

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5 (via telephone)
Joan Cleary	-	District 6
Nicholas 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

Tuesday, February 16, 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

PRESIDENT FITZGERALD: Thank you for coming to the regular meeting of Allegheny County Council, our Tuesday, February 16th meeting. We're going to rise and say the Pledge of Allegiance and if everybody would, remain standing for a moment of silent prayer or reflection. And we certainly want to remember in our prayers and thoughts Congressman John Murtha who meant so much to this region and to this country. And if you would just remain for a moment of silence for Congressman John Murtha.

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?  
(No response)

MR. CATANESE: Ms. Cleary?  
MS. CLEARY: Present.

MR. CATANESE: Mr. DeFazio?  
(No response)

MR. CATANESE: Mr. Drozd?  
MR. DROZD: Here.

MR. CATANESE: Mr. Ellenbogen?  
(No response)

MR. CATANESE: Mr. Finnerty?  
(No response)

MR. CATANESE: Mr. Futules?  
(No response)

MR. CATANESE: Mr. Gastgeb?  
MR. GASTGEB: Here (via telephone).

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?  
MR. MCCULLOUGH: Present.

MR. CATANESE: Ms. Rea?  
(No response)

MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Here.

MR. CATANESE: We have nine present.

PRESIDENT FITZGERALD: Proclamations/  
Certificates. 5430-10.

MR. CATANESE: Proclamation honoring Robert Nelkin of the United Way of Pittsburgh for raising citizen awareness of the Federal earned income tax credit. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: And I'm going to ask Mr. Nelkin to come here --- of the United Way. Bob Nelkin is certainly no stranger to anybody in Allegheny County, having served formally as our Director of Human Services under the Foerster administration. And we want to honor and try to get out the word and help the United Way get the word out for people that are eligible for the earned income tax credit, which will help put money in their pockets to pay for the basic needs that they have, food, clothing, housing, et cetera. And a lot of them don't know about it and, basically, leave that money on the table, if you will. So we appreciate Mr. Nelkin and I'm going to ask Bob to say a few words after we read this into the record.

WHEREAS, many citizens of Allegheny County are unaware that they qualify for Federal tax credit that may help boost their incomes, and

WHEREAS, the Federal earned income tax credit exists to assist low income, working families and thousands within Allegheny County that fail to access the valuable credit, which amounts to nearly \$38,000,000 that would be going to local families, and

WHEREAS, Mr. Robert Nelkin, President and Chief Professional Officer of the United Way of Pittsburgh, has partnered his organization with the Money In Your Pocket Coalition, which includes Just Harvest, Parental Stress Center, Goodwill Industries and United Cerebral Palsy, to raise awareness about this critical resource and to provide free tax services to low income people, and

WHEREAS, with the help of this coalition, citizens of Allegheny County will be able to garner thousands of dollars in relief to help with their livelihood, improve their quality of life and contribute to the betterment of the economy.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, commends the efforts of Mr. Robert Nelkin and the United Way of Pittsburgh and the Money In Your Pocket Coalition for raising awareness of the Federal earned

income tax credit. The citizens of this county may benefit greatly by applying for this typically unknown credit, and we hope that they are affected by the efforts of the coalition and apply for the relief. And everybody and everyone in our districts have people who qualify for this and these are working people. These are people that go out every day, work hard, play by the rules and have money coming to them that would help them and their families and we want to make sure they know about this. So I'd like to congratulate Mr. Nelkin and have him say a few words. Bob, congratulations.

MR. NELKIN: Thank you, President Fitzgerald, and old friends and some new ones as well. I spent a decent part of my professional career in this room helping lead the government. And I can just say before I start about earned income tax credits, I've appreciated how you as Council members have conducted yourselves, individually and as a whole. And I think you brought great respect to the county, conducted your business in a dignified way. And as a citizen I just want you to know I appreciate that. So as President Fitzgerald has said, we've got this major campaign and there are lots of people who need to know about it, so this is really great that you're recognizing us as a way of getting the word out.

So think about this, what happened last year. We helped 4,156 families prepare their tax returns. The average wage for those families was \$15,082 and they got in return --- they got \$6.2 million of tax refunds and \$2.6 million of this earned income tax credit. So think about, first of all, what it meant to the community. \$2.6 million came into this community that was earned here and should have come back here, but because the non-profit community came together, the community got the benefit of it. Now think of a different point of view of these family members. Remember, the average was \$15,000. So they brought in a lot of money to allow them to pay for their rent, or the utilities, or food or transportation.

So this isn't some luxury. This is absolutely critical to the families that we're talking about. And it can be as much as \$4,000 a year, so it really creates the, sort of, base support that a family can't do without. So our objective is to work with corporations in Pittsburgh --- and we have many of them who work with us --- to recruit volunteers and then we train the volunteers. There's extensive training on how to help families apply

for the tax credit and prepare their taxes. And then they do this for these 4,000 individuals, and this year we hope it will be an even greater number of people. So it's a really important thing to do. You can get more information about this and can sign up by calling the United Way helpline, which is (412) 255-1155. And as the PUC last week made it official, that will at some point in the near future be 2-1-1. They've designated that the United Way Coalition across the state will now have the 2-1-1 number as the easier number. But right now it's (412) 255-1155. We welcome anyone who has income between \$20,000 and \$40,000 a year; \$20,000 for an individual taxpayer and \$40,000 for --- you know, a family, to call and see if they qualify and have this volunteer service done for them. But we're very appreciative of Council in terms of helping to get the word out.

PRESIDENT FITZGERALD: 5431-10.

MR. CATANESE: Let the record show that Council members Ellenbogen, Finnerty and Futules are present. Proclamation honoring Imani Christian Academy for its success as an educational entity in Allegheny County. Sponsored by Councilman William Russell Robinson.

PRESIDENT FITZGERALD: Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President and members of Council. This is a unique opportunity for me to say thank you to many people in our community who are attempting to, and very successfully, educate the future generations of this county. As you know, about 85 percent of the people who are born and raised in Allegheny County remain here all their life, so much of what the Imani Christian Academy is doing is preparing future citizens for this county. And it gives me great pleasure because I know the staff and the founders and their enthusiasm. And the end result, of course, are hundreds, by now, of young people who have benefited from their dedicated work.

So I'm very pleased to recognize them as an institution, not only in the 10th County Council District but an institution in our county, Allegheny County, that's doing a lot to educate our young people and, of course, future leaders. And I think that is something we should not forget, that this institution is preparing leaders for our community, young men and women who we can be proud of as the years go on. If Headmaster and Elder Milton Raiford would come forward. And at the appropriate time I'll let him bring others to the podium with him. The

Elder and I go way, way back. We've been friends for many years. Our families have been friends, so I was very elated over the last few years as I read the very positive stories about the growth of Imani. I know many people in our community, some of whom are here today, who have committed themselves to making this an alternative. And I think we need alternatives to make sure that all of our young people get the kind of education they want, so we can use all the skills and talent that's available in our community. Now I'd like to read this proclamation.

WHEREAS, the education institutions of Allegheny County provide quality learning programs and influential mentoring guidance to the citizens of our region, and

WHEREAS, Imani Christian Academy began in 1993 as an alternative to public education. Its mission is to create a learning environment free of violence and focused on developing positive self-esteem in children, and

WHEREAS, Imani has embraced all types of children who are at risk, transforming them spiritually, academically, physically and socially into adults who live life with purpose and ambition, and

WHEREAS, the academy believes in finding each child's purpose in life by utilizing resources of the church, home and community, and by mentoring and guiding each child so that he or she achieves their highest potential, and

WHEREAS, made by Elder Milton Raiford and a dedicated, committed staff, the Imani Christian Academy continues to flourish since its inception. At the beginning of 2010 the school moved into the former East Hills Elementary School, which is the first time an academy will be housed in a building designed for educational purposes.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, commends Imani Christian Academy for its endless dedication to the at-risk youth of Allegheny County. The school has changed the lives of hundreds of children, and we proudly acknowledge the staff of the academy for its efforts to better our community. And I know I speak on behalf of all of my colleagues in saying thank you, thank you, thank you.

ELDER RAIFORD: The last time I spoke --- I grew up actually in this building, on the third floor of the courthouse here. When I got out of college, the

University of Pennsylvania, in 1976 I got a job. I walked down here in the middle of a snowstorm in 1976 and got a job from a guy named Danny Pipe (phonetic), who was a minute clerk. I began working for Judge George H. Ross. While I worked for Judge George H. Ross as a minute clerk I sat there and watched countless numbers of African-American young boys, many of whom I grew up with in Homewood, go to jail. And I was studying to be a preacher at that particular time, but because I was working at the courthouse --- and Judge Henry Smith was here and Judge Harper was here and others that were in the law ---. I went to law school at night, Duquesne Law School 1982, graduated in 1986. Worked right across the hall here as a district attorney for a little while.

At that particular time they had people like this gentleman right here (indicating) and got familiar with a lot of people. Mr. Robinson was somebody that knew me when I was a kid, and that's a shame because he looks better than I do. But the truth of the matter is my mother raised five boys, and my father, in Homewood. And they raised their five boys based on --- education is freedom and all work is honorable work. My father put five boys through Ivy League colleges, Penn, Harvard, Princeton, Carnegie Mellon, as a janitor at the Pittsburgh Pepsi Plant. How did he do that? He did it because he brought his money home. He was a devoted husband and father, strong discipline, he whipped all of his boys' butt whenever we got out of line.

And when we got home and things were tore up instead of beating all five of us he'd just grab the oldest, my brother Kenny, and then Kenny would beat us. Buy anyway --- you know, on Sundays we were in church. And Sundays we would catch the --- he brought us all into the Methodist Church in the Hill District, and all five of us boys would be lined up to here with their hats on in church. So that was what we were based upon, our faith and hard work and education, so that's a time-tested theory.

So Imani Christian Academy --- when I was a lawyer and at the time that I stopped practicing law I had the largest criminal law practice in Allegheny County. In 1993 118 black boys shot and killed each other. It was a year that gang warfare came to Pittsburgh. You could get them through the blood. If you walked down the street and shot somebody's mother in the head that you did not know,

I was prospering from that. And I had a little son named Milton, and I thought that I was the biggest thief in Pittsburgh because I was representing the crips, the bloods of the people in Hoodtown (phonetic), Upper Manchester and Lower and all those type of things. I felt bad about it because my parents did not raise me to do that.

So I confessed to things that I had done wrong as a lawyer that I'm not proud of. And the last little bit of money I had in my safe deposit box down the street here I gave to my pastor to start Imani Christian Academy for the kids that were shooting each other. It wasn't formulated to isolate kids from the world, it was formulated to put God back in their lives, to give them strength to stand. Eventually they will fall, but they'll get back up again. And to let them know the same thing my mother taught me, education is freedom and discipline is necessary and academic rigor is required so that you can compete.

And I also teach our kids to be strong family men, good husbands, good fathers, to treat every girl like she's a flower, not to be plucked by you. And every gentleman is a prince. You're called to be a leader. You don't come from the ancestry of slaves or --- you're beginning to not begin in a jail cell or West Penn Hospital. It began with God, so therefore he formed you, he made you. And God doesn't make any junk. Our school is distinguished by two factors. We still say the Pledge of Allegiance, we have worship services, we do not compromise our faith. And God will be back in school ultimately, I believe. And I also believe that our school shows what our father taught us, all work is our reward. We develop purpose in children.

Over half of the incoming freshmen in college in America drop out. Why? Because they don't know what you're doing there, they don't know what your purpose is. African-American males in Allegheny County drop out of high school at a plus 60 percent clip. Let me say that again. Over 60 percent of African-American males in Allegheny County do not graduate from high school. They don't get a chance to take --- advance or any promise because they don't even get an opportunity to graduate from high school. Ninety-nine (99) percent of the inmates at the Allegheny County Jail are African-American males, so that means that the likelihood of you getting a job and

being productive is not good if you drop out of school. And, in fact, as an African-American male you'll end up unemployed, off the chart in prison. Ninety (90) plus percent of the kids in my school do not have a home with a father in it. It's like 99.9 percent. I've got 29 graduating seniors. Only two of them --- only two of my seniors live with their natural parents. When I graduated from high school that was a totally opposite statistic.

So we've got a crisis in education. We've got a crisis in Allegheny County in terms of the sustainability, the growth of African-American male leadership. We had 265 kids in school, kindergarten through 12th grade. Over half of the kids are African-American males. Fifty-six (56) percent of our kids are African-American males and our faculty --- over half of our faculty are African-American males. They are filled with good men. I don't believe that you can be anything that you can't see. So we present those types of images, a mother and a father type of image. As a result of that we've been able to do some miraculous things, some incredible things, for which I appreciate your acknowledging today.

But I do not do it alone and I have the most extraordinary staff of people, and I would like them to join me. My principal, Dr. Marilyn Barnett, would you please stand? Vice Principal, Maisha Johnson. My personal assistant, Orienta Nevels (phonetic). The Director of NIA and as I said all work is honorable work, Sherice Coles, who is responsible for making sure that we identify a purpose in life from every kid who comes through the door. Mr. Michael Glenn (phonetic). He's one of our valuable board members. Would you come up, Mr. Glenn, please? We don't get funding like that from anybody. And Mr. Graham, out of the generosity of his heart, lives in Sewickley and all that kind of thing. Well, let me tell you something. He's been so faithful at Christmastime. He takes care of Christmas for all of our staff, he and his wife, Corrie (phonetic), out of their pocket. Over \$30,000. Mrs. Marge Koop (phonetic), she's probably here for all the --- I want you to stand up anyway. And I see on the proclamation a guy that's not here --- I don't see in the room, but his name is Theodore Johnson. I know that somebody sponsored him tonight, something like that. But he goes way back in the law with me. He's a good guy. And my main girl here --- she was taking the picture. Her son graduated from Imani two

years ago and then she --- God finally brought me a person that would understand how hard it is to live with somebody whose phone needs to be answered 24 hours a day. So she helps me a lot. And the Elder, Mandy (phonetic) Woods (phonetic). She is from our --- she's from our church and she's a big help to me. And these are the people --- a few of the people that make Imani go around and around. So I want to thank you, Mr. Robinson, for your faithfulness, your leadership and your exampleship all through the years. Thank you all. I used to live next door to your mother. Did you know that, Mr. Fitzgerald?

PRESIDENT FITZGERALD:

I did not.

ELDER RAIFORD: She's a nice lady. I used to talk to her every morning. We used to put our flowers together.

PRESIDENT FITZGERALD: 5432-10.

MR. CATANESE: Let the record show that Councilman Burn is present. Proclamation honoring Denise Edwards for her service as a Wilkinsburg Council member. Sponsored by Council member Robinson.

PRESIDENT FITZGERALD: Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. If the Honorable Denise Edwards would come forward, please. As you know, there are over 3,500 elected officials in our county. And there's only one county in this country that has more elected officials, but no county has more dedicated elected officials than Allegheny County. And certainly many of them are friends of yours and friends of mine. And I have a friend of ours who is here today who is retired from public service, at least as an elected official, which means two things, her phone will stop ringing late at night and she can carry the title of Honorable for the rest of her life. So we are pleased that we have Ms. Edwards with us. She's served the Wilkinsburg community for many years, hardworking.

She always likes to tell the story about being a steelworker and she says that's where she gets her voice, from her days in the steel mill hollering to her colleagues. I'll let her tell you about that. I want to read this proclamation and give Denise an opportunity to speak to us. I think this is a fitting conclusion to her public service as a member of Council, for Allegheny County Council to recognize her many years of service,

which in many respects predates the existence of this very body.

WHEREAS, communities are truly blessed to have leaders that are charitable and selfless and utilize their serviceable leadership abilities to work towards the betterment of the community, and

WHEREAS, in 1998 Wilkinsburg Borough was distressed and put into Act 47, and voters elected an entirely new form of government, which included Denise Edwards representing the Third Ward on the Borough's new council, and

WHEREAS, Ms. Edwards worked with other council members and the mayor to create an outreach program that brought millions of dollars of public and private investment to Wilkinsburg, including National Church Residences, new houses established in 2004 and a grocery store that opened in 2006, and

WHEREAS, Ms. Edwards led an effort to secure Wilkinsburg's first bond issue in decades, using the money to rebuild two parks and a playground and to acquire the new Public Works vehicles and a fire truck, and

WHEREAS, Ms. Edwards helped to establish an extension of the Dr. Martin Luther King, Jr. busway into Wilkinsburg. She expanded the Wilkinsburg baseball program, and she played a vital role in the largest single infrastructure project in the history of Allegheny County, the Wilkinsburg Sewer Rebuilding Project.

NOW, THEREFORE, BE IT RESOLVED, that the Allegheny County Council, on behalf of the citizens of Allegheny County, commends Ms. Denise Edwards for her years of leading Wilkinsburg from a distressed Act 47 community to a stable, promising neighborhood. She was a great public servant and a role model for all to follow. We thank Ms. Edwards for her years of service to Wilkinsburg, for she confers honor to the community and to our county as a whole. Denise, congratulations.

HON. EDWARDS: Thank you very much, Councilman Robinson. Let me assure you, I haven't died in the last three minutes and I'm still here. Though I'm very honored --- I'm actually very honored on behalf of our council and what we've been able to do over the last 12 years. So I would be remiss if I didn't introduce some of my colleagues, not to embarrass them but to say hello to them as well, Councilwoman Paige Trice, Councilwoman Barbara Ervin and Councilwoman Pamela Macklin. The only thing ---

I'd really like to say a special hello to not just Councilman Robinson but also to Councilman Dr. Martoni, who --- we've both known each for more than two minutes, for a fact. And if it comes to community service, we don't have a paper long enough to put it all on there.

I think the only thing I would add to the mix is that the local government in Allegheny County is something to be proud of. And I think that the agreement that we brokered with the City of Pittsburgh, the first ever Shared Services Agreement for trash pickup --- which really resulted in a savings of a billion and a half dollars for Wilkinsburg. I think God has carved a new path of cooperation, not just between municipalities but certainly between municipalities and the City of Pittsburgh. It's my opinion that, given talent that we have in Allegheny County, that the future is very bright for local government because it certainly is where the rubber meets the road.

It certainly is where the streets get plowed, the trash gets picked up, the grass gets cut and all the services that residents expect and deserve are delivered by local government. So again, really on behalf of Wilkinsburg I want to thank you, Councilman Robinson and members of County Council. Thank you.

PRESIDENT FITZGERALD: 5433-10.

MR. CATANESE: The remainder will be read into the record. Proclamation recognizing National African-American History Month and honoring the August Wilson Center for spreading awareness of African-American culture in our region. Sponsored by Councilman Robinson.

5434-10. Proclamation recognizing Theodore Johnson for receiving the 2009 Director's Award for outstanding leadership as the chief probation officer of the Western District. Sponsored by Council members Finnerty, Burn, Futules and Fitzgerald.

5435-10. Proclamation honoring Carnegie Free Library and Music Hall in Carnegie for restoring and reopening the Captain Thomas Espy Post Number 153. Sponsored by Councilman Finnerty.

5436-10. Proclamation recognizing the 65th birthday of Joe Bulsak. Sponsored by Council members Fitzgerald, Macey, Finnerty and Drozd.

5437-10. Proclamation acknowledging the efforts of the DRIVE4COPD event to raise awareness of congestive

obstructive pulmonary disease. Sponsored by Council President Fitzgerald.

5438-10. Proclamation honoring Terry Lee Trunzo for providing Western Pennsylvania with entertainment throughout his lifetime. Sponsored by Councilman Macey.

PRESIDENT FITZGERALD: Public comment on agenda items.

MR. CATANESE: We have none.

PRESIDENT FITZGERALD: Approval of minutes.

5423-10.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council held on January 19 and February 2, 2010.

PRESIDENT FITZGERALD: So moved.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved to second.

Discussion? All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Presentation of Appointments. 5403-10.

MR. CATANESE: Approving the reappointment of Rick Self to serve as a member of the Council of Friends Organization (South Park) for a term to expire on February 16, 2012.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: Yes. I would like to move that and also the next three, too. You can do them all together. They're all appointments.

PRESIDENT FITZGERALD: We'll do them one at a time.

MS. CLEARY: One at a time? Okay. Then I make a motion to move that.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved to second.

Discussion? All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Self is approved. 5404-10.

MR. CATANESE: Approving the reappointment of Paul Gitnik to serve as a member of the Council of Friends Organization (South Park) for a term to expire on February 16, 2012. Sponsored by Councilwoman Cleary.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: So moved.

(Chorus of seconds.)

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

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Gitnik is approved. 5405-10.

MR. CATANESE: Approving the reappointment of David Buchewicz to serve as a member of the Council of Friends Organization (South Park) for a term to expire on February 16, 2012. Sponsored by Council member Cleary.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: So moved.

MR. FINNERTY: Second.

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

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Buchewicz is approved. 5406-10.

MR. CATANESE: Approving the appointment of Ed Snee to serve as a member of the Council of Friends Organization (South Park) for a term to expire on February 16, 2012. Sponsored by Council member Cleary.

PRESIDENT FITZGERALD: Councilwoman Cleary?

MS. CLEARY: So moved.

MR. FINNERTY: Second.

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

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Mr. Snee is approved. 5407-10.

MR. CATANESE: Approving the appointment of Mary Ann Swiergol to serve as a member of the Council of Friends Organization (Harrison Hills Park) for a term to expire on February 16, 2012. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: I'm going to ask for a motion to approve Ms. Swiergol. Would you make that motion?

MR. FINNERTY: Second.

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

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Okay. The next one we're going to take as a group. I'd like to do 5408, 5409 and --- excuse me, 5419 and 5420-10, together.

MR. CATANESE: Communication from the Chief Executive Dan Onorato submitting his recommendation of Lisa Thorpe-Vaughn, Rev. Glenn Grayson and Hattie M. Thoms for reappointment to the Juvenile Detention Board of Advisors for a term to expire on December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5409-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato submitting his recommendation of Abbie E. Garrighan for appointment to the Drug and Alcohol Planning Council, for a term to expire on December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. I'd like to take 5410, 5417 and 5418-10, together.

MR. CATANESE: Communication from the Chief Executive, Dan Onorato, submitting his recommendation of M. Gayle Moss, Pastor Eugene M. Downing, Jr. and Elliot Howsie for reappointment to the Allegheny County Jail Oversight Board for a term to expire December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. I'd like to take 5411, 5412, 5413, 5414, 5415 and 5416-10 together.

MR. CATANESE: Communication from the Chief Executive, Dan Onorato, submitting his recommendation of Chester R. Babst, III, David P. Mazzocco, Dr. Walter Goldberg, Louis A. Naugle, James E. Barrick and Michael E. Hohman for appointment to the Air Pollution Control Advisory Committee for a term to expire December 31st, 2010. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5421-10.

MR. CATANESE: Communication from the Chief Executive, Dan Onorato, submitting his recommendation of Tonya Teal Slawinski for appointment to the Allegheny County Health/Mental Retardation Advisory Board for a term to expire on December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Unfinished Business, Committee on Public Works, Second Reading, 5385-10.

MR. CATANESE: An Ordinance authorizing County of Allegheny to clear the right-of-way and to acquire by

condemnation certain parcels of land for this project and to take such further action as may be necessary under applicable law including the Eminent Domain Code. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Macey?

MR. MACEY: Thank you, Mr. President and members of Council. The committee met on February the 11th and came to an agreement. I'd move the motion into full Council to confirm recommendation. I make a motion that we move this forward.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Move second. Discussion? Please call the roll

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green-Hawkins?

MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 13, nos 0, the bill passes.

PRESIDENT FITZGERALD: Committee on Economic Development and Housing, Second Reading, 5390-10.

MR. CATANESE: A Resolution of the County of Allegheny authorizing the acceptance of the fiscal year 2008-2009 distribution from the Pennsylvania Gaming

Economic Development and Tourism Fund for the restricted purpose of distribution to a community infrastructure development fund of a county of a second class to fund construction, development, improvement and maintenance of infrastructure projects through the Allegheny County Economic Development Community Infrastructure and Tourism Fund established and administered by the Redevelopment Authority of Allegheny County as an agent of the County of Allegheny appointing the Redevelopment Authority of Allegheny County as agent for Allegheny County for the purpose of administering the fiscal year 2008-2009 funds provided for use in the County under the Pennsylvania Race Horse Development and Gaming Act and approving an Agency Agreement with the Redevelopment Authority of Allegheny County regarding the fiscal year 2008-2009 funds. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Finnerty?

MR. FINNERTY: Thank you, Mr. President. The committee met and approved the release of this bill with an affirmative recommendation. I'd like to make a motion to approve this.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Move second. Discussion?  
Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green-Hawkins?

MS. GREEN: Aye.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Abstain.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Yes.  
MR. CATANESE: Ayes 12, nos 0, 1 abstention.  
PRESIDENT FITZGERALD: Committee on Budget and  
Finance, Second Reading, 5391-10.  
MR. CATANESE: A Resolution of the County of  
Allegheny amending the Grants and Special Accounts Budget  
for 2010, Submission 01-10. Sponsored by the Chief  
Executive.  
PRESIDENT FITZGERALD: Chair Robinson?  
MR. ROBINSON: I'd move for approval.  
MR. MACEY: Second.  
PRESIDENT FITZGERALD: Move second. Discussion?  
Please call the roll.  
MR. CATANESE: Mr. Burn?  
MR. BURN: Yes.  
MR. CATANESE: Ms. Cleary?  
MS. CLEARY: Aye.  
MR. CATANESE: Mr. Drozd?  
MR. DROZD: Aye.  
MR. CATANESE: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. CATANESE: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. CATANESE: Mr. Futules?  
MR. FUTULES: Yes.  
MR. CATANESE: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. CATANESE: Ms. Green-Hawkins?  
MS. GREEN: Aye.  
MR. CATANESE: Mr. Macey?  
MR. MACEY: Yes.  
MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Yes.  
MR. CATANESE: Ayes 13, nos 0, the bill passes.

PRESIDENT FITZGERALD: Liaison Reports, and I'm going to begin. It's the first time we've met since the unbelievable snowstorm and snow occurrences that almost seem daily have occurred. And I would like to speak as the President of Council to praise starting with our County Manager who's here this evening and our Director of Public Works. I think they have done yeoman work. And we have heard nothing but good work and good praise for the road work and the tree removal and the help with power lines that Director Flynn, Director Olczak and Director Bianca have done. And this Council deserves an awful lot of credit, too. I know when the snow first hit I was in constant contact with our Chair of Public Works, Mr. Macey, Chair of Public Safety, Mr. Burn, Mr. Gastgeb and I was in constant contact talking to Chief Full. I'm very proud of the way our workers stepped up, our directors led them.

And I think the people were very well served of Allegheny County with their tax dollars under some severe and extreme circumstances that we were under and continue to be under. The communication from the administration almost on an hourly basis from Mr. Avanto letting us know by e-mail, by text, et cetera, what was going on, which roads were open, which roads were going to be closed, which bus service was going to be interrupted, et cetera. And I can tell you that I got nothing but good words from our constituents. And I can also tell you that the level of cooperation we were able to do in reaching out with our municipal partners, our municipalities is also to be commended. So I did want to say that publicly on the record. I want to thank the administration for their good work because it very easily could have been a different story and hopefully we'll be through this in the next couple of weeks and then we'll go to patching the roads. Any other --- Mr. Ellenbogen?

MR. ELLENBOGEN: Actually, I have a liaison report, but I'd like to piggyback on what you said. Most of you folks know that I was the chief of operations for what was the precursor to Public Works, Allegheny County Special Services, so I probably know a little bit more about snow fighting than most people. And I'm very proud to say that 90 percent of the supervisors that work for me and now work for Mr. Flynn were the ones on the job and they did a stellar job. I commend --- you know, the Chief Executive took some flack from the media for not being in

town, but he doesn't need to be anywhere when he's got people like Jim Flynn, Bob Full and Joe Olczak out there because those guys were out there the whole time.

I can tell you, I live right on the edge of the city and I was so happy to get out of the city to get on a road that I can drive on, but anyways I have to bring this point up for the viewing public. Hey, I'm a snow fighter, I got to call it like I see it. There are lot of county roads that reside in the City of Pittsburgh. A lot of them, Sussex, McNealy, Bess Run to name a few, Jack's Run. These roads have the maintenance of Allegheny County on them. And I want the public to be aware that these roads during that storm are and have always been under the city agreement. The exchange is the Allegheny County does some of the city roads, particularly like in East Carnegie. In exchange, the City of Pittsburgh will do those roads. I can tell you that the roads that the County were supposed to do were stellar. The roads such as where I live, I was --- I couldn't even drive up it which floored me. Eventually the City did not live up to their end of the agreement. I had spoke to the County Manager about that and he'll be addressing that in the near future.

So I want the public to be aware, those were not County forces who were supposed to take care of those County roads that reside in the City of Pittsburgh. They also work under the purview of the City of Pittsburgh under agreement. Now, furthermore, I probably should keep my mouth shut, but I got to say, all I can tell you is the County hasn't ever dropped the ball and actually I --- I was a Public Works administrator in the city during the '93 storm. And I am going to say this and I don't care who gets mad because there's a lot of people in the city who are upset. I've dealt with emergency for many, many years when I was with the County, you know, and you learn from every emergency. But when it comes to snow fighting, there have been plans in place that have fought snow in the City of Pittsburgh for 100 years. Now, I don't want to get into specifics. All I know is that if the County would have been taking care of that it would have been a lot different. Thank you. But anyway I do have a liaison report.

PRESIDENT FITZGERALD: We'll come back to you.  
Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President, Council and thank you, Councilman Ellenbogen. I'd like to give a

liaison report relative to the Community College. The president has assigned me that responsibility. I am the liaison with the Community College and I also serve very proudly as the vice-chairman of our Board of Trustees at the college.

On February 18th the Budget and Finance Committee of County Council, which I chair, will be holding a meeting in reference to the community college. This is part of the process we started about two years ago to review the community college and the Port Authority who are two of the agencies that we've seen the largest investment of taxpayer dollars outside of that money that we use for our own internal operation. And it's worked out pretty well. We've had about three or four meetings. These have been informational meetings.

Our concern, the committee's concern is, to look at how both the Port Authority and Community College are utilizing the investment that we're making in their operation. On the 18th we are going to have President Al Johnson and his staff present to talk about the 2009 and 2010 budget for the Community College of Allegheny County --- I'm sorry, the Community College of Allegheny County capital and operation. We're also going to be talking about their diversity plan and its applicability to personnel as well as contracts. And we also are going to get a summary of their master plan, their master plan for their buildings, new construction as well as deferred maintenance.

This Council has been very generous in investing in the Community College over the last three or four years. I thank you again for that. But I encourage members if they are able to join us on the 18th of February, Thursday, 4:00 p.m. in our small conference room. As I said, Doctor Alex Johnson of the Community College of Allegheny County will be present. I should mention that both the Port Authority and the Community College have been very proactive in relating to the request of the Budget and Finance Committee and they've worked very closely with us in scheduling follow-up meetings. In other words, we have not had to drag them in or beg them to come in. They have been more than willing to come in and feel that the process we've put in place keeps them on their toes and also gives us the kind of transparency and kind of thorough examination that we need

in terms of the investment of taxpayer dollars. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Thank you, Mr. Robinson. Mr. Drozd and then Mr. Finnerty.

MR. DROZD: Thank you, Mr. President. A real quick comment on some of the issues I saw traverse the County during 9/11. I got to commend our County Public Works people. They responded really great. Chet Olzak (phonetic), he was on the line with me all the time following up. And I got to commend our local power company within the immediate --- that serves a majority of Allegheny County. I was hard on them the last time there were some storms. They really responded. I was really pleased with them. They were right there.

People in the County, they really need to look for ways to help themselves. One thing is you got to trim those trees and you've got to allow the power companies to trim the trees. Just look up when you're out there. Look up and you'll see accidents waiting to happen and the weight to come down on those power lines all through this time. And if you don't trim them you're going to cause heartache, not just for your neighbors, but yourself. So we have to look at that.

We need more ready access to trucks and front-end loaders and highlifts. Not enough. They're very, very scarce. We're looking out for them all the time, places to put snow, simple things like that. The way our Public Works stood up on that. They helped me down in Coraopolis down in that corridor, down through Sewickley and all those areas. They opened up some of our land uses so they could dump --- simply to dump the snow to get it off the street. They didn't have any place to put it, they were right there, put it right in there.

Make sure your vehicles are off the streets. When you see this coming, these storms, keep your vehicles off the streets because you're going to hamper road crews from getting in there. We need to step up the communications between the municipal road crews and the power companies because what happens is the power companies can't get in, the municipals have to go somewhere else and divert somewhere else and that road has been cleared and they're stalled. And we need to work on that a little bit to coordinate that a little better.

Lastly, one of the things is that I've asked our good chairman of the Public Works, Public Safety, host a

lessons-learned type committee. We've done well. Our people respond well, but we need to look at lessons learned, how we can make it even better coordinated. One other point that bothered me a little bit, I've heard the local power company that serves a majority of Allegheny County, they had people in that command center, 911. Some of the outlying power companies did not. They weren't there. And I heard that from one of our Council members. That bothers me. We got to find out why. They should be there on the spot.

One other quick liaison and I'll get off and defer to one of the other Council members. I did attend one of the County Council meetings up in Erie County. It was really interesting. They've been in existence for about 30 years. They've got 7 County Council people versus our 15. But to show the size of what we do as a Council, and this is not to discredit or take anything away from them, those 7 serve a population of approximately 280-some thousand people. That's about 44,000 per County Councilperson. I would hope to think that our people out there --- you know, that one of our Council districts ---. One of our Council members here serves approximately over 100,000 people. That's almost twice the size of a legislative district and that's a part-time Council member. So I commend my fellow Council members for doing as much as they do with that size of a population constituency.

One other thing, I'll defer to my esteemed colleague, Nick, these laptops. It's great because we kill less trees and I think we can help our staff by doing that and we may become more efficient, a little high tech there. So that's something to think about in the future. Thank you very much for indulging me.

PRESIDENT FITZGERALD: Councilman Finnerty and then Councilman Burn.

MR. FINNERTY: Thank you, Mr. President. I'd just like to compliment our Public Works and manager. Everything was great in that snow for me anyhow. My phone wasn't ringing except once and it was McConville (phonetic) Road. And other than that they did a great job, super job, not only just on our roads, but all the other people in the City of Pittsburgh and other municipalities. We really appreciate that. Great job. Thank you.

PRESIDENT FITZGERALD: Councilman Burn and Councilman Macey.

MR. BURN: Thank you, Mr. President and members of Council. His name was mentioned by some of you in your remarks and I think that everybody in the County and administration and all of you did a remarkable job serving your constituents, taking the phone calls. And our staff here manning the phones, shifting gears, some of you towards constituent services full time. I've gotten a lot of positive feedback from the 17 communities in my district in that regard.

But one name that was mentioned briefly that I'd like to touch on specifically because of my position as Chairman of Public Safety, Chief Robert Full. He did a remarkable job as did all the directors, kept me, as chairman of the committee, informed on what was going on over at the command center. I say this anytime we have a situation in the County or in this region, that we have one of the best emergency management centers and one of the best directors in the United States bar none. And you hear this from our colleagues in public office throughout the state and in other areas whenever the conversation or the issue comes up. They are top notch. They are incredibly efficient and they all do a remarkable job day in and day out, 24/7. They're always prepared for whatever contingency may present itself. They saw this storm coming like they've seen storms in the past. They were prepared for it and they responded accordingly.

Like Matt said, as well as I believe the County performed, you always have to look and analyze what worked and what didn't. Any emergency management plan is flawless as you draw it up. Once it's implemented some things work better than others. I think we're still in the middle of this. It's been two weeks, but it hasn't really quit snowing so there's still roads that need to be plowed and issues that need to be addressed. But I think Matt has a very good point. Once things settle down and we get back to some semblance of normalcy perhaps we can invite Chief Full to talk about what worked, what parts of the plan may have been working better than others and do a little self-analysis.

Matt made another good point. One of the power companies, Allegheny Power to be specific, at least in the first couple of days of the crisis didn't even bother to send a representative to the command center. And isn't it

coincidence that that was the power company that had the most outages and took the longest amount of time to get their customers' service restored. On its face it seems to be disproportionate to the response time of the other power companies that seemed to have gotten it done quicker. Perhaps that's a question that we need to ask and something that we will address.

And another point is that we see all the mutual aid agreements and the County working with the city and the County working with its municipalities. We talked today with our friends from Wilkinsburg about some of the mutual agreements that they work on with the city. And as former mayor and others who have served in local office can attest to, mutual aid agreements, whether it be for public or --- public safety or others' use, it's important. It saves taxpayer dollars. It can streamline and make things more efficient. Perhaps we had a conversation about plowing the roads as well.

And we heard Dan Cessna (phonetic) talk about some of the roads he's responsible for versus some of the roads the County is responsible for versus some of the roads the municipalities are responsible for. Some of the roads in the municipalities for the County, for PennDOT. It's a very complex and intertwined system that's in place for plowing the roads. Perhaps we take a look at that. Perhaps we can look at some ways to streamline that. And I'm not saying anything went wrong, but these are the types of opportunities that we have after a situation like this to see what's working and what might not be working or that we might be able to tweak to run a little better. I'm finished. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Burn. Mr. Macey?

MR. MACEY: Thank you, Mr. President and members of Council. I'd also like to echo those same words about Bob Full. You know, in the last several years we managed to secure \$800,000 in radio equipment so that our emergency management services can communicate, our fire, our emergency medical services, our fire department. I think it's essential that we give him kudos for that.

And the other thing, since this is a Public Works night. I'd like to give a couple of emergency numbers. That's the pothole and road hotline. That's (412) 350-2513 and there's a 34 hour hotline that you can also call which is (412) 931-2517. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, you had something else to add?

MR. DROZD: I just want to echo again. I'd be remiss if I didn't talk about Chief Full and his people at 9-1-1 and how well they responded. He was on the phone to me consistently. One real quick point. I had been hiking in a neighboring county. I once called 9-1-1 because a young man was having an asthma attack. It's very dangerous. He was on the trail and when I called them, they responded. They got him help from Allegheny County, our 9-1-1.

And the last thing, I want to commend the municipal workers out there and our municipalities. When I went out there on the road and gone from municipality to municipality and building to building, they were there. They were cleaning, they were working, there were people out on the road and I want to commend them for their efforts. They did a great job, those outlying municipalities. So I want to thank them for their work and efforts to serve our constituents. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Just one conclusion on what you guys were talking about. There's a lot of city/county work together in terms of piggyback purchasing contracts and things of that sort. One of the things the public needs to be aware is under Jim Flynn's leadership the County Public Works and Emergency Services were at one time one department. And, in fact, Bob Full and I started out together. If you look at all the County supervisors, they're all trained. I mean, they all have TAPs from Penn State. They have management training from Allegheny. Even myself, they're all trained in terrorist response and U.S. biological responders. Their training is superb. They're the best snow fighting emergency force that you'll find anywhere.

One of the things that maybe the County Manager might want to do --- and I know the City of Pittsburgh has put together a liaison committee in terms of what worked and what did not work. And this is relevant to me because more than half of my district resides in the City of Pittsburgh and I feel I need to weigh in here. Putting people on committees that don't understand this kind of stuff really doesn't get you anywhere because all you're listening to is what people are telling you. The best thing for the City of Pittsburgh to do is to walk across

the street, you know, talk to the County Manager, Jim Flynn, Bob Full, Joe Olczak and see what they did different and what works. Those are the kind of cooperating things that they need to do which would make the City of Pittsburgh be able to respond a lot better.

Now, I've had instances --- and this isn't the first time because I can remember back even when the City of Pittsburgh had a tornado, when they also at that time had to come to the County and we helped them and we got them through it. So there's a lot of value there for the City of Pittsburgh to be able to come across the street and talk to Jim and talk to his people and I think they'll learn a lot from that.

That being said, I wanted to remember the City of Pittsburgh Fire Department is doing a memorial. If you folks remember, it's been 15 years since those three firefighters were killed in that fire in Homewood. Out of that came some good in terms of what type of response equipment and knowing who's in a fire. But, you know, I'd like us all to join in remembering those three firefighters who had lost their lives in the betterment of the fire department today. And as the City of Pittsburgh Fire Department remembers them, I think it's important we always remember them because there's a lot of truth in what's said, you know.

And we always said of emergency work, everybody comes home but everybody always realizes when you're dealing with an emergency, sometimes somebody doesn't come home. And you can't forget those people who have made that ultimate sacrifice. So with myself --- and I'm sure everyone here and the rest of the County, you know, we join with the City of Pittsburgh commemorating and remembering those fallen firefighters. And hopefully we never have to deal with that again. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Ellenbogen. Moving on, new business. I'm sorry. Mr. Gastgeb, do you have something? I'm sorry. Go ahead.

MR. GASTGEB: I just wanted to comment that my issue in my district during the storm was more on the power side and losing electricity. My district was the hardest hit and I want to just echo something that my colleague, Jim Burn, mentioned. That, you know, the emergency command center is state of the art, bar none. It's the best in the United States. And for the people

watching, the way it works is everybody gets a chair or desk or kind of a working unit. And by everybody, I do mean --- there's law enforcement and public utilities. There's everything you can think of. And of course, the reason is for communication, information sharing, so that the residents can be informed by having key people at its source. And again, Bob Full, the director there, did a tremendous job, but it's only going to work if companies, entities, go to the emergency command center.

So it's extremely frustrating to me that Allegheny Power was not there. It's self-defeating to have a system set up like this and have a major player not be part of this. So I do think that needs to be looked at in the post analysis. I will commend even Mr. Burn. We were talking all weekend. We both placed calls to the vice president at Allegheny Power, never got a return call back.

Some people had issues with the roads and I understand that, but many others had issues with power. And I want to try to get the answer no matter what. I just want to bring that forward.

PRESIDENT FITZGERALD: Thank you, Mr. Gastgeb. Moving on to new business, Ordinance and Resolutions, 5424-10.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 905 entitled, Non-formal Procurement 5-905.03 entitled Procurement of Professional Services in order to clarify the role of Allegheny County Professional Services Review Committee. Sponsored by Councilman Robinson.

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

MR. ROBINSON: Thank you, Mr. President and members. What I'm attempting to do is convince you that the procedures that we now have in place that cover professional service contracts that are signed and negotiated by the Executive, those same procedures should apply to other parties who are authorized to initiate, negotiate and sign contracts. All the independently elected offices in this county have that authority. My bill does not in any way invade their prerogative to select those persons who they feel could best provide them with professional services. It simply provides that the process to arrive and those who are most qualified to

provide them services is standardized in Allegheny County. So the same process that we have in place, it impacts on our Chief Executive and protects his prerogatives. I'm suggesting that we provide the same kind of procedure where our Controller, Treasurer, our Sheriff and anyone else who's authorized to negotiate contracts and sign contracts who are not now bound by the same procedures that our Chief Executive is bound by.

PRESIDENT FITZGERALD: 5425-10.

MR. CATANESE: An Ordinance amending and supplementing the Administrative Code of Allegheny County through the creation of a new chapter 275A entitled, Sex Offenders, Electronic Monitoring, in order to provide continuous electronic monitoring of the location of certain convicted sex offenders residing or employed with Allegheny County. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Mr. Gastgeb, do you wish to comment?

MR. GASTGEB: Just briefly. About two years ago this Council unanimously passed a Central Predator Residency Restriction Bill. As you know it's in the courts right now. Mr. Wojcik and County Executive Onorato have vowed to defend our position vigorously, and they have. And I believe the trial is just starting.

However, there's also another track that may be beneficial for us to consider, the Home Rule and that's using the GPS electronic monitoring. So Thursday we're going to be doing --- hopefully under the leadership of Mr. Burn, seeing if we can potentially bring some of this from the early stage to reality.

PRESIDENT FITZGERALD: 5422-10.

MR. CATANESE: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2010, Submission 02-10. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. New business, motions, 5426-10.

MR. CATANESE: A motion of the Council of Allegheny County urging the U.S. Department of Justice and U.S. Attorney General to remove the federal court in the Western District of Pennsylvania from consideration as an alternative venue for the trials of five accused September 11, 2001, conspirators and supporting the prosecution of the suspects at a secure military facility where the public cannot be harmed. Sponsored by Councilman Drozd.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: Thank you, Mr. President. This was an initiative that was suggested by my fellow Councilman, Councilman Vince Gastgeb, which was a good idea. And he referred to me being that he was the president and knowing my background on Homeland Security, so with the help of staff we structured this motion. Basically what it involves is knowing --- the reason why, one of the big factors was the New York City Mayor, Mayor Michael Bloomberg, estimated that the terror trials which are estimated to take several years ultimately cost New York taxpayers one billion dollars. First the federal government said they would ante up to \$200 million. There's a big disparity here. First and foremost it's about a public safety issue and that's what I've dealt with.

I had an opportunity to meet the Mayor in New York City following the 9/11 attacks. I was sent up as a representative from the Pentagon in uniform and we had a discussion. And I could see in his face and in that room where this meeting took place --- just a handful of people, those people, directors and whatever on the staff. And you could see in their face the concerns of having to prepare a NOLA if another attack would come, but you're never prepared. And when something like this comes into an area you have five individuals, or whatever it may be, and then you bring everybody within the region now because of the target. And this could be very scary, not just for the fact of the monies it would cost, but from a public safety issue and that's what this is all about.

So I would ask my fellow Council members to join me to send this motion forth, to send a message that Allegheny County, as well as the region as a whole, is concerned about its population, its safety of its people and its constituents and secondly the taxpayers' pocketbook. We can't afford to bear any costs. Our taxpayers are overburdened now with a lot of issues right now as well and they shouldn't have to bear the cost of this. So I'd ask to put the motion forth now, to approve this motion now.

MR. MARTONI: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.

MR. MCCULLOUGH: I abstain.

PRESIDENT FITZGERALD: Please note that Mr. McCullough abstains.

MR. MCCULLOUGH: May I make a comment?

PRESIDENT FITZGERALD: I'm sorry.

MR. MCCULLOUGH: Here's the point. These motions are well meaning. They don't mean anything. I mean, does anybody seriously think the administration is going to change its mind based on Sense of Council Motion? I'm working on something with Mr. Barker that I think we'll introduce next month that will add a little more kick to it. And that's why I'm abstaining on these things. We've been down this road, we go through this effort, nobody pays any attention to it. I think if we're going to make our point we have to have something with some teeth into it. So while it's a nice gesture, I'm standing here to make that point and I think we have to start doing things. I intend to do that next week.

PRESIDENT FITZGERALD: Would you please make note that all members support it except for Mr. McCullough who abstained on the motion?

Public comment on general items.

MR. FINNERTY: I want to make a motion

PRESIDENT FITZGERALD: Go ahead, Mr. Finnerty.

MR. FINNERTY: I believe you have my motion there. This clarifies Council's position with regard to litigation filed by individual Council members.

MR. GASTGEB: Mr. Fitzgerald?

PRESIDENT FITZGERALD: Yes, Mr. Gastgeb?

MR. GASTGEB: Can I speak on 5426 or is it too late?

PRESIDENT FITZGERALD: Go ahead. I didn't realize --- go ahead. Let's speak on 5426-10 before we move on. Go ahead, Mr. Gastgeb.

MR. GASTGEB: I think what Councilman McCullough has brought forth is oftentimes these Sense of Councils and we're not the U.S. Congress. And I don't know why we articulate and engage ourselves in issues that are completely irrelevant. However, I think this is different because there's only three locations where this trial can happen. President Obama wants to keep it in the federal court system, which I wholeheartedly disagree with. It has to be in Virginia, New York City or the Pittsburgh, Western Pennsylvania region. Mayor Bloomberg spoke out and said we don't want it, so that's down to two. If we

do the same thing --- some of the Virginia Democrats already said the same thing. There's only three places that it can happen.

And if we don't want to put our Public Works and our law enforcement people through this, I do think it sends a message back to the U.S. Government. I also see where Chief Executive Onorato and Mayor Ravenstahl have made somewhat valid comments that we're not thrilled about this either. So whether the Chief Executive, the Mayor, City Council or County Council, someone has to step up and say we don't think it's a good idea or I don't think it's a good idea and their approach is a bipartisan approach. We need to speak with one voice and send a message and I do think it's slightly different than normal Sense of Council over the years. Thank you.

PRESIDENT FITZGERALD: Anybody on 5426-10? Mr. Drozd, I'm going to let you talk since it's your motion.

MR. DROZD: Somewhere, someplace, somehow people have to speak up. And you have to speak up for people that --- at times it's like watching something happen and we don't speak up. If we don't speak up then our voices aren't heard. We have to speak up and when something is wrong and we feel it's going to hurt our citizenry and our constituency, that's what we are elected to do. If anything, to speak up. So I am a very strong believer, not just in this, in anything that this Council needs to speak up. It has a strong voice. We have many good people with good expertise on Council and they need to be heard. We need to be heard. So I'm a very, very firm believer and not just this motion, any motion that's going to protect our people. We have to speak up because the voices of our people have to be heard and they're out there saying they want to be heard. Thank you, Mr. President.

PRESIDENT FITZGERALD: Yes. Mr. Futules?

MR. FUTULES: I'd just like to be added as a co-sponsor.

PRESIDENT FITZGERALD: Add Mr. Futules as a co-sponsor. Are we done with 5426-10? Okay. Mr. Finnerty, you have the floor.

MR. FINNERTY: If you take a look at the motion --- and I think everybody had a chance to read it, but I'll read part of it for you.

Whereas, within the last month at least two lawsuits regarding the closure of UPMC Braddock and a

recent bond issuance by the Allegheny County Hospital Developmental Authority on behalf of UPMC respectively have been filed by an individual Council Member.

And Whereas, in each of these suits, and they're named there, GD-10-001513 and SA-10-000038, the Council Member in question appears as both the Plaintiff and counsel of record for the Plaintiffs.

And Whereas, in GD-10-001513, the Council Member in question purports to have filed in his official capacity as Allegheny Councilman.

And Whereas, in SA-10-000038, the Council Member in question asserts that he is also an At-Large member of Allegheny County Council and thus has a duty of representation of all people within the County who may be harmed or adversely impacted by the legislative subject of appeal.

And Whereas, as no time, did County Council express its support for or authorization of legal action described above.

And Whereas, the County Councilman has never produced, nor is Council aware of, any statute, case law or other authority that in any way extends his duty to represent his constituents in the legislative process earned by virtue of his election, to a duty to undertake legal actions before the judiciary as a Plaintiff and/or counsel of record.

And Whereas, despite the representation of the following Council Member, it is apparent that no provisions of the Home Rule Charter of Allegheny County, the Administrative Code of Allegheny County, the Allegheny County Code of Ordinances, the Rules of Allegheny County Council, the Home Rule Charter and Optional Plan Laws, the Second Class County Home Rule Charter Law, the Pennsylvania Constitution or any other applicable federal or state or local law rule or constitution empowers an individual Council Member to act in an official capacity on behalf of County Council without authorizations from the full Council.

Whereas, such individual's actions purportedly on behalf of the full Council are at odds with the most fundamental concept embodied by Council, to wit, that a majority of the full Council is required to undertake any action in an official capacity.

And Whereas, the Home Rule Charter and Optional Plan Law, 53P.S.2964(1) expressly reserves the power to

sue and be sued to municipalities in precisely the same fashion as the power to adopt ordinances and resolutions is reserved in 2964(6) and does not extend the power to file suits to individual members of governing boards of those municipalities. Thus clearly indicating that an individual Council Member has no power to file legal actions in an official capacity absent authorization of the full Council any more than he or she can adopt an ordinance or resolution by acting alone.

Now, Therefore, it is moved by the Council Of Allegheny County that the Council hereby disavows that any lawsuit pending or to be filed in the future initiated in any court of competent jurisdiction by any individual purportedly to act in an official capacity on behalf of or as a member of Council, but without the authorization of full Council is to be interpreted as an Act of Council of Allegheny County. The Council further expressly indicates that it is the judgment of Council that no Council Members empowered to act in an official capacity or in any other fashion on behalf of, with the sanction of, or with the apparent authority of Council in the absence of an express authorization of the full Council. This is sponsored by me.

PRESIDENT FITZGERALD: And you would like to?

MR. FINNERTY: What I'd like to do is to move it to committee.

PRESIDENT FITZGERALD: You would like it sent to committee. I'll refer this to the Reform Committee. Mr. McCullough?

MR. MCCULLOUGH: Thank you for letting me respond. I'm going to vote. You all wish me luck because if I'm right we're going to get Braddock Hospital re-opened. If you're right, it's going to the ground. But I'll also tell you that the issues you've raised here, they're on appeal to the Superior Court. If you want to see applicable law you can read the 30-something page application for expedited appeal that I filed in the Superior Court. Thank you.

MR. FINNERTY: Can I respond to that?

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: Number one, I would like to see Braddock Hospital stay open myself. This has nothing to do with that at all. It has to do with Council Members filing suit. That's what it is about. It doesn't

expressly ask just two of the things that are happening, but it has to do with a Council Member filing a suit.

MR. MCCULLOUGH: Well, why don't you let the Superior Court decide. And I'll say this, if you and six other people on this Council would've joined me in that suit, I would have won two weeks ago and that hospital would be open today. Think about that.

MR. FINNERTY: That's your opinion.

PRESIDENT FITZGERALD: Public comment on general items.

MR. ELLENBOGEN: Mr. President?

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. ELLENBOGEN: I had an instance that happened to me a couple weeks ago that I feel an obligation to bring to the public. As many other people like myself who have Comcast on the television, I got a postcard where I had to call and get these boxes that was supposed to be easy to attach to the TV. I know a little bit about putting stuff together, even a child can do it, but that being said, this child had some trouble. So in doing so I called Comcast and I said, look, I did this, this and this. And they started telling me well, you have to reroute it from this box that you have. And I'm like, there is no box on my TV. What are you talking about? So they said to me, well, you were given this box in 1986. I said, look, pal, I went through the whole thing, how the TV was hooked up. I said, there's no box there. So they hooked me up with some place in Texas and they told me that, you know, I was right.

Well, since 1986 they've been taking \$3.47 added to my bill for the last 20-some years for something I don't even have and never did have. So they said they were going to resolve it, they were going to call me back within a couple hours. Well, I waited two days, no one called me back. I called back and all of a sudden, you know, I wasn't treated very nice. I've treated people a lot nicer than they treated me. I'm looking at Bill so I'm trying to be a gentleman here. That being said, they started telling me, well, you know, you're responsible for reading your bill. I said, well, to be honest with you, I don't have an electrical engineering degree. I should have called Rich and told him to come over and read this bill because if you look at the Comcast bill --- I mean, come on, you've got to trust somebody. When they changed from TCI to wherever they were --- and they started

getting all well, you can only go back six months and this, that, this and that.

Well, you know what, \$3.47 for 25 years. I've got two kids in college. I mean, I'm going to receive that money. And the reason I bring this up is I'm asking the public look at your bill and see if you also are being charged for something on there that you don't have. And like I said, either that --- I mean, I only have two degrees so I guess I can't read a simple bill. I don't know what to tell you. With that being said, look at your bills, make sure they're right because I have a feeling I'm not the only one. So thank you for indulging me, Mr. President and Council. I appreciate it. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Ellenbogen, for bringing that to everybody's attention.

MR. ELLENBOGEN: Because we've got three attorneys here and I know one or two.

PRESIDENT FITZGERALD: We're going to move on. Public comment on general items. We have two speakers here this evening, Mr. Lester Ludwig. I don't see Mr. Ludwig here. He's not here. And Jeanne McMullen, is Ms. McMullen here? If you'd come forth and state your name and address for the record, please.

MS. MCMULLEN: My name is Jeanne McMullen. My address is 5924 Rodgers Street, 31st Ward of the City. A neighbor is not permitted to mow their lawn after 10:00 p.m. due to local noise ordinances, however, a neighbor can drill a 6,000 foot hole in the ground at 3:00 a.m. disturbing the sleep of residents for weeks and months without a local permit nor public hearing. Neighbors are leasing their land for oil and gas drilling in neighborhoods in and around the city, an action that by anyone's standard can transform residential neighborhoods into industrialized zones. Chesapeake Energy is courting residents of the 31st Ward, Munhall, Baldwin, Jefferson Hills and South Fayette, Homestead and West Mifflin to sign non-service drilling leases. They've already secured surface leases for at least three surface drilling sites within two miles of my home and have signed over 2,500 non-surface leases within my area. Two of these sites are accessible only through narrow secondary roads where residents use street parking.

Our community has heavy pedestrian traffic and no sidewalks. We have to walk in the street. One site is within yards of the neighborhood K to 8 school, ballfield

and playground. I urge you to take a drive to Hickory, Pennsylvania and see the devastation and grief that Marcellus Shale drilling has brought to a formerly quiet rural community. Marcellus Shale drilling requires an enormous amount of diesel trucks per day to drill each route and the site will contain multiple routes. Our road has seen minimal traffic and has seen minimal maintenance and are littered with crumbling. We have limited arteries leading out to the community and they, too, are taxed. In rush hour it takes me a full hour just to get to Oakland, only nine miles away and I already live in the city. The residents of Hickory where they are already drilling complain that they cannot even go to the post office without getting in line with these diesel trucks and waiting it out. The noise is 24/7 and deafening, the burning of fugitive gases --- fugitive gases are unsightly and hazardous. The noxious odors and noise force families indoors with children unable to play outside. Drilling will bring a decline in our property values which will erode city and municipality tax bases.

Drilling jobs are filled by migrant workers who do not pay income to the municipality. Drilling will devastate local municipalities in the region, across the nation. Municipalities see drilling as a curse as expenses pile up and revenues dry up. Our municipalities are ill-prepared for the rush upon us. I urge you to take these six steps now to protect the city and surrounding boroughs and residents from an unregulated rush in drilling and industrialization. If you want to take a trip out to Hickory, Pennsylvania I can get you an escort, but you won't need one. Designation of a full-time senior level administrator to prepare and protect the County and its resources before drilling begins. The establishment of a cross-functional task force to the city, county, water and sewage authorities, DEP, residents and environmental protection groups.

Four, pre-drilling environmental testing of air, noise, water and roads to establish a baseline to measure the future impact of drilling and to make preparation. Five, pre-drilling impact studies and upgrade our infrastructure to prepare for this new industry upon us. And six, to pressure state officials to adopt local ordinances regulating drilling and the local taxation of profit. I will leave you with resources on information about drilling. Please act now. Thank you for your time.

PRESIDENT FITZGERALD: If you can leave them with the clerk, that will be good. Thank you, Ms. McMullen for your testimony. Do I have a motion to adjourn?

MR. MCCULLOUGH: I have two public comments I'd like to make. First of all, I think I found this in my mailbox and, Joe, it's from you. It's regarding the property assessment form. Is this accurate? I have the County Manager back there and we've got the Solicitor, but this is an optional form, that people only have to fill this out and if they don't fill it out the County is going to use their current data on file to evaluate their assessment. Is that accurate? Mike, could you tell me?

PRESIDENT FITZGERALD: Mr. Flynn, could you please come to the podium and answer that question? Did you hear the question, Mr. Flynn?

MR. MCCULLOUGH: I don't know if you had seen this memo from Joe, Joe Catanese, but it says here, this is an optional form which is not stated in the mailing. If the constituents opt not to fill out the form and send it back, the OPA will simply use the information currently on file for that property. Is that accurate?

MR. FLYNN: I haven't seen what you're talking about.

PRESIDENT FITZGERALD: Do you want to do the other one?

MR. MCCULLOUGH: No, this isn't going to take too long because my point is this, why the hell are we doing this if it's optional, number one? And, number two, people just throw it in the garbage. You're going to go with their current information. I would think that people would fill it out and send it back. That ought to at least trigger a visit, an onsite visit, to check out their property. I filled this form out. I don't know if anybody else filled it out. Quite frankly, if that's what your county is I would encourage the taxpayers out there that unless you think your assessment is too high and there's a bad area that's caused your assessment to be too high, throw the thing away. And I think this is totally counterproductive. I mean, we went through litigation for four and a half years to have a form that doesn't mean anything. Is that where we are with this?

MR. FLYNN: I really don't understand the question. I think the form speaks for itself. It's part of the reassessment process. We're trying to verify the

date it's in the system. We're hoping that everybody will send it back in, although realistically probably only 20 to 30 percent of the property owners will probably remit that back to us. We'll review the changes they make. For the 70 to 80 percent of the people that don't, we will probably be going out to visit their properties.

MR. MCCULLOUGH: Is that a probably or are you going to use their current data?

MR. FLYNN: I think we're going to use their current data as a baseline but we're going to go out and visit properties. That's part of the reassessment process.

MR. MCCULLOUGH: Well, I think that should be stated in that mailing.

MR. FLYNN: They're already mailed.

MR. MCCULLOUGH: Well, I understand that. So what I'm going to tell the people out there, anybody that's watching this, is if you got this, throw the doggone thing away unless you think you're over assessed.

Now I'd like to make another remark. I'd like to talk about the Braddock Hospital for a minute. My father had a saying when I was raised. My dad had a saying that I try to put into practice. It's called do what is right, and what's happened out at Braddock Hospital is not right. What UPMC has done to Braddock Hospital, done to the area around here is not right. They're a charity. If you go through the lawsuits that have been filed that somebody apparently has profited here, you'll see for a charity they make one hell of a lot of money and they pay one hell of a lot of money out in compensation to highly paid executives. That's not right.

And I want to commend the people in that area who have fought this fight against a tremendous amount of odds. And to quote Ted Kennedy, the fight continues, the cause endures. And one of the people I want to especially recognize through this is my colleague and good friend, Councilman Martoni. When we had a hearing set up two weeks ago he was there to testify. He was there to put his name, his reputation and his time on the line to try to save that hospital. I'll always believe if there would have been six other people from this Council with me and Dr. Martoni that hospital would be open. It's going to get opened because the fighting continues. Thank you so much for putting it on the line for the people of the Braddock area.

PRESIDENT FITZGERALD: Motion to adjourn?  
(Chorus of motions).  
(Chorus of seconds).

MEETING ADJOURNED at 6:30 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.

Beth A. Luzzney