

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
Jim Ellenbogen	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Nick Futules	-	District 12
Amanda Green	-	District 13

Allegheny County Courthouse
Fourth Floor, Gold Room
436 Grant Street
Pittsburgh, Pennsylvania 15219

Tuesday, July 8, 2008 - 5:00 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
John Mascio - Chief Clerk
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: Welcome to the Tuesday, July 8th, 2008 meeting of County Council. If everybody would please rise for the Pledge of Allegiance and please remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Please call the roll.

MR. MASCIO: Mr. Burn?

MR. BURN: Here.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Present.

MR. MASCIO: Mr. DeFazio?

MR. DeFAZIO: Here.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Here.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: Here.

MR. MASCIO: Mr. Futules?

MR. FUTULES: Here.

MR. MASCIO: Mr. Gastgeb?

(no response)

MR. MASCIO: Ms. Green?

MS. GREEN: Present.

MR. MASCIO: Mr. Macey?

MR. MACEY: Here.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Here.

MR. MASCIO: Mr. McCullough?

(no response)

MR. MASCIO: Ms. Rea?

MS. REA: Here.

MR. MASCIO: Mr. Robinson?

MR. ROBINSON: Present.

MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. MASCIO: We have 13 members present.

PRESIDENT FITZGERALD: Proclamation Certificates

4187-08.

MR. MASCIO: Proclamation commending Stephanie Mosco for her extensive efforts to raise money for the ALS research sponsored by Councilman Ellenbogen.

PRESIDENT FITZGERALD: Council Member Ellenbogen.

MR. ELLENBOGEN: Good evening everyone. ALS. Most of us know it as Lou Gerhig's disease, a very horrible, debilitating disease. And I wanted to recognize this young lady who was personally affected with this, a family member. And took it upon herself to go out and try to raise money and have fundraisers and try to do something to contribute to do the best she could to hopefully fight her own pain. So that being said, I'd like to read this proclamation.

Whereas, each year approximately 5,600 individuals in the United States are diagnosed with ALS, amyotrophic lateral sclerosis also known as Lou Gerhig's disease. And Whereas, ALS is progressive neurodegenerative disease that affects the nerve cells in the brain and spinal cord resulting in the gradual loss of control in the body and muscles, eventually resulting in paralysis and death.

And Whereas, in the 2003, Pittsburgh resident Stephanie Mosco lost her uncle, Andrew Nodaros to ALS. And Whereas, her uncle's 16-month fight with the disease prompted Stephanie, her mother, Faye Nodaros Mosco and Andrew's friend, Dave Alslager (phonetic), another individual stricken with ALS, to begin raising money to donate to the center for ALS research.

And Whereas, for the past six years Stephanie, along with her family and friends, has held annual benefits to raise awareness about ALS to collect money for ALS research.

Whereas, today more than \$230,000 in benefit proceeds have been donated to the Center for ALS research.

Whereas, this year's benefit will be held on October 11th, 2008 at the J. Burns Studios in Pittsburgh's South Side neighborhood.

Now, Therefore, Be it Resolved, Allegheny County Council hereby commend Stephanie Mosco for her commit to raising awareness about ALS for her continued dedication to raising money for ALS research. You're truly an inspiration to the members of this Council and to all the residents of Allegheny County. Sponsored by myself, Jim Ellenbogen, 8th day of July, 2008. Thank you. Stephanie.

(applause)

MS. MOSCO: Thank you. I just want to start by saying thank you, of course, for the Council for

recognizing me and Jim with his words. He actually pretty much said everything that I have on my little cards in front of me in there. So I just want to leave you with just two things. Every 90 minutes somebody is diagnosed with ALS. And every 90 minutes somebody dies from ALS. So the numbers never go up, well, according to the drug researcher and things. That's why it's not a rising number like it is in cancer or things like that where you see the numbers go up all the time.

And one thing that my uncle said, it was never about him, as we knew there was nothing we could do to save him. It was always about his grandchildren's generation that we were fighting for, and that's what we will continue to do in his memory. And I appreciate your time. Thank you.

(applause)

(pictures taken)

PRESIDENT FITZGERALD: 4188-08.

MR. MASCIO: Let the record reflect that Council member McCullough is present at the meeting and Council member Gastgeb is also present by phone.

4188-08 is a Proclamation congratulating Charles Rompala for being named a Superstar of Transit by the Pennsylvania Public Transportation Association sponsored by Council Vice-president Martoni.

PRESIDENT FITZGERALD: Council Member Martoni.

MR. MARTONI: Thank you. This particular proclamation gives me a great pleasure to present. I'll read it and have Charles say something.

Whereas, Pennsylvania Public Transportation Association recently held it's 33 annual Spring Conference and Expo in Hershey, Pennsylvania, during which Allegheny Port Authority employee, Charles Rompala was named a Superstar of Transit.

And Whereas, Mr. Rompala, Port Authority assistant manger of Road Operations was nominated by Port Authority CEO, Steven Bland for his exemplary work ethic and dedication to serving Port Authority customers.

And Whereas, in 1993 Mr. Rompala began his career at the Port Authority working as a bus operator on nearly every bus and rail route at all hours of the day and night.

And Whereas, because of the knowledge that he developed during his time as the bus operator and his

commitment to excellence, Mr. Rompala has excelled in his current position as assistant manager of road operations.

And Whereas, Mr. Rompala's responsible for coordinating and managing more than 600 detours and 50 special service moves each year, his commitment to success is highly visible in this past winter's ice storm. He worked relentlessly to ensure the availability of bus and light rail service to Port Authority customers.

And Whereas, in addition to managing road operations, Mr. Rompala represents the Port Authority at weekly and monthly meetings with local, state, and federal officials and agencies regarding the projects and the issues as they impact the Port Authority on a daily basis.

Now, Therefore, Be it Resolved, Allegheny County Council congratulates Mr. Charles Rompala for being named a Superstar of Transit by the Pennsylvania Public Transportation Association. We commend you and thank you for your commitment to serving Allegheny County Port Authority customers with the utmost integrity and professionalism. Mr. Rompala.

(applause)

MR. ROMPALA: Good evening. I just wanted to thank Mr. Martoni for this nomination and Mr. Fitzgerald and all the County Council members for the honor of this proclamation. The position and my duties are enjoyment in their own right and the reward comes from the daily duties that I have and responsibilities. Nonetheless, to receive this honor, as well as the proclamation from the Pennsylvania Public Transportation Association, has been a total surprise. And I really, really appreciate it very much. Thank you all.

(applause)

(pictures taken)

PRESIDENT FITZGERALD: 4189-08.

MR. MASCIO: Proclamation recognizing Jackie Bentz, Erin Drischer and Megan Neuf, graduates of Schaler Areas High School, for earning the national Jacqueline Kenney Onassis Award for public service sponsored by Council Member Burn.

PRESIDENT FITZGERALD: Council Member Burn.

MR. BURN: Thank you, Mr. President and members of Council. This award, again, to some of you of our County is another example of good things that the young men and women in this County do on a day-to-day basis. And I say every time I come up with a proclamation like

this, and I'll say it again and most of you that have already heard it, I'm sure you'll agree with me. I know those of you who haven't. It's always the negative things that you see in the media about the young men and women of our county, of our region, of our nation. They're the ones that get the headlines. It's not fair. For everyone of the bad eggs that you read about, there's 25, 35 good eggs that are out there doing the right thing and showing that they're going to be fantastic leaders in the future of this nation.

And these three young ladies who attend Shaler Area High School in my district are no exception. The Jefferson award for public service was created in 1972 by Jacqueline Kennedy Onassis and Senator Taft as seen here. It was to establish a Nobel Prize to encourage and honor individuals for achievements and contributions to public and community service.

The Jacqueline Kennedy Onassis Award specifically is the highest distinction that a local Jefferson Award recipient can achieve. There were 12,000 nominees this year and 350 local winners nationwide. And the three young ladies behind me are three of those winners. And I'll read the proclamation into the record which lays out how they got there and some of the remarkable and magnificent work that they did. And then I'll invite them if they'd like to say a couple of words.

Congratulations to the three of you. And Megan, I've known your dad since grade school. We went to St. Anne's together. We were in scouts together and we worked at parties together, so tell your dad I was weekend biscuit maker he was the weekend manager. We had a lot of good times down there so ---. Tell your dad I said hello, please.

Whereas, Shaler Area High School graduates Jackie Betz, Erin Drischler and Megan Neuf collectively received one of five national Jacqueline Kennedy Onassis awards for public service. One of the nation's highest honors for humanitarian work on June 17th, 2008 at the Jefferson Awards national ceremonies in Washington, D.C.

And Whereas, in March 2008 the three young ladies were among eight winners honored in the 2007 Jefferson Awards Sponsored by the Pittsburgh Post Gazette, the Pittsburgh Foundation and the Heinz Endowments.

And Whereas, the students create the service group called M-Powerment and using the \$2,500 grant from

the Allegheny County Girls as Grantmakers program organized an assembly at Shaler Area High School to raise awareness among young women about rape and sexual violence.

And Whereas, their success with the assembly to an all women's conference in Chatham University and presentations to middle and intermediate school students on topics such as body language and sexual violence.

And Whereas, the Jefferson Award for Public Service created in 1972 by Jacqueline Kennedy Onassis, Senator Taff and Beard established the Nobel Prize to encourage and honor individuals for their achievements, contributions and public and community service with, as I indicated, the Jacqueline Kenney Onassis award added in 1974, recognized as the highest distinction the local Jefferson Award recipient can achieve.

Whereas, the classmates are selected from over 12,350 locals competing for the award.

Now, Therefore, Be it Resolved that Allegheny County Council does hereby recognize Ms. Jackie Betz, Ms. Erin Drischler and Ms. Megan Neuf for earning the prestigious Jacqueline Kennedy Onassis Award. You are an inspiration to the members of this Council and for all the residents of Allegheny County. And we thank you for your commitments and for serving your community. Congratulations.

(applause)

MS. BETZ: Well, thank you very much for this honor. I speak for the three of us when I say that it's really --- all the recognition, it's absolutely incredible. But don't let our faces --- all the things that we got get in the way of what we really stand for. And women's empowerment and having strong, young women to raise up and be the leaders, just like you here. Thank you very much.

(applause)

PRESIDENT FITZGERALD: Would the parents please come forward and take pictures of your children now.

(pictures taken)

PRESIDENT FITZGERALD: 4190-08.

MR. MASCIO: The remaining proclamations and certificates will be entered into the record. 4190-08 is a proclamation honoring the Upper St. Clair Class of 1973, and declaring July 26th, 2008, Upper St. Clair High School

Class of '73 Day in Allegheny County. Sponsored by Council Member McCullough.

4191-08, Proclamation celebrating 50th anniversary of Lincoln Borough. Sponsored by Council Member Macey.

4192-08, Certificate of Recognition celebrating the 100th birthday of Marge Hanely. Sponsored by Council Member Macey.

4193-08, Proclamation celebrating the Lawrenceville Historical Society's annual Stephen Foster Music and Heritage Festival. Sponsored by Council Member Green.

4194-08, Proclamation celebrating Community Day in Brighton Heights. Sponsored by Council Member Green.

I believe 4195 is going to be withdrawn and reintroduced at a later date.

4196-08, Certificates of Recognition honoring Dorothy Killian And Ellen Friedman for their years of service to the Aspinwall Police Department. Sponsored by Council Member Burn.

4197-08, Proclamation celebrating the 100th Anniversary of the Port Vue Volunteer Fire Department. Sponsored by Council Member Macey.

4198-08, Proclamation celebrating the Millvale High School Grand Reunion. Sponsored by Council Member Burn.

4199-08, Proclamation celebrating the Community Empowerment Association's Black Family Reunion Festival. Sponsored by Council Members Green, Robinson, Futules, Macey and Finnerty.

4200-08, Proclamation celebrating the 133rd anniversary of Ebenezer Baptist Church sponsored by Council Member Robinson.

PRESIDENT FITZGERALD: Public comment on agenda. I see we have a number this evening. First is Jonathan Robison followed by Joseph Heh. Mr. Robinson, if you could state your name and address for the record, please.

MR. ROBISON: I'm Jonathan Robison, 154 North Bellefield Avenue, Pittsburgh, 15213. I am a Board Member of the Bellefield Area Citizens Association, the Oakland Community Council and a member of the Allegheny County Democratic Committee. My wife, Mary, is unable to be here today. She is the treasurer of her club. We want to thank Council Members Green and Fitzgerald for the ordinance to establish in Allegheny County a Human

Relations Commission parallel to the one that the City of Pittsburgh. I think this ordinance is long overdue. It's an important step forward. It's especially important that this ordinance will protect victims of all forms of discrimination including members of the gay, lesbian, bisexual and transgender communities.

It's important business for Allegheny County, not foolishness like the ordinance --- that referendum on abolishing the Port Authority. I don't know I would have gotten down here without the Port Authority.

From all of us, I hope more members of Council will join in co-sponsoring this important legislation and I urge its prompt passage. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Robison. Joseph Heh followed by Lynn Wesley.

MR. BURN: Mr. President?

PRESIDENT FITZGERALD: Yes, sir, Mr. Burn.

MR. BURN: Thank you. Just for the record, I've missed some calls from yourself and Ms. Green and conversations with some member of the community about this legislation and only because I was unable to get a hold of Ms. Green because of my schedule and hers. I didn't have a chance to call up and tell that I looked at it and I was one of the co-sponsors, that my name could be added now without any objection.

PRESIDENT FITZGERALD: Please add Mr. Burn as co-sponsor OF 4201.

Mr. Heh, would you state your name for the record, please.

MR. HEH: My name is Justin Heh. I reside at 830 Mifflin Road. I am a member of ABATE of Pennsylvania. We're here in opposition of the helmet resolution and to dispel beliefs that motorcycles are burdens to taxpayers. The truth is that more than half of all motorcycle crashes are caused by the driver of another vehicle, most commonly failing to yield the right-of-way. When a properly licensed motorcyclist is injured or killed as a result of right-of-way volitions by a careless, distracted or impaired driver, it is not the motorcyclist who acted irresponsibility.

Motorcyclists --- however, motorcyclists significantly decrease the chance of a crash involving by completing a motorcycle training program. The Hurt Report discovered that 92 percent of motorcyclists involving a crash have never attended a motorcycle training program.

Last year 25,108 motorcyclists voluntarily attended the Pennsylvania Motorcycle Safety program. No other road user is so actively involved in protecting their survival skill on the road. The Motorcycle Industry Council states that an average motorcyclist is just 38-years old, married, college educated and earns slightly more than \$44,000. We pay taxes and contribute to the same safety nets available to all citizens.

And in addition, a Harvard Medical Center study reported that we rely on public funds at a slightly lower rate than the general patient population during the same period.

The University of North Carolina's Highway Safety Research Center revealed that we were just as likely as other road trauma cases to be medically insured, considerably better insured than non-road cases. Had the highest insurance payment rate of all groups. Relied on Medicare and Medicaid considerably less than any other group. Had a higher of self-paying than any other group. And our average medical costs were less than other road cases. We account for less than 20/1000 of a percent of total U.S. health care costs.

Furthermore, according to the CDC ---.

PRESIDENT FITZGERALD: You have 30 more seconds.

MR. HEH: All right. According to the CDC Brain Injury Association of America, only 1.2 percent of traumatic brain injuries are motorcycle related. Occupants of enclosed motor vehicles suffer from brain injuries ten times greater than that of motorcyclists. Since the modification of Pennsylvania's mandatory helmet law, motorcycles have contributed more than 1.2 billion dollars to the state economy due to sales, taxes and registrations from motorcycles. This amount does not include motorcycle related purchases such as driving apparel and tee shirts, inspections and maintenance service, customization, hotel accommodations, food, beverages, gas, highway tolls, event fees or contribution to charities.

Are we a burden to the taxpayers of the Commonwealth? From where I stand, I say no. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Heh. Ms. Wesley followed by John Duray. Ms. Wesley, if you'd state your name for the record, please.

MS. WESLEY: Good evening. My name is Lynn Wesley and I reside in Aspinwall. I am the Assistant Legislative coordinator for ABATE of Pennsylvania. ABATE

is the Alliance of Bikers Aimed Toward Education. You may have heard of use as the Helmet People, but I would like to dispel that notion. While we fully support the adult's freedom to make their own choices concerning their use of alleged protective apparel, as our names indicates, our foremost purpose is education. Education breeds awareness and awareness is the key to preventing crashes, thereby obviously reducing the subsequent fatalities and injuries. Nary can the same be said about the helmet. A helmet never has, nor ever will, prevent an accident.

Regarding Councilman Drozd's proposed Resolution, the primary thing I would like to discuss is responsible government. Responsible government is Government for the people, by the people. The Pennsylvania Legislature set a stellar example of this with the passage of Act 10, now commonly known as the Helmet Law Modification. This legislation was supported by a preponderance of our populace, voted accordingly by the House and Senate and signed by our Governor. With the passage of Act 10, HR 349 was also passed. This resolution directed the Legislative Budget and finance committee to conduct not one, but two studies of reported motorcycle crashes and associated injuries following the passage of the modified helmet law.

Passing of this Resolution is an act committed by a responsible and concerned government. Some may say they were concerned about potentially losing their paycheck, but I choose to believe they were concerned about the well-being of the motorcyclists of the Commonwealth.

The report released this past June by the LB&FC highlighted the following findings: the fatality rate remained identical between the years prior to modification and those after a rate of 5.9 per 10,000 registered motorcycles.

The crash rate actually declined from 132.4 to 113.2.

Major injury rates declined from 18.6 to 16.7. Moderate injury rates declined from 47.2 to 38.8.

And other significant factors that were not included in the report such as how many of the helmeted fatalities or injuries were actually caused by the helmet or whether speed, alcohol or improper endorsement contribute to the crash.

According to this data, it is quite clear that there has been no significant increase in crashes, fatalities or serious injuries since our Helmet Law Modification when one factors the increase of registrations into the equation. In fact, the opposite is true.

Critics will point to the much more highly publicized University of Pittsburgh study, which prompted lurid headlines of highway carnage across the nation. The LB&FC report examined the analysis of Drs. Mertz and Weiss and noted that, while the Pittsburgh Study noted pre- and post repeal changes in helmet use among riders in reported crashes, it did not determine incidences of helmet usage in motorcycle head injury deaths and hospitalizations. If one is already determined to provide a set outcome, it is not difficult to cherry pick the stats you need to support it.

Personally, I will always place more trust in an independent study performed to ensure the correct decision was made as opposed to one where vested interests follow the money trail to increased grants and funding.

In closing, I ask the Allegheny County Council to become a responsible government: one that acts upon the will of the people, not one which condones the attitude of the public policy is not often dictated by public opinion. Am I done?

PRESIDENT FITZGERALD: You can finish.

MS. WESLEY: All right. Thank you. If the true sentiment behind this resolutions is to save lives and reduce injury to the motorcycle riders of the Commonwealth, then I urge Council to vote down this Resolution. Instead, work with us in areas that have been proven effective in saving the lives of our families and friends, instead of both sides wasting valuable time and resources fighting a battle whose outcome has already been clearly resolved. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Wesley. John Duray, please. I apologize for the pronunciation. Followed by David Sullivan. Mr. Duray, state your name and address for the record, please.

MR. DURAY: My name is John Duray. I currently reside at 108 Tenth Street in Aspinwall. I've lived, worked and ridden my motorcycle and paid taxes in Allegheny County for most of my adult life. I'm a former state public relations officer in the State of

Pennsylvania as I was a proud member of the Steel Workers from 1997 until my retirement last September.

One of the major reasons, if not the major reason we are here today is because two years ago, a few short blocks from here, the quarterback who lead our team to victory in Superbowl XL, was severely injured in a motorcycle crash. As well publicized as that crash has been, the essential facts tend to get lost in the sheer volume of coverage.

They are: Ben Rothlisberger was operating a legal motor vehicle, his motorcycle, within the speed limit and the constraints of traffic flow, when the driver of another motor vehicle illegally violated his right-of-way making a left turn across traffic, resulting in Ben's motorcycle crashing into the car.

The driver of that car came that close committing vehicular manslaughter and received a whopping \$108 fine for her crime.

By any rational measure, Ben Rothlisberger was the victim in this situation. But, because he wasn't wearing one particular item of optional, protective clothing, a helmet, it somehow became his fault. And under the terms of the resolution before the Council today, he and every other motorcyclist in the Commonwealth will be assessed a far greater penalty.

Even the ghost of Lee Atwater would be hard pressed to call this anything but what it is; blaming the victim. And there's no excuse for it in this case or any other.

If Ben had been shot on Second Avenue instead of crashing his motorcycle, would Council be entertaining a resolution to deny publicly funded medical care to gunshot victims who failed to wear a Kevlar vest? I don't think so, but the resolution under consideration today is no less ridiculous, but because he was driving a motorcycle this solution is being advanced.

And if you don't think it's about the motorcycles, consider the following: according to the Centers for Disease Control, crashes of enclosed motor vehicles result in ten times as many traumatic brain injuries as motorcycle crashes. According to the logic of this resolution, we would save ten times as many lives and ten times the money by requiring every occupant of every car, truck, van minivan and SUV on the road to wear a helmet.

That resolution isn't before Council today for the best of all possible reasons. Because, the Council which enacted such a resolution wouldn't be in office after the next election if, indeed, the public would waited that long.

Obviously, the motorcyclists of Allegheny County do not possess that kind of political clout. But the last time I checked equal protection under the law is still the law of the land and what's applies to the majority should also apply to the minority.

Helmet or not helmet, motorcyclists are still being murdered and maimed on our roads. Instead of continuing to blame the victim, I urge you to get tough on the criminals with tough, meaningful penalties for right-of-way violations that result in death or serious injury. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Duray. David Sullivan followed by Jeff Harris. Mr. Sullivan, please state your name and address for the record, please.

MR. SULLIVAN: Dave Sullivan. 5187 Jane Street, Pittsburgh, 15227. I have very little to add to what Mr. Heh has already said. When I spoke with Mr. Drodz the other day, it was kind of unclear to me exactly what this resolution was going to be. I'd prefer to hear the resolution before I had commented. As I understand it there is no --- there's not many resolutions to prevent accidents. So what we're really trying to do is not fund people who are traumatically brain injured. So under that law if a drunk driver violates the right-of-way and injures a motorcyclist. The motorcyclist gets penalized.

I don't really understand the resolution as it stands, and after my conversation with Mr. Drozd, I really didn't understand it further. So maybe we can clear it up at the end of this meeting when we actually hear the resolution. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Sullivan. Jeff Harris followed by Michael Campbell. Mr. Harris, I note from your address that you do not reside in Allegheny County; is that correct?

MR. HARRIS: That is correct, but I work in Allegheny County and pay taxes in Allegheny County.

PRESIDENT FITZGERALD: Without objection I would let Mr. Harris speak. I mean, our policy is not let ---? Everybody's okay? Please continue. State your name and address for the record, please.

MR. HARRIS: My name is Jeff Harris. I live at 1242 Lovi Road, Freedom, Pennsylvania. It's in Beaver County.

I'm also a former state public relations officer from ABATE of PA. I've been riding motorcycles for over 30 years. I average over 12,000 miles riding every year and I ride 12 months out of the year. And in the wintertime, I do wear one of those full-face helmets because it's pretty darn cold out there.

I'd like to address the Council this evening to discuss legislative file number 4205-08. Councilman Drozd will be asking the Committee to pass a resolution asking that the governor and the general assembly reinstate a mandatory motorcycle helmet law in Pennsylvania. Perhaps Councilman Drozd has forgotten that Representative Dan Frankel introduced House Bill 945 last year. House Bill 945 will bring the State a mandatory helmet law.

Unfortunately for Representative Frankel, he was unable to gather ten co-sponsors for that bill. That left him 91 votes short in getting this bill passed on the floor of the House. Today, House Bill 945 is stuck in Committee and will never see the light of day.

According to the Pennsylvania Traumatic Brain Institute, over 80 percent of motor-vehicle related brain injuries occur to drivers and passengers in enclosed motor vehicles.

If Councilman Drozd is sincere in wanting to reduce the number of traumatic brain injuries that occur on our roads, he'd be asking for a mandatory helmet law to cover cars, trucks and minivans. Anything less is disingenuous and discriminatory.

I ask that the committee vote no on Legislative File Number 4205-08. I was made aware that Councilman Drozd has indicated that he intends to amend this resolution tonight, and I'm told that the amendment will state that any motorcyclist who suffers a head injury while not wearing a helmet is going to be denied health insurance coverage by the State.

Pennsylvania's motorcyclists have been free to chose whether or not to wear a helmet for almost five years. It is currently legal in Pennsylvania to ride without a helmet. Councilman Drozd is asking that citizens who obey the law should be penalized. Penalize citizens for obeying the law. You got to be kidding me. I do not understand the upside down logic that led

Councilman Drozd to propose this amendment, nor do I care to hear it explained.

I urge the Committee to vote no on this amendment and any other efforts by Councilman Drozd to trample on our Constitutional rights. The 7,000 plus members of the ABATE of PA have been working tirelessly for over 30 years to gain our freedom of choice. We will not surrender our rights without a fight. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Harris. Michael Campbell here this evening? Leonard Young. Is Leonard Young here this evening? Kris Rust. Kris Rust, please step forward and state your name and address for the record, please.

MR. RUST: Hello. My name is Kris Rust. I'm chair of the Steele City Stonewall Democrats. I would like to thank the County Council for considering today the creation of a new human relations commission and a requirement for non-discrimination in housing and employment on the basis of a person's sexual orientations or gender identity. This legislation would provide important protection for the many gay, lesbian, bisexual and transgender citizens of Allegheny County, who also help Allegheny County attract, entertain talented individuals.

State-wide polling of 750 likely voters conducted in November 2007 indicates that 78 percent of Allegheny County voters believe that discrimination happens in the work place against gays, lesbian, bisexual and transgender individuals. Twenty-five (25) percent of those Allegheny County voters personally know someone whose been discriminated in the work place because they are or were thought to be gay, lesbian, bisexual or transgender. Thank you again for your consideration and I'd especially like to thank Councilwoman Green and Councilman Fitzgerald and Councilman Burn for sponsoring this legislation. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Rust. Please add Mr. DeFazio who also wants to sponsor that legislation and Councilman Futules. And Councilman Macey, Councilman Robinson.

I understand Leonard Young is now with us. Mr. Young, if you'd come forward. State your name and address for the record, please followed by Emilia Lombardi.

MR. YOUNG: Good evening. My name is Leonard Young. I live at 652 Cooper Road, Monroeville,

Pennsylvania. I'm here as an avid motorcyclist. I understand there's some sort of resolution being talked about. I apologize for not being real knowledgeable about this particular resolution. But from my understanding it is somewhat unfavorable with regard to motorcyclists' rights in Allegheny County and perhaps the entire Commonwealth of Pennsylvania.

Personally, I'm appalled at the notion of any sort of discriminatory legislation or resolution, whatever it is that you're considering. Being a motorcyclist certainly over the years has been a popular sport of politicians. And that's the old days. That's the bad, old days. The good, new days now is that there's no need to pick on motorcyclists with unnecessary legislation. We're very common members of society, tax paying members of society. We pay our bills. We pay our taxes. We pay our insurance premiums, and we certainly appreciate any sort of political activities. Maybe to join towards other necessary things within society.

I'll give you a real good example. Driving in today in my automobile on the Parkway East just in-bound inside of the Squirrel Hill Tunnels, the traffic was backed up in the tunnel, three lanes backed up bumper-to-bumper in the tunnel. You want to talk about wasted money. Do you want to talk about wasted gasoline? You want to talk about wasted time? These people sitting there behind the wheel. We've all been there. We've all done that.

So if you feel that you really want to do something to help society, I'm sure there's plenty of other knowledgeable peoples out there that know a lot more about traffic control that I do. I suggest you consult with them and maybe try to deal with some of the traffic woes in Allegheny County or the Commonwealth or whatever you want to do. Thank you for your time. I appreciate it.

PRESIDENT FITZGERALD: Thank you, Mr. Young. Emilia Lombardi. Ms. Lombardi, state your name and address for the record, please.

MS. LOMBARDI: Emilia Lombardi, Swissvale Borough 2233 Lillian Avenue. I'm a professor at the University of Pittsburgh and I'm also a board member of the Steel City Stonewall Democrats. My area of expertise is lesbian, bisexual, transgender health disparity. And I've seen the negative impact discrimination has on people's lives and wellbeing.

In addition, as a resident here in Allegheny County, I've also seen through a friend of mine, a good friend of mine, a young woman was fired from a job, Plum Borough, because she was a transsexual. I also know this woman who is also very afraid to look for a job or live anywhere outside of Pittsburgh because Pittsburgh is the only area that has an anti-discriminatory legislation imposed. She is also now looking to move out of the area because she does not feel safe anywhere that does not have a anti-discrimination legislation. So I feel that this ordinance 4201 would be very helpful again keeping people in the area and relatively safe. And that's it. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Lombardi. Unfinished business, Committee on Parks Second Reading, 3994-08.

MR. MASCIIO: And Ordinance to the County Allegheny, amending Ordinance Number 07-06, the existing scheduled of facility and recreational rates and fees for the use of county recreational and park facilities.

PRESIDENT FITZGERALD: Chairman Futules.

MR. FUTULES: We had a meeting on, I believe, it was July 2nd, for the permanent recommendation to take this to committee. We got four out of the five requirements to make amendments to this bill. I'd like to, we have amendments on the table here, introduce this amendment.

PRESIDENT FITZGERALD: Is that a motion for amendment?

MR. FUTULES: I'd like to make a motion to amend.

PRESIDENT FITZGERALD: Do you want to speak to the amendment and have your co-sponsor ---?

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Second? Move to second. Speak to the amendment.

MR. FUTULES: This is the amendment to the presentation and passage shall entitle firefighter or EMTs to pre-admission to the County owned swimming pools and ice skating rinks. In addition to each volunteer fire or EMT companies shall be granted one discount up to \$50 for the rental of any picnic grove at any County Park.

PRESIDENT FITZGERALD: Discussion on the matter? Mr. Macey, would you be called as co-sponsor?

MR. MACEY: Yes, thank you, Mr. President and the Council Member Futules. I just want to say that, you know, we have volunteer fireman out there who risk their lives. Their families are deeply involved with their activities as well. And there's no gold at the end of the rainbow for these firemen except being a good, public servant. Unlike other occupations and places of employment, people can get paid. People get vacations. They get benefits. The volunteer fireman doesn't.

Also we're losing many of our volunteer fireman through age. They're just getting older. And in Pennsylvania we have the highest rate of deaths per capita amongst our volunteer fireman. And so this is just one way of saying thank you to our volunteer fireman and women and to incent them to stay on the job and hopefully encourage others to come to the plate. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty and then Mr. Drozd.

MR. FINNERTY: Thank you, Mr. President. I'd just like to be added as a co-sponsor to this bill.

PRESIDENT FITZGERALD: Of the bill itself or the amendment?

MR. FINNERTY: The amendment.

PRESIDENT FITZGERALD: The amendment. Could you add --- to the bill.

MR. FINNERTY: Yes. And I'd like to say that, obviously, I do support this. I believe the firefighters, the volunteer firefighters definitely need a real incentive for what they're doing. And it's a tremendous, tremendous effort, and it helps protect the community. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: I want to be added this, please, as co-sponsor. I want to say this goes deeper than just what we see here in on this one bill. There's recruitment and retention problems throughout Allegheny County with fire fighters. They're having trouble getting --- we have an aging force. We can't afford to pay Coraopolis. It's costs two million a year to pay the fire department to cover that borough.

Lastly, we have to do a lot more than just this. I propose doing such things as tax credits to those that serve the fire department. I think we have to push that. We have to look a that in future years to come. Not this future year, immediately. We have to do something to

swell their ranks again. If we do not, Allegheny County will be facing a crisis throughout Allegheny County if not alone Pennsylvania. So it's critical that we look at ways to retain them. It's critical that we look for ways to recruit. And this is only start up. We need a lot more. Thank you.

PRESIDENT FITZGERALD: Please call roll on the amendment.

MR. MASCIO: On bill number 3994-08, as amended, Mr. Burn?

PRESIDENT FITZGERALD: No, on the amendment itself.

MR. MASCIO: I though you already ---.

PRESIDENT FITZGERALD: No, we didn't.

MR. MASCIO: All right. On the amendment to bill number 3994-08, Mr. Burn?

MR. BURN: Yes.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Aye.

MR. MASCIO: Mr. DeFazio?

MR. DeFAZIO: Yes.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Yes.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. MASCIO: Mr. Futules?

MR. FUTULES: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. MASCIO: Ms. Green?

MS. GREEN: Aye.

MR. MASCIO: Mr. Macey?

MR. MACEY: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. McCullough?

MR. McCULLOUGH: Aye

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Robinson?

MR. ROBINSON: Aye.

MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Aye.

MR. MASCIO: Ayes 15. No zero on the amendment.

PRESIDENT FITZGERALD: Now, on the bill as amended.

MR. MASCIO: On bill number 3994-08 as amended.

MR. MASCIO: Mr. Burn?

MR. BURN: Yes.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Aye.

MR. MASCIO: Mr. DeFazio?

MR. DeFAZIO: Yes.

MR. MASCIO: Mr. Drozd?

MR. DROZD: Yes.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. MASCIO: Mr. Futules?

MR. FUTULES: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTBEG: Yes.

MR. MASCIO: Ms. Green?

MS. GREEN: Aye.

MR. MASCIO: Mr. Macey?

MR. MACEY: Aye.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. McCullough?

MR. McCULLOUGH: Aye.

MR. MASCIO: Ms. Rea?

MS. REA: Yes.

MR. MASCIO: Mr. Robinson?

MR. ROBINSON: Aye.

MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. MASCIO: Ayes 15. Nos zero. The bill as amended passes.

PRESIDENT FITZGERALD: Liaison reports, you need to see me. I see new business, ordinances and resolutions.

Before we begin, I just want to kind of discuss something dealing with new business. For five years on this Council when a bill was introduced as a new business, as a piece of new business, it was immediately referred to committee and it there was no comment on the bill. If the

work of this Council is done in committee for the most part. And quiet frankly I think it's --- we have some terrific committee chairs who do terrific work bringing in experts, questioning the administration, questioning our authorities, et cetera, to bring good pieces of legislation before this full body. It was a member of this council, Councilman Price, was here, a member of the Republican Caucus who has asked that when a bill was introduced, if we could speak to it for about 30 seconds was his request.

And that was back in 2005. And we honored that request. But in recent months we have seen that privilege abused, quite frankly. On new businesses --- on pieces of new business that are introduced. That is the discretion of the president, which I can certainly can throw it open as a rule to have and this body and weigh in if they want to have discussions on first readings.

This evening I see there's a number of bills on the committee since people did not have prior notice. I'm going to go back to the 30 second rule so the people can discuss. I see Ms. Green has her very first piece of legislation that's she introduced. I don't want to, you know, limit her because she's not been through this hole before. And we'll give everybody 30 seconds, but if this privilege continues to be abused and these meetings turn into what their not intended to be, we will just refer the bills immediately to committee. I want to make that announcement.

4201-08.

MR. DROZD: Point of rebut.

PRESIDENT FITZGERALD: There's not a point of rebut, Mr. Drozd. 4201-08.

MR. MASCIO: And Ordinance amending supplementing ---

MR. MCCULLOUGH: I object to .

MR. MASCIO: --- the Allegheny County ---.

PRESIDENT FITZGERALD: Wait a minute. Wait a minute. I'm going to ask the parliamentary to ---.

PRESIDENT FITZGERALD: If members are out of order, then they will be ruled out of order. 4201-08.

MR. MASCIO: 4201-08, an Ordinance amending and supplementing the Allegheny County Code of Ordinances, Division Two, entitled, County Government Operations, Chapter 215, entitled Boards, Commissions and Committees, through the creation of a new Article V, entitled, Human

Relations Commission, in order to establish a county wide non-discrimination requirement in housing, employment and other contexts, as well as to establish a formalized means of resolving disputes based on allegations of such discrimination. Sponsored by Council Member Green, Council Member --- Council President Fitzgerald and I do believe we had Council Members Burn, Futules, Macey and Robinson as additional sponsors. We have DeFazio, Finnerty, Cleary. Anyone else?

PRESIDENT FITZGERALD: Councilwoman Green wishes to comment.

MS. GREEN: Thank you, President Fitzgerald. This proposed ordinance creates a protected class against whom it would be unlawful to discriminate in the areas of housing, employment and public accommodations. The Human Relations Commission, which will be charged with enforcing a human rights ordinance. I want you to note that it is not a civil rights ordinance. Civil rights simply means that you want to be treated like everyone else. But the standard treatment for everyone else is lower so is yours. And we want to raise the bar, and I think that the residents of our fair county want and deserve more as well.

And I'd like all Council members to join me in co-sponsoring this proposed ordinance.

PRESIDENT FITZGERALD: Thank you, Ms. Green.

MR. DROZD: Add my name to that, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Add Mr. Drozd as co-sponsor. 4202-08.

MR. ELLENBOGEN: Mr. President?

PRESIDENT FITZGERALD: I'm sorry. Mr. Ellenbogen as well. 4202-08.

MR. MASCIO: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding amendment of Article IV, Section 2.m on the Home Rule Charter of Allegheny County to provide for elimination of the Port Authority of Allegheny County be placed on the November 4, 2008 General Election Ballot. Sponsored by Council Member McCullough.

PRESIDENT FITZGERALD: Referred to Committee.

MR. MCCULLOUGH: Mr. Fitzgerald ---.

PRESIDENT FITZGERALD: I was going to acknowledge you, Mr. McCullough, if you would give me a second. Mr. McCullough.

MR. McCULLOUGH: I guess seconds are very precious around. I'm going to move that we waive the second reading on this bill.

PRESIDENT FITZGERALD: So moved. Second?

MR. DROZD: Seconded.

MS. CLEARY: I'd like to call the question.

PRESIDENT FITZGERALD: We have a motion to call the question.

MR. FINNERTY: Second that.

PRESIDENT FITZGERALD: Second. Please call the vote on all the question.

MR. MASCIO: Okay. The vote is on the call ---.

PRESIDENT FITZGERALD: There is no discussion on calling the question. Let's move ---.

MR. MCCULLOUGH: Listen ---.

PRESIDENT FITZGERALD: You're out of order, Mr. McCullough. You're out of order, Mr. McCullough.

MR. MCCULLOUGH: I gave a lot ---

PRESIDENT FITZGERALD: Call the roll.

MR. MCCULLOUGH: --- sweat and tears.

PRESIDENT FITZGERALD: Call the roll.

MR. MCCULLOUGH: And you're not going to ---.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: Yes.

MR. MASCIO: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. MASCIO: Mr. Drozd?

MR. DROZD: What's the point of question?

PRESIDENT FITZGERALD: This is the call of question.

MR. MASCIO: Drozd?

MR. DROZD: No.

MR. MASCIO: Mr. Ellenbogen?

MR. ELLENBOGEN: Abstain.

MR. MASCIO: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. MASCIO: Mr. Futules?

MR. FUTULES: Yes.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: I could not hear the question with all the fighting going on.

MR. MASCIO: The motion is to call the question on a motion to waiving a second reading of the bill.

MR. GASTGEB: Someone brought a motion to call the question a second reading?

MR. MASCIO: The motion is to call the question on the motion to waive the second reading of the bill.

PRESIDENT FITZGERALD: Please proceed.

MR. MASCIO: Mr. Gastgeb?

MR. GASTGEB: I want to abstain.

MR. MASCIO: Ms. Green?

MS. GREEN: Point of order. I'm not sure what the issue is I'm voting on because ---.

PRESIDENT FITZGERALD: All right. Let's explain. Everybody is voting to call the question on waiving the second reading. And if that does not pass, then we can discuss and/or waive the second reading.

MR. GASTGEB: I vote no.

PRESIDENT FITZGERALD: Record Mr. Gastgeb as a no.

MR. GASTGEB: Welcome to City Council.

PRESIDENT FITZGERALD: You are out of order, Mr. Gastgeb. Yes, Ms. Green?

MS. GREEN: Yes.

MR. MASCIO: Mr. Macey?

MR. MACEY: Yes.

MR. MASCIO: Mr. Martoni?

MR. MARTONI: Yes.

MR. MASCIO: Mr. McCullough?

MR. McCullough: No.

MR. MASCIO: Ms. Rea?

MS. REA: No.

MR. MASCIO: Mr. Robinson?

MR. ROBINSON: Aye.

MR. MASCIO: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. MASCIO: Ayes, 10. Nos, four and one abstention. Motion to call the question carries.

PRESIDENT FITZGERALD: 4203-08.

MR. MCCULLOUGH: Excuse me. You voted to call the question. The question was motion to waive the second reading.

PRESIDENT FITZGERALD: I'm sorry. You're right. You're right. On the motion to waive the second reading.

MR. MASCIO: The motion to waive the second reading on Bill Number 4202-08

MR. MASCIO: Mr. Burn?

MR. BURN: No.

MR. MASCIO: Ms. Cleary?

MS. CLEARY: No.

MR. MASCIO: Mr. DeFazio?
MR. DeFAZIO: No.
MR. MASCIO: Mr. Drozd?
MR. DROZD: Aye.
MR. MASCIO: Mr. Ellenbogen?
MR. ELLENGOGEN: No.
MR. MASCIO: Mr. Finnerty?
MR. FINNERTY: No.
MR. MASCIO: MR. Futules?
MR. FUTULES: No.
MR. MASCIO: Mr. Gastgeb?
MR. GASTGEB: Abstain.
MR. MASCIO: Ms. Green?
MS. GREEN: No.
MR. MASCIO: Mr. Macey?
MR. MACEY: No.
MR. MASCIO: Mr. Martoni?
MR. MARTONI: No.
MR. MASCIO: Mr. McCullough?
MR. McCULLOUGH: Aye.
MR. MASCIO: Ms. Rea?
MS. REA: Abstain.
MR. MASCIO: Mr. Robinson?
MR. ROBINSON: No.
MR. MASCIO: Mr. Fitzgerald, President?
MR. FITZGERALD, PRESEIDNT: No.
MR. MASCIO: Ayes 2, nos 11 and 2 abstentions.

That motion passed.

PRESIDENT FITZGERALD: Mr. McCullough, since the bill was introduced, I will give you 30 seconds to discuss that bill.

MR. McCULLOUGH: I appreciate that, Mr. Fitzgerald and I will be brief. I can't say it any better or succinctly than the Tribune-Review did in it's July 2nd editorial regarding the Port Authority. If ever there was a textbook case for reinventing mass transit, the Port Authority is it. And that's the basis of this bill. It's to give the public an opportunity to reinvent mass transit in Allegheny County. I'm very disappointed it's made it's way into committee, but I believe the decision will reappear in the future. Thank you.

PRESIDENT FITZGERALD: Shortly we will have a full hearing on ---.

MR. McCULLOUGH: Look forward to it.

PRESIDENT FITZGERALD: 4203-08.

MR. MASCIO: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question regarding tax limitations found in Article II of the Home Rule Charter of Allegheny County, entitled Tax Limitations be placed on the November 4, 2008 General Election ballot. Sponsored by Council Member McCullough.

PRESIDENT FITZGERALD: Refer to committee of government and reform. Mr. McCullough do you wish comment?

MR. McCULLOUGH: I'm going to withdraw this motion --- or this bill. Frankly, I don't think there's any reason for it. I don't think regardless of what happens in the next couple of months, the next couple of years, nobody's going to be raising property taxes in Allegheny County.

PRESIDENT FITZGERALD: Please withdraw 4203-08.

MR. MASCIO: It's withdrawn

PRESIDENT FITZGERALD: 4186-08.

MR. MASCIO: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2008. Submission number 10-08. Sponsored by Chief Executive.

PRESIDENT FITZGERALD: Referred to Committee on Budget and Finance. 4204-08.

MR. MASCIO: A Resolution of the County of Allegheny, Commonwealth of Pennsylvania, expressing support for the continuation of feasibility studies of a commuter rail line between Pittsburgh and Alle-Kiski Valley with the ultimate aim of opening commuter service with all deliberate speed. Sponsored by Council Member Futules.

PRESIDENT FITZGERALD: Refer to Committee of Economic Development and Housing. Mr. Futules, do you wish to comment?

MR. FUTULES: Yes. This is ongoing since 2002. Just recently an additional \$500,000 was committed to the study and hoping to implement the 28 corridor. It will be a big improvement to transportation in Allegheny County which is way overdue. And we will take this to committee and support this issue for the future of Allegheny County. Thank you.

PRESIDENT FITZGERALD: Thank you. 4205-08.

MR. MASCIO: Resolution of the County of Allegheny requesting that the Governor and General

Assembly of the Commonwealth of Pennsylvania re-enact the mandatory helmet law which would require motorcyclists to wear helmets in Pennsylvania. Sponsored by Council Member Drozd.

PRESIDENT FITZGERALD: Refer to Committee on Public Safety. Mr. Drozd, having not known about the rule tonight, and he did have some speakers come, I'm going to give you a little bit of leeway. So please speak to your bill.

MR. DROZD: First and foremost, I want to say I respect all those who spoke here tonight. And you're correct, I'm going to ask this be put into committee and for it to be amended. Other people told me about constitutional rights and your freedom to choose. And I believe that you should have the right of the freedom to choose whether you want to wear this helmet which I have --- and by the way, I didn't even know my motorcycle yet. This is crushproof, thoughtproof, smellproof. These helmets are proven that they don't crush. And wears a full face guard.

But my point is that I believe you should have the right to choose, but at the same time I don't believe people --- people, the taxpayers should also have the right not to support your long-term disability, if you chose not to wear the helmet and it's proven that your disability occurred and could have been avoided if you would have wore the proper helmet gear. I've seen motorcyclists, you know, I was trained in a military unit for a military course, but they taught --- they rode privately. Not only did they wear the helmets, we weren't even allowed on bases without a helmet. It's proper. The military knows and has a sense of responsibility of what could happen.

You see this gash? That was from a bicycle. You saw and I told you that one night. This is from a bicycle fall not going that fast and not properly wearing a helmet from my house. And can you image what can happen here. So the University of Pittsburgh statistically proven, you're read statistics. Statistics don't lie and I'm going to believe the University of Pittsburgh, they tell the truth. And they did a formal study where they showed that since the --- and I ask this be done a year ago. And I'm concerned about your welfare not just because of the taxpayer, but also the taxpayer's welfare and their pocketbook.

And basically they showed that the long-term care jumped 87 percent. And the acute care hospital charges for motorcycle-related head injuries rose 132 percent. Reaching a 124 million in comparison before. Before when you wore the helmets, 53 million. Who do you think picks up the cost in the long-term care cost, it's you, the taxpayer, including yourself. That's who picks it up. And I believe I'm going to protect your right, but at the same time I want to protect the rights of the taxpayers. And the taxpayers shouldn't have bear that burden. It's their right, too. So you want to choose, choose. I choose --- and you know why I do this, I have long-term care, by the way, but I chose this because I don't want to be a burden on anyone especially the taxpayer if I'm injured without wearing proper gear when I have the choice to do so.

And that's all I think is realistic and I think that's not asking a lot here. And that's what I'm going ask the State Legislature. You have the right to choose whether you want to wear one or not, but you indemnify the taxpayer. The taxpayer should not have to --- have the right to bear your burden or your cost in long-term care. They're not going to leave you lie there. We're going to take care of you at that point in time. But if it's proven that if you would have wore the helmet and not had the head injuries as a result of not wearing the helmet, then the taxpayers should not bear the long-term cost of that --- of your burden. It should not happen. And I don't think anybody anywhere on this land can argue that. I don't think that you --- I expect you to bear and that's why I brought this helmet even before I bought the motorcycle with the proper crushproof. People, say well, people ---.

PRESIDENT FITZGERALD: We can do this in committee.

MR. DROZD: Yes, sir.

PRESIDENT FITZGERALD: And I would assume Mr. Burn will give it all due diligence. I would ask Mr. Burn, do you have a hearing on this?

MR. BURN: ASAP. There were a lot of speakers here tonight. I'm chairman of the Public Safety Committee. We will schedule a meeting and your thoughts and your comments and any other information or data you want to share with the Public Safety Committee, we welcome it. We welcome your comments and input into the debate.

We'll schedule it. We'll try to do it as soon as possible. Hopefully before the end of the month. I know we have a hearing coming up on the issue of Duquesne Light. Maybe we'll fit it into that night as well.

MR. DROZD: The last thing I want to say is I did hear that. And again, see the difference in what I'm saying. And I respect your input and I respect your rights. But at the same time I'm going to protect your rights of the taxpayers. Thank you.

PRESIDENT FITZGERALD: New Business, Motions?

MR. MASCIO: We have none.

PRESIDENT FITZGERALD: None this evening. Mr. Martoni.

MR. MARTONI: I have a motion on the floor. I'd like Mr. DeFazio to speak to it. Allegheny County Board of Elections and the County voting machines. In order to make sure that such software meets applicable federal and state regulations. Mr. DeFazio is a member.

PRESIDENT FITZGERALD: That's a motion?

MR. MARTONI: That's a motion.

PRESIDENT FITZGERALD: With seconds?

MS. CLEARY: Seconds.

PRESIDENT FITZGERALD: Second discussion. Mr. DeFazio.

MR. DEFAZIO: I think --- I know we all agreed with this so we have to go forward. We talked about meeting the requirements of state. I think we have to do --- I'd like to have Mr. Finnerty to come up.

PRESIDENT FITZGERALD: County Manager Flynn, could you come forward and speak to this motion? I don't know if you seen it before, but similar to what we did a couple weeks ago, you might recall.

MR. FLYNN: I do recall that, Mr. President. And I guess the question is, is it a local issue or --- you know, the state certifies these machines. Should the state engage in performing an audit and actually sending people out to various counties to use these machines? These are all electronic machines in performing the audit to ensure that we're in compliance with the state election code. I do think it's a question of enforcement. Is it a local issue or is it a state issue?

MR. DROZD: Well, just looking at this here, County --- the Board of Elections should --- with those serious considerations conduct the random sample of software currently loaded in the county electronic voting

machines in order to ensure that such software meets applicable federal and state requirements. So you know, I think we have to have either state and federal or whatever, someone has to come in and do this audit. That's the way I read it.

PRESIDENT FITZGERALD: Should we amend this maybe, ask the state to do this or let the Board ask the state? I think the Board could ask the state?

MR. FLYNN: I think the Board could ask the state or County Council could ask the state.

PRESIDENT FITZGERALD: Mr. McCullough, are you a member of that board?

MR. MCCULLOUGH: I'm still a member of that board. You know, I interpret this as a request for the Council to ask the Board of Elections to weigh in. I think it's something to bring to the board, and I think the board should be given the opportunity to decide whether we're going to do this locally or ask the state to do that.

PRESIDENT FITZGERALD: Let's just take a moment on this motion. I think that makes sense to have the Board weigh in on, as Mr. DeFazio and Mr. McCullough ---. Those then who second --- all in favor, signify by saying aye.

(choruses of ayes)

PRESIDENT FITZGERALD: Opposed? Motion carries.
Mr. Drozd?

MR. DROZD: I'd like to discuss the 30-second rule the you want to implement on the ---.

PRESIDENT FITZGERALD: It's not a rule. It's just a matter of discussing --- we can discuss that, you know, in private or with the Executive Committee, if you wish. Actually, we're giving three minutes to speak.

MR. DROZD: Well, I'd still like to discuss that. I think I have that right, new business part to do that.

PRESIDENT FITZGERALD: Go ahead, Mr. Drozd.

MR. DROZD: Okay.

PRESIDENT FITZGERALD: We're not going to spend all night doing this, but go ahead.

MR. DROZD: Okay. I can understand the essence that you want to go through our business and whatever. A promise has been by people and me do right, we do our proclamations. I do my proclamations out in the field, because I really want to take it where the people are and

where the families are. And I'm not faulting any council member for wanting to recognize people for doing good things. We need to do that. At the same time, one night I had hour and a half of proclamations alone with unlimited time. When it came time to do people's business, it was a waste of time, less than an hour. Less than an hour. This is what's critical. People's business.

I was glad to see that the people came here and was able to speak out on many issues, including modern resolution. We need to hear it. But if you add up the numbers that they had, in essence, it was approximately 18 minutes, and I was only being allotted 30 seconds. I don't think that's doing the good will to people. I think it needs to be --- we can limit, but I think that has to be discussed on how long that limit needs to be. And in fairness, when our speakers are on the agenda to rebut something that a Councilmember's trying to do for the good the people.

PRESIDENT FITZGERALD: That's fine. I don't disagree with you. Most of our business is done in the community. That's where the real nuts and bolts of legislation, amendments, facts, physical, all those types of things are really done, so by the time it comes to this full council, certainly there would be discussion where people can say, I'm for Bill A or I'm against Bill B for another reason. But you know, we went on three hours last week, and we didn't really didn't accomplish anything. So I'll sit here all night if we're going to accomplish something, but if we're just going to, you know, use the privilege of speaking for speaking, then we can have that discussion. I don't have any problem with that. Everybody got to speak tonight. Everybody got to talk to their bills, and that was fine.

MR. MCCULLOUGH: Excuse me, Mr. Fitzgerald.

PRESIDENT FITZGERALD: Mr. McCullough, I'm going to allow you to wait.

MR. MCCULLOUGH: Well, I appreciate that privilege. Here's the problem I have with this, first of all. If this was to be a rule of council, I think it should be presented as rule of council. I think it is very unfortunate, very arbitrary to have a unilateral announcement by you in the ---.

PRESIDENT FITZGERALD: Well, the rule of council is not to discuss bills.

MR. MCCULLOUGH: Is there a rule of council presently modified that we do not discuss bills that are being introduced for the first time?

PRESIDENT FITZGERALD: No. It was the practice that we had.

MR. MCCULLOUGH: Well, you know, that practice obviously has been ---.

PRESIDENT FITZGERALD: We made a waiver to Councilman Price.

MR. MCCULLOUGH: Yes, but Rich, the point is, since I've been on this Council, that practice hasn't been followed in any way, shape or form ---.

PRESIDENT FITZGERALD: Because we've allowed people to speak.

MR. MCCULLOUGH: And it was never communicated any other way. The other thing I'd point out is you are the Chair, and whether the debate takes one hour, two hours, or three hours, I have yet been to one of these debates where I thought people were out of line, out of order or spoke out of term. You do a very effective job, giving everybody the opportunity to speak. As a matter of fact, I think you pride yourself on that. On a number of occasions you said to me has everybody had a chance to air their reviews? I think you've been down this road, where we're going to arbitrarily limit peoples right to express themselves. And keep in mind, we're talking about limiting our right to express ourselves to one-tenth, people in the audience had to make their comments. You're really gave the impression that things are being done here unfairly, arbitrarily or in the back room, and I don't think any of us want to make that connotation.

PRESIDENT FITZGERALD: That's fair enough. I agree. We can have a discussion with the Rules Committee before we --- Mr. Finnerty? Mr. Finnerty, Mr. Ellenbogen and Mr. DeFazio.

MR. FINNERTY: I would just like to say that the majority of our business, and we look into building, et cetera, that's done in the community. My own personal opinion is that nobody is stepping on anybody's rights. What's been happening here, as the committee process is being attempted to subvert --- subvert, continue as we go on. People are introducing, for the first time a bill, and then want to debate it, when no one has any information on it yet except probably the person who introduced it, and that person might have missed

information. Well, we don't have time to figure it out, because we don't go to the committee process. People are trying to jam things through here that should be going to the committee. We shouldn't be sitting up here spouting for two hours on something that was never in the committee so the people that are doing this talking haven't been to the committee meetings and this is important. If you're going to do this, you're going to have problem, let's make a commitment to what you've been elected to do and come to committee meetings so that you can air things out in the committee, not up here on the first reading and take a meeting and stretch it out for three and a half hours because you just want to talk, and that's the way I feel.

PRESIDENT FITZGERALD: Mr. Ellenbogen, Mr. DeFazio and Mr. Burn.

MR. ELLENBOGEN: You know, I listened close to what Councilman Finnerty, and I think there's merit to what both of them said. What I would ask this Council --- and I do appreciate the time, but there are times when something's introduced on the first bill that, you know, one comment from a councilman might stop a thousand phone calls that we're going to get or whatever. What I would ask is that each councilman has a right to say something to that bill. If you want to limit it to 15 seconds, I don't care, but just to completely seal off debate, I think, gives you the wrong impression to the public also.

PRESIDENT FITZGERALD: Mr. DeFazio.

MR. DEFAZIO: Well, no matter what you think we got to go by the rules. As it started out, like the President said, we weren't allowed to talk on that subject, but the 30-second rule, we abused it. We have to get back to the rules. People may not like it and technically if you go by the rules, someone --- right now we do a lot of debating. If someone makes a motion to stop debate, two-thirds vote on it, it's over, whether we like it or not. You may want to go longer, but there's a majority of the people on the rule. So we have to go by the rules. It might be something in the rules right now, what we really want to do with that. But as far as stopping debate, that's part of the procedure. Two-thirds could stop that at any time.

PRESIDENT FITZGERALD: Mr. Burn, and then Mr. Macey.

MR. BURN: Thank you, Mr. President. There are going to be times where a piece of legislation is going to

be introduced where we're going to have read the second reading. We've seen examples of it before, and I'm sure we'll see examples of it again. There are going to be times that that's going to happen. It should be for very significant reasons. There should be a significant factor, several significant factors or whatever we decide the weigh second reading in debating up here and vote on it up here. There could be a variety of reasons. We'll know them when we see them, but for the most part I think that should be the exception, it should not be the general rule. A lot of decisions we're making and a lot of legislation we're debating, that needs to be a community process. For example, the most recent, give the opportunity to hash out both sides of the issue, bring some data materials and then discuss it and have healthy debate on it. It will stay there until we're all satisfied it's ready to come up here for a vote. There are other examples that we can all cite with respect to ordinances that we've seen or resolutions that we've seen. But again, unless there is a significant, compelling reason, whatever it might be to employ the second reading, I think it should be the exception. But there are going to be times where we're going to have to deal with it. But for the most part, I do agree with Mike, we do need to get them in to the committee, that's why the committees are there. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Macey.

MR. MACEY: Well, thank you, Mr. President. Just like Councilman DeFazio said. We go by rules. And although it says --- as Mr. McCullough said, it appears we're looking as though we're doing something through the back door. Well, we're not doing anything through the back door because these meetings are open to the public, they're open to the press. So for me to get something that night and then have pursuant two articles and sections, it's just something I can't digest that evening. So I think it's important that we send to the committee where the nuts and bolts can be worked out to the betterment of this Council as well as the residents of this county. Thank you.

PRESIDENT FITZGERALD: I just want to speak to one thing. This comes from the last meeting. There were four bills in which there was a motion to waive the second reading. I think one of them had a legitimate reason, because the untimeliness which dealt with the election

calendar, but I think the other three were just about issues that could have been done a month before or a month from now and really had no time, but we did speak a lot of time. Again, I think a lot of members had seen it for the first time. They weren't aware, and that's what the committee process is for, to get information. And I know we have a lot of committee meetings, we have a lot of informational meetings, and a lot of people don't show up to those meetings, for whatever reason, and then they want to do everything up here, and that's how this meeting was really set up today. Mr. McCullough.

MR. MCCULLOUGH: Mr. Fitzgerald, that's why you have motions to waive and they're amended for a vote. I did present several bills at the last meeting, I requested waivers. I think the prerogative lies with the sponsor and needs to request a second reading to waive or not, and everybody's ready to debate that. That's fine. My concern is to announce tonight, at the outset of the meeting, that there has been rules have changed without adopting a rule of Council, Mr. DeFazio, because we don't have one. That's not where we were going with these. And I don't think you want to go down the slippery slope of trying to limit people's discretion as to when they may ask and when they may not. The best way to handle these things, as Mr. Burn says, is as they appear. And if somebody doesn't think it's appropriate to waive the second reading, fine. You go against the motion, it goes to the committee.

The other thing we all have to all keep in mind, from my perspective, we're going to be out of work in the next five to six weeks. I felt there was a better decision with the holidays. Some are going to the Government Reform Committee. There hasn't been a Government Reform Committee meeting for some time, and probably will not be during this hiatus.

PRESIDENT FITZGERALD: I told you there would be.

MR. MCCULLOUGH: And I did ask you at the one point that I would be willing to just put it into the Committee if we could maybe --- there would be a meeting between now and the next council meeting, and you weren't sure that you could, and you told me to go ahead with it. Let's put it this way, I'm a big person on process. If I understand the rules of the game, that's fine. I'll live

with them. I just don't like the change without giving us all a chance to debate and act upon it.

PRESIDENT FITZGERALD: Mr. DeFazio and then Ms. Rea and also Mr. Gastgeb.

MR. DEFAZIO: I'm also a big person on rules and procedures myself. If someone showed me wrong, I go along. Everybody has the right to waive the second reading if you have the votes. There's no problem with that. If you weren't here at the beginning, pass on a while on this, we're going to present resolution. And I agree with you on that, maybe we shouldn't rule on that, stating one mine, two minute, three minutes. And that will make it clear for everyone. Everything else, there's no problem, in my opinion.

PRESIDENT FITZGERALD: Ms. Rea and Mr. Gastgeb.

MS. REA: I guess my comment --- these are comments from the general public concerning, actually the broadcast of our meetings, and I've never heard a comment from anyone saying that they wish we would limit debate. I've actually had comments they were wishing our proclamations were shorter because they get tired of listening to all the proclamations. But I've never, ever had someone say to me they wished debate was limited in any way, shape or form by any public official on this Council. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Thank you, Mr. Fitzgerald. First of all, I think there's a little truth in everything that's mentioned. I've been on the Council for almost nine years. You're not going to really know if a first reading should be debated until you see it. However, when the second --- when the motion comes to waive the second reading, you're going to have to have somebody explain why. And that's going to take more than 30 seconds. I also don't think there is a rule. I think you've been allowing meetings to go like this, because there is no rule, and for the most part for five years since I've served this Council. I guess there's two things that I came up for. One, at least four of us didn't know you were going to do this tonight, and I think we can be told in advance if the rule is going to change before. And two, I share your opinion that process is running with enthusiasm and competency of Chairs. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. Ellenbogen?

MR. ELLENBOGEN: Yes. I just wanted to say that, you know, the committee process is important. I mean, that's where we do everything, but Ms. Rea has a very legitimate point, that a lot of people watch these newscast. A lot of people are interested in what we have to say, and I don't see anything wrong with some degree of new business if another member of this Council wants to make a short, concise statement within a reasonable amount of time. Because I think that the appearance to the public will be that we don't want to discuss anything with that camera in the corner, and I'm not going to be privy to that.

PRESIDENT FITZGERALD: Ms. Cleary?

MS. CLEARY: I just believe that a committee process --- I've been to a lot of those meetings and that's when you do find out all the information about legislation, and that's where I get informed so I can make an intelligent vote. I see this meeting as a voting meeting. Sometimes these things --- we need to discuss or explain our point of view why we're voting yes or no, but this is a voting meeting. The committee process is where we discuss the bill, and I believe how our meetings are run and all of it is up to the discretion of the President. I believe that's what I want to state. Thank you.

PRESIDENT FITZGERALD: And also, I must say the committee process, the administration has been very good in a timely manner in providing directors, the manager, has been at almost every one of the meetings. If he's not, his deputy director is. So I think, as Ms. Cleary said, a lot of that information, a lot of the nuts and bolts of the questions, we can answer here. But I do take everybody's comments seriously. We'll take them all under advisement, and we'll make sure that --- you know, we don't want to limit --- I don't think there's anybody talking less time to cut off debate than I did. If we don't have debates that make sense then don't just ramble on. So with that, we're going to move on to public on general items. First speaker is Marybeth Kuznik talking followed by Richard King. I don't see Ms. Kuznik here tonight. Is she here?

PRESIDENT FITZGERALD: No. Followed by Doctor Richard King. Doctor King followed by David Eckhardt. Doctor King, if you could state your name and address for the record, please.

DR. KING: My name is Richard King. My address is 1235 Malvern Avenue, Pittsburgh, PA, 15217. And I'd like to thank Council for supporting the effort to verify the software and voting machines in Allegheny County. And I clearly feel that this is a major step in the right direction. I have a letter from the Secretary of the Commonwealth, and basically it states that the baton was handed to the Secretary when they reviewed the machines initially. They hand the baton of responsibility, that's my interpretation of it, is handing the baton to the county. And when the county orders the number of machines, and receives the machines ---.

Basically, he says that the responsibility for the initial machines lays with the state, and he stopped short of saying that the responsibility is upon the county. But clearly, if you look at the election code, the county is responsible for the elections and making sure that the elections are done in an accurate way. And essentially what we're asking the Board of Elections to do is to get a security check on the software to make sure that the software is, indeed, the same software that the county --- the state evaluated. It hasn't been changed in any way, shape or form and something called a Hash, H-A-S-H, will evaluate and there has been change in the software. That's what we're asking for.

We're asking for to it be brought in enough timely advance, so it wouldn't cause a crisis if it did have some changes in the software that were found and all it would have to have is a re-installment of the software. We're also asking they do a surveillance to be enabled with public access so that once the machines are evaluated and they know that the right software is on there, that we simply watch them and we'd watch them 24/7, and the public has access to that video surveillance of the machines until the election occurs. We're also hoping that some kind of an evaluation could be implemented following the election as well. Those are standard security precautions for security of the software. I hope to see the Board of Elections meet soon, and I thank you very much for the opportunity.

PRESIDENT FITZGERALD: Thank you, Doctor King. David Eckhardt followed by Suzanne Broughton. Doctor Eckhardt, please state your name for the record, please.

DR. ECKHARDT: I am David Eckhardt. I reside at 330 Jefferson Drive in Mount Lebanon. Three weeks ago I

spoke in support of Doctor Martoni's sense of council motion requesting the Board of Elections to sample our voting machines to verify the running certified software. Council's unanimous support for that resolution and for its resolution tonight may constitute an important step for public comments. Thank you for your prompt action in this matter.

PRESIDENT FITZGERALD: Thank you, Doctor Eckhardt. Suzanne Broughton followed by Audrey Glickman.

MS. BROUGHTON: I'm Suzanne Broughton residing at 3277 Jenkinson Drive in Franklin Park Borough. I am president of The League of Women Voters of Greater Pittsburgh. I'd like to thank Councilmember Martoni for attempting to introduce a motion, that's what I thought it was going to be, at 3:30 this afternoon. And I understand --- and I'm delighted that you passed it.

We have several --- and I'm not commenting now. We have several thousands Electronic Systems and Software, ES&S, iVotronic voting machines in Allegheny County. In November of 2005, the Commonwealth of Pennsylvania conducted a certification process on an ES&S iVotronic machine in Harrisburg. You can find a report of that on the state's website. During that process, the machine accurately tabulated a set of 12 municipal election ballots and a set of 12 municipal primary ballots, 6 Democratic and 6 Republican. That's 24 ballots. The machine is now recording and tabulating our votes in Allegheny County, and are required to run the same software as that tested machine a few years ago. The County has never verified our machines, in actuality, run that same software.

In the past, Council has expressed support for voting machines that provide a paper record, and we thank Council for that, but it's clear we won't have those this year. So while the League is under no illusion that the 24-ballot test performed by the Commonwealth of Pennsylvania would reveal all possible errors these machines can make, we believe that the least the county can do to assure an accurate vote count is to be sure that our machines are actually running the software that was tested, at least to that 24-hour level at the state level. To answer Mr. Flynn, we purchased these machines. We have the responsibility to be sure they are working properly. The state did its thing. It tested 24 ballots. We still don't know whether we're running the same software. The

League of Voters of Greater Pittsburgh urges the Board of Elections to meet and ask that we make sure that we have the same software. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Broughton. Audrey Glickman followed by David Brown.

MS. GLICKMAN: Audrey Glickman, 3548 Beechwood Boulevard, Pittsburgh. I've handed Mr. Mascio a story which you may take away and ready. But right now, I'd like you all to understand that this county is in this for itself with the voting machine. There is no falling back on the state for anything. The state is done. It hands you a list of things. If things are okay, we choose one, we make a contract. We can use the state contract if we want to and probably should change it somewhat, but many counties haven't, and then we have a contract with a vendor and we are responsible for making sure that the vendor has provided the right equipment to us. Right now what we're doing is we're kind of in bed with the vendor. The vendor is in our systems, it's in our rooms when we're tabulating votes. They're there. And it's not only our county. It's every county across the country. There are many counties. Across the state there are --- majority of the counties, the vendors are still sitting there in the room with the machine when the votes are being tabulated. We're trusting what we're using to vote on.

So here we come again, talking to you. All we want is for you guys to understand we want you to engage with us. I work right across the street in City Council. You can come and visit me. I'll talk to you about it, where you can find us, everywhere. We're all over the county. Please make meetings with us. Read our website. We're very serious about this. It's been three and half years, and we're still trying to drag everyone along to understand what the issues are. Thank you for trying to get the Board of Elections to meet, and we need that, and we need you to take this very seriously. I'd like to be coming here to support to the 4201-08, but I don't ever get a chance to do that. Every time I come here recently, I'm talking about the voting machines. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Ms. Glickman. Mr. David Brown followed by Collin Lynch. Mr. Brown, please state your name and address for the record please.

MR. BROWN: David Brown, 512 Meadowcroft Avenue, Mount Lebanon. I'm also a member of Mount Lebanon

Democratic Committees. I'm also a business owner, and my employer in Pittsburgh is 28th Ward. In the discussion of Doctor Martoni, there's some question as to whether the inspection of our machines belong at the county or Commonwealth level. The Secretary of State has certified a list of machines. The county purchased one of those. The county's rule is to simply verify that while it's purchased is what was certified by the state. In correspondence, the Secretary of State has stated that as a county level respects the state to be compliant performing this task. I understand this certification or this verification costs money, and so does motivation to have the state do this. I think this may prove to be pennywise and found foolish. If our county becomes the focus of the national voting controversy, the county can expect to pay for thousands and thousands of hours of overtime. So it makes sense to me to spend the time now to prevent that scenario.

PRESIDENT FITZGERALD: Thank you, Mr. Brown. Collin Lynch followed by John Weinhold. Mr. Lynch, please state your name and address for the record, please.

MR. LYNCH: Collin Lynch. I reside at 2301 Tibury Avenue in Squirrel Hill. I'd like to make three basic comments. One, thank you, Doctor Martoni, for this motion. Thank you, Council, for supporting it. Two, respect to the question, this is a local issue. Recently as many of you are probably aware of, because I've informed you of it before. Three, Pennsylvania counties found that they were not, in fact, using the system certified by the state. There were counties that purchased the ES&S. It turns out the vendor had simply shipped them, whatever they chose to, and slapped on whatever number they chose. So the counties were not using the systems as inspected by the state and done so at several elections. When the issue came up, the state declined responsibility specifically stating that the contract was with the counties, the counties to use that particular machine. So the question of whether the machine was right and the software was right was up to the counties to decide and not the state because the vendor had no contract with the state. Therefore, the question whether we're running the right stuff is also a local issue and the only recent issue that's similar has been judged so by the state.

Now, I want to mention a news story. Webb County, Texas recently overturned an election. Webb County uses the ES&S iVotronic. In that election, they found a difference in at least one machine, 29 votes. It's crucial, the difference was much larger across the county, but crucial issue for us is this, the difference was in the electronic records. The iVotronic has three redundant memories, which are all supposed to be identical. That is not, in fact, the case. And what they found in Webb County, Texas was interesting because the ballot images, the images that are stored on the flash drives and is supposed to act as a backup in the event of a recount, were missing votes. So what the state has told us to trust in the event we have a problem is not reliable. The fault is with the software from the company.

This, more so than anything else, should illustrate to us that we are on our own. We can't rely on state inspections. Since this became public knowledge, the state has done nothing. We're on our own in regards to inspecting machines, certifying the machines and unfortunately running our own election.

PRESIDENT FITZGERALD: Thank you, Mr. Lynch. John Weinhold. Mr. Weinhold, please state your name and address for the record, please.

MR. WEINHOLD: Good evening, the honorable ladies and gentlemen of Allegheny County Council. I thank you for the opportunity to appear before you. I'm going to be speaking in prompt because of our schedule to the chief clerk's office at the last minute. I will send in the near future some hard copies of our remarks. I've noticed that there is a coalition of restaurateurs that put the drink tax on the November ballot. They're calling themselves the Whiskey Rebellion of 2008. I'd like to remind the members and perhaps that coalition that officially, historically, the original Whiskey Rebellion was illegal.

What has me concerned is number one, I'm going to ask council to do three things. Number one, do everything they can to keep the beverage tax. It is a way of local fund, a vital public service. Number two, I'm going to ask council to instruct the county executive to release the funds that he's now holding, so that they in turn can draw down their state subsidies. Number three, I am going to ask council if they can find a way to make it

mandatory to remove the legal right for a restaurant owner to make a mandatory 18 percent gratuity charge of many of their checks.

Currently the same the same restaurateurs who claim ten percent on the beverage tax is --- of their business and unfair to their customers. The same people are saying 18 percent of the total is completely all right. Isn't that 18 percent a privately imposed tax, imposed independently for the purpose of which is to subsidize the employment cost of the restaurants?

I thank you for your time. And by the way, I noticed there is a mention under new business to put a referendum on the ballot regarding limiting the Port Authority. I would like to point out this is another burden of privatization. The Port Authority exists because the private operators over 25 years ago were on the collapse because privatization was not working then and it won't work now. Thank you for your time and good evening.

PRESIDENT FITZGERALD: Thank you, Mr. Weinhold.
Motion to adjourn?

MR. FINNERTY: I make that motion.

PRESIDENT FITZGERALD: So moved. Meeting
adjourned.

MEETING CONCLUDED AT 6:37 p.m.