act 13
Statewide Initiatives

Pennsylvania Utility Commission

$23 million off the top to Selected State Agencies

40% Statewide Initiatives

20% Commonwealth Financing Authority
AMD treatment, well plugging, greenways, baseline water quality data, flood control...

25% Highway Bridge Improvement Restricted Account
$40,000 minimum to county to replace or repair locally owned at-risk bridges

10% Environmental Stewardship Fund
No specifics provided

25% Water & Sewer Projects
Half to Pennvest and half to H2O program

15% Greenways, Recreation and Open Space Initiatives
Minimum $25,000 to county for greenways, community conservation and beautification

5% DCED (2011-2013 only)

Projects to build capacity for use of NG

5% Hazardous Sites Cleanup Fund (2014 and after)
Act 13
Local Initiatives

Pennsylvania Utility Commission

$23 million off the top to Selected State Agencies

60% Impacted Local Governments

36% Host Counties (based on wells)

37% Host Municipalities (based on wells)

27% Host & Non-Host Municipalities in Host Counties

50% All Municipalities

50% Host and Contiguous Municipalities

Calculations based on road mileage and population
HB 1950 / Act 13 – 13 Eligible Uses of Funds

Counties and municipalities are encouraged to jointly fund projects that cross jurisdictional lines. Funds are to be used for the following purposes “associated with natural gas production”.

- Roads, Bridges, and Public Infrastructure: construction, reconstruction and maintenance.
- Water, Storm Water and Sewer Systems: construction, reconstruction, maintenance and repair.
- Emergency Preparedness and Public Safety: law enforcement, fire services, hazardous material response, 9-1-1, equipment acquisition.
- Environmental Programs: trails, parks, recreation, open space, floodplain management, conservation districts and agriculture preservation
- Surface Water and Groundwater: supply preservation and reclamation.
- Tax Reductions, including homestead exclusions
- Affordable Housing Projects that increase availability
- Records Management, GIS, and Information Technology
- Social Services
- Judicial Services
- Planning Initiatives under the MPC
- Career and Technical Centers for oil and gas industry training
- Capital Reserve Fund if funds used solely for an eligible project.
### Centre County Municipal Gas Impact Fee Calculator

**2011 Fees Updated 3.8.12**

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**TOTALS**

- **Population**: 109,800,000
- **Miles**: 153,990
- **Municipal Population**: 36,838
- **Miles**: 636

### Centre County Government Allocation

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<tr>
<th>Municipality</th>
<th>FUNDS</th>
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<td>Benner</td>
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<td>Centre County</td>
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<tr>
<td>Alle Municipality</td>
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### Local Government Impact Fund (60%) Statewide Initiative Fund (40%)

- **Centre County Municipal Gas Impact Fee Calculator**
- **Estimated statewide Fee collected for 2011**: $206,000,000
- **State set-aside for program operations and development**: $23,000,000
- **Estimated Fee available for statewide distribution**: $183,000,000

- **Centre County Government Allocation**: $498,522
- **Centre County Host Municipality Share**: $512,370
- **All Municipality Share**: $373,882

### Fund Distribution

- **FUNDS**
- **Total**: $373,892
- **Municipality Municipality Population**: 7.33
- **Miles**: 4.10
- **Total Wells in County**: 62

### Local Government Impact Fund (60%) Statewide Initiative Fund (40%)

- **Centre County Municipal Gas Impact Fee Calculator**
- **Estimated statewide Fee collected for 2011**: $206,000,000
- **State set-aside for program operations and development**: $23,000,000
- **Estimated Fee available for statewide distribution**: $183,000,000

- **Centre County Government Allocation**: $498,522
- **Centre County Host Municipality Share**: $512,370
- **All Municipality Share**: $373,882
Subdivisions:

1. Dr. Gerald F. & Susan W. Clair Subdivision -- previously tabled
   Final Plan
   2-Lots (Residential)
   Benner Township

Land Developments:

-none for this planning cycle-

Time Extension Requests:

- G. M. McCrossin, Inc. Land Development (CFA) File No. 85-11
  Benner Township.................................................2nd Request (No Fee Required)

- Sandy Ridge Wind Farm O & M Building Land Development (CFA) File No. 68-11
  Taylor Township.................................................3rd Request (No Fee Required)

- The Former Wolf’s Furniture Store Land Development (CFA) File No. 140-09
  Benner Township.................................................3rd Request (No Fee Required)

- Disposition of Commonwealth Real Property -- S. C. I. at Rockview (CFA) File No. 188-10
  Benner Township.................................................4th Request ($50.00 Fee Required)

- Old Fort Road Land Development (CPA) File No. 149-10
  Potter Township.................................................4th Request ($50.00 Fee Required)

- Jaybird Manufacturing, Inc. Land Development (CFA) File No. 21-11
  Potter Township.................................................4th Request ($50.00 Fee Required)

- The Village of Nittany Glen Land Development, Phase III-A (CFA) File No. 136-10
  Benner Township.................................................5th Request ($100.00 Fee Required)

- Sports Management Group, Inc. Land Development, Phase VI (CFA) File No. 253-07
  Haines Township.................................................17th Request ($700.00 Fee Required)

Note: CPA = Conditional Preliminary Plan Approval
      CFA = Conditional Final Plan Approval
Dr. Gerald F. & Susan W. Clair Subdivision

Final Plan
2-Lots (Residential)
Benner Township

Location: At the eastern terminus of an existing private street called Clair Lane, approximately 200 yards west to its intersection with Township Road 376 (Rock Road).

Surveyor/Engineer: PennTerra Engineering, State College

Tract History: a) Parent tract (totaling 29.9 acres) acquired by the Dr. & Mrs. Clair as an ‘existing lot of record’. The lot contains a single-family residence and several outbuildings and recent litigation between Dr. & Mrs. Clair (plaintiffs) and the adjoining property owner and Benner Township (defendants) has taken place, whereby the Judge’s decision allows for a reduction of the Benner Township’s minimum private street right-of-way width (off-site, only); from the required 50 feet width to a 20 foot width.

Note: In the court documents it was clearly stated that all other local land use controls must be adequately accommodated. However, the plan as presently submitted shows a design that will require major adjustments in order to comply with the Benner Township Street Standards (i.e., maximum finished grade for a private street system -- 12% vs. the 13.1% depicted; 4% leveling area at the private street intersection with Rock Road; adequate safe stopping site distance at the private street intersection with Rock Road; and, a required cul-de-sac turn-around in lieu of the proposed ‘hammerhead’ format); or, the developer must provide written evidence of municipal waivers.

b) The Commission opted to table the plan at their November 15, 2011 meeting with the intent to revisit the plan at their regularly scheduled December 20, 2011 meeting.

c) The Planning Office received correspondence from the applicant’s agent formally waiving the Commission’s ninety (90) day time limit for action and requesting that an additional sixty (60) day extension be granted to afford time needed to address the numerous conditions still pending. The Commission acknowledged the applicant’s request and the plan remains tabled with the intent to revisit the plan at their regularly scheduled meeting of February 21, 2012.

Note: This office has received a formal waiver from the applicants regarding the Commission’s ninety (90) day time limit for action (letter dated February 16, 2012) and they have requested that the previous tabling action be continued to afford them the time necessary to address the various plan condition pending final plan approval (as noted below).

d) This proposal represents a Final Plan submission showing a subdivision proposal intended to create two lots from one, including the necessary internal and external infrastructure to service the building of a single-family residence on Lot 2 and the existing residence and out-buildings on Lot 1 and the properties adjoining the private street system.
Plan Requirements Pending:

- Same multiple-page listing of deficiencies as was provided to the Commission at their February 21, 2012 meeting.

Note: Applicant has initiated the formal request process to the Benner Township Board of Supervisors in regard to the above-referenced street standards waivers.

Consistent with the plan review by the Major Subdivision and Land Development Plan Review Sub-Committee) and subject to the review comments from the Benner Township Engineer and Zoning Officer and subject to the applicant’s additional waiver of the Planning Commission’s time limit for plan action, staff recommends continuing the tabling action until such time as the applicant has adequately addressed the previously itemized plan requirements.
Time Extension Requests:  

- G. M. McCrossin, Inc. Land Development (CFA)  
  Benner Township..............................................2\textsuperscript{nd} Request (No Fee Required)  
  File No. 85-11  

- Sandy Ridge Wind Farm O & M Building Land Development (CFA)  
  Taylor Township......................................3\textsuperscript{rd} Request (No Fee Required)  
  File No. 68-11  

- The Former Wolf's Furniture Store Land Development (CFA)  
  Benner Township..............................................3\textsuperscript{rd} Request (No Fee Required)  
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  Benner Township..............................................5\textsuperscript{th} Request ($100.00 Fee Required)  
  File No. 136-10  

- Sports Management Group, Inc. Land Development, Phase VI (CFA)  
  Haines Township..............................................17\textsuperscript{th} Request ($700.00 Fee Required)  
  File No. 253-07  

This office acknowledges receipt of written requests from the above-referenced applicants asking the Commission to favorably consider the granting of ninety (90) day time extensions for the completion of the remaining conditions pending plan approval.  

Accordingly, we recommend the granting of ninety (90) day time extensions. 

Note: CPA = Conditional Preliminary Plan Approval  
CFA = Conditional Final Plan Approval
Status Update -- John Hull’s Deitrich Road Land Development, Walker Township

At last month’s meeting (held February 21, 2012), the Commission granted one remaining 90 day time extension and agreed to waive the time extension request fee subject to the applicants agreeing to drop or settle the law suit between them and the Walker Township Board of Supervisors (reference letter from the CCPC dated February 24, 2012).

Mr. & Mrs. Hull agreed to the stipulations in correspondence dated March 1, 2012.

Of the conditions remaining to gain final approval, applicant has addressed the following:
- Completion of the required site improvements
- Final site inspection conducted by the Municipal Engineer and the required improvements are deemed complete (per letter of March 12, 2012)
- Receipt of letter from Hull’s attorney to Walker Township indicating their willingness to drop or settle the law suit (letter dated February 22, 2012)

Conditions pending:
- Receipt of written notification from the Walker Township Zoning Officer indicating that the plan is compliant with local zoning criteria.
- Receipt of the approval signatures of the Walker Township Planning Commission and Board of Supervisors.

Note: We’ve been in contact with the applicant’s attorney and he has agreed to schedule a meeting with the solicitor for Walker Township to address the formal dropping or settling of the pending law suit. Meeting most likely will be held in our office.

There is approximately 60 days left in the remaining time extension.

Draft: March 20, 2012
/acb
February 24, 2012

Hull Family Revocable Trust  
Attn: John H. & Deborah D. Hull, Trustees  
1257 Nittany Valley Drive  
Bellefonte, PA 16823

Re: Final Plan of the Deitrich Road Land Development (Hull Family Revocable Trust), Walker Township  
CCPC File No. 45-07

Dear Mr. & Mrs. Hull:

The Centre County Planning Commission conditionally approved the Final Plan of the Deitrich Road Land Development on May 30, 2007 which allowed a designated time period of ninety (90) days for completion of itemized conditions pending final plan approval; and in addition thereto, the applicant made requests for non-substantive changes to the conditionally approved plan, with the latest request approved by the Planning Office in correspondence dated October 12, 2009, noting conditions necessary for approval of the requested non-substantive changes.

Per the above, this office has received numerous time extension requests from you, and in each case the Commission opted to grant a ninety (90) time extension to the conditional approval time period (with the last time extension granted having an expiration date of February 21, 2012).

Accordingly, the planning office received correspondence from you (letter dated February 17, 2012 -- copy enclosed) requesting the Commission consider granting a waiver from payment of the required time extension request fee. Note: This action is pursuant to the applicant’s 19th time extension request and the corresponding processing fee computes to $800.00.

The staff shared your request with the Planning Commission at their regularly scheduled meeting of February 21, 2012 and they took formal action to grant one additional ninety (90) day time extension and grant a waiver to the payment of the required processing fee -- which is contingent to the following stipulations:

- Processing fee (in the amount of $800.00) is waived subject to the applicant agreeing to a prompt settlement of the pending litigation between Hull family Revocable Trust v. Walker Township Zoning Appeal Board and between John L. Hull and Deborah Hull, Trustees of the Hull Family Revocable Trust v. Walker Township Board of Supervisors (No. 2425 C.D. 2010), by providing written evidence indicating that the legal action has either been formally dropped or settled.
• Completion of the remaining conditions pending final plan approval as outlined in the Commission’s Conditional Approval Notice (letter dated May 30, 2007) and outlined in the Commission’s recognition of the applicant’s Non-substantive Change Request (response letter dated October 12, 2009).

• Per the Centre County Board of Commission’s Fee Schedule (Resolution No. 25 of 2000); “Any applicant requesting additional time extension(s) to the initial ninety (90) day Conditional Approval, as was granted by the Commission or Staff, will not incur an additional Processing Fee until the expiration of the first the three (3) consecutive ninety (90) day time extensions, as was previously granted, which equates to total one (1) year time period. Thereafter, the Applicant will be charged a fifty-dollar ($50.00) Processing Fee, which shall increase in increments of an additional fifty dollars ($50.00) per each new request (e.g., the second request will result in a hundred dollar ($100.00) fee, the third request will be one hundred fifty dollars ($150.00), etc.), until such time as the plot plan has received unconditional final approval. Also, time extensions will be limited to a maximum cumulative period of five (5) years, pursuant to Section 503.(9) of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.”; which reads, in part “…that approval of a plat shall be rescinded automatically upon the applicant’s failure to accept or reject such conditions within such time limit as may be established by the governing body.”

• Per the above, applicant provides the Commission with written documentation (within ten (10) days of the date of this correspondence) indicating that you are in agreement to the stipulations listed above.

Thank you for your continued cooperation and feel free to call if you need further clarification regarding this matter.

Respectfully submitted,

Anson C. Burwell
Subdivision and Land Development Planner

/acb
Enclosure:
Copies: Walker Township Supervisors -- Donna Reese, Secy.
Walker Township Planning Commission -- Ronald Denker, Secy.
Walker Township Sewage Enforcement Officer -- Tom Bowes
Walker Township Zoning Officer -- William Weaver
Walker Township Solicitor -- John R. Miller, III
Centre Conservation District -- Jim Coslo
CCPCDO -- Robert Jacobs, Director
Developer’s Engineer -- Mease Associates, Inc.
February 17, 2012

Centre County Planning Office
420 Holmes Street
Bellefonte, PA 16823

ATTN: Robert B. Jacobs

RE: Hull Family Revocable Trust, Walker Township, 45-07

Dear Mr. Jacobs:

We would like to request a final inspection of our light industrial property in Walker Township for occupancy. In addition we would appreciate a waiver of the recent time extension fee which payment is due on February 21, 2012.

Sincerely,

John and Deborah Hull
March 01, 2012

Centre County Planning and Community
Development Office
Willowbank Office Building
420 Holmes Street
Bellefonte, PA 16823

RE: Waiver of time extension fee due on February 21, 2012/Deitrich Road Land Development, CCPC File No. 45-07

ATTN: Anson Burwell

Dear Mr. Burwell:

John and I as applicants received the correspondence from the Centre County Planning Commission dated Feb 24, 2012 granting a 90 day time extension to the conditional approval land development plan and the waiver of the processing fee subject to stipulations as noted in the letter.

John and I agree to those stipulations and will follow up accordingly.

Sincerely,

[Signature]

John and Deborah Hull
John R. Miller, Ill, Esq.
CAMPBELL MILLER WILLIAMS BENSON
ETTER & CONSIGLIO, INC.
124 North Allegheny Street
Bellefonte, PA 16823

Re: Hull Family Revocable Trust v. Walker Township Zoning Appeal Board
   John L. Hull and Deborah Hull, Trustees v. Walker Township Board of Supervisors

Dear John:

Rather than have a hearing, and now that Donmoyer is gone, why don't we just go back
to the original contractor shop and yard with the original approval, the original whatever, and be
done with it. We would like a double occupancy permit for two contractors. Or we can have a
hearing, which will ultimately return us to the original permit.

Please advise.

Very truly yours,

BRYANT & CANTORNA, P.C.

By: James N. Bryant

JNB:ksr
cc: Hull Family Revocable Trust
Mr. James Heckman, Chairman  
Walker Township  
816 Nittany Valley Drive  
Bellefonte, PA 16823

RE:  Deitrich Road Land Development Lands of John Hull  
Post Construction Walkthrough

Dear Mr. Heckman:

I have performed a post construction walkthrough of the referenced project and have found no deficiencies. The work appeared to be in accordance with the approved land development plan.

If you have any questions please call.

Sincerely,

Donald M. Franson, P.E., P.L.S.

CC:  Mease Associates, Inc.  
Anson Burwell, CCPO
Enabling Legislation -- Pennsylvania Municipalities Planning Code (MPC)

Article I. General Provisions, Section 107. Definitions:
- Municipality -- borough, township or county
- Municipal Engineer -- a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission.

Article V. Subdivision and Land Development, Section 503. Contents of Subdivision and Land Development Ordinance:
- Provisions for the submittal and processing of plats, including the charging of review fees, and specification for such plats, including certification as to the accuracy of plats....
- Such plans shall be prepared in accordance with the act of May 23, 1945, (sic) known as the “Engineer, Land Surveyor and Geologist Law”
- Review fees may include reasonable and necessary charges by the municipality’s professional consultants for review and report thereon to the municipality. Such fees shall be based on a schedule established by ordinance or resolution.

Article V. Subdivision and Land Development, Section 509. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval:
- This section outlines engineering requirements that may be required by the Subdivision and Land Development Ordinance, such as walkways, streets, curbs, gutters, water and sewer lines, utilities, and other improvements.
- No plat shall be finally approved unless the required engineering improvements shown on the conditionally approved plan have been installed by the applicant, inspected and found compliant by the planning agency’s approved engineer; or, in lieu of completion of the required improvements, the posting of adequate surety by the developer to guarantee same.

Article V. Subdivision and Land Development, Section 510. Release from Improvement Bond:
- Upon completion of the required engineering improvements, developer shall notify the governing body and approval agency (in writing) requesting a final site inspection by the municipal engineer.
- Municipal engineer shall file a report and the governing body shall forward same to the developer indicating compliance.

Centre County Subdivision and Land Development Ordinance (SALDO)

The Centre County Commissioners adopted the SALDO on July 1, 1983 (effective August 1, 1983) and formally delegated the Centre County Planning Commission (CCPC) as the party responsible for administration of the Ordinance.

Per the MPC, Section 309. of the County’s Ordinance, entitled: Review by Engineer, states that “Any application which involves Engineering Considerations shall be reviewed by an Engineer and any comments received from said Engineer shall be separately set forth. The Municipal or County Engineer shall review those Applications involving Engineering Considerations except where a conflict of interest arises or where such Application has been submitted by the Municipal or County Engineer or his office. In such instances the Commission shall appoint an independent Engineer to review the Application.”
To adequately address Section 309., the County Commissioners have appointed Don Franson, P.E., as the Centre County Engineer and has appointed Kerry A. Uhler, P.E., as the alternate County Engineer; including a fee schedule, billing procedures and a listing of responsible duties.

Per the County’s SALDO, Engineering Considerations shall include, but not be limited to, applicable plan preparation and related supporting data to adequately fulfill the requirements and standards of the specific sections of Article IV. (i.e., minimum standards pertaining to public or private streets, drives, parking, sidewalks, stormwater facilities, etc.).

As part of the formal application process for Major Subdivision or Land Development plans, the developer shall execute a Memorandum of Understanding (MOU), as referenced in Article XIV., Appendix No. 7.

**Pennsylvania Code -- Conflict of Interest Guidelines**

- Duties are limited to review of the applicable engineering details to determine compliance with the established minimum standards, provide review reports to the approval body, as well as conduct required site inspections.
- May advise the applicant regarding available options for planning, design and construction, but may not select the final design, only determine if the final design is compliant with applicable minimum standards.
- May not suggest, recommend or require the use of a particular engineer.
- May not plan, design, inspect or provide similar services for an applicant or applicant’s agent within the municipality in which the Engineer is employed or has a contractual relationship unless the services are set in the fee schedule and the fees are paid directly to the approval agency.
- May not provide engineering services in which the Engineer, a relative of the Engineer, a business associate or and employee of the Engineer has a financial interest in the project -- financial interest includes full or partial ownership, agreement or option to purchase, leasehold, mortgage or another financial or proprietary interest in, or serving as an officer, director, employee, contractor, consultant, or another legal of fiduciary representative of a corporation, partnership, joint venture or other legal entity which has a proprietary interest in one or more of the following: ownership of the land being developed, developer of the land owned by another, having a contract (written or oral) to perform a service on the land of the developer or for the owner of the land.

Staff communicated with Solicitor Glantz concerning the Commission’s concern, as well as indicating that previous County Solicitors (Attorney Robert Kistler and Attorney James Rayback) have reviewed the MOU procedure and format and both found it to be compliant with the MPC and the County’s SALDO; including confirmation from Louis Glantz indicating that he agrees with the past Solicitors that the MOU format does not constitute a ‘conflict of interest’.

Draft: March 19, 2012
/acb