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[Original 2015 Petition to Ferguson Township Supervisors \(Closed in 2016\)](#)

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Petition update

Potluck location moved (due to rain); context and timeline of PSU actions



Nittany Valley Environmental Coalition
State College, PA

Jul 22, 2017 — Tonight's potluck will not be at the encampment, but will be at a private residence, because of the forecast for rain.

If you are interested in coming, please send an email to Kelli Hoover for more information.
kxhoover2015@gmail.com

Context for the Eviction Notice

<http://nittanyvalleywatercoalition.org/index.php/2017/07/20/context-for-the-eviction/>

On July 7, the Centre Daily Times published an op-ed by David Gray, Penn State Vice President for Finance and Business.

Gray wrote: "...The university is not involved in the proposed housing development..."

That was but one of the false statements in Gray's op-ed, and Nittany Valley Water Coalition members Kelli Hoover and Terry Melton rebutted it in their July 13 op-ed, citing evidence:

"However, in 2011 PSU produced a multi-page brochure to market this land to developers for student housing (files obtained by Right-to-Know filing)."

David Stone, Mark Huncik and Katherine Watt obtained the "investment prospectus" during a Right to Know review of documents held by the Ferguson Township Planning Department in December 2015.

It included two pages of handwritten notes, indicating that on December 29, 2011 – five months before the Penn State Board of Trustees (led at that time by conflicted BNY Mellon President Karen Peetz) approved the main portion of the land sale from Penn State to Toll Brothers on May 4, 2012 – there was a private meeting at the Hotel Hershey.

Attendees at that meeting appear to have included Craig Rickards, then-Manager of Penn State Facilities and Real Estate Services (now deceased); Michael Jordan, a "PSU Grad, and Assistant VP and Controller" at Toll Brothers; Richard Keyser, Toll Brothers Vice President for Commercial Acquisitions and Development; Charles Elliott, Toll Brothers Managing Director and Charles Vatterott, Executive Vice President of Development at Aspen Heights.

<http://nittanyvalleywatercoalition.org/wp-content/uploads/2017/07/2011-Whitehall-Road-Investment-Prospectus.pdf>

We do not know why the investment prospectus was in the public Ferguson Township Planning Department files for the Whitehall Road/Blue Course Drive development, and we do not know who else attended the

December 29, 2011 meeting.

What we do know is that someone produced the brochure to help Penn State executives market the property to prospective student housing developers, and that Penn State's David Gray subsequently signed a sales agreement with Toll Brothers' Richard Keyser on April 24, 2012. We have a small portion of that document, also found during our Right to Know file review at Ferguson Township Planning Department in December 2015.

<http://nittanyvalleywatercoalition.org/wp-content/uploads/2017/07/4.24.12-PSU-Toll-Purchase-and-Sales-Agreement.pdf>

Penn State is exempt, by state law, from the Right to Know provisions that would enable citizens to shed light on these backroom deals.

Penn State executives have, in private meetings, repeatedly told NVWC representatives that the university cannot unilaterally withdraw from the 2012 sales contract to facilitate the execution of a land swap and protect the watershed and farmland.

Skeptical of that assertion, and wanting to be fully prepared for upcoming meetings with Penn State and Toll Brothers executives, NVWC representatives have repeatedly requested an opportunity to review the complete sales contract, including all contingency provisions.

Penn State executives have repeatedly denied those requests.

Further Context - a timeline of Penn State executives' and trustees' actions [Source document links are live at the original post]

<http://nittanyvalleywatercoalition.org/index.php/2017/07/20/further-context-a-timeline-of-penn-state-executives-actions/>

August 25, 1999 – Corporate Penn State buys land from RK Mellon Foundation and Mark and Marcia Bookman (50-50 joint owners), each selling their stake, for \$1 and \$99,307 respectively – [8.25.99 Deed 1; 8.25.99 Deed 2]

November 7, 2003 - Penn State Vice President for Finance and Business Gary Schultz submits application to Ferguson Township seeking Township upzoning of the land from RA to R4, and incorporation into Regional Growth Boundary. [11.7.03 PSU-Sweetland Application to Ferguson Township for Upzoning RA to R4 with Deeds Attached]

November 2003 to October 2004 – Numerous area municipalities and planning agencies recommend Ferguson Township deny Penn State's upzoning application, to protect the water, farmland and regional growth boundary. Representative sample: [3.29.04 Centre Region Planning Agency to Ferguson Township Re Whitehall Road Zoning Change]

June 14, 2004– Penn State Assistant Vice President for Finance and Business Dan Simiensi submits \$1,000 application check to Ferguson Township for rezoning review process. [6.14.04 PSU Rezoning Check Cover Letter D. Sieminski to M. Kunkle]

September 7, 2004 – Ferguson Township supervisors approve the upzoning by 3-2. Steve Miller votes “No.” [9.7.04 Ferguson Township Board of Supervisors Minutes]

February 25, 2008 – Penn State files “declaration of access easements” with Centre County Recorder of Deeds, citing subdivision plan. [2.25.08 PSU Easements Six Lot FT Subdivision]

February 27, 2008 – Penn State’s Gary Schultz, as owner, files subdivision plat plan, approved by Ferguson Township Planning Commission on or about February 7, 2008 and by Ferguson Township Board of Supervisors on or about February 14, 2008 (signed by Board Chair Richard Mascolo, husband of Centre Region Parks Authority Board Chair Sue Mascolo) at Penn State’s request, clearly showing road access from Blue Course Drive to Shingletown Road across the watershed, and linking development of adjacent public park to development of student housing complex. [2007 PSU-Sweetland Engineering Six Lot Subdivision]

December 29, 2011 – Penn State commissions production of glossy full-page marketing booklet to solicit bids at a meeting in Hershey, from developers, to construct student housing on land rezoned – at Penn State’s request – in 2004 and subdivided – at Penn State’s request – in 2008. [2011 Whitehall Road Investment Prospectus]

April 24, 2012 – Penn State Senior Vice President for Finance and Business David Gray signs sales contract with Richard Keyser, Toll Brothers Vice President for Commercial Acquisitions and Development. [4.24.12 PSU-Toll Purchase and Sales Agreement]

May 4, 2012 – Penn State Board of Trustees, led by Karen Peetz, President of Bank of New York Mellon, approves sales contract for \$13.5 million. [5.4.12 PSU BOT Minutes (See page 10).]

September 20, 2013 – Penn State Board of Trustees adds 5.5 acres to the planned sale, located outside the regional growth boundary and still zoned Rural Agricultural, to Toll Brothers, for the purpose of stormwater management basin construction. The minutes note that Karen Peetz is not present for vote, but in any case, the Board finds she has no conflict of interest under University bylaws, despite BNY Mellon’s Boston Company Asset Management being the seventh-largest investor in Toll Brothers. [9.20.13 PSU BOT Minutes (See page 11-12); 8.14.12 Toll Bros Peetz Reuters]

July 7, 2017 – Penn State Senior Vice President for Finance and Business David Gray, in a CDT editorial, states

“the University is not involved in the proposed housing development.”

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