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September 6, 2012

Michael Golde, Superintendent
Millcreek Township School District
3740 West 26th Street
Erie, PA 16506

Dear Mr. Golde,

This correspondence is in reply to Mr. Sennett's, Solicitor MTSD/SB, letters of August 30, 2012.

I did not want to take the liberty and send my response to Mr. Sennett, and be accused of increasing the legal costs of the School District thus increasing the taxes of the taxpayers.

I believe, most if not all, of these questions can be answered by you or a representative of the School District and save the high legal fees/costs of a solicitor answering questions from the public.

It is difficult for me, and many taxpayers/voters, to understand if the public has the right to a government document or expect an answer to a question, why is a solicitor/attorney involved in providing the public document to the taxpayer(s) and answering the questions? This topic is for another time and correspondence.

I am in receipt of Mr. Sennett's response in two separate letters (attached) dated August 30, 2012, to my e-mail correspondence, to you, of August 27, 2012, also attached. I will address these letters as letter #1 and letter #2 for expedience.

Mr. Sennett stated; (letter #1) "...School District has engaged in a lengthy and detailed public process in regard to the District's [sic] facilities needs. This public process began in the fall of 2009 and continued until the Board recently took action at the July 30, 2012 meeting.

This public process included numerous public meetings, public forums in which the school district finances and other information in regard to the school district was made public. In addition the School District published a website where additional information, including school district financial information, pertaining to the School District's facility needs was provided.

- *The MTSD's web-site does not have the financial information, ex: "Official Bond Statement" dated October 25, 2010, and those factors/issues/particulars relative to the major project as to delineation of the individual costs of the total sum in the various "options", ex: "New athletic complex" and its associated costs.*
- *The document (not attached), as prepared by the HRLC Architectural Company (Coughlin Group) from letter #2 did not delineate the individual cost breakdown of the total estimate for the various options and did not identify the cost breakdown as to "new construction/moving/improvement of athletic fields".*
- *The "proposed timeline", in the above document, from 2010, identifies a "new athletic complex" which was not in the "Official Bond Statement" dated October 25, 2010 but was identified in the "Bond Resolution" of October 25, 2010, approved by the Board members as; "The purpose of providing funds for and toward the cost of payment of certain capital improvements and renovations of the School District facilities 'including a new athletic complex' and additions and renovations to McDowell High School and McDowell Intermediate High School and to pay to pay the costs of issuance".*
- *Apparently in October 2010 a determination was made, by either you, the Superintendent, School Board or a combination of both, to construct a "new athletic complex" without the knowledge of taxpayers, nor was it published/aired (either in the Erie Times News or the local media) as a proposed "new athletic complex" and the proposed plans did not delineate any of the individual costs for the "new athletic complex".*
- *If there was "lengthy and detailed public process", why wasn't the issue of a "new athletic complex" discussed and published on the web-site and discussed after the "Bond Resolution" was passed?*
- *There were many terms used in all documents since 2009 to describe the "athletic field/complex". To wit: "improvements to athletic facilities", "new athletic complex", "moving the Gus Anderson field", "relocating the athletic field", "relocations", "including a new athletic complex" to name a few.*
- *Can you define what the original purpose in the issuance of the "bond" was in 2010 and how the verbiage, relative to the "athletic field/complex", has changed in the past 3 years?*

- *The actual terms/words, as described in the "Purpose" in the "Official Bond Statement"; "The proceeds..... will be used to provide the School District with the funds required to finance: (1) various capital projects of the School District, including, but not limited to, (i) renovations and additions to McDowell Senior High School; (ii) renovations and additions to McDowell Intermediate High School; (iii) improvements to the School District athletic facilities; and (2) to pay all costs and expenses incurred by the School District in connection with the issuance and sale of the Bond."*
- *There is no consistency or continuity as to what the true intention, written justifications and approvals were, of both the School District and Board, as to whether these financial bond funds were to be used for renovation or "new" construction. The public inspection of the financial bond instrument with taxpayer funds would be interpreted, by the public, as "deceptive practices" by the School Board in concurrence with the Superintendent. There have been situations in the financial markets, during the past 5 years, that have caused the collapse of "creative financial structure(s) derivatives" which have been "bailed-out" by the taxpayers. Do you have an explanation of these actions and decisions by the School Board including your own participation in this "bond"?*
- *If a school district's financial bond approval is submitted to a financial institution with one purpose and then the purpose changes from the regulations, criteria and approved guidelines as to the original purpose of the bond, is that considered "fraud" by changing the original submitted approved document by the School Board?*
- *Are there any members of the School Board who hold position(s) in any athletic program or activity which they are compensated, in any monetary amount, for their participation as a teacher, coach, assistant(s) leader, etc. including all travel reimbursement(s) for their participation?*
- *If there are members of the School Board, please provide the name(s) of the member(s), their position in the athletic activity and if they are compensated (simple yes or no answer would suffice) - (I am not asking for the amount of compensation, if any) from the School District. These are questions are "not" part of a Right-to-Know Request for documents and should not be interpreted as a request for document(s).*

Mr. Sennett stated; (letter #1); "Please be advised that Mrs. Lincoln is under no obligation to meet with you to review the School Districts financial status. As you can imagine, and especially in a School District the size of the Millcreek Township School District, it is impossible for District employees to meet with each and every member of the public to discuss such matters on an individual basis." and ...

"While District employees are unable to meet with taxpayers on an individual basis, the District does make use of methods of mass communication to supply the public with applicable information. These methods, including, but limited to, the School

District's website and through regular and public School Board and Committee meetings, many of which are played on the governmental access channel, are in addition to the allowances of the Right-to-Know Law." and

"As a result, your demands for individual meetings with the Business Manager or return phone calls from Mrs. Lincoln or the Superintendent are not required by law and will not take place."

- *The public, and yours truly, is still waiting for the publication/airing, on the official School District's web-site, of the July 30, 2012 Official School Board Meeting in which the Board voted on the "massive construction project".*
- *The web-site does not have posted the particulars of the "Official Bond Statement" which is of major concern to the public as to the information in the statement and the impact of the financial health of the Township and its taxpayers.*
- *The web-site does not have posted any of the previous five (5) year annual "Single Audit Reports" which contains the Independent Auditors' Report, Management Discussion and Analysis and basic Financial Statements.*
- *The document that Mr. Sennett provided to me as described, "Millcreek Township School District – Hallgren, Restifo, Loop & Coughlin, Registered Architects did not have any information of the 2010 proposed "new athletic complex" nor did the web-site.*
- *The web-site does not have the expenses posted, of the School District's budget, on a daily, weekly or monthly basis as to where the expenditures of taxpayer money is being dispersed and/or payment(s) to vendor(s) so that there is transparency of the proper documentation by the School District.*
- *If there is "no obligation", from both elected and appointed officials of the School District and Board, to answer or communicate with the public, is there a School District's official policy statement stating this position and approved by the Superintendent and/or Board or is it the position and interpretation of the solicitor? I did not see a "policy statement" on the District's web-site.*
- *Is there a "law/statute/regulation" which delineates the position description of a Commonwealth's "public official(s)" that he/she will not answer any question(s) from a taxpayer or will not meet with that taxpayer? Please state the genesis of this policy position.*
- *How many taxpayer(s) request(s) have you, the business manager or any senior management official received relative to financial matters of the School District, during the past year and that of your tenure since 2009 that would warrant "an impossibility to meet with each and every member of the public"?*

- *Please validate, confirm and address why the following statement is part of the "Single Audit Report" of the annual financial health of the School District and that a taxpayer(s) or citizen(s) is/are not permitted to meet with the Business Manager of the School District to discuss the financial issues?; (The statement is on page 15 of the June 30, 2011 Audit)*

"Contacting the District's Financial Management"

This financial report is designed to provide our citizens, taxpayers, and creditors with a general overview of the District's finances and to demonstrate the District's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Linnea K. Lincoln, Business Manager, at Millcreek Township School District, 3740 West 26th Street, Erie, PA 16506.

Mr. Sennett stated; (letters #1 & #2 respectively);

"Your request has been determined to be a request submitted to the School District for information pursuant to the Right-to-Know Law. Your request thus has been denied as it is not a request for specific records but instead a request for a meeting or a reply phone call or some other type of answer to a question. The Pennsylvania Office of Open Records has consistently determined that an agency is required to provide records and [sic] not answers to questions under the Right-to-Know Law" – and...

"Your request has been determined to be a request submitted to the School District for information pursuant to the Right-to-Know Law. Your request is for answers to questions, and for the disclosure of a document pertaining to "all professional estimates of the cost of the Project." As you are aware, the School District is not required to answer questions supplied in a Right-to-Know request".

- *The RTK Law is very specific in a citizen's request for document(s). I am very much aware of and fairly knowledgeable on the Law. I am not aware of any regulation, statute, law or even guidelines approved by the legislature which directs or addresses the interpretation "of a question", by a citizen, "to a request for a document" is the sole authority, of the interpretation, by an attorney. Can you enlighten me on this issue?*
- *Can you apprise me as to who, has the authority, to make the determination; "Your request has been **"determined"** to be a request submitted to the School District for information pursuant to the Right-to-Know Law.?*
- *So that I and other taxpayers understand Mr. Sennett's response and explanation of "his" response and that of and for the School District, if a taxpayer has a question on the financial revenue(s), disbursements, allocations or expenditures of taxpayer funds, is it your position and that of all employees*

of the School District that you or they will not answer any questions from the taxpayer, is this correct?

- *If a taxpayer asks a question and it is interpreted by the solicitor as a request for a "document" under the RTK Law, what is the policy, regulation, statute that describes and defines that a "question" is to be interpreted, by a solicitor, as a "request under the RTK Law"?*
- *I am not aware that there are any laws passed in the Commonwealth of Pennsylvania that would restrict or prohibit a public servant "not" to return phone calls or meetings requested by a taxpayer/citizen. I presume that Mr. Sennett has taken the liberty to determine the "policy" of public servants and employees, of the School District as to the communication process between the governmental officials and the taxpayers.*
- *Is the policy of "not" meeting with or returning calls to a taxpayer/citizen part of the District's official published policy or a law/regulation/statute? Please confirm this so it is clear in my mind and that of the public.*
- *There are other questions that I have on the Official Bond Statement but I will reserve those questions for a later date.*

Extend my thanks to Mr. Sennett for the copies of the "Official Bond Statement and other documents.

Please share with him that my home address is "Margo" not "Margot" Court.

Looking forward to your reply, I remain

Respectfully Submitted,

LOUIS J. ALIOTA, MS, R.Ph.