

**BELLEFONTE BOROUGH COUNCIL MEETING**  
**November 16, 2015**  
**[www.bellefonte.net](http://www.bellefonte.net)**

**CALL TO ORDER**

The regular meeting of the Bellefonte Borough Council was called to order at 7:30 p.m. by Council President Frank Halderman in the Bellefonte Borough Municipal Building.

Pledge of Allegiance:

Following the Pledge of Allegiance, Council remained standing for a moment of silence. It was requested that cell phones either be placed on vibrate or turned off.

**ROLL CALL**

Members Present: Beigle, Brachbill, Brown, Dunne, Halderman, Harvey, Spicer, Walker,

Members Excused: DeCusati,

Officials Present: Ralph Stewart, Borough Manager  
Don Holderman, Assistant Borough Manager  
Mayor Wilson

Staff Present:

Guests: Joanne Tosti-Vasey; Louwana Oliva, CATA; Emma Gosalvez;  
Frank Dankanich; Deborah Smith; R. Timothy Smith

**CONSENT AGENDA**

(The following items listed on the Consent Agenda are considered to be routine and will be acted upon by a single motion. There will be no separate discussion of these items unless members of Council request specific items to be removed for separate action.)

- Minutes - Approval of November 2, 2015 Meeting Minutes
- Communications – Letter request from Saint John Catholic School
- Mayor – October 2015 Police Report
- Finance – October 2015 Voucher Summary: \$1,454,809.56
- Finance – October 2015 Treasurer’s Report

Mr. Spicer made a motion to approve the Consent Agenda. Ms. Harvey seconded the motion. It was requested that the minutes and the communication from Saint John Catholic School be removed.

Mrs. Dunne made a motion to approve the remaining three items. Mr. Brachbill seconded the motion. A voice vote was unanimous.

Mrs. Dunne made a motion to approve the November 2, 2015 minutes. Mrs. Brown seconded the motion. Mr. Brachbill noted under Zoning & Planning Mr. Beigle made a motion on conditional approval of moving the freight building. It was Mr. Brachbill that voted no rather than Mr. DeCusati. Under the motion made by Mr. DeCusati for the resolution put forward to the Authority it was worded that Council was recommending highly that the Bellefonte Water Authority reconsider their decision to discontinue fluoridation not recommend that they continue fluoridating. Mr. Stewart and Mr. Holderman will review the minutes and make the necessary correction. A voice vote was unanimous to approve the minutes as corrected.

Mrs. Dunne requested the letter from Saint John Catholic School be removed from the consent agenda. There were no comments on the letter and it is the same request that is received every year. Mrs. Dunne made a motion to approve the letter from Saint John Catholic School. Mrs. Brown seconded the motion. A voice vote was unanimous.

## **REGULAR AGENDA**

### **COMMUNICATIONS**

#### **WRITTEN**

- A letter from Nancy K. Baron-Baer, Regional Director, ADL (Anti-Defamation League). The letter comes every year. It reminds the Borough what decorations can and cannot be used during the Christmas season.

- An email from Trish Meek, AICP, Transportation Planner, Centre Regional Planning Agency (CRPS), PennDOT, providing information about a grant opportunity through PennDOT. Mr. Holderman will talk with local Planning Agency folks to find out the details.

#### **ORAL**

- Dr. Deborah Smith, 113 Kathryn Drive, Bellefonte. She has a degree in Biology, an MAT in Science Education from Harvard and a PhD in Science Education from the University of Delaware. She is at the meeting to speak as a science educator. As a teacher she has spent a lot of her life teaching young children and she cares about their health and well being. She has attended the Water Authority meetings since August and she has reviewed the minutes of the Water Authority since April so she has

a pretty clear picture of what has been happening since April. She attended the public hearing on November 2, 2015 where every speaker asked to keep fluoride in the water in Bellefonte. At the Borough Council meeting on November 2 there was a resolution passed by Council asking the water Authority to reconsider their decision to remove fluoridation from the Bellefonte water. She attended the Water Authority meeting on November 3. At that meeting Mr. Beigle asked if there was any reason not to continue with the decision to remove fluoride. There was silence at the Water Authority among the members. In spite of the public hearing and the Council's Resolution and the many, many consumers and Bellefonte citizens who have asked to keep fluoridation in our Bellefonte water you may find yourself wondering why. Why would the Authority continue this decision when the evidence is overwhelming that the public is opposed to this decision and that the scientific evidence refutes any claims the decision could be based on? I have spoken previously of costs, one of the reasons given to DEP, cannot be the reason for this decision. As the Department of Environmental Protection inspector herself recommended in March when she did her inspection, the Authority could lower the amount of fluoride being put in the water to .7 parts per million which is lower than what is currently being added and therefore the costs could be lower than at present. In addition, nowhere in her report, which she looked at, is there requirement for a new building or extensive renovations. What is required is a secondary containment basin for the fluoride. The minutes of the Water Authority meeting report that she said the requirements and recommendations would not be expensive to put in place. Another reason given was the safety of the workers. Pete Peters spoke very eloquently on that. This is a very emotional issue for all of us because these workers have been working for eight months under conditions that could have been fixed in March or April and should have been fixed in March or April. Recently there have come to our attention other claims that Ralph Stewart has made in an interview with the Centre Daily Times and also at the Public Hearing. She wanted to address those claims. She provided the Water Authority and Mr. Stewart with extensive scientific research to refute those claims. Every one of them has been found to be false without evidence to back them up. These have been examined by scientific organizations and individual scientists who have refuted those claims. Scientific claims must be backed up by scientific evidence from well-designed investigations and reasoning that connects the evidence to the claims. Mr. Stewart has not provided any sources for his claims and has not provided any evidence or reasoning that would link them to the claims he has made. How can this be? What are the sources? In the Centre Daily Times article and at the Public Hearing Mr. Stewart did not provide us with the sources for his claims. He has handed out handouts at the Water Authority meetings with these same false and misleading statements. They come from an online website, which is anti-fluoride and anti-science. The claims are used as common scare tactics to scare communities to take fluoride out of their water. This is somewhat akin to if you need cardiac bypass surgery and instead of choosing the best cardiologist in the scientific community going down the street to a back alley person that claims they know how to do the heart surgery and has no evidence to back that claim. One of her questions, which she doesn't know the answer to, is whether the members of the Water Authority have been influenced by Ralph's false claims which can be found in the minutes of the Water Authority starting in April to the present. There was no voice vote at the Water Authority

and no reasons given by members of the Water Authority so we don't know what reasons the members are using to get to this decision. What we do know is the Authority members are proceeding to remove fluoridation, which has 65 years of research to back its safety and effectiveness in preventing tooth decay in children and adults. It's one of the easiest diseases to prevent and it's still the number one chronic disease in childhood, and especially in low-income neighborhoods and communities. Tooth decay, cavities, lack of dental care lead to pain and suffering for children and adults and to missed school, which really affects their learning as studies have shown. Mr. Halderman asked if she is just reviewing all the information that has been previously sent to Council. She stated this is additional information. Mr. Halderman requested she have only a few more minutes.

As a result thousands of Bellefonte children and adults will be exposed to the removal of fluoride. This is without their permission. They have not asked for the fluoride to be removed. The water supply belongs to the community, not the Water Authority, but the five members of the Authority are disregarding the scientific evidence and public wishes and making decisions for the rest of us due to some quirks due to the way power is delegated and decisions are made in the Borough. She is asking Borough Council as public elected officials charged with our well-being to revise, amend or change whatever regulations or arrangements are currently in place so that this decision cannot stand in Bellefonte. The Bellefonte community is a caring community; one concerned with the health and safety of all who drink the water. Surely we cannot allow this decision to happen to people in our community.

- Dr. Frank Dankanich, 1331 Parkwood Drive, was at Council to ask the question if the Borough at the meeting a few weeks ago unanimously was in favor and in fact were going to be looking for funds to pay for a building or whatever it took to keep fluoride in the water...with the vote or non-vote that took place with the Water Authority what can Council do to make the wishes and desires of our community come to pass?

- Mrs. Brown, in reference to the Hometown Hero Program. Time didn't allow for the reading of this during the ceremony on Veteran's Day so she wanted to take the opportunity tonight. She thanked Council for their support and the three Borough employees, Brett Meyers, Craig Herrold and Dave Klinefelter for their determination to get the banners hung. They worked in the dark and in the rain. While thinking what to say at the program she was reminded of a profound statement made by John F. Kennedy – "Ask not what your country can do for you; ask what you can do for your country." The exceptional men's and women's banners which hang on the lanterns in Bellefonte answered that call and served their country proudly. The committee laid the groundwork for the Hero Program, but families and sponsors who purchased the banners made it happen. Thank you! It was wonderful to see the Courthouse lawn filled with people on Veteran's Day. As you walk or drive through Bellefonte and see these hero banners think about this – don't ask what your community can do for you...ask what you can do for your community.

Mr. Halderman felt the Veteran's Day proceedings had the largest crowd he has ever seen, and it was a very nice ceremony.

Mr. Spicer thanked Pete and Matt for working over the weekend.

Mr. Halderman thanked Mrs. Brown for all of her work.

### **SPECIAL COMMITTEE REPORTS**

- None.

### **MAYOR'S REPORT**

- Mayor Wilson thanked Mrs. Brown for bringing the Hometown Heroes Program to Council about 1 ½ years ago and then having Council move it on to HBI for initiation. It was a great job, a lot of work and it looks great.

- Chief Weaver was available to answer any questions regarding the monthly police report.

- Mayor Wilson encouraged residents to shop in the Borough and support the Borough businesses.

### **OFFICE OF COMMUNITY AFFAIRS**

#### **ZONING/PLANNING**

- Freight Building Move – Ms. Dainty provided a memo regarding notes that came back to the County. There are four pages of comments and therefore the Planning Commission will be looking at the plan again before anyone signs off on the plans. Ms. Dainty has been in touch with Sweetland Engineers, and they are hoping they can have them all addressed by the November 23 meeting. If they are not ready, it will be the December 28 meeting before the Planning Commission meets again.

There was a contractor lined up to move the freight building in December, but it cannot be moved until the site plan is approved.

- Ms. Dainty reported the Belle/Key Annual meeting, the 1<sup>st</sup> Annual Meeting, will be held Wednesday, November 18, 6:30 p.m. at the American Philatelic Society located in the Match Factory. They will have a chance to meet Board members and Committee members and learn about volunteer opportunities and also about what was done in the past year. The Belle/Key Program is the Keystone Community Program. Belle/Key stands for Bellefonte Keystone Community Development Association. A lot has happened and it will be a great time to learn what has been done and what is left on the five-year plan. They work with the PA Downtown Center.

- Ms. Dainty invited everyone to shop small and shop in Bellefonte on November 28, which is Shop Small Saturday in Bellefonte. There are 21 participating merchants. The time is 10:00 a.m. – 5:00 p.m. There will be a passport book of savings. When you go into a participating store you will be given a passport. If you make five purchases you get five stamps. At that time you can enter a drawing for a

\$25.00 town-wide gift certificate. It is a national thing sponsored by American Express. The Bellefonte Chamber is also partnering with this.

## **HARB**

### **CERTIFICATES OF APPROPRIATENESS**

- None.

### **BUILDING AND PROPERTY** – No report.

**FINANCE AND GOVERNMENT PERFORMANCE** - Mrs. Dunne reported the Finance Committee met tonight and will meet again before the next Council meeting. There will be a draft budget at the next Council meeting.

- Mrs. Dunne reported, in response to Dr. Dankanich, that the particular funding was not discussed. There are a lot of other obligations to meet first, but that does not mean that there will not be any discussions in the future.

### **PARK AND RECREATION** – No report.

**HUMAN RESOURCES** – Mr. Spicer reported there was an Executive Session to discuss a legal matter.

- They continue to work with the Public Works contract.

**SAFETY** – Mr. Brachbill reported a letter was received from John Switaj, Sr. Safety Management Specialist, Selective Insurance, stating they did the mandatory training on October 14, 2015. The training was very well attended.

- There will be a Nittany Valley Joint Planning Session on Thursday, November 19, at 6:00 p.m. at the Spring Township Municipal Building.

- Mrs. Dunne reported that the Fire Protection Task Force is looking at state legislation that would allow municipalities to offer financial incentives to volunteer firemen and first emergency responders. The local legislators are supporting this legislation. The bill was voted out of committee last week. It is possible that it may be passed at this session.

**WATER AND SANITATION** - Mr. Beigle reported leaf collection is behind. There have been some equipment issues.

- On the water withdrawal report the numbers have been up and that is because water is being sold to the prison. Someone there is sick, and the other person can only work so many hours. At that point it is shut down and they purchase water from Bellefonte.

- The Borough is looking at purchasing a Dewatering Press. The press will take the water out of the waste and the end product is distributed on the farmer's field.

- The last brush and grass clipping pickup will be Wednesday, November 18. The landfill is open until Saturday, November 21.

**STREETS** – Mr. Stewart received meeting minutes regarding the Linn Street Wall project. There was a utility meeting recently where the water and wastewater lines were marked. The project is not scheduled for construction until the summer of 2017. They are paving on each side of the turn.

- They are working on the curbing for the paving of SR#144 but there has been no word of when the paving will be done.

- Mrs. Dunne made a motion to pursue the decorative fluted ornamental black traffic signal poles at each of the three intersections under discussion, which would be High & Water; High & Spring; and Water & Lamb and to make this decision known to PennDOT. Mr. Walker seconded the motion. A voice vote was unanimous.

- Mrs. Brown questioned whether there was an answer regarding signage at Badger going onto Bishop Street. There is no decision because the Streets Committee has not met yet.

- Mrs. Brown asked if the light by the Bellefonte Wok has been repositioned. Mr. Holderman reported a work order has been placed.

- Mrs. Brown would like the businesses in the downtown area to be notified that they need to clean the leaves off the sidewalk.

- Mr. Brachbill reported when you come into town from State College the light at the new Subway store is very blinding. Mr. Stewart will check into that.

**ENERGY AND ENVIRONMENTAL CONSERVATION** – No report.

### **OLD BUSINESS**

- There is an email in the packet initiated by Mr. Halderman regarding reorganizing the County Borough's Association. Currently we are connected with Clearfield County and it hasn't gone very well. Mrs. Brown suggested this be dealt with after the first of the year.

- Mr. Stewart put a memo in the packet regarding the fluoridation issue and Mr. Stewart's position with both entities. If Council files an appeal, he is requesting they appoint a contact person/appeal filer. He will request the Authority do the same thing.

Mr. Brachbill feels it is a no-win situation. He has not had anyone contact him in reference to keeping it or taking it out. As a Council he isn't sure if anything can be done, but he feels as individuals people can write their own letters to DEP. The appeal date has not yet passed.

Mrs. Brown asked if the appeal was made as the body of Council can it be withdrawn if the expense is more than the budget can handle. Mr. Stewart does not know the answer to that.

Ms. Harvey feels if Council voted unanimously to ask the Authority to reconsider its opinion, it makes logical sense that you can vote to appeal as a body, which would be more effective, or do it individually. She does not feel it is right to let it die. She is convinced of the efficacy of fluoridation. She is not convinced it is going to cost a lot. She encourages Council to make an appeal either collectively or individually.

Ms. Harvey made a motion for Council to appeal the decision of the Borough Water Authority to DEP. Mrs. Dunne seconded the motion. A roll-call vote was taken. Beigle – no; Brachbill – yes; Brown – yes; Dunne – yes; Halderman – yes; Harvey – yes; Spicer – no; Walker – no. Mr. Halderman stated the vote passed 5-3. If legal Council files this, another solicitor will need to be obtained. He appointed Mrs. Dunne and Ms. Harvey to be a committee to explore additional Council to file before the due date and then get back to Mr. Stewart. Mrs. Brown noted a letter could be written without legal council.

Mrs. Brown made a motion to file an appeal letter before hiring an attorney. Mr. Brachbill seconded the motion. Mrs. Dunne and Ms. Harvey will fill out the form. Mr. Beigle asked who the five people were that discussed the proclamation by email. Mr. Halderman stated nobody made a decision by proclamation. It was suggested that a straw vote be taken. Voting yes would be to not hire legal counsel to fill out the form and voting no would be to hire legal counsel to fill out the form. Mr. Beigle asked why people that voted no the first time have to vote the second time. A roll-call vote was taken: Beigle – abstained because he voted no to the first motion; Brachbill – yes; Brown – yes; Dunne – no; Halderman – no; Harvey – no; Spicer – abstained because he voted no to the first motion; Walker – yes; Mayor Wilson – yes. Mr. Halderman asked the two Council members to do whatever needs to be done to fill out the appeal. Mrs. Dunne and Ms. Harvey will be the contact people for the appeal.

- Mr. Stewart included a couple appeals that he received in the Borough office. One was done by Dr. Deborah C. Smith; and one was done by Robert Scott Huffard, MD.

## **NEW BUSINESS**

- Mrs. Brown made a motion to institute the Holiday Parking Program for 2015. Mr. Spicer seconded the motion. When the parking attendant sees an expired meter he will issue a Courtesy Ticket. If he comes back in two hours and the vehicle is still there, it will receive a parking ticket. This is in effect from November 27, 2015 through January 2, 2015. A voice vote was unanimous.



- Mr. Spicer made a motion to approve Resolution 111615-01 Borough of Bellefonte Police Pension Plan per Mr. Stewart's synopsis that the rate will not change from 3.9% compensation. Mr. Brachbill seconded the motion. A voice vote was unanimous.

### **PUBLIC COMMENTS**

- Dr. Smith asked what the fluoride information was that was given to Brian Walker. It was included in the Council packets. It was from a resident of the North Ward who attended the Bellefonte Authority meeting. He requested it be given to Council for distribution. He is the only person who ever asked for it to be out at any of the public meetings.

### **ADJOURNMENT**

- With no other business to come before Council Mrs. Brown made a motion to adjourn the regular meeting of November 16, 2015, at 8:25 p.m. Mr. Beigle seconded the motion. A voice vote was unanimous.