

October 8, 2010 Special Meeting

Mr. Leone, Vice Chairman, called to order a Special Meeting of the Erie County Council at 10:00 a.m. in Council Chambers, Erie County Courthouse, Erie, Pennsylvania. Following the Pledge of Allegiance, the County Clerk called the roll:

Members Present: Mr. Leone, Vice Chairman
 Dr. Foust, Chairman (via telephone later in the meeting)
 Mr. Beeman
 Mr. Cleaver
 Mr. Fatica
 Mr. Giles
 Mrs. Loll

Also Present: Douglas R. Smith, County Clerk
 Joseph P. Maloney, Council CPA
 Thomas Talarico, Council Solicitor
 Barry Grossman, County Executive
 Gerald Mifsud, Director of Administration
 Jim Sparber, Director of Finance

Mr. Leone's
Comments

Mr. Leone stated that this Council has been inundated for quite some time with comments, both for and against the community college. He hopes some of the remarks this morning can be limited. This issue has been going on for a long period of time. Mr. Leone believes that many members of Council are pretty well set in what will happen. He would like to hear as many comments as possible, but Council has heard all the pros and all the cons.

Hearing of
The Public

Diane Ames, Erie, Director of the Pennsylvania Coalition to End Homelessness, has long been an advocate for the low income disenfranchised. Over the years, she has seen that education is a very effective tool in assisting people to rise above their circumstances. Ms. Ames is totally in favor of the community college, and sees this as a positive thing for Erie County.

Jim Wise, Erie, graduated from Edinboro when tuition was \$200 per year. Today that tuition is \$7,729 with fees for a commuting student. He could never have the economic success as well as intellectual life he has known without a college education. While the cost of education has skyrocketed, so has the County's poverty rate. People need an affordable education. Lack of opportunity has led people to drug use and criminal activity. He noted that the cost of incarceration in the Erie County Prison is approximately \$2,500 to \$30,000 per inmate per year. He asked Council to provide the path of opportunity.

Ian Murray, Erie, does not believe that there has been a more important vote that will impact this community in the long term. Approximately 47% of the County's children are living in poverty. Erie has one of the lowest rates for college degrees in a working class city in the north east. If Council fails to provide an opportunity for those in greatest need, then those statistics will grow and this town will drift off to nowhere. He urged Council to support this ordinance.

Thaddeus Bernard Oslak, Greene Township, stated that the children and young adults of Erie County need a future. A community college would provide access to a future. He has read in the newspaper about how much people spend at the casino gambling, yet there is no money for a community college. He asked what kind of message that sends to those in poverty.

Patty Puline, stated that she is very much in favor of building a community college. Erie needs its own community college with its own set of goals and objectives. This area needs an affordable education for all. She asked Council to do the right thing.

Rev. Charles Mock, Erie, believes this argument boils down to dollars or duplication of services and affordability is the issue. It has already been demonstrated through public and private dollars that the money will be there because Erie wants this and needs it. If Council votes no, they are voting no to God's opportunity to raise money. If Council votes no, there is no opportunity for God to say yes.

Dale McBrier, Fairview Township, stated to Mr. Beeman that he does not know the collective leadership of Erie County very well. Mr. McBrier has not seen Mr. Beeman at any of the Community Foundation, Chamber meetings or economic development meetings anywhere in the county. Mr. Beeman does not know the people who are trying to make progress. Times are tough for the public and private sector. If Erie County's young people don't get better educated, the next generation will have real problems.

Lou Aliota, Millcreek Township, stated that the Erie County Administrative Code outlines the regulations relative to posting on a website or the Courthouse with respect to time. If there are questionable actions taken by Council members, and questions are not addressed or responded to, the funding of this community college may be suspended, revoked, or not funded. He does not believe that either Council or Mr. Grossman is listening to the taxpayers of Erie County.

Mark Amendola, Harborcreek Township, represents the thousands of young men and women who have gone through his charter school and need an opportunity. This community college will give them that opportunity to continue their education. Council asked the County Executive to provide a plan without tax dollars, which he did. There are no tax dollars to be used for the community college.

Fr. Jerry Priscaro, Erie, stated that legitimate concerns on the community college have been addressed and compromise has been achieved. Council's yes vote is a vote to lift 25% of Erie County out of poverty, that education is a right for everyone, not just a privilege for a few. It is a yes vote to a well trained and skilled work force in the future, to publicly establishing a collaborative effort between businesses and a public higher education institution, to creating future jobs, retaining Erie County businesses, a brighter future, a more well educated society, social justice, economic justice and equal opportunity, reducing criminal activity, and doing what is best for the common man and for this community at large.

Frank Witgen, stated that Council members who don't support the community college initiative mistakenly think that Erie County can stand still in time. Constructive action needs to be taken to move forward or this community is destined to drift backwards socially and economically. A community college is a low cost access to higher education which serves as a catalyst for innovation and development by bringing new hope and meaningful opportunity to aspiring middle and lower income people to create a social economic multiplier effect for the economic development within this region.

Al Messina, Erie, is disconcerted when he hears people say that Erie is a community in decline. For two decades, Erie has had one of the highest child poverty rates in America. A community college is the one idea that could transform this community. By passing this ordinance, Council will set in motion the transformation of this community. It will ameliorate poverty in one generation and change the downward trajectory of this community.

Jim Veshecco, Erie County Prison Warden, stated that in Erie County, the cost to incarcerate an inmate is \$23,360 per year. Even small reductions in crime would be very economically important. He noted there is a significant relationship between education and incarceration. People on parole do well when they have a meaningful job. When faced with prospects of low paying jobs, many offenders have resorted to illegal activities that provide more income, causing a tremendous cost for incarceration. This cycle must be broken somewhere. He asked Council to provide an opportunity so these people do not get entwined in this system.

Mr. Giles wished to make everyone aware of the outstanding job Mr. Veshecco does. Erie County is in the exception in Pennsylvania in terms of the growth of the number of people incarcerated. The trend in Erie County has been flat at best and has not seen an overcrowding issue similar to other counties in

Pennsylvania. Congratulations to Mr. Veshecco for the hard work he does to make certain that Erie County doesn't see the population expansion typical to other counties in Pennsylvania.

As a side note, Mr. Leone reminded members of Council that this is the time for public comment. If Members have comments they wish to make, he asked that they wait until after the hearing of the public.

Keith Farnham, Fairview Township, stated that jobs must come first; local colleges are more than adequate to provide a workforce. It is also clear that the local graduates who leave the area to find employment explains the low education levels. There are people in the community who need some path to improve their prospects. Existing schools like Butler and Pittsburgh have expanded using satellite facilities and computer based training to provide accredited programs, which this school will not be able to do for four years. He noted that three out of four students who attend community college fail to complete their degree.

Dave Wist, Waterford Township, is not against the community college, but against a community college supported by tax money. He cannot think of a single multi million dollar project that county government has not supported. He asked that the community college be the first to be defunded.

Ken Danielson, attended Edinboro University on an athletic scholarship. When he lost that funding, he attended a community college in Williamsport, Pennsylvania for construction carpentry. Had it not been for that community college, he would not have been able to educate his own children. This is money well spent, and he urged Council to support the college.

Dan Galena, Springfield Township, stated his concern is not for or against the community college. He was removed from a meeting for objecting, and it is his belief that this meeting today is illegal. Council has violated their own Administrative Code. He referred to Article V Section 5 of the Administrative Code. Mr. Galena believes the amendment of the agenda at last Tuesday's meeting was not proper.

Gary Rovetto (spelling could not be verified), Erie, moved back to this area after 30 years. He agrees with Mrs. Loll's comments about the burden on homeowners for taxes. He lived in Alabama which was at rock bottom with a corrupt community college system. A community college is needed to bring in businesses. His community in Alabama invited Mercedes Benz to open a plant in their area and structured the community college to provide the necessary training. That is needed here.

Gil Rocco, Millcreek Township, hopes that Council turns down this application. He has read the guidelines and the application. He feels it will be turned down by the state as the state is aware of the financial problems. He believes that the state is expecting the sponsor to be liable for the expenses and Council, as the sponsor, will be on the hook for these expenses. This proposal will use tax dollars.

Russell Forquer, Millcreek Township, is president of Forquer Group, a technology consulting firm which employees 32 people. His biggest challenge is finding qualified people. He watched closely what happened in Charleston, SC, when Boeing could have gone anywhere in the world for the second assembly line for the 787 Dreamliner. Boeing chose Charleston because of the strong community college. Every Boeing employee goes through their training program. He asked Council to give Erie a community college.

Mr. Leone's
Comments

Mr. Leone thanked the community for speaking their mind one way or another. He wished to address some of the issues brought up as far as the legality of this meeting. He referred to Article V Section 3C of the Administrative Code:

Special meetings may be called by the Chairman of the County Council or upon the written request of any three (3) members of the County Council. If the Chairman fails or refuses to call such special meetings, then such special meetings shall be called by the Vice Chairman or County Clerk upon receiving a written request for such special meeting signed by three (3) members of the County Council.

A written notice shall be mailed or delivered to each County Council member at least 24 hours before a special meeting is held.

Mr. Leone noted that three members called for this meeting, Mr. Leone, Mr. Fatica and Mr. Cleaver. There is also some question as to the length of time a Regular Agenda must be posted. He again referred to Article 5 of the Administrative Code:

At least seventy-two (72) hours prior to a regular meeting of the County Council, an agenda, as prepared by the County Clerk, shall be made available for public inspection. In addition, the agenda for stated monthly meetings, adjourned monthly meetings, shall be posted in the Erie County Courthouse.

Mr. Leone further noted there is another section which states “the published agenda may be amended at the meeting by a majority of the members present plus one.” It does say that “no matters other than those on the agenda, as amended, shall be acted upon by County Council.” Mr. Leone explained that this was an item that was brought to the agenda at that particular time which was Ordinance Number 110, 2010.

Mr. Leone also referred to the Pennsylvania Sunshine Act, Section 65 Pa.C.S.A. §710, Rules and Regulations for Conduct of Meetings:

Nothing in this chapter shall prohibit the agency from adopting by official action the rules and regulations necessary for the conduct of its meetings and the maintenance of order.

Mr. Leone noted that “agency” would mean County Council.

Mr. Leone then referred to Section 65 Pa.C.S.A. §709 of the Act regarding Public Notice:

...An agency shall give public notice of each special meeting or each rescheduled regular or special meeting at least 24 hours in advance of the time of the convening of the meeting specified in the notice.

Mr. Leone again noted that “agency” would mean County Council. He believes this meeting is legal and Council will proceed. He called for a second reading of Ordinance Number 110, 2010.

Aprvl of Plan for
Establih. & Operation
Of Comm. College in
Erie County

Mr. Smith gave a second reading of Ordinance Number 110, 2010, “Approval Of Plan For The Establishment And Operation Of A Community College in Erie County.” Mr. Giles moved to adopt; Mr. Cleaver seconded.

Mr. Cleaver moved to amend the Ordinance by eliminating the last paragraph. Mr. Fatica seconded.

Mr. Leone asked Mr. Smith to again read the last paragraph of the ordinance for clarification.

Mr. Smith read as follows:

FURTHER, any condition attached to the adoption of Resolution No. 27, 2010, including the prohibition against using county property tax revenue to fund the community college plan are, by this Ordinance, hereby RESCINDED.

Mr. Giles advised that this language was drafted by the solicitor and is in place at his recommendation.

Mr. Leone called for the vote on the amendment to Ordinance Number 110, 2010, and it failed in a roll call vote of 3-3, Mr. Cleaver, Mr. Fatica and Mr. Leone voting yes.

Dr. Foust joins
Mtg via telephone

Dr. Foust joined the meeting via telephone at this time.

Mrs. Loll's
Remarks

Mrs. Loll stated that she has read all the material and information she has received, as well as spoken to many people with information and knowledge on this issue who are connected with schools, community colleges, four year colleges, business schools and specialty schools. Mostly, she has talked to and listened to the people of Erie County who have contacted her by the hundreds. All but a handful are, at this time, against using their money for a community college. With unemployment at 9.9% in the county and the economic outlook dismal, there is very little, if no extra money to use for any new projects.

Everyone is aware that those who are working will be asked to pay more than their share, with so many others not able to pay their property tax. These are the people keeping the economy going. She asked who wants to tell them they will be responsible for even more.

Mrs. Loll believes there is a need to invest in jobs for the educated unemployed. As she stated in the past, she is not against education. She believes that anyone willing to achieve a good education can get farther in life. She is against asking the people of Erie County to pay for something that they cannot afford. Since this subject came to light and discussion, she has been contacted with pleas and requests not to vote for this at this time.

Mrs. Loll commends the Administration for the work they have done, along with all the other groups and individuals that worked so hard on this issue. However, she has not been convinced that one day soon this community college would not need tax dollars to stay alive.

Mrs. Loll is convinced, however, that the information sent in the letter from the Millcreek School District will eventually cause problems with the use of the Vocational Technical School, and rightfully so. There are other school districts and townships that have made it known that they are against this at this time. These leaders must be respected and their expertise and knowledge about the municipalities they represent should not be dismissed. They understand the needs and abilities of their constituents to pay.

Mrs. Loll has not been convinced that there will not be tax dollars spent on this project. It would be irresponsible to allow this community college to go forward without knowing where the money was coming from to run it well. She has listened and understood that County Council will be asked for tax dollars by the Administration, and it would be up to Council to say no at that time. Mrs. Loll feels the responsible thing to do is to say no today.

Mr. Beeman's
Remarks

Mr. Beeman stated that since he has been a member of Council, this is the biggest issue by far. At least 100 people have contacted him regarding the community college, and only one wanted the college. He represents the people in the 6th District and feels justified in his vote.

Mr. Giles'
Remarks

Mr. Giles acknowledged Mary Bula in the audience. She is the Vice President of Growth Partnership and has been a champion of the community college issue. Mr. Giles has often wondered how many people other than himself, Mary Bula and a handful of other individuals have actually read all the material that is being debated today. The issue before Council today is not whether there will, should or could be a community college in Erie County, the issue before Council is the decision on the application involving the details of what that community college would look like. The issue is not

Mr. Giles'
Remarks

whether or not there will ever be a community college if this does not pass. Mr. Giles does not agree with that. There is an awareness, thanks to the Growth Partnership, Erie Community Foundation and a variety of other people, of the need and there is a population that is undereducated and underserved. The format for the community college was detailed in June by Resolution Number 27, 2010 to move forward with certain stipulations.

Mr. Giles noted that rarely, has he ever had the opportunity to discuss stipulations or terms with the Chief Executive Officer of the Commonwealth of Pennsylvania. The Governor called Mr. Giles offering his support of the college and asked about his concerns. Mr. Giles responded that he would like some assurances regarding cost control and containment. In the past, when authorities, commissions and other boards were created, once they can choose independence, they truly do become independent, and in turn, Council has the exposure of picking up the cost for their activities. He suggested to the Governor that he would like to see some terms that would guarantee and reassure both Council and the Commonwealth of Pennsylvania that there would be cost control measures in place. Mr. Giles wished to remind everyone what those stipulations sounded like, because they will later have implication as to what he sees in this current proposal and how he views and judges it.

Mr. Giles stated that these stipulations were voted on by the majority of Council. These were not suggestions that he interjected on his own because he thought they were a good idea. Five members of this body voted for them:

1. All capital projects and acquisition of property by lease or purchase require the ratification by formal vote of County Council.
2. The proposed Community College will adopt the Erie County Purchasing Policy and Pay Plan for all employees of the college.

Mr. Giles explained the reason for this second stipulation is that having seen the plans developed early on, the pay scale was dramatically larger and much more costly. There have been a multiple series of plans for the college. Mr. Giles feels there should be parity on both salary and purchasing procedures.

3. An incentive program will be developed to attract Erie County foster children, especially those who have "aged out" of the foster care system.
4. An incentive program will be developed for veterans who have completed their service and seek post-secondary training.

Mr. Giles stated that both of these stipulations are laudable. Those present who are involved with human services are familiar with the structural problem in government in general with respect to young people aging out of the foster care system. Ms. Ames, who spoke earlier, is familiar with the fact that many eventually become homeless or involved in the criminal justice system.

5. An Academic Advisory Committee will be developed to provide guidelines to educational programs that complement existing post-secondary programs currently in place at Erie County schools. The Committee will be comprised of the leadership from the four major colleges in Erie, as well as one representative from the Erie Regional Chamber and Growth Partnership, the Manufacturer and Business Association, and the private propriety training schools.
6. The local revenue match for the Community College will be comprised of funds from Presque Isle Downs table gaming, alternative endowment sources, and various other private business donations. No Erie County property tax funds will be utilized for the Community College.

Mr. Giles'
Remarks

Mr. Giles addressed the issue of property taxes. Unfortunately, when this was developed in mid-June, the projections and expectations on the part of everyone, proponents especially, with respect to the table gaming monies per year would be about \$1.5 - \$2 million. Mr. Giles feels the debate would have been much more comfortable in terms of proponents if those revenues did actually happen. Unfortunately, those revenues do not appear to be coming in at that anticipated level.

7. In accordance with 24 P.S. ss 19-1904A, the Board of Trustees for the Community College will be composed of nine members. The composition of the Board shall reflect countywide district representation with a minimum of one member from each of the seven Council districts. The Council appointments shall reside in their districts. The County Executive shall have two appointments. All appointments must be approved by County Council.

Mr. Giles noted that none of the language in this last stipulation is unusual or atypical with how the County handles other boards and commissions. In order to guarantee representation from the entire county, a district set up is used making it a true countywide representative forum.

Mr. Giles stated that if Council had ratified the amendment presented by Mr. Cleaver, all seven stipulations would have gone out the window. A key debate that occurred toward the end of June involved a letter from the Department of Education that indicated they were not comfortable with the fact that the County would not be the guarantor of the funding for the community college. All of these issues are captured in Council minutes on pages 416 to 422 which outlines correspondence from Council Solicitor and the Department of Education.

Mr. Giles spent a number of years on this issue, and takes it very seriously. He does believe there is a need for a community college; however, he has a problem with the form and design that it takes. In mid-July Mr. Giles had the opportunity to introduce Former Secretary Robert Reich to a group of county commissioners. He was in the Green Room with Secretary Reich, and at one point in their conversation, Mr. Giles mentioned that his community was at a crossroads regarding the creation of a community college. Secretary Reich is a proponent of re-training, training and education, and Mr. Giles explained that a facility could be started from scratch or the community could partner with an existing institution. Before Mr. Giles could finish the sentence, Secretary Reich interrupted and advised him that in this economy, the wisest path to follow would be to develop a partnership with an existing community college or institution. Mr. Giles does not mean to say that everything hinges on this particular conversation. However, this idea becomes more attractive given the fact that there is less money available in table gaming, and there have been serious problems in the County budget over the past several years with the elimination of 90 positions. The mandated services dealing with abused, neglected and delinquent children has forced the County to replace \$2.4 million with county taxpayer dollars. Looking into next year, the County is faced with the estimate of another \$1.8 million. This is a court driven mandated program where the County must make up the difference in the shortfall of state money.

Mr. Giles realizes that there were many incentives put out such as \$2 million from the Governor. According to the newspaper, two staff people have said that it is not a guarantee and certain protocols have to occur. Consequently, given this status and the current financial condition of the county, to take on anymore financial liability at this point is risky.

There is still a commitment to move ahead with a community college. What it looks like is in the hands of the seven members sitting here today, as well as the involvement of the community. Mr. Giles believes that partnering provides experience and Middle States accreditation with at least two of the entities, Butler and Allegheny. For example, Butler County already has a credit arrangement with Penn State Behrend and Edinboro University. Mr. Giles is not saying this is the final answer, but it is

Mr. Giles'
Remarks

certainly an interesting and important component. The table gaming funds could be used to reduce costs for students. From Mr. Giles' point of view, a partnership provides the least exposure for financial liability to the county with the quickest return and results. When Butler made a presentation in March to the Manufacturer's Association, they indicated they could be up and running by September 2011.

Now that the language that property taxes cannot be used for the community college is no longer in place, Mr. Giles cannot support the current application in its format. He has read the application twice and nowhere in any of the pages or details are any of the seven stipulations from Resolution 27, 2010 addressed in any way. The issues of children aging out of foster care is a serious concern of Mr. Giles and the idea of giving veterans an incentive program does not even have a cursory mention. The issue of purchasing and pay plans, structure of the board and capital issues were all designed to be cost control and cost containment issues.

Mr. Giles referred to his conversation with the Governor outlining his concerns. The Governor indicated that all seven stipulations were very reasonable and sound by the way of policy. Five members of this body adopted them as policy in June, and then to see none of them mentioned in the application format in any way causes Mr. Giles distress.

Mr. Giles does believe that the issue of the community college will go forward. It is the definition of what it will look like that needs to be addressed. A plan needs to be developed that protects property tax owners and advances the post secondary program. He would like to see this improvement happen in the most caution manner where taxpayers are protected.

Mr. Fatica's
Remarks

With respect to Mr. Giles' remarks, Mr. Fatica does not believe now is the time to introduce this secondary plan. He asked why this issue was not discussed a year ago with all the meetings that were held. Council is about to vote on the life or death of the community college. Mr. Fatica is not as optimistic as Mr. Giles that this issue will move forward. Mr. Fatica has read the pros and cons, and no where in the mix was a partnership discussed. That should have been an option explored instead of waiting until the final day when it is time for a vote to suggest looking in another direction. Mr. Fatica has a problem with that. He has come very close to this emotional issue. People who spoke are correct in that the state could reject this application, but no one will know unless it is sent to the state for review.

Mr. Fatica wondered if it will take another two to three years to decide how to put another community college issue on the table. That can become arduous and Mr. Fatica is not sure Council will do that. Having been an educator for most of his professional life, he cannot understand why Erie County does not have a community college. He understands money is tight, perhaps now is not the right time, but he questioned when the time will be right – three years from now, five years from now.

Mr. Fatica will vote yes for this because he cannot waffle and change his mind. He is voting for an investment in Erie County's future, not to manage its decline because a no vote means Council is voting for the same old same old and nothing will change. Mr. Fatica expressed his hope that another way can be found to accomplish this because partnering with another institution would double the students' tuition. Council would have no say on the board and no say in what will be taught. He wondered if it is an intellectual insult to say that Erie County cannot manage its own affairs to have another county come in and run a school. Mr. Fatica finds that extremely objectionable and unconscionable that Erie County give up and not follow through. To let someone else run the school so Erie County has no worries is not the answer. He is not sure what the answer is, but a community college is certainly the first step in the right direction.

Mr. Giles' Remarks

Mr. Giles stated that the Harrisburg Area Community College is one of the largest and most respected community colleges in Pennsylvania and services about 12 counties. Nothing dissimilar to what Mr. Giles has discussed. It is not an unusual model that reduces operational overhead by having one administrative entity. Mr. Giles is impressed by what Harrisburg does in terms of their community college.

Several months ago, Mr. Giles suggested to Mr. Fatica, Finance Chairman, that he would like Council to hear directly from Butler Community College. It would be a repetition of the presentation made at the Manufacturer's Association. Mr. Fatica indicated to Mr. Giles that he thought it would only muddy the water to have Butler County come in and would only cause some difficulty for the Administration in terms of the plans they were developing. Consequently, Council did not have the opportunity to hear other options and have that discussion. Mr. Giles is suggesting that if this does not pass, Council needs to begin looking at other options in order to respond to the gaps and move forward.

Dr. Foust's Comments

Dr. Foust stated that he will have to abstain from this vote due to the conflict of interest with his employer which precludes him from voting. Once there is a conflict of interest, he cannot vote.

Mr. Fatica's Comments

Mr. Fatica stated that the application is asking for Erie County's sponsorship; it is not asking for money. Other entities which were brought to the table in these discussions include these dollars and this will not cost taxpayers a penny. Mr. Fatica would like to believe that is true.

Mr. Leone's Comments

Mr. Leone stated that with that last paragraph in the Ordinance, it does bind this county to tax dollars. He made a commitment a while back stating that he would not commit even one cent of county tax dollars to this program.

Mr. Leone called for a vote on Ordinance 110, 2010, and the ordinance failed in a roll call vote of 2-1-4, Mr. Cleaver and Mr. Fatica voting yes, Dr. Foust abstaining.

Adjournment

There being no further business, the meeting adjourned at 11:36 a.m.

Ann M. Bruno, Council Secretary
