

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

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

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

Monday, January 4, 2010 - 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
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

MR. DEFAZIO: The meeting will come to order. Please rise for the Pledge of Allegiance and remain standing for a moment of silent prayer or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

MR. DEFAZIO: Thank you. We have Certificates of Election for the oath of office. We are going to start with 5303-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd day of November 2009, Michael J. Finnerty was duly elected to the Office of Member of Council, District 4, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE: I, Michael Finnerty, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve and protect and defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

MR. FINNERTY: I, Michael Finnerty, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve and protect and defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

JUDGE: Congratulations.

MR. FINNERTY: Thank you.

(Applause.)

MR. DEFAZIO: Congratulations.

MR. ELLENBOGEN: Don't forget to say something nice about me.

MR. FINNERTY: I'd just like briefly to say that I thank the people that have shown confidence in me by reelecting me, and I will continue to do my best for the people of Allegheny County. And I thank my colleagues for being my colleagues. Thank you.

(Applause.)

(Pictures taken.)

MR. DEFAZIO: Now we're going to go to 5305-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd day of November 2009, Bob Macey was duly elected to the

Office of Member of Council, District 9, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE: I, Bob Macey, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

MR. MACEY: I, Bob Macey, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States of America and the Constitution and the laws of the Commonwealth of Pennsylvania.

JUDGE: Congratulations.

MR. MACEY: Thank you.

(Applause.)

(Pictures taken.)

MR. MACEY: You know, it's interesting because it's the third time that I've been sworn in, and I've never had a full four years. So that's the way the program works. It's certainly an honor and a privilege to represent the people of the Mon Valley. And I want to thank them for their support. I want to thank my daughter for being here today and, of course, the rest of my family for their support. You know, it's interesting that most of us on Council have a full-time job. So I want to thank my employer, Century Heritage Federal Credit Union, for giving me the opportunity to serve the people in the Mon Valley. Thank you.

(Applause.)

MR. DEFAZIO: 5301-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd day of November 2009, Matt Drozd was duly elected to the Office of Member of Council, District 1, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE: Mr. Drozd, please raise your right hand. I, Matt Drozd, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United

States and the Constitution and laws of the Commonwealth of Pennsylvania.

MR. DROZD: I, Matt Drozd, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and laws of the Commonwealth of Pennsylvania.

JUDGE: Congratulations.

MR. DROZD: Thank you.

(Applause.)

MR. DROZD: Oh, I have to sign? Okay.

MR. DEFAZIO: Everything's null and void.

MR. DROZD: A lot of these people helped me on my campaign. They were avid supporters and my friends that I consider as my family and --- including the District Magistrates. Great people.

(Pictures taken.)

MR. DROZD: First and foremost, before the District Magistrates have to go --- like, a lot of them, they have a lot of people they have to swear in tonight --- I want to thank them very much. They represent my district. And I wanted to thank all three of them --- I know that it's very difficult --- because they represent the people of my district.

When they swore me in, I felt the people in my district swore me in. And that was very important to me, because they represent all of the districts. They're really admirable --- these two people, as well as the third, are very admirable people, are great District Magistrates that are highly respected in their community and have been reelected in majority-type elections. They're just great people, and I really thank you for your service because that's where a lot of the issues are lying right now, in those grassroots areas. So thank you so much for coming tonight, my fellow Councilmen, colleagues and honored guests and my family.

I want to say a little more because I think it's important to say a little more. First of all, I want to say that there's the winds of the people out there. You've heard of The Winds of War? My district is 60 percent opposite my party, 5 percent other. My party is 35 percent. And I was elected by the majority because they all agree and they all want me --- sent a strong message. Hopefully, one of them, they believe what I was

doing reflected what they wanted and what their interests and what their needs were.

My signs read, cut taxes. And that was a strong message out there, a very strong message. And I heard from thousands of my constituents and personally found those people. And they all said the same thing. I cannot afford, a lot of you say, to live in my home. I'm really concerned about taxes. I've really been hurting by the economy. Please don't raise my taxes. Please consider that. And I thought that I would do everything I can to pass that message along, and that's why I'm here saying that tonight.

You know, one other thing. I thought about getting in I was going to say. Instead of thinking about what I'm going to say, I'm going to say, I want to think about how I'm going to answer the question. You might ask yourself, what is the question? You know, we all someday are going to go to meet our maker. And that maker, before the --- you know, the lights light up on that gate, they're going to ask us the question. The question is going to be, what did you do to make a difference? What did you do to make a difference? And we all are going to have to answer that. And I think that when we answer that question, we ought to answer that question every day. And every elected official or every public official or anyone else that serves the public every day, they ought to ask that question when they leave that office. What did I do today to make a difference?

I did a lot of Eagle proclamations for the Scouts. And I say to them, you've already had a great start because you can answer the question right here and now on something you did. So we have to answer that question. Some day we're going to be held accountable, and it shouldn't be by party lines. It shouldn't be by special interests of why we're here. If we make it here for those interests, it should be basically because --- why we want to serve the people of this great county and this great region and this great state and this great country.

Lastly, I'll say this. I know someone that did answer the question and answered the question very much so. He had doubts, like we all do. That someone is my mentor. And I've said it before and I'll say it again. That's Mother Teresa. Mother Teresa, in her orphanage, she had some quotes. And these are the quotes. People

are often unreasonable, irrational and self-centered. Forgive them anyway. If you are kind, people may accuse you of selfish, ulterior motives. Be kind anyway. If you are successful, you will win some unfaithful friends and some genuine enemies. Succeed anyway. If you are honest and sincere, people may deceive you anyway. Be honest and sincere anyway. What you spend years creating, others could destroy overnight. Create anyway. If you find serenity and happiness, some may be jealous. Be happy anyway.

The good you do today, that we do today in this chamber or every day, will often be forgotten. Do good anyway. Give the best you have. I'm going to try. And I hope that I can work shoulder to shoulder to give the best we have, and it will never be enough. Give your best anyway. And the final analysis is between you and God. It was never between you and them anyway. Mother Teresa, through the canonization process, had doubts. It came up that she actually had doubts because of times she said to God, why, with all this heart-wrenching type of hurt that's going on on this Earth that I can't affect or I'm trying to affect and I don't know if I can overcome. But you know, what the church said, that's good, because she questioned it. Even in the point of questioning, she kept enduring and she kept trying. And she kept working at it until she succeeded.

Lastly, the quote that we all must answer and we --- I like to live by is, we're going to have to look for new and innovative ways because there's a lot of issues that not only the district magistrates and the judges that we face, because our prisons are full, young people on drug and alcohol, repeat offenders, that may not ever have a chance in life. And hopefully we can find ways to give them a chance, and I'm going to look. And lastly, I will quote this. Some men see things as they are and ask why. I dream of things that never were and ask, why not? And that's what I think we have to do. We have to continue to ask the question, why not, and look for the answers as Mother Teresa did. And that quote was by Robert Kennedy. And thank you all.

(Applause.)

MR. DEFAZIO: 5302-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd

day of November 2009, James R. Burn, Jr. was duly elected to the Office of Member of Council, District 3, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE DZVONICK: Good evening. I am Judge Robert Dzvonic from Shaler area. It is my privilege to be here to administer this oath, a second one and a couple for Mr. DeFazio. I'm getting to be like an old veteran at this game. Raise your right hand. Repeat after me. I, Jim Burn, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania, so help me God.

MR. BURN: I, Jim Burn, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania, so help me God. Thank you, Judge.

(Applause.)

JUDGE DZVONICK: Sign this right here.

(Pictures taken.)

MR. DEFAZIO: 5304 ---.

MR. BURN: Are you trying to tell me something? Thank you for that bipartisan support. I'd like to thank my colleagues and I'd like to thank the residents of District 3 for their support. It was about a year ago that we held an announcement rally in my district, and there were about 200 people. It was five below zero. It was very encouraging to see that. And I knew that it would be a long process, a lot of campaigning, a lot of knocking on doors. And even though I was fortunate not to have opposition, I still worked the district like I continue to do even off election cycles.

I truly believe that our job here as County Council members is the next closest thing to municipal government. Being a mayor for 12 years, it's right where the rubber meets the road. And very similar to our municipal colleagues, this is part time for all of us. We all have jobs that we answer to. So for us to do what we do, I commend all of you. And it's a pleasure to work with all of you. We did a lot of great things our first four years that I had the pleasure to serve with you in a

bipartisan fashion, and I hope to do a lot of productive things with my colleagues on this Council for the next four years.

Thank you to the members of the Council. Thank you to the constituents of this community for your ongoing support. And thank you to my family, my wife, Lori, Jimmy and Brandon, my mother and father. Thank you for your support because the time involved, as you well know, sometimes takes us long and tedious hours. And thank you for being there. Thank you for your support. I couldn't do it without you, and I love you. Thank you all very much.

(Applause.)

MR. DEFAZIO: Now we'll do 5304-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd day of November 2009, Charles Martoni was duly elected to the Office of Member of Council, District 8, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE CIOPPA: Repeat after me. I, Charles Martoni, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

MR. MARTONI: I, Charles Martoni, do solemnly swear that I will faithfully execute the Office of Member of Council of the County of Allegheny, and will, to the best of my ability, preserve, protect, defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

JUDGE CIOPPA: Congratulations.

(Applause.)

MR. MARTONI: Let me sign my life away here.

(Pictures taken.)

MR. MARTONI: I don't have much to say. I've been here since the beginning, ten years now. I've been in public office 40 years as an elected official in this County, mostly in my hometown of Swissvale. I do want to say that I absolutely enjoy working with this County Council. You guys are the best. I work with a wonderful group of people. Sometimes we argue and fight. It's all for the benefit of the County, and I appreciate that. So

I thank you for having me, and I appreciate ---. Judge Cioppa swore me in. Him and I started on the School Board together about 40 years ago. It was my first elected position, so --- I don't need to say how long Ross has been. Let's just say a long, long time. He's been bailing me out ever since. Thank you all.

(Applause.)

MR. DEFAZIO: 5306-09.

MR. CATANESE: Communication from the Return Board of Allegheny County, submitting a Certificate of Election certifying that at the election held on the 3rd day of November 2009, Jim Ellenbogen was duly elected to the Office of Member of Council, District 12, in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE O'TOOLE: Are you all set, Jim? Okay. Repeat after me. I, Jim Ellenbogen, do solemnly swear that I will faithfully execute the Office of Member of Council in the County of Allegheny, and will, to the best of my ability, preserve, protect and defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

MR. ELLENBOGEN: I, Jim Ellenbogen, do solemnly swear that I will faithfully execute the Office of Member of Council in the County of Allegheny, and will, to the best of my ability, preserve, protect and defend and obey the Constitution of the United States and the Constitution and the laws of the Commonwealth of Pennsylvania.

JUDGE O'TOOLE: Congratulations, Jim.

(Applause.)

MR. ELLENBOGEN: Are you sure this isn't an IOU for money I owe you?

(Pictures taken.)

MR. ELLENBOGEN: I'd like to thank Common Pleas Court Judge Lawrence O'Toole, my dear old friend that --- we kind of started out together all those years ago. I don't have a lot to say, but I do want to say that I'm very grateful to be here this evening. I'm thankful for not only the agreements and disagreements that I have with my colleagues. I treasure their friendship and working with them. I'd also like to thank the voters of not only my district, but of Allegheny County.

I've always kind of been somebody that didn't always follow the pack, but I always tried to do what I thought was right and what I always thought was in the best interests of the people of the County, regardless of

whatever heat I took from it. And I pledge to try to do the best I can for the next four years. And like I said, I'm very grateful to the people of Allegheny County, the citizens. Thank you very much.

(Applause.)

MR. ELLENBOGEN: Oh, and to my family.

MR. DEFAZIO: Okay. We'll have the roll call of officers --- Council.

MR. CATANESE: Mr. Burn?

MR. BURN: Here.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Present.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Fitzgerald?

MR. FITZGERALD: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. CATANESE: Ms. Green-Hawkins?

MS. GREEN-HAWKINS: Present.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

(No response.)

MR. CATANESE: Ms. Rea?

(No response.)

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Ayes 13, two absent.

MR. DEFAZIO: At this time, we'll have the organization of Council and opening up nominations for President of Council. Mr. Futules?

MR. FUTULES: Mr. DeFazio, I'd like to nominate Richard Fitzgerald.

MR. MACEY: I second that nomination.

MR. DEFAZIO: We don't need a second.

MR. DROZD: I'd like to nominate Councilman Vince Gastgeb. Can I add something to it?

MR. DEFAZIO: What do you want to add?

MR. DROZD: No?

MR. DEFAZIO: I mean, you're supposed to nominate him.

MR. DROZD: I did. Okay. I wanted to explain. Maybe later?

MR. DEFAZIO: I'll give you a minute.

MR. DROZD: Yeah.

MR. DEFAZIO: Okay. First of all --- no, you don't need a second, but ---. Okay. Rich Fitzgerald's been nominated for President. First of all, is there any other nominations? Any other nominations? Any other nominations? Nominations for President is closed. Mr. Fitzgerald, are you accepting the nomination?

MR. FITZGERALD: Yes, Mr. DeFazio.

MR. DEFAZIO: Okay. Vince, are you accepting?

MR. GASTGEB: Yes, I will.

MR. DEFAZIO: Okay. At this time, I'll open up if someone wants to make a comment. Do you want to make a comment?

MR. DROZD: Thank you, Mr. Acting President.

MR. DEFAZIO: Yes.

MR. DROZD: I want to commend Councilman Fitzgerald for his service to this Council. He's done a wonderful job and he knows it's a hard seat to sit in many times. My reason for just nominating ---. I think it's time, sometimes, that we need to give other Council members an opportunity to sit in a seat of leadership. You know, I come from that vein, and we always give opportunities to other people within the ranks and files, so to speak, that have leadership positions. And again, I want to stress that Councilman Fitzgerald has done a very, very admirable job, and I respect him. But at times, I think it's good to give other Council members an opportunity to sit in that leadership and that president's seat, and we can all reflect, and just maybe some new ideas and new, innovative ideas of the Council. And hopefully again someday that another member, including Councilman Fitzgerald, would want to take the lead. Thank you very much.

MR. DEFAZIO: Anyone else want to make a comment?

MR. FINNERTY: Yeah. Thank you, Councilman DeFazio. I appreciate that. I'd just like to say that I think President Rich Fitzgerald has done a tremendous job as president, keeping the Council together, allowing debate to go on when I didn't even think it should. But that's Rich. And I think he's been extremely fair with the people on Council, and I think that's extremely important of a president, to be fair and evenhanded with all members. And I definitely think he should be reelected president. Thank you.

MR. DEFAZIO: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say that I have great respect for Councilman Fitzgerald and for Councilman Gastgeb. The point is a lot of people have to realize that we aren't full time. I know myself, I work a long day before I --- another job before I come here. And I'm sure Councilman Fitzgerald will tell you, I probably went toe to toe with him probably more than any other Democrat on this Council. I mean, we disagree a lot, but we agree to disagree, and I respect that. He always lets everyone have their say.

But more importantly, I don't think anybody can question his work ethic. I mean, I've seen him on holidays where he's had to reach out to all of us. And he spends an inordinate amount of time. I've always said about him, if he sold soap and spent this much time, he'd be a millionaire. So with that being said, I look for him to show, you know, some independence in his next term and to continue that work ethic which, like I said, although I disagree with him on a lot of issues, he works very, very hard. And the hours he puts in are just tremendous. The taxpayers have no idea of the hours that this man puts in, so I just want to say that. Thank you.

MR. DEFAZIO: Mr. Futules?

MR. FUTULES: Yes. The reason I nominated Rich is, being on Council here now for the last few years, I've noticed his leadership, not just here on Council, but in Allegheny County because he shows up at all the functions throughout Allegheny County that represents this Council. And that's a great thing that he does, to take time out of his busy life, because we all do have jobs. And that's one of the reasons that he's just a great guy, and he runs this office very well here. And that's why I nominated him.

MR. DEFAZIO: Mr. Macey?

MR. MACEY: Thank you, Councilman DeFazio. I would just like to say that Rich has been a mentor to me, and of course, so has Mike Finnerty. I guess it's the Irish in them. But Councilman Fitzgerald has always kept me in the loop, has never shied away from controversy. He's never left me out hanging. He's done a great job, I think, informing the Council, as well as representing not only his district, but also all of Allegheny County. So I commend Rich for his work ethic and, of course, his leadership. Thank you.

MR. DEFAZIO: Matt, do you have another comment?

MR. DROZD: Yeah, just real quick. All the words descriptive of Councilman Fitzgerald equally applies to Councilman Gastgeb. He's truly been a good mentor to all of us, not just to me. He's served this Council in the early formation of this Council and has been very, very innovative and very fair. At times, he's even taken both sides of the aisle and voted on those issues accordingly. I would hope to think whoever takes the lead here, I would ask them not to take the lead if they can't --- cannot accept the fact that they are a liaison, an advocate for this Council. And that's the first and primary that they've got to realize. They're an advocate for this Council, for this body. If they're not prepared to do this, I would ask that they would step down, because I'll remind them of this as time goes on.

All these Council members work equally hard and very, very hard, indeed. And the bodies are equal and balanced across the way and this way. So I would say that I really would like to see us give an opportunity of leadership, not just to Councilman Gastgeb now in this next year, but in future years to come, each and every one of you who would like to take that lead. I would support that. That's the way it's done in most areas. You know, people switch the baton at times. And it's good. It really is good. It gets people to reflect, go back to their district and concentrate on the district's overall leadership positions. So I would strongly ask that Council consider this, step and reach across the aisle and select a member that may be in a minority of the body, but at the same time, I'm sure you've all felt growing respect over the years that you've served on this Council with Councilman Gastgeb, as well as Councilman Fitzgerald, who has served admirably. Again, reach across your party lines this one time and say we're going to really give

someone an opportunity. And someday it may next be you, any one of you who may want to do that, and I'll support you on that. Thank you.

MR. DEFAZIO: Any other comments? Mr. Gastgeb?

MR. GASTGEB: Thank you, Mr. DeFazio. I was asked by members of my party to consider this, ironically of which two aren't even here because of weather or travel or coming back in. But yet, to be true to them and to Matt, I'll accept. But it's kind of funny because I'm accepting not because my party asked me, but because I love this body. I think the last year or so, we've worked collectively in a bipartisan fashion, and a lot was because of Rich. I'm not running against Rich as much as I'm running for the love of this Council.

And it's kind of funny because over ten years, there's no doubt Rich and I have had disagreements, but we probably have a lot more in common. And I think I'm doing this out of respect for the body and not against any one individual. And I know how the vote's going to go, but I think that's what makes County Council unique, in that we can kind of hit our own stride, kind of do what we want and go out and consider ourselves friends afterwards and do the work of the County. So it's with this spirit that I'll accept the nomination. Thank you.

MR. DEFAZIO: Any other comments? Seeing no other comment --- as I stated before, nominations have been closed. I will now turn this over to the Clerk, and he will call the roll. And I guess you would start with the first person nominated ---.

MR. CATANESE: Yes. We have the candidates nominated, Councilman Fitzgerald and Councilman Gastgeb. And when I call the roll, you answer by the name who you would support. Mr. Burn?

MR. BURN: Rich Fitzgerald.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Mr. Fitzgerald.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Mr. Fitzgerald.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Councilman Vince Gastgeb.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Mr. Fitzgerald.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Councilman Fitzgerald.

MR. CATANESE: Mr. Fitzgerald?

MR. FITZGERALD: Mr. Fitzgerald.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Mr. Fitzgerald.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Mr. Gastgeb.
MR. CATANESE: Ms. Green-Hawkins?
MS. GREEN-HAWKINS: Councilman Rich Fitzgerald.
MR. CATANESE: Mr. Macey?
MR. MACEY: Councilman Fitzgerald.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Rich Fitzgerald.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Councilman Fitzgerald.
MR. CATANESE: The vote, Councilman Fitzgerald,
11, Councilman Gastgeb 2. Councilman Fitzgerald by a
majority of Council.

(Applause.)

PRESIDENT FITZGERALD: I want to thank my colleagues for reelecting me as president. I think Mr. Gastgeb said it very well. I think we're all proud to serve in this body that's now ten years old. And it's hard to believe it's ten years old. Those of us that started, Johnny --- John DeFazio, Dr. Martoni, Councilman Gastgeb and Councilwoman Rea, who's not here this evening, and myself, I think as we embarked upon this, we really didn't know where this body and where this government was going to go. And I still think in a lot of ways we're still navigating, you know, a lot of uncharted waters. But I think as it's been said here, this body --- we come to work. We work very seriously. We have our debates. Sometimes we have our disagreements. But we move on and hopefully move things forward for the benefit of the county.

And I think, you know, probably reflected in a recent editorial that The Post-Gazette did on the ten-year anniversary of this government and about how effective and popular --- I don't think popular is the right word, but how effective and important it's been for moving this region forward. And I've been pleased to be part of that, lucky to be the president the last few terms and lucky to serve with, really, colleagues who are in it, really, for the right reason and have been from the very beginning. And I'm very proud of the work that we do collectively. I think we have some more good things to do in the future. I think we have more challenges, certainly. But if the

past is any indication, I think we're going to continue to move this county forward. Thank you.

MR. GASTGEB: Thank you, Mr. DeFazio, for allowing me to speak. Its obvious Rich is very eloquent in how he speaks. And even though it was somewhat of an upset victory, I want to wish him well. I think he knows that the four Republicans on Council really are Republicans and somewhat in name only. In fact, the past three terms, I believe we unanimously supported you. We support all our colleagues up here. But after today, we start working on issues and hopefully we'll have sponsors and co-sponsors in a bipartisan way. And I think the next editorial will even be greater and grander for us if we continue to work in that fashion. Thank you.

MR. DEFAZIO: Thank you. Okay. At this time, the permanent chair will come over to this seat and I guess a few of us will shift and take our own seats. Thank you.

PRESIDENT FITZGERALD: Before we move on, one of the things on the agenda, that was the presentation of the quarterly address by Chief Executive Onorato --- I think we're probably all in receipt of a letter that we received that the Chief Executive will be here at our next meeting. I don't think when we said two weeks ago he was going to come tonight, we realized that this was our reorganization meeting, the swearing in meeting, which is typically a night for kind of families. I know people want to get to their districts. There's a lot of events going on, as our communities are all being sworn in tonight on account of the reorganization night in local government. So the Chief Executive will be coming two weeks from tomorrow, which will be the 19th. And I will be sending out kind of a letter of some of the things that I'd like the Chief Executive to come and talk about. So with that, we will not be having the quarterly address from the Chief Executive. Proclamations/certificates. 5307-09.

MR. CATANESE: They will all be read into the record. Certificates of Achievement honoring Jose Frech, Ivana Grujic, Andrew Placona and Tara Sherry-Torres for earning first place in the 2009 Department of Human Services Local Government Case Competition. Sponsored by Councilman Finnerty.

5308-09. Certificate of Recognition honoring Parkway West Career and Technology Center for receiving an

upgraded facility from the Pittsburgh Technical Institute.
Sponsored by Councilman Finnerty.

5309-09. Certificate of Achievement honoring
Garrett Browning of West Allegheny High School for winning
the PIAA Class AAAA individual golf championship.
Sponsored by Councilman Finnerty.

5310-09. Proclamation honoring Sally Haas for
being elected as chair of the Pennsylvania Chamber of
Commerce Executives. Sponsored by Council Member
Finnerty.

5311-09. Certificates of Recognition honoring
Alice Grimes, Jay Otrhalik, Charlotte Love and Ralph
Saltzman for receiving 2009 RSVP Volunteer of the Year
Awards for their outstanding service to the community.
Sponsored by Councilman Finnerty.

5312-09. Certificate of Recognition honoring
the 60th anniversary of Steve and Florence Ganchuk.
Sponsored by Councilman Macey.

5313-09. Proclamation honoring the career and
retirement of Robert C. Erkel, Port Vue's longest-serving
mayor. Sponsored by Councilman Macey.

5314-09. Proclamation honoring the career and
retirement of JoAnn M. Gubanic of Port Vue. Sponsored by
Councilman Macey.

5315-09. Proclamation honoring the late Dr.
Jake Millions for being recognized with a Spirit of King
Award. Sponsored by Councilman William Russell Robinson.

5316-09. Proclamation honoring the late Bishop
Charles H. Foggie for being recognized with a Spirit of
King Award. Sponsored by Councilman William Russell
Robinson.

PRESIDENT FITZGERALD: Public comment on agenda
items. None this evening? Okay. Approval of minutes.
5322-09.

MR. CATANESE: Motion to approve the minutes of
the regular meeting of Council held on December 1st, 2009.

MR. FINNERTY: I'll make that motion.

PRESIDENT FITZGERALD: So moved.

MR. FUTULES: Second.

PRESIDENT FITZGERALD: Discussion? All in favor
signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion
carries. Presentation of appointments. 5326-09.

MR. CATANESE: Approving the appointment of Edward Kress to serve as a member of the Accountability, Conduct and Ethics Commission for a term to expire on December 3rd, 2012. Sponsored by Council Members Gastgeb, Rea, Drozd and McCullough

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. We actually took this action, I think it was in November. However, we had to wait until January because of the rule about being out of county government for over a year. So at this time, we're just bringing this appointment back, which is the purview of the Republican Caucus.

PRESIDENT FITZGERALD: The motion was properly made. Do we have a second to that?

MR. DROZD: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. DROZD: Yes.

PRESIDENT FITZGERALD: Mr. Drozd.

MR. DROZD: A real quick point. This gentleman I know personally, as well as all of you do. He does so many things within his community, I can't begin to explain. The firemen, the homeless vets. He's always there. He gives not only his own time, but his own money. This is a gentleman that I so highly respect, and I know how good he can serve. Thank you.

PRESIDENT FITZGERALD: Thank you. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Kress is approved. Liaison reports. I guess I'll start off by redoing the committees that we had last year. Pretty much everything is going to remain the same, but let me list them in order. Vice President, Dr. Charles Martoni. And I tell you, I can say this about every single chairman of --- chair and chairwoman who's serving. Again, this Council runs very, very well because of the committee process and the job that the chairs do in ferreting out the information, having the debate and moving the bills forward. So with that, the standing committees that we've had --- and I'll do these in alphabetical order. Appointment Review, John DeFazio. Budget and Finance, William Robinson. Economic Development and Housing, Mike Finnerty. Executive Committee, Dr. Charles Martoni. Government Reform, Rich

Fitzgerald. Health and Human Services, Joan Cleary. Parks, Nick Futules. Public Safety, Jim Burn. And Public Works, Bob Macey. And also with that, I guess the last kind of business we need to do is the caucus chairs. I don't get to name those as president. I'll ask the Democratic Caucus if they have selected their chair. Mr. DeFazio?

MR. DEFAZIO: For the Democrat ---?

PRESIDENT FITZGERALD: The Democratic Caucus Chair will be the same?

MR. DEFAZIO: Well, yeah.

MR. FINNERTY: John DeFazio.

PRESIDENT FITZGERALD: And for the Republican?

MR. GASTGEB: It will remain the same.

PRESIDENT FITZGERALD: Remain the same. Okay. So Mr. Gastgeb and Mr. DeFazio will remain the caucus chairs. Any other liaison reports this evening? Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I'd just like to mention that Roofer Local 37, John R. Cummings, is the apprentice coordinator, and they're looking for some good men for apprentice journeyman training. The telephone number there is 412-732-9720, and they're located at 2330 Lincoln Avenue, Bellevue, PA, 15202. If you are interested, anyone out there, give them a call. Take care. Thanks.

PRESIDENT FITZGERALD: Thank you. New business. Ordinances and resolutions. 5323-09.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division 1, entitled Administrative Code, Article 808.A, Alcoholic Beverage Taxation, in order to establish a means of funding the administration of the County's alcoholic beverage tax in order to aid in obtaining financial support for transit systems within Allegheny County. Sponsored by Councilman William Russell Robinson.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. Mr. Robinson, do you wish to comment?

MR. ROBINSON: Thank you, Mr. President and members of Council. I'll reserve any sensitive comments until that bill is in committee. Thank you.

PRESIDENT FITZGERALD: Thank you. New business, motions. 5324-09.

MR. CATANESE: Motion of the Council of Allegheny County amending the Rules of Council for

Allegheny County Council to establish rules pertaining to the legislative action by Allegheny County Council relating to certain projects for which bonds are to be issued by a County authority under the terms of the Municipality Authorities Act. Sponsored by Council Member William Russell Robinson.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development. Mr. Robinson, do you wish to comment?

MR. ROBINSON: Thank you, Mr. President and members of Council. This proposal in legislative form is consistent with what we do in the Budget and Finance Committee. It will give to this Council an opportunity to have very pertinent and substantive information before we consider our responsibilities and our authority as it relates to approving any bond issues in the future. I think members have been very satisfied with what we've done in Budget and Finance. This would apply to any bond issue that comes before the County, material that this County needs in advance of us giving it any serious consideration. Thank you.

PRESIDENT FITZGERALD: 5325-09.

MR. CATANESE: Motion of the Council of Allegheny County amending the Rules of Council for Allegheny County Council to establish rules pertaining to the establishment and activities of caucus entities comprised of members of Allegheny County Council. Sponsored by William Russell Robinson.

PRESIDENT FITZGERALD: Refer to the Executive Committee. Mr. Robinson, do you wish to comment?

MR. ROBINSON: Yes. Thank you, Mr. President and members of Council. As most members of Council know, I have made extensive comments on the record about what appears to be a caucus system in this Council. I think we need clarification as to whether or not a caucus system exists and what the responsibilities are of members of the caucus and the responsibilities of the chairs of those caucuses.

I don't believe right now the Charter for the County, the Administrative Code or the Rules of Council provide for caucuses. In the best interest of the activities that we carry on in this Council on behalf of the citizens of our County, I think it would be very wise and prudent for us to address the issue of caucuses. I, for one, believe that we ought to establish the caucuses

within our rules and make whatever necessary changes we have to make in the Charter and the Administrative Code, and let those caucuses function fully with the sanction of the people of this county. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. I'd like to recognize Mr. Drozd. Councilman Drozd?

MR. DROZD: Yes. Thank you, Mr. President. We have a motion I want to introduce, if it would please the Council.

PRESIDENT FITZGERALD: Do you have it in written form?

MR. DROZD: Yes, sir, I do.

PRESIDENT FITZGERALD: Mr. Barker, will you pass those out to the members? Mr. Drozd?

MR. DROZD: Thank you, sir. This is a motion whereby a soldier serving overseas in harm's way had called and asked about --- clear across the pond in harm's way. And the absentee ballot came in to the legislative area and into the precinct. And because of a foul-up of somebody that was handling --- not from our Elections Department here on this side, but out there in the field, so to speak, his vote wasn't counted. So they went to the Common Pleas Court, and there the Judge upheld that his vote should be counted. And then it was overturned by the Commonwealth due to a glitch in the Election Code, among many other areas. Our Election Code is so antiquated.

First and foremost, this is not about party lines. It's not about, you know, who should be elected or where or whatever. It's about a soldier, an active duty member, that can lay his life on the line for us but cannot have a say in how this government is transacted. I'll ask everyone, when they get an opportunity, to look and search on the Time Magazine website, and I saw this in an issue about two or three issues ago. It was where these soldiers were in Afghanistan lying in shallow graves. Now, they were alive. They were actually alive. But the reason why they were in those shallow graves was to protect themselves from being hit by enemy fire, and they had to sleep there in those shallow graves. Now, imagine that.

And this gentleman, this soldier, did everything, everything that was expected and what was required of him as a voter, but someone here dropped the ball and his vote was not counted. And that, to me, is a

disgrace and a dishonor, an injustice to our military members who served everywhere from this country.

So this is only a motion, and I'd ask Council to consider it. And there's other areas, and I'll let ---. Time is of the essence that we must do something, is what I understand; is that correct? And I would really like to see this change as soon as possible or some consideration. There's other things in our Election Code that really need to be revisited. People are disenfranchised. Independents can't vote in the primary. We can't cross-hop. What's the difference? Let us vote for who we want to vote. Let the people vote. Let them have their say. Thank you, Mr. President.

PRESIDENT FITZGERALD: Councilman Burn and Councilwoman Cleary.

MR. BURN: Thank you, Mr. President and members of Council. I have a question for our Solicitor. Mr. Cambest, I entered my appearance and argued the motion in front of Judge James on behalf of the incumbent about three weeks ago, approximately, whenever that was. Am I conflicted out from debating or voting on this motion because I represented one of the parties involved in the language that is specific in this motion?

MR. CAMBEST: I think that would be a safe position to take.

MR. BURN: Thank you, sir. I'll abstain from the rest of the discussion, Mr. President.

PRESIDENT FITZGERALD: Thank you. Ms. Cleary?

MS. CLEARY: Yes. I just have a comment to make. Mr. Drozd said this wasn't political and whatever. But the bottom line is to give greater access to the ballot for minor political parties and political bodies. To cross register, that's state law. And everybody has their right to vote. I have to not vote for this because there's too many little specifics in here besides the specific case that Mr. Drozd mentioned. Thank you.

PRESIDENT FITZGERALD: May I ask a question about what she brought up? The permanent cross-registration for voters, would that basically kind of do away with what we consider the primary process and where you vote for your party in May and then you vote ---? I just want to make sure I'm not ---.

MR. DROZD: In other states you're allowed to cross-vote. Even though you may be a Democrat or a

Republican, you can vote across party lines. You don't have to vote within your party.

PRESIDENT FITZGERALD: In the primary?

MR. DROZD: In the primary. And you know, I'd be receptive to strike that right now and just to stay strictly with the fact that this young soldier was disenfranchised. And we've really got to look at that. There has to be --- you know, where there's a will --- we even say this in the military. There's always a waiver. In this case, he should not have been disenfranchised. He did everything right as a soldier that serves our country, defends our freedoms, that fights for us and puts his life on the line every day, wherever it may be, whatever he may or may not be, he puts his life on the line. And how could any of us, any of us disenfranchise him? So I'd be willing to strike every other part of this except the fact they have to look at this.

PRESIDENT FITZGERALD: Let me just offer this to you, because I understand time is of the essence. What I would like to do is refer this to the Government Reform Committee. You have my commitment that we will take action on this in the next week or two so that we have it back in time for our next meeting two weeks hence, because I just ---. I agree with you, and it sounds like our Election Board --- if I recall, Mr. DeFazio and Mr. McCullough and Mr. Onorato voted to allow this vote to occur. John, do I have that right?

MR. DEFAZIO: Yeah. We voted to have it counted. It was ruled by, I guess, our Common Pleas Court judge, yet it was overturned in Commonwealth.

MR. BURN: Your decision was upheld by Judge James. Nothing personal, but I argued against it.

MR. DEFAZIO: That's all right. But the only thing I say, and like I've said, we voted the same way you're talking. There's only one thing. This shouldn't just be for veterans and soldiers. It should be for everybody. Everybody wants their vote counted. I think we should have everybody who has tried --- and this is only a motion. We can't make the final decision, naturally. I think everybody, whether they're a veteran or not, wants their vote counted.

PRESIDENT FITZGERALD: In fact, I think even the Election Code does stipulate this. Maybe this judge was in error in the ruling. I don't know that. But I'd like

to maybe spend this time, a little bit of time, to research that, to see which way we can go.

MR. DROZD: That's fine with me. And I agree with Councilman DeFazio. Everybody should have their vote counted. It's just, in essence, that --- you know, particularly in this case, you know, it's someone that actually, like I say, puts their life on the line. It's one of our military members. It's, to me, very disgraceful. But I agree anyone's vote should not be set aside and just cast aside because they did everything right. Anyone should have the right to vote and their vote be counted. I don't care who they are and wherever they are on this earth. As long as they're a citizen and a resident of this country and this nation and this county, their vote should be counted. Thank you.

PRESIDENT FITZGERALD: Councilman Ellenbogen?

MR. ELLENBOGEN: I agree with Councilman Drozd in the fact that I would never want to see any veteran disenfranchised. But there's another issue that I think that we're passing over and we're not thinking about. You know, when we vote, it's a secret ballot. Nobody is supposed to know who voted for who and who voted for what. So my question is, how do we know that this particular vote was from a veteran? And if we do know that, are we not breaching a bigger situation where --- knowing who voted for who? Because to know that this person was a veteran is to know who put this vote in. Now, that, in itself, is far greater an issue than anything, because the most important thing in this country is the right to vote without anybody knowing that you cast that vote. So that's where I find this wording a little muddled, and I wish everybody would give some thought to that. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb, then Mr. Futules.

MR. GASTGEB: Thank you, President Fitzgerald. I guess if you look strictly at the issue, the Elections Board, Mr. DeFazio, Mr. McCullough and Mr. Onorato, did uphold what Matt was saying, that a Common Pleas Court judge also did. And what happened on the State level, it was overturned, so it kind of gets out of our realm.

But the second issue, I agree with Mr. Ellenbogen. The second issue is just the process. How does an absentee ballot end up in clutter in someone's car? Maybe that's what we could look at, because that's

what we have jurisdiction over, in some regard, at least, how our election people are hired for the day, if you will, and some of the processes involved. Certainly, there has to be a better system in place than looking in the trunk of a car for a ballot. So maybe that's something we can work on, too, in committee. I think we have a stronger purview with that aspect. Thank you.

PRESIDENT FITZGERALD: Mr. Futules.

MR. FUTULES: Well, I don't have my degree in law yet, but in reading this, it says that they found this in the trunk of the car. I thought that these absentee ballots had to be counted in the judge --- in the polling place. Later after the race became a dead heat, all of a sudden this one particular sealed envelope shows up. I mean, maybe the other opponent could have had a trunk load in their car. It seems to be a lot of controversy. Talking about this in committee would be a great idea.

PRESIDENT FITZGERALD: Councilman Drozd.

MR. DROZD: Yeah. And that's good. This is a good discussion, because what I don't want it to do is to just drop. I don't want to just drop to the court. It has to be really worked through and talked through, and we have to make this better and make it right in the future. It's the right thing to do. The right thing to do is to get this straightened out so this doesn't happen in the future. And any way that we can do --- and possible to have a vote counted from especially ---. It's an active duty member. It's not just a veteran, but an active duty member. Someday he will be a vet like me, our vets, and they would feel the same way. They would be here fighting right behind us. In fact, that's where I got the calls from, vets. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Drozd. Refer to the Government Reform Committee. Notification of Contracts. 5317-09.

MR. CATANESE: Communication from County Manager Jim Flynn submitting a summary of Executive Actions relating to contracts for the month of November 2009.

PRESIDENT FITZGERALD: Do I have a motion to receive the file?

MR. GASTGEB: So moved.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? All in favor signify by saying aye.
(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Public comment on general items. I see we have one speaker this evening, Mr. Les Ludwig. I don't see Mr. Ludwig here. So with that, I ask for a motion to adjourn.

(Chorus of motions.)

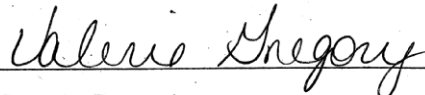
(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 6:12 P.M.

CERTIFICATE

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me, and thereafter reduced to typewriting by me or under my direction; and that this transcript is a true and accurate record to the best of my ability.


Court Reporter