

Meeting Minutes
State College Borough Council
February 21, 2006

The State College Borough Council met in a regular meeting on Tuesday, February 21, 2006, in the State College Municipal Building Council Room, 243 South Allen Street, State College, Pennsylvania. Mayor Welch called the meeting to order at 7:30 p.m.

Present: Bill Welch, Mayor
Catherine G. Dauler, President of Council
Thomas E. Daubert
Ronald L. Filippelli
Elizabeth A. Goreham
Donald M. Hahn
Craig R. Humphrey
Absent: Jeffrey R. Kern

Also present: Thomas J. Fountaine, Borough Manager; Terry J. Williams, Borough Solicitor; Carl R. Hess, Director of Planning; Herman L. Slaybaugh, Zoning Officer/Planner; Thomas R. King, Chief of Police; Michael S. Groff, Finance Director; Mark A. Whitfield, Director of Public Works; Amy J. Story, Borough Engineer; Mark S. Henry, Health Officer; Cynthia S. Hanscom, Assistant Borough Secretary; members of the media; and other interested members of the public.

Mr. Welch began with a moment of silence and the Pledge of Allegiance.

APPROVAL OF MINUTES

Ms. Dauler moved and Mr. Hahn seconded a motion to approve the following sets of minutes for January:

January 3, 2006, Regular Meetings
January 9, 2006, Special Meeting
January 9, 2006, Regular Meeting
January 20, 2006, Work Session

Mr. Hahn asked corrections to the minutes include:

- o January 9, regular meeting, page 34:483, the words "funded by all other Centre Region municipalities combined" should be inserted in the 10th paragraph after "fund at one third the amount."
- o January 20, work session, page 34:485, 5th paragraph, the words "copies of responses to" should be inserted after "would not receive" and the word "all" should be deleted.
- o January 20, work session, page 34:485, 7th paragraph, the word "directly" should be inserted after "express their concerns" in the 3rd sentence.
- o January 20, work session, page 34:485, 8th paragraph, the phrase "to represent the ABCs at Council meetings" should be inserted after the words "Council Liaison's responsibility either."

Council agreed with the corrections made by Mr. Hahn and approved the minutes unanimously.

Public Hour - Hearing of Citizens

Robert Rightmyer, 785 Walnut Spring Lane, thanked Council for allowing him to speak. He asked Council to reject any item that is not covered by the Borough Charter. He spoke of his past life in foreign countries and foreign service. He noted the resolution before Council reaffirming the freedoms established in the Bill of Rights is not part of the Borough Charter and is not Council's responsibility. He asked Council to reject any agenda item that involves intelligence or political issues. Mr. Rightmyer also submitted a petition signed by 31 individuals opposed to the resolution.

John Simbeck, 601 West College Avenue, suggested the Borough's budget be available for the public on the web site. This would allow residents to look at the working budget through the year. Mr. Fountaine indicated that he hoped to be able to do this for the 2007 budget.

Mike Desmond, 914 Robin Road, invited residents of the community to attend an open forum meeting on the State College High School project. The meeting will be an open dialogue for the public on the planned high school renovations. As Borough residents, he believed the renovation will impact the quality of life. As a downtown business manager, he believed the renovation would impact taxes. The event will be held Thursday, February 23, 2006, at the State College South Building and was sponsored by State High Vision. He invited the public to attend.

BIDS/CONTRACTS/AGREEMENTS

Project 6-2006 Easterly Parkway Sanitary Sewer. Mr. Fountaine noted that bids for Project 6-2006 Easterly Parkway Sanitary Sewer were opened on February 14, 2006 at 11:00 a.m. The

bids were advertised in the *Centre Daily Times* in accordance with the Purchasing Ordinance and a total of 6 bid packages were purchased. The following bids were received:

No.	Bidder	Amount Bid
1	Ameron Construction Company, Inc. Steven C. Balkey, Vice President State College, PA	\$257,420.00
2	HRI, Inc. John R. Kulka, President State College, PA	\$289,970.00
3	Stone Valley Construction, Inc. Marie Porter, President Pine Grove Mills, PA	\$363,631.00

Mr. Fontaine said the project is necessitated due to a capacity restriction within the existing conveyance system. Construction time is 45 days and is anticipated to begin with the notice to proceed being issued on March 6, 2006.

The engineering estimate for this project was \$160,000. In each of the bids, the unit price per pipe was double or triple the estimated unit price. Funding for the project is available in the sewer fund account. However, it is likely that some other project will not be completed this year.

Mr. Filippelli asked why the estimate was low. Mr. Fontaine indicated it was due to the cost of oil, which had driven up the pipe prices. The costs estimates are consistent with bids received by other municipalities for similar projects.

Ms. Goreham asked how Public Works would determine which projects would not be completed in 2006. Mr. Fontaine explained staff will evaluate which projects are needed and which can wait.

Mr. Daubert noted the construction is due to start in March, which is a busy time in State College because Penn State is in session. In addition, the weather may not be conducive for construction in March. Ms. Story indicated the work was being done in March because of the number of projects that needed to be done over the summer season. Although the date of construction was shown as March 6, this was only an estimate. The delivery of pipe may be a factor that could push this date back to mid- to late-March or even early April.

Ms. Goreham moved to award the bid for Project 06-2006 to Ameron Construction Company, Inc., the low bidder, in the amount of \$257,420.00. Mr. Hahn seconded the motion, which passed unanimously.

ABC RECOMMENDATIONS

Urban Village Revitalization Plan Implementation. Mr. Fontaine said Council received the recommendations from the Planning Commission on the Urban Village Revitalization Plan implementation. These recommendations stem from the Urban Village Market Feasibility Study completed in December. Included in this material is a recommendation that the Borough pursue opportunities for funding under the Elm Street program.

Ms. Dauler moved to receive the recommendations and schedule discussion for February 24. Mr. Hahn seconded the motion, which passed with a 6-0-0 vote.

Zoning Ordinance Amendment to Lower Building Height, Establish a Building Width to Lot Width Ratio and Establish Open Space Requirements. Mr. Fontaine reminded Council the Planning Commission recommended Council consider a Zoning Ordinance amendment to lower building height, establish a building/lot width ratio to regulate the maximum width of a building, and establish open space requirements. The first part of the amendment changes land use policy for the R-1 and R-2 zoning districts by creating scale compatibility between existing single-family homes and proposed non-residential buildings. The proposed ordinance also establishes minimum open space requirements in several zoning districts to facilitate storm water management and mandate green open space in zones where no standards are in place.

Mr. Hahn moved to receive the amendment and schedule a public hearing for March 20 with enactment on April 3. Ms. Dauler seconded the motion.

Mr. Daubert noted the proposed schedule does not allow for Council to discuss the amendment. Mr. Fontaine said it will be scheduled for discussion at the March 31 work session.

Mr. Welch asked the motion be changed to indicate a "possible" enactment on April 3. Both Mr. Hahn and Ms. Dauler agreed to the amendment of the motion.

Mary Marino, 720 S. Sparks Street, stated that it was not clear if this amendment would increase or lower building height. Mr. Fontaine said it would lower building height. Ms. Goreham added that it would not impact single family homes.

The vote on the motion to receive the ordinance amendment was 6-0-0 in favor of the motion.

Amendments to the Zoning Ordinance to Correct Discrepancies. Mr. Fontaine noted a Zoning Ordinance amendment is needed to eliminate inconsistencies that have accumulated over time as a result of previous amendments. These changes also include amendments to the conditional use sections to bring it into conformity with the Pennsylvania Planning Code. A public hearing and possible enactment can be scheduled for April 3. Discussion was scheduled for Council's March 31 work session.

Ms. Dauler moved to receive the proposed amendment and refer it to the Planning Commission. Mr. Hahn seconded the motion. The motion passed unanimously.

Zoning Amendment to Change the Review Process for Enclosed Porches and Land Development Plan Submission. Mr. Fontaine reminded Council the Design Review Board forwarded two recommendations to Council, both of which are included in a zoning amendment. The first amendment changes current policy by assigning the plan review function for porch enclosures of historic buildings to the Historic Resources Commission. The second amendment changes submission standards so that all land development plans show the proposed project within the context of its surroundings, which is a current practice of the Design Review Board.

Ms. Goreham moved to receive the amendment and schedule a public hearing for April 3. Ms. Dauler seconded the motion, which passed with a 6-0-0 vote.

Mr. Daubert asked when discussion would occur on this item. Mr. Fontaine said it would be discussed by Council at the March 31 work session.

OLD BUSINESS

Draft Centre Region Act 537 Sewage Facilities Plan Update. Mr. Fontaine said Council discussed the draft Act 537 Plan Update at their meeting of February 13. Staff combined comments made at that meeting. Council is being asked to forward those comments to the Centre Region Planning Agency.

Ms. Dauler moved to forward the comments to the Centre Region Planning Agency. Mr. Humphrey seconded the motion, which passed unanimously.

Resolution Condemning Property for the West Park Avenue Project. Mr. Fontaine said Council should consider a resolution to condemn property on West Park Avenue for a public improvement project. The resolution will allow for the rededication of the street so that it can be reconstructed to current Borough standards.

Mr. Welch asked if additional property would be taken other than the existing roadway. Mr. Fontaine explained all improvements will be in the existing area of the street. No additional land would be taken. The property owners have agreed to dedicate the right-of-way so that the Borough can improve the street. The cost of the work will be divided between the Borough, the property owners and the Pennsylvania State University, per agreement.

Mr. Humphrey asked if there would be trees removed as part of the construction. Mr. Fontaine said construction did not include tree removal but he did not know if there would be problems associated with the trees during construction.

Mr. Daubert noted that Council requested the street be constructed to alley standards. Mr. Fontaine confirmed that would be the case. It would be a one-way street with base and drainage improvements.

Ms. Dauler moved to adopt Resolution 903. Ms. Goreham seconded the motion. The motion passed with a 6-0-0 vote.

NEW BUSINESS

Amendments to the Zoning Ordinance to Facilitate the State College Area School District Renovations. Mr. Fontaine said the firm L Robert Kimball & Associates, on behalf of the State College Area School District (SCASD), is requesting amendments to four sections of the State College Zoning Ordinance. These amendments are needed to facilitate the high school reconstruction and renovation project proposed by the SCASD for their property at 653 Westerly Parkway, the site of the north high school building.

Mr. Welch said the proposal would require the following amendments:

- Schools are not a permitted use in the Planned Office zoning district, which is one of the zoning districts in which the high school is located. The proposed project cannot be undertaken without a change in the permitted uses in PO or a variance.
- Maximum building height in the PO zoning district is 35 feet and the proposed high school building will exceed this maximum height.
- Parking lot design standards require placement of islands and landscape material in all parking bays. The high school project includes an area without islands in one of the parking lots on the north side of Westerly Parkway to accommodate band practice.

- Under our current off-street parking regulations no more than 2 curbs are permitted at any site. The SCASD is requesting permission to have 3 curbs.

Mr. Hahn asked if a variance would be requested for the additional height needed for the project. Mr. Slaybaugh noted that in lieu of a variance, the request was to amend the Zoning Ordinance to increase the allowable height in the Planned Office district.

Mr. Humphrey moved to receive the request and refer it to the Centre County, Centre Regional and State College Planning Commissions. The motion passed unanimously.

Mary Marino, 720 S. Sparks Street, asked Council to consider the use of the Holmes Foster Neighborhood when considering these changes. She noted that there is public concern for this project. Mr. Welch said there would be public hearings held on the zoning changes where the public would be welcome to speak on the issues. Mr. Hahn added the request would come before the State College Planning Commission and citizens could comment at that point as well.

Allow Leashed Dogs in Additional Parks. Mr. Fountaine said, as part of a suggestion made by Centre Region Parks & Recreation, Council is being asked to include Walnut Springs Park and Thompson Woods Nature Preserve in the list of parks where dogs are permitted. The person having custody of the dog is still required to maintain the animal on a leash and immediately remove and dispose of fecal matter. Currently, the only park in the Borough permitting dogs is Lederer Park.

Ms. Dauler moved to enact an ordinance to allow leashed dogs in Walnut Springs Park and Thompson Woods Nature Preserve. Mr. Hahn seconded the motion.

Ms. Goreham noted that she was not opposed to having leashed dogs in parks but was concerned about the impact on the birds in the Thompson Woods Nature Preserve. She noted there are many birds in the park and would not want the dogs to disturb their habitat.

Ms. Goreham moved to table this issue until comment could be received from the State College Bird Club. Mr. Humphrey seconded the motion, which passed unanimously.

Resolution Reaffirming the Commitment to Freedom. Mr. Fountaine reviewed Nancy Kranich's request at the February 13 work session that Council consider a resolution addressing concerns related to the Patriot Act. Council agreed to place the resolution on the agenda for this meeting. Since this matter is a political issue, staff does not have a recommendation.

Ms. Goreham moved to adopt Resolution 904. Mr. Hahn seconded the motion.

Mr. Daubert moved to amend the resolution to delete the phrase "including sections of the USA Patriot Act and related measures" from the eighth paragraph. Mr. Hahn seconded the motion. The vote on the amendment was approved unanimously.

Mr. Daubert moved to amend the resolution to delete "the USA Patriot Act and related measures" and replace it with "proposed laws to fight terrorism." Ms. Goreham seconded the amendment. The vote on the motion was 6-0-0; the motion passed.

Mr. Filippelli moved to amend the resolution by deleting, in its entirety, the fourth paragraph. There was no second to the motion; the motion failed.

Mr. Filippelli moved to amend the resolution to delete "as it deliberates provisions of the USA Patriot Act and related measures" from the twelfth paragraph. Ms. Goreham seconded the motion, which passed with a 6-0-0 vote.

Mr. Welch asked if there were members of the public wishing to speak on this issue.

Dick Gold, 134 E. Doris Avenue, said he first came to State College on a National Science Foundation scholarship 38 years ago. He spoke in favor of the resolution, as amended. It is a canard that our system of government is founded on some absolute difference between what goes on at the federal level and the local level. Many of the rights and obligations originated in our local communities. There are many federal dollars that come to Penn State University and the Borough. The local community has a direct link to the federal government and what happens at the federal level directly affects the quality of life here.

Diane Gregg, 148 Rock Hill Road, stated that she was a teacher on the world campus and her students are spread throughout the world. Recently a communications student from Saudi Arabia chose an anti-war ad from a British newspaper for a project. Under the Patriot Act, she questioned whether a student from Saudi Arabia would have the academic freedom to choose this type of project without fear of being monitored through e-mail and the Internet. She also wondered if the e-mails between her and the student would be monitored. She spoke in favor of the motion because she would like to be able to do her job without limiting the academic freedom of her students.

Paul Simpson, 1301 E. Branch Road, a doctor of internal medicine physician, spoke on behalf of the resolution. He indicated that information about the patient is necessary to correctly diagnose

and treat. The patient will only feel comfortable presenting information to the physician if confidentially is guaranteed. He noted from a recent article in a professional medical journal, medical professionals would be required to hand over patients' medical records to the FBI with a national security letter. This is in direct conflict with the oath taken by medical professionals on physician/patient confidentiality. He strongly urged Council to pass the resolution protecting the rights of citizens.

Christopher Jones, 959 Grace Street, read a statement indicating his strong opposition to the resolution. He noted that Council cannot forget the cameras placed in Beaver Avenue to protect the community and safety of citizens. This is an example of how tools, such as the Patriot Act, protect citizens and enable law enforcement agencies to share information that is vital to disrupt potential terrorist activities. Also, lessening the ability to fight terrorism puts all citizens of State College at risk. By passing this resolution, Council would not only be supporting the terrorists but also would be using their positions to exploit the citizens with their anti-Bush agenda.

James Basseur, 220 Miller Lane, Boalsburg, noted the resolution was essential. It is not an exaggeration to say that the bedrock of what makes the United States of America special is the liberties and freedoms embedded in the Constitution. It is the obligation -- the absolute obligation -- of every citizen to protect these rights that define us as Americans. The study of history shows the consequences of the deterioration of these rights and freedoms.

Mike Sletson, 120 E. Beaver Avenue, made a statement not for Council but for the audience. Members of Council swear an oath to uphold the Constitution. A military commander in Viet Nam said "we had to destroy the city to save it." Neither Congress nor the president are infallible. History has evidence of legislation voided by the Supreme Court. He believed Council would be "above the curve" by making this important statement in protecting the citizens of State College.

Sharon Gibbons, 1010 Thistlewood Way, said she spoke as a private citizen and as past president of Unitarian Universalistic Fellowship of Centre County. During her term as president, the Board of Trustees unanimously endorsed a resolution to protect our liberties in 2004. The resolution was written by Theodore Vallance, now deceased, who was a member of the Fellowship and a member of the American Civil Liberties Union. In June 2004, 1800 delegates to the annual general assembly of the Unitarian Universalistic Congregations adopted a "Statement of Conscience" on civil liberties expressing the community's collective alarm concerning the erosion of liberties guaranteed under the U.S. Constitution, the Bill of Rights, and respective state constitutions. The USA Patriot Act is onerous because it infringes on civil liberties. She asked that, in memory of Theodore Vallance, Council endorse the resolution to reaffirm the commitment of the Borough to the freedoms guaranteed by the U.S. and Pennsylvania Constitution. Quoting from the Statement of Conscience, Ms. Gibbons noted that "freedom sacrificed for safety is no longer freedom."

Judith Simpson, 1301 E. Branch Road, read a statement on behalf of the State College Peace Center, a group striving for peaceful solutions to conflicts. She noted the USA Patriot Act has created domestic terrorism where warrantless electronic eavesdropping and physical searches have been conducted by the National Security Agency. The Pentagon has conducted surveillance of peace groups with the stated purpose to keep tabs on individuals and groups with possible links to terrorism but not to spy on citizens who voice their objections to policies. Protected activities by peace groups are being monitored and members of the State College peace group do not know if they are on the surveillance list. There is a lawsuit pending against the National Security Agency for intercepting phone and correspondence without prior court approval. The Patriot Act gives the authority to arrest an individual who breaches a protected area where officials, such as the President of United States, are visiting. The Act allows the Secret Service to designate restricted areas without public notice, even if the President or Vice President of the United States is not attending the event. She believed this prohibits people from lawfully assembling and voicing opinions. The Peace Center asks that officials protect the rights of citizens and only use legal programs to seek and obtain information. She asked Council to adopt the resolution and protect the rights guaranteed by the Constitution.

Richard Taylor, 808 North Allen Street, thanked the local Bill of Rights Defense Committee for bringing this resolution to Council's attention. He said it is clear that this is not just a liberal versus conservative issue. People concerned for the protection of our basic rights have come forward from a wide spectrum of political viewpoints, including libertarians, conservatives, Second Amendment defenders, conservative political groups and conservative think tanks, as well as from more traditional liberal organizations. He noted this was the first time he has seen the American Civil Liberties Union and the American Conservative Union listed side by side in support of an issue. He noted that his son was preparing for a second tour of duty in Iraq. He would feel like a coward if he could not stand here in front of Council and defend those values that his son and his comrades are fighting for half a world away. He did not want his son to come home to a country where the freedoms he is protecting are no longer here. He urged Council to support the resolution.

Kathryn Wagner, 913 Ring Neck Road, spoke on behalf of the League of Women Voters of Centre County. The League believes protecting individual liberties is an important issue. In January 1942, the National League President Marguerite Wells wrote that it is important to remember that individual freedom is important. She cautioned that in crisis situations, such as war, people lose sight of what government is doing. The League has always been an active

voice and an educator for the public on issues related to individual liberties including ensuring our government's accountability to the people and the preservation of checks and balances. The League has supported proposals to limit anti-terrorism excesses because of their threats to individual liberties and our civic rights, and because of their impact on the system of checks and balances that is basic to the working of our government. There are fundamental principles that guard our liberties. It is important for local and state governments to be able to work in concert with the federal government in the critical balancing of security concerns and individual liberties. She reviewed information from a recent National League project where it was noted that citizens felt their freedom and a system of checks and balances in government were important. Although the League recognizes the seriousness of terrorist threats, the preservation of the rights established through the Constitution will secure the democracy of this country. The resolution before Council will initiate public discussion and involvement which is one of the healthiest things that can happen in the democratic community.

Matthew DeAngeles, 917 South Allen Street, representing the Penn State Democrats, spoke to Council, not as a Democrat but as a "son." He spoke about how his generation does not talk about their rights because they assume the government has safe-guarded them for generations. His generation takes their rights for granted. The first lesson taught about America is about the fight against an oppressive government. Early lessons in government did not talk about the powers of the executives or the powers of war but focused on the Constitution and the Bill of Rights. He does not ask for a safe world but rather a free one. The rights are his legacy and he would fight to keep them. He asked the resolution be passed as a beginning commitment to the freedoms that were guaranteed as children.

Claude Pepper, 300 Lionsville Road, expressed his strong opposition to the resolution. He was a World War II veteran and he appreciated the freedoms in this nation. However, this country is fighting a vicious enemy. The terrorists could care less about personal freedoms and are experts at dividing people. Good citizens should not feel that the Patriot Act is against them when it was there to protect them. He asked Council to vote against the resolution.

David Cicero Bevacqua, a resident of the Borough for over two years who declined to give his address, said he came to State College on government dollars to do research at the Penn State Astrobiology Research Center, a funded center that explores many questions of science. The President of the United States reaffirmed his commitment to NASA last year and proposed a moon space station. In his most recent State of the Union address the President expressed support for science and engineering. However, last week he received a report stating the funding would be cut by 50 percent after release of the President's most recent budget proposal. He noted he has also had experience with the local police force in their harassing and clandestine visits in an attempt to intimidate and harass for expressing freedom of speech. Oppression occurs in this very town. Mr. Welch said he was not happy with a veiled anonymous threat of that sort suggesting our police are out kicking doors. Mr. Bevacqua said that is exactly what he is implying. Mr. Welch urged him to get together with the Chief of Police. Mr. Bevacqua said he has talked with the Chief of Police, several sergeants, and a judge. In the time since 9/11, there has been a reauthorization of the police force in this nation, both in their equipment and their freedom to transgress person, property and freedoms previously guaranteed by the Constitution. Although he might excuse the angry retaliatory patriotism following September 11, he asked this country to realign those timorous actions with the principles on which this nation was founded. Franklin himself, a native of this state, said "those who would trade liberty for safety deserve neither." World War II Nazi war criminal Hermann Goering said, "In any country, communist, democratic, dictatorship or tyranny, the people can always be brought to the bidding of those in power. Tell them they are under attack and their safety is at stake; and denounce the pacifists and the dissenters as traitors and unpatriotic." Mr. Bevacqua reminded everyone that it is a historical axiom that concentrating increased power in the hands of a few is a recipe for disaster. Mr. Welch noted that Franklin was a native of Massachusetts, although he moved to Philadelphia at an early age.

Josh Troxell, 1156 S. Atherton Street, said that only a few months ago he talked about unity, accessibility and accountability. Accountability is something that we all need to be ever-vigilant in all levels of government. Uniting and strengthening America by providing appropriate tools to intercept and obstruct terrorism, otherwise known as the USA Patriot Act of 2001, was designed to fight terrorism; the law has its flaws. However, as a former law enforcement officer, there are tools that our police are lacking that the Patriot Act does provide. Three weeks ago a man from Philadelphia was arrested for planned attacks, two of which were located in State College. One was the Applied Research Laboratory and the other was the Breazeale Reactor. He said he is glad that man is behind bars today. He said he was speaking on behalf of the Centre County Association of Young Republicans. This group comes not asking to oppose this resolution but rather that Council listen to what people have to say and allow for more public hearings. He asked Council to consider the ramifications of passing the resolution. The Borough is requesting state funds for the Fraser Centre for the downtown State College and this may be thought of negatively when state legislators consider funding. He asked Council to take the time to discuss this further. Ideally, it should be put forth in a referendum question in the May primary election.

Chris Small, 1007 Greenwood Circle, said he did not view this as a referendum on the Patriot Act. The bigger question is whether or not this is a local issue. He cautioned Council that if they may want to get a better sense of how the community feels about this issue. The *Centre Daily Times* has two pools, one being whether this is an issue to be dealt with by this board and the other on

whether or not the viewer believes the Patriot Act limits civil liberties. From the survey, it appears that citizens are split on this issue. He suggested this was not a local issue. From looking at the agenda and previous agendas, there are no other issues that resemble this issue. If this is local, then at what point does Council want to take a stand. There are several federal concerns that affect citizens locally. He did not believe the local Council was the correct venue for this issue to be addressed. Federal officials are elected to deal with federal issues.

Nancy Kranich, 733 Holmes Street, said she spoke last week about civil rights and anti-terrorism measures. She said that her group represents all kinds of people, conservative and liberal, and from all professions, all of whom are voicing their concern for civil liberties. By approving this resolution, Council would join 400 other communities that believe the greatest threat to our democracy is silence. There are people in this community who do not feel comfortable speaking tonight because they fear they will be detained or deported. Citizens need to have the courage to stand up and speak, not only for ourselves, but for those who are silent. Ms. Kranich closed by stating that she is proud to be a Pennsylvanian and a member of the population of State College where this forum is available for the public to speak. She urged Council not to be silent in order to save our democracy.

Jason Randall, 434 Waupelani Drive, noted that he was borne in Saudi Arabia while his parents were working there. His family often spoke of how grateful they were that they were Americans. He noted that his family was exposed to the alternative, such as photos being taken or letters that had been screened. His family was able to leave a country that was oppressive. He felt this issue was germane to all in this room and to the local community. He believed the federal government will take note that the local communities have chosen to speak up on this issue and to act as a voice of the people.

Marsha Barrabee, 500 E. Marylyn Avenue, said she was very glad to hear Ted Vallance's name spoken. She had learned a great deal from him. She noted that she was 80 years old and had lived a long time and seen a great many things, not all of them good. She was one of the founders of Women's Rights for Peace and had marched with Martin Luther King. She also discovered that she has a folder on file with the FBI and NAC (which she noted she was quite proud of). As a librarian, she has experienced officials demanding records of patrons. It was important to remember that a totalitarian government can slowly erode the privileges and rights of citizens in the name of security. As a Jew whose family was removed during the Holocaust, it was important to remember that during World War II good citizens were quietly disappearing, all in the name of government security. She urged Council to pass this resolution.

Steven Herb, 333 S. Allen Street, stated that at the beginning of this meeting we all stood up and pledged our allegiance to the flag. Tonight, the citizens are asking Council to reaffirm our allegiance to the United States. It is very simple.

Elena Cross, 412 Atherton Hall, stated she was a student at Penn State and had also been a student at State College Area High School. She asked Council to consider the values of all students. Students do not want to fear research because it could be perceived as terroristic. International students are fearful at a personal level to research certain subjects. She did not feel it was appropriate for students to be fearful in regards to education. She urged Council to pass the resolution.

Council members discussed the content of the resolution and agreed that it was more appropriate for Council's consideration with the references to the Patriot Act removed.

Also discussed by Council was the issue of whether it is appropriate for Council to pass a resolution addressing a national concern. Mr. Hahn believed reaffirming the Bill of Rights in this diverse academic community was important. Other members of Council agreed. Mr. Filippelli noted that, while campaigning for Council, he was asked his opinion on national issues and responded that it was not a matter for Council. However, if asked about civil liberties during his campaign, he would have responded. Mr. Filippelli commented his only concern was that other national, controversial issues may be brought to Council. Mr. Welch noted that staff made no recommendation because this matter is a political issue. From a purely practical standpoint and looking ahead for the potential impact of people with strong feelings on national issues to come before this group, he would not be signing the resolution because he did not feel it was appropriate. Mr. Daubert disagreed stating that there were several issues before Council in the past of federal concern, such as adding sexual orientation to the Borough's Fair Housing Ordinance. He agreed with other Council members that the resolution was important in protecting the fundamental rights of citizens.

Ms. Goreham commented that she was heartened by the amount of passion and interest in this debate. She was encouraged by the interest of the public and urged citizens to speak at public meetings in the future should an issue be of concern.

Council voted on the motion to approve Resolution 904 with the changes. The vote was 6-0-0 in favor of the motion; the motion passed.

Vouchers for the Month of January 2006. Upon motion of Mr. Daubert, seconded by Ms. Goreham, Council voted 6-0-0 to receive vouchers for the month of January, 2006, for the

Borough of State College, in amount \$3,206,214.08, and, acting as agent for the Centre Region Council of Governments, vouchers totaling \$493,957.78.

OFFICIAL REPORTS AND CORRESPONDENCE

President's Report. Ms. Dauler announced an executive session held on February 13 to discuss personnel matters and possible litigation. She also announced the appointment of Ronald Filippelli to the Fraser Centre Committee.

Staff/Committee Reports:

Fourth Quarter Enforcement Activities from the Health Department. Mr. Fontaine presented the Fourth Quarter Enforcement Activities Report from the Health Department.

Mr. Goreham asked for a comparison from the previous year. Mr. Henry said the number of snow violations was higher in 2005 because of the amount of snow in December. He expected the reverse to occur for January snow violations comparing 2005 and 2006 numbers because there has been little snow this year. The number of refuse violations is about the same as last year. Ms. Goreham asked that comparative date be provided in future reports.

Ms. Dauler noted that there were seven properties where the snow on the sidewalk was removed by the Borough. Mr. Henry indicated that within each season, a property owner is given a warning and two consecutive violations. If the snow is not removed after the second violation, the Borough will remove the snow from the sidewalk and bill the property owner. For each snowfall that occurs in the same season, the Borough will remove the snow from that specific property owner's sidewalks if it is not done within 24 hours. Each time the property owner is charged for the snow removal.

Report on the Status of the Avian Flu. Mr. Henry presented a report on the status of the Avian Flu and the reasoning behind the concerns raised by the health community. The impact of a pandemic could disrupt critical services and create potential economic and human losses. Mr. Henry explained officials from the Penn State University, Emergency Management, Mount Nittany Medical Center, and local and state health officials are meeting to prepare a plan to identify local needs should this or any other pandemic occur. Mr. Henry also provided a list of what individuals should do should they contract the flu.

Ms. Goreham asked if the Federal Emergency Management Agency (FEMA) would be involved if a pandemic should occur. Mr. Henry indicated, at this point, the Centers for Disease Control and Prevention would be the lead group. If disaster measures are taken, he predicted FEMA would be involved at that point.

Mr. Welch asked who would have the power of quarantine. Mr. Henry said local officials have the power of quarantine with Pennsylvania State Health Department's approval.

Mr. Welch noted that surveillance was mentioned as being an important aspect to monitor the disease. Mr. Henry indicated the world health organizations are reporting information. If an outbreak occurs, the CDC will be called and conduct their own surveillance of the situation.

Award for Signalization. Mr. Fontaine announced that on February 2, Amy Story, Borough Engineer, attended an awards ceremony in Hershey to receive an award on behalf of the Borough for the Traffic Signal Optimization/Leading Pedestrian Interval Project that was recently initiated in the Borough. Trans-Associates, Inc., the Borough's traffic engineering consultant, submitted the project to the American Council of Engineering Companies of Pennsylvania and it was one of 16 projects that won the Diamond Award Certificate.

Rate Review Schedule for Adelpia Cable. Mr. Fontaine distributed the Rate Review Report for 2006 for Adelpia Cable. He noted the report was filed January 19. Staff has reviewed the report and feels the rate increase is reasonable and within the permitted guidelines.

There being no further business, the meeting adjourned at 9:55 p.m.

Respectfully submitted,

Cynthia S. Hanscom
Assistant Borough Secretary