

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President, District 11
Charles J. Martoni	-	Vice President, District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
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

Tuesday, March 2, 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
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: Welcome to the Tuesday, March 2nd, 2010 regular meeting of the Allegheny County Council. If you'd stand for the Pledge of Allegiance, and then remain standing for a moment of silent prayer or reflection.

(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?

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. 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?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: Thirteen (13) members present.

PRESIDENT FITZGERALD: Proclamations/
certificates. 5441-10.

MR. CATANESE: Proclamation honoring Giant Eagle, Incorporated for successfully opening a new Market

District store in Robinson Township. Sponsored by Council Members Finnerty and Gastgeb.

PRESIDENT FITZGERALD: Councilman Finnerty or Gastgeb. Councilman Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I'd like to have Brett Merrell and Jackie Dixon come up behind me, representing Giant Eagle tonight. You may remember a little over a year ago we had the privilege of honoring Giant Eagle for their innovation with regard to the Market District concept. And at that time, the store was in the South Hills. One of the stores that was being built was in the South Hills. Now the latest one's in Robinson, so Councilman Finnerty is joining in to thank you. And by way of talking about --- I think what's important is recognizing a true corporate partner and someone who embodies what I think we need within our industry, within our business climate and within our community. And I think Giant Eagle does that ever so well.

Whether you're talking about charitable endeavors, whether you're talking about the environment and sustainability, it's more than just a mission statement to Giant Eagle. And oftentimes we struggle as colleagues. What can we do to improve the business climate? We have numerous meetings. We meet with Economic Development. And I think we do the best we can and, in some cases, a yeoman's job. But in many cases, an example is right in front of us with Giant Eagle, able to take the necessary risks, able to assess their customer base and their consumer base, been able to actually put things operationally into place. The Robinson store, specifically, I think, is just a testament to all those attributes.

Additionally, it provides jobs. It provides training. If you're young, you can start out there as a college student, maybe high school student. It just means so much. And if you have a chance to look at the Market District concept, you're going to see a supermarket environment like no other. You're going to see, in many cases, some culinary aspects that you're not going to find, maybe, in, you know, fine restaurants and maybe on the Food Network. You're going to find product sampling and product variety that really is unrivaled. And we have that right in our backyard.

And talking to Mike, we thought, we're going to continue to recognize Giant Eagle as long as Brett and Jackie are coming. And we want to make sure that the people in this area know the type of retail that we have, the type of people that we have, that really embody the best of our business community and our business climate. And in a tag-team effort, I'd like Mike Finnerty to read the proclamation and say a few words, too. Then we'll have Brett or Jackie also talk. Thank you.

MR. FINNERTY: Thank you, Vince. I'd just like to say that they set up a supermarket which is not really a supermarket. It's definitely a marketplace. And it's a destination for the tri-state area, not only just Pennsylvania, but West Virginia and Ohio come out to that area. So it is a really big show, so let me read this proclamation.

WHEREAS, our County is home to some of our nation's most successful corporations, which progress into the future by establishing wise business practices.

WHEREAS, Giant Eagle, Incorporated is one of this County's most admired employers. The company is a great corporate partner, a friend of the laborers of our community and a benevolent contributor to charities in our region.

AND WHEREAS, since 2006, Giant Eagle has successively re-branded three of its stores as Market Districts. And in November 2009, the company opened its biggest store, the 150,000-square-foot Market District in Robinson Township.

AND WHEREAS, the new store employs about 650 people and sells about 65,000 different products and offers a cooking school, a banquet room and a conference facility.

AND WHEREAS, Giant Eagle has successfully developed a store that combines restaurant themes and significant retail food selections. These elements solidify the store as a destination point for citizens of our region.

AND WHEREAS, Giant Eagle's strategy to improve the traditional supermarket relies on taking this and investing in new business practices, and they have succeeded in their plan to reach new customers.

NOW, THEREFORE, BE IT RESOLVED that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby congratulates Giant Eagle, Incorporated for

opening its new Market District store in Robinson Township. We applaud the corporation for bringing jobs to our region and for remaining a successful business entity in our area. This is sponsored by Council Member Vince Gastgeb and Mike Finnerty this 2nd day of 2010 (sic).

(Applause.)

MR. MERRELL: Well, that's quite a proclamation. Vince and Mike, thank you very much, and we thank you as Allegheny Council. This store is an important store for us because it shows that we continue to be committed to the area, that we are a successful business. And with partners like Allegheny County, we can continue to keep jobs in the market and we continue to drive sales and have success here.

In the proclamation, it stated that we are hiring --- we have 650 employees working for us. The store is so successful that we had to go hire more than 650. There are at about 850 employees in this one store. And half of those employees --- half of those jobs are jobs that did not exist before in any Giant Eagle business. So because of your partnership with us, we were able to go in and create 450 new jobs for 450 families here in Allegheny County.

Further, this store is unique for us. It is a store for moms and dads and families to shop for their regular groceries, come to the grocery store two to three times a week, as many of you do. However, it's also a destination store and that is, we have a large portion of the volume --- probably the majority of that store's volume is coming from long distances. We have a lot of customers that are coming from Cleveland, Akron, West Virginia, Columbus. They're coming across state borders, crossing county borders, to come to Robinson Township to shop in this grocery store.

We're pleased with the success that we've had thus far. We're pleased with the type of store it is. It is a store that meets all the LEED certification. And it's a store that's built on an old coal mine, so it has a lot of nice, warm, green feel to it there. It's a store that is bringing a lot of success to a new complex, because we're one of the anchor tenants. So we're thrilled. We know there's a lot of potential for this store as we go forth. We're excited each week, each day, as we look and track sales, as we look at our team members, we talk with our customers. That's what really

gets us excited. So thank you very much for your partnership. Thanks for your belief in Giant Eagle Market District. And we look forward to more successful stories like this as this partnership continues. Thank you.

(Applause.)

MS. DIXON: Thank you so very much. I want to thank especially Councilman Gastgeb and Councilman Mike Finnerty. But I want to thank all of you, because all of you, each of you has been my friend, and I sincerely appreciate that. We must be doing something right. This is my third time here. And I want you to know how sincerely, how much we very, very much appreciate it. I would encourage you to go out to the Robinson store. It's the Ridge Road Exit. It's not that far. And we call it the Disney World of food. And Brett is doing a wonderful job, and I continue to help him do a wonderful job. Again, I'd just say, thank you so very much. I sincerely appreciate being here and I sincerely appreciate all of you. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5442-10.

MR. CATANESE: Proclamation honoring Mary Burke for her efforts to raise awareness of human trafficking. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Some of you may be aware of a couple specials that have been on TV, not only here but around the country, to deal with the issue of human trafficking. This is an insidious practice that can be traced back before the time of Christ, where human beings were sold and imprisoned and exploited and sent from country to country. This affects men and women. It affects people of all ages, all races, all nationalities. It's an epidemic. It's a scourge on the landscape of this great planet. Sometimes it happens in the suburbs. Sometimes it happens in the city. Sometimes it happens on farms. But many of the people who we oftentimes feel have walked away from school or a job or just disappear have been kidnapped. They've been sold. They've been sold into slavery. They've been sold into prostitution. They've been sold into the needs and wants of other people.

Most of us are not touched by this from day to day. But there are a few people who are working very

diligently, not only in this country, but elsewhere, to remind us, to remind us that the freedom that we enjoy here is not enjoyed by everybody, and that there is a criminal element loose in this country and in other countries that would take a human life, enslave it, sell it, misuse it in ways that we can only find unimaginable in the 21st century.

In our city, we're very fortunate to have Dr. Mary Burke put some time and effort into trying to not only bring awareness to this issue, but also to do something about it. And she, with the help and assistance of many people here in southwestern Pennsylvania, have put together a coalition to work on human trafficking. And hopefully Dr. Burke, at some later time, will share with you some of the documentation, some of the information that her group, the organization she's affiliated with throughout the world, have put together to let us know that while we may think that drugs or HIV or some of the other scourges are just terrible, human trafficking is probably up there. Can you only imagine your son, your daughter, your mother or your father disappearing tomorrow and you not knowing where they are, only to find out that maybe they've been taken off to some foreign country and misused, abused, destroyed psychologically and physically, human trafficking?

So I'd like Dr. Mary Burke to come forward, if she will. She brought her mom and dad with her. They certainly are welcome to come forward. But I want Dr. Burke, after I read this proclamation, to really share with us what her work has been like and what help she might need from us as elected officials. We should not allow human trafficking in this county, in this state or in this country. And while there are federal laws, there's probably a lot more we can do locally to make sure that our citizens are protected. We hear about things every day, terrible things that are happening to men and women. And oftentimes, they are victims of human trafficking.

WHEREAS, Allegheny County serves as home to scholars and activists who commit themselves to helping others achieve social justice.

WHEREAS, Dr. Mary Burke is a faculty member of the psychology department at Carlow University, where she serves as the program director for the doctoral program in

counseling psychology. Carlow University, of course, is right here in our city.

WHEREAS, Dr. Burke is an affiliate faculty member of the Department of Counseling and Human Services at Johns Hopkins University.

WHEREAS, Dr. Burke founded and directs a project to end human trafficking, a non-profit organization working regionally, nationally and internationally to raise awareness about enslavement and economic exploitation of human beings.

WHEREAS, Dr. Burke organized the Southwestern Pennsylvania Anti-Human Trafficking Coalition in 2006, bringing efforts to quell human trafficking to our region.

WHEREAS, Dr. Burke continually speaks about human trafficking around the country. Her scholarly excellence and her dedication to abolishing human trafficking has educated thousands and has sparked the creation of many coalitions.

NOW, THEREFORE, BE IT RESOLVED that the Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commends and honors Dr. Mary Burke for her efforts to raise awareness and educate others about human trafficking. We applaud her unwavering commitment to bring attention to this serious issue, and we hope she continues to succeed in her fight. Sponsored by myself, Councilman Bill Robinson. And I'm sure many of you join me in wishing Dr. Burke not only well, but asking silently what we can do to help. Ladies and gentlemen, Dr. Mary Burke.

(Applause.)

DR. BURKE: Thank you. Thank you very much. It's a great honor to receive recognition from you, the Allegheny County Council, for the work in which I've been involved over the past five or six years to combat human trafficking or slavery in our region. I want to thank Councilman Robinson for his continued efforts to help support this issue. And I also want to acknowledge the colleagues with whom I've worked in our region, specifically the members of the Southwestern Pennsylvania Anti-Human Trafficking Coalition, which includes many representatives of community-based agencies. In particular, I've worked very closely with Jewish Family Services and the Welcome Center for Immigration International. And I also want to acknowledge the support of the faculty, staff and students at Carlow University,

whose commitment to social justice and to eradicating social injustice's many forms is very strong.

I want to thank ---. I want to definitely take this opportunity to give you a small piece of background information about this issue. And I would be more than happy to come back at a later date and answer any questions you might have. Human trafficking is one of the fastest-growing and largest criminal industries in the world today, so we're, of course, comparing it to weapons and drugs, which is usually quite shocking to individuals when I give that report. Estimates regarding the extent to which human trafficking occurs very widely, and there are quite a few reasons for that. The most significant reason is the definition used by those researching the issue. The definitions vary a bit. But I'm going to give you a snapshot of the extent to which this occurs.

Let's see. Estimates regarding --- okay. I'm sorry. The International Labor Organization, their 2009 report tell us that there are 2.5 million individuals enslaved at any given point in time. 2.5 million. And that's the low end, by the way, of the continuum. Another example is for the research of sociologist Dr. Kathryn Farr. And Dr. Kathryn Farr is from Washington State. She reports that there are four million individuals being held against their will and exploited through either physical or sexual forced labor. There's finally the work of our leading expert, Dr. Kevin Bales. He's from Free the Slaves in Washington, D.C. Dr. Bales tells us that there are 27 million individuals enslaved at any given point in time.

Just to give you a little clue about that definition difference that helps account for the wide ranges with regard to the estimates, some of those individuals are taking into consideration state-sponsored slavery. So when we have places like, I'll say North Korea, for example, where individuals are pulled into state-sponsored slavery against their will. Also in certain situations within India, where there's a caste system in place. Dr. Kevin Bales has taken into consideration those individuals in his 27 million, whereas, when we look at the ILO estimates, their definition is slightly more narrow.

The Trafficking Victims Protection Act of 2000 was enacted nationally here, and it has compensated for some of our deficiencies in our legislation, so it covered

more comprehensively the way slavery exists today in the United States. In 2006, near the year's end of 2006, Pennsylvania enacted legislation to address this crime at the State level. So now, of course, you know what that means. That means we're now able to prosecute perpetrators in Pennsylvania using both the Federal and State law. You don't need me to tell you that, I'm sure.

We have victims in Pennsylvania, as Councilman Robinson indicated. We have victims of sex and labor trafficking that are both Pennsylvania citizens and foreign-born nationals. Sex trafficking occurs in street prostitution, commercial front massage parlors and closed network residential brothels. Incidents of labor trafficking in our state have included agricultural labor, domestic servitude and even traveling sales individuals selling candy or magazines door to door.

We are characterized as both a state of transit and destination, so we have individuals who are trafficked here specifically to work in our region, and we also are characterized as a transit state, and that's largely because of the interstate highways that connect, let's say, Ohio and New York. So we have victims being transported along our highways here in Pennsylvania.

Currently, our Pittsburgh-based organization, the Project to End Human Trafficking, has worked with other organizations in the State and with Washington, D.C. to enact stronger legislation in our State to hold --- just mostly in support of identifying trafficking victims. And specifically, what we've done is we've worked a little bit on the Texas legislation, and we're trying to extend it into our State, which means that we're hoping to have the national hotline number posted in critical areas where trafficking might be happening. So we're aiming for hotels and motels. We're aiming for rest stops along the highways and establishments that hold liquor licenses. I brought an information sheet that I was hoping that you might want to take a look at, at some point. It's only actually reporting about the hotline posting. The additional piece of legislation is in support of forming a taskforce to decide more comprehensively how can we come together to address this issue in our State?

I do want to tell you that in our greater Pittsburgh region, a little bit --- definitely including Allegheny County and in counties that are our neighbors, we have worked with over 30 victims of human trafficking

here. And these are the victims from other counties, actually, with whom we've worked. We've had to turn to the folks in Allegheny County for support. So we're talking about us turning to agencies and saying, we know you don't have support designated for these individuals, but could you perhaps use discretionary funds to meet the basic human need of the people who have been found enslaved in our community? So we're trying to meet this at the grassroots level and do what we can. And you know the individuals in this community like I do. We're a giving, generous area, I think. So we've been able to do that pretty successfully thus far.

We believe that there are many more victims in our region. These individuals have just surfaced and been brought to our attention. This is not those who we have found by actively going out and finding them. Barriers to identifying victims includes citizen awareness. It includes not having a lot of resources to support anti-trafficking efforts. And of course, one of the significant barriers includes criminals trying to keep this out of view of legal law enforcement and upright citizens. So that's all I have to say to you this evening. I just want to thank you again very much for your time and for the recognition of this work. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5443-10.

MR. CATANESE: Let the record show that Councilman Burn and Councilman McCullough are present. Certificates of Recognition honoring the ten communities of Allegheny County Council District Six for their successful efforts to remove snow from community streets during February's storms. Sponsored by Councilwoman Cleary.

5444-10. Certificate of Achievement recognizing Jonathan David Dorn of Boy Scout Troop 28 for earning the rank of Eagle Scout. Sponsored by Councilmen Gastgeb, Finnerty and the Controller.

5445-10. Certificate of Achievement recognizing Michael Caruso of Boy Scout Troop 65 for earning the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

5446-10. Certificate of Achievement recognizing Robert Amrhein of Boy Scout Troop 225 for earning the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

5447-10. Certificate of Achievement recognizing Paul Vernacchio of Boy Scout Troop 225 for earning the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

5448-10. Certificate of Achievement recognizing Matthew Ihrig of Boy Scout Troop 225 for earning the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

5449-10. Proclamation congratulating Sergeant Mike Mauer for his induction into the Southwestern Pennsylvania Veterans Hall of Fame. Sponsored by Councilman Macey.

5450-10. Proclamation commending Richard Olasz for his lifetime of service to the State of Pennsylvania, Allegheny County and West Mifflin Borough. Sponsored by Councilman Macey.

5451-10. Proclamation commending the Center for Victims of Violence and Crime for providing education, prevention and intervention services to our County and naming February 24th, 2010 Peace-It Together Community Initiative Day in Allegheny County. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Public comment on agenda items.

MR. CATANESE: We have none.

PRESIDENT FITZGERALD: Approval of minutes.

5452-10.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council held on February 16, 2010.

PRESIDENT FITZGERALD: 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. Presentation of appointments. 5453-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato submitting his recommendation of Marilyn Liggett for reappointment to the following authorities: the Allegheny County Industrial Development Authority, Allegheny County Hospital Development Authority, Allegheny Higher Education Building Authority and the Residential Finance Authority for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. I'm sorry, Joe. We were supposed to do both of those together. 5454-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato submitting his recommendation of John C. Brown, Jr. for reappointment to the following authorities: the Allegheny County Industrial Development Authority, Allegheny County Hospital Development Authority, Allegheny Higher Education Building Authority and the Residential Finance Authority for a term to expire on December 31st, 2014.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5455-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato submitting his recommendation of Pastor Wanda Sawyer for appointment 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. Unfinished business. Committee on Budget and Finance, second reading. 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: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Move for approval.

PRESIDENT FITZGERALD: So moved.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Second. Discussion?
Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

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 HAWKINS: Aye.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Mr. Burn?
MR. BURN: I vote yes.
MR. CATANESE: Ayes 15, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Liaison reports. Are there any liaison reports this evening? I'll recognize Councilman Futules.

MR. FUTULES: I just have one here. This month, everyone has received their tax bill from Allegheny County, those who do receive it. You can't see it here on TV, but it's this. And on the back of his bill, it shows about the Parks Foundation. I'd like the people at home to read it, if you could, on the back. I'll read the title. It says, join the Allegheny County Parks Foundation to help improve the county parks. And it goes on to talk about them. So it's something raising the awareness of the County Parks Foundation. Please take a look at it and make a donation to Allegheny County Foundation. Thank you.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you, Mr. President. There's two apprentices programs opening up, the Joint Apprenticeship Training Committee, Plumbers Local Union 27, which is located at 1040 Montour West Industrial Park, Coraopolis, PA, 15108. The phone number is 724-695-9047. So if you're interested in becoming a plumber, that would be a great thing to do that. There's also an Apprenticeship and Journeyman Education and Training Fund,

the Cement Masons Local 526. And that is located at 2606 California Avenue, Pittsburgh, PA, 15215. And the phone number is 412-761-6310. So if you're interested in becoming a cement mason, you can check that out. These are all great-paying jobs you get through the apprentice program. Thank you, Mr. President.

PRESIDENT FITZGERALD: Councilman Burn?

MR. BURN: Thank you, Mr. President. A couple items. Chief Full is scheduling a meeting this Friday at one o'clock for all county emergency management coordinators just to be sure that everything is in order and prepared in the event that we do have any type of flooding issues in the next two or three weeks. Secondly, this Thursday at nine o'clock at the Millvale Borough Building, we're having a meeting with the Postmaster's Office regarding the reversal of their decision to close the post office. Initially, they said they would keep it open. There was a petition drive last fall. We thought that they had committed to us to keep it open. Apparently, they changed their position. We're hoping that a meeting with some leadership from here, yourself and others --- to emphasize to them how important for a small town like that that's still recovering, with two senior high-rises and a Mother house with 200 Sisters that depend greatly on that Post Office. I believe it is contraindicated to shut it down. Thank you, sir.

PRESIDENT FITZGERALD: Thank you. Mr. Macey?

MR. MACEY: Thank you, Mr. President and members of Council. Due to the inclement weather we've had over the last month and the increased snow in the hills of the Laurel Mountains and West Virginia, we are expecting floods in the Mon Valley, and the possibility of that is pretty real. So there's going to be a meeting of the Mon Valley people, the emergency management services, in my neck of the woods, and they'll be held at the Elizabeth Borough Fire Hall/Bingo Hall on March 6th at 11:00 a.m. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Macey. Councilman Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. For many years in the County Treasurer's Office, there was a gentleman by the name of John Edward Smith, who had carried the thousands and thousands of pieces of mail and kept everything from the assessments to the County tax bills. And I wanted to recognize John Edward Smith's

passing yesterday. He was a long-time employee of Allegheny County and a true value to keeping things flowing smoothly in the Treasurer's Office. And I'd like to offer this, Council and myself, sympathy to his wife, Marie, and his family. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you, Mr. Ellenbogen. New business. Ordinances and resolutions. 5456-10.

MR. CATANESE: An ordinance authorizing the County of Allegheny to clear the right-of-way for and to acquire by condemnation certain parcels of land for replacement of Turtle Creek Bridge Number Six, carrying Greensburg Pike, 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: Refer to Committee on Public Works. Mr. Macey, do you have anything on that?

MR. MACEY: Yes. Thank you, Mr. President and members of Council. This particular bridge is 85 years old and was rehabbed in 1978. Most recently, there's been a weight restriction applied to this bridge, and it's just another example of the deteriorating infrastructure in our area, and it definitely needs either repaired or replaced. Thank you.

PRESIDENT FITZGERALD: 5457-10.

MR. CATANESE: An ordinance authorizing the County of Allegheny to clear the right-of-way for and to acquire by condemnation Parcel One of HPT, McKeesport, L.P., for construction of the McKeesport South Flyover Bridge and to take further action as may be necessary under applicable law, including the Eminent Domain Code. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. Mr. Macey, do you wish to comment on it?

MR. MACEY: Thank you, Mr. President and members of Council. This is a long awaited ramp of bridge to go over the railroad tracks to get into the old Allegheny --- excuse me, the old National Tube mill site. And it's really necessary so that we can have unrestricted access to that mill site. Thank you.

PRESIDENT FITZGERALD: Public Works. 5458-10.

MR. CATANESE: A resolution amending the Articles of Incorporation of the Allegheny County Industrial Development Authority to extend the term of existence of the authority to a date that is 50 years from

the date of the approval of the amendment to Articles of Incorporation by the Secretary of the Commonwealth of Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. New business, motions. 5459-10.

MR. CATANESE: Motion of the Council of Allegheny County pulling Bill Number 5439-10, clarifying Council's position with regard to litigation filed by individual Council members, from committee for an immediate and final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. And I'm going to make a motion that we pull this out of committee, but I'd like to make a couple of remarks. This motion pertains to my activities that I feel are part of my duties to my constituents.

PRESIDENT FITZGERALD: Well, let's stay on the motion before us.

MR. MCCULLOUGH: I'm going to stay on the motion to pull.

PRESIDENT FITZGERALD: The motion to pull strictly will deal with timeliness, I believe. I talked to Mr. Rushford about this.

MR. MCCULLOUGH: You're not going to allow me to make any comments on it?

MR. RUSHFORD: Actually, a motion to pull is only on the issue of whether or not there is a time limit or there is some reason to pull the motion.

MR. MCCULLOUGH: You're not going to let me comment on why I want to make a motion to pull it out of committee?

PRESIDENT FITZGERALD: If the motion is pulled --- it's in committee. But if the motion ---.

MR. MCCULLOUGH: I want to explain why I want it pulled. I want to explain why I want it pulled for a vote right now.

PRESIDENT FITZGERALD: How long will it take?

MR. MCCULLOUGH: It'll take what it takes for me to make my comments.

PRESIDENT FITZGERALD: Then we're not going to have this.

MR. MCCULLOUGH: You're going to try to censor me when there's a motion out here, trying to restrict my

activities as a member of Council, and you're not going to let me explain why I want to vote on it now?

PRESIDENT FITZGERALD: Mr. Rushford, why do we have motions to pull?

MR. RUSHFORD: Motions to pull are explained this way. They are to explain the time frame or the fact that they've languished in committee, so either there's an exigent circumstance that it needs to be pulled or the fact that it has been in committee ---. It's my understanding that this has been less than two weeks that this has been in committee.

PRESIDENT FITZGERALD: That's correct.

MR. MCCULLOUGH: Well, I think there's an excellent reason why it needs to be pulled, and I'm going to explain it.

MR. RUSHFORD: I think you can explain why ---.

MR. MCCULLOUGH: Well, I'm going to explain it. This matter is on appeal before the Superior Court, this very issue. And since this motion was filed --- or presented to Council two weeks ago, there has been another lawsuit filed by Save Braddock Hospital, and that's before the Supreme Court. And I don't think it's the purview of this Council or any member of Council to tell me what I ought to be doing as a councilman when I have a right under Article 1, Section 10 of the Pennsylvania Constitution to seek court redress for what I believe are important causes of action or any cause of action, when in my official capacity ---.

PRESIDENT FITZGERALD: Okay. We're now getting into the motion itself. We're now getting into the motion itself. This is to deal with timeliness.

MR. MCCULLOUGH: Well, that's the reason why ---.

PRESIDENT FITZGERALD: We can discuss ---. If the members of this Council are in agreement, Mr. McCullough, with your motion and they want to discuss it tonight, we can discuss it all night. I have no problem with that. But until that, we're dealing with the timeliness and the ability to pull it from committee, not the motion itself. And I think you want to argue the motion.

MR. MCCULLOUGH: No, I don't want to argue the motion. I want you to pull it.

PRESIDENT FITZGERALD: It sure sounds like it.

MR. MCCULLOUGH: Because if you do and you pass it, there will be a fourth lawsuit. Now go ahead. The motion's made.

PRESIDENT FITZGERALD: All right. We have a motion to pull from committee. Do we have a second? I'm sorry.

MR. RUSHFORD: I would remind Council President that it's a two-thirds vote to pull.

PRESIDENT FITZGERALD: This will require a two-thirds vote for an affirmative --- pulling the motion out of committee?

MR. RUSHFORD: Right.

PRESIDENT FITZGERALD: Motion has been made.

MR. DROZD: Second.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: We have a second.

MR. ELLENBOGEN: Mr. President, can I ask a question?

PRESIDENT FITZGERALD: Yes.

MR. ELLENBOGEN: Are we allowed to talk about explaining why or why not we're going to vote on this?

PRESIDENT FITZGERALD: Again, this is only about pulling it out of committee.

MR. ELLENBOGEN: I'm saying in terms of why we would want it pulled out of committee or not, yes.

PRESIDENT FITZGERALD: Go ahead.

MR. ELLENBOGEN: No. I'm just asking you. I have a point I want to comment on. I just want to know if we're allowed as this thing gets going. That's all.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Mr. Robinson. It sounded like you were ---.

MR. ROBINSON: Yes. Is Mr. Ellenbogen finished, sir?

MR. ELLENBOGEN: Yes. Thank you, Councilman Robinson.

MR. ROBINSON: Mr. President and members of Council, Mr. McCullough indicated that there was a time factor. Now that the motion has been made and there's a second, I'd like to know what the time factor is in dealing with this issue related to other legal actions that he indicates have been taken or are pending. What is the time factor ---?

PRESIDENT FITZGERALD: Mr. McCullough, do you wish to answer that?

MR. MCCULLOUGH: I'd be happy to.

PRESIDENT FITZGERALD: You have a threat of a new lawsuit?

MR. MCCULLOUGH: That's right. There's an appeal before the Superior Court. I have a brief due April 12th, and that's the Save Braddock Hospital. There's been another lawsuit filed on behalf of Citizens to Save Our Community Hospital. An Application for Extraordinary Relief is before the Supreme Court. I'd love nothing better than to see this get on the floor, voted on tonight. I want somebody to tell me I can't do this, because you'll make my cases if you do. Now, go ahead. Make my day. Make my cases.

PRESIDENT FITZGERALD: Let's vote on the ---.

MR. ELLENBOGEN: I just want to comment. I just want to make a point.

PRESIDENT FITZGERALD: Mr. Ellenbogen and Mr. Gastgeb.

MR. ELLENBOGEN: The thing that bothers me about this whole thing is, you know, we're here to do the people's business. And it's my opinion if we can just clear the air and get this out of the way, I think it's best for the citizens of Allegheny County to sense that. You know, for us to be bickering and there to be this internal strife, the people who are hurt the most about this are the people of Allegheny County. And I think if we have an opportunity to just put this one way or the other, I think we ought to do it. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb.

MR. GASTGEB: Yes. Strictly on pulling it out of committee, I think what's important to know --- and typically, we don't talk publicly about cases in litigation. I'm not suggesting that we do. But Mr. McCullough's correct in saying that there are cases involved in litigation regarding this issue. I don't think we have to look beyond today's papers to see that. My question is, and this is to Mr. Rushford, are we putting ourselves at a disadvantage somehow as a County, based on the course of action we have taken as a body, by having this languish? Should we be doing something now that we know there's litigation coming forth? Could you give us your viewpoint and opinion?

MR. RUSHFORD: I think that Mr. McCullough's arguments really, frankly, are in support of the committee examining the different options and different scenarios

that are involved in this rather than making a rash decision, if that makes sense. The committee process is set up to discuss how, you know, such an action, if it were to be taken, what the ramifications would be, which presumably is what Mr. McCullough is speaking to.

PRESIDENT FITZGERALD: Councilman DeFazio, do you have a point of order?

MR. DEFAZIO: Well, there's nothing wrong ---. Look, this is to go to committee. Now, we have a right to say leave it in or do you want to take it out? I mean, there's no big deal about this. If we say it stays here, I don't see what jeopardy is involved with us doing our job. That's our job. I mean, anyone can sue. That doesn't mean you're going to win.

PRESIDENT FITZGERALD: Mr. Futules and Mr. Drozd.

MR. FUTULES: I want to make a clarification to Mr. McCullough's motion because it says individual Council members. I believe that's member. There's no S's. This was sponsored by Mr. Finnerty, and nobody sponsored it. And maybe nobody really wants to talk about it. That's why we really don't want to pull it out of committee, because it's not a discussion as far as some of us are concerned. And that's why I want to clarify that this is a Council member, not members.

MR. MCCULLOUGH: That's correct.

MR. FUTULES: Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. And I believe any Council member has a right to be heard if they want to pull whatever. It's people's business. But I'd like a little more --- for the viewing audience, as well as for some of us, is a little more clarification on the motion itself, you know, the essence of what ---.

PRESIDENT FITZGERALD: The motion to pull or the motion on ---?

MR. DROZD: The motion itself that's in committee.

PRESIDENT FITZGERALD: Again, we can't discuss the motion until the motion to pull. Then we can discuss it at that point. That's just a procedural and parliamentary procedure that we must follow. Okay. Please call the roll on the motion to pull from committee.

MR. CATANESE: Mr. Burn?

MR. BURN: No.

MR. CATANESE: Ms. Cleary?
 MS. CLEARY: No.
 MR. CATANESE: Mr. DeFazio?
 MR. DEFAZIO: No.
 MR. CATANESE: Mr. Drozd?
 MR. DROZD: Aye.
 MR. CATANESE: Mr. Ellenbogen?
 MR. ELLENBOGEN: Aye.
 MR. CATANESE: Mr. Finnerty?
 MR. FINNERTY: No.
 MR. CATANESE: Mr. Futules?
 MR. FUTULES: No.
 MR. CATANESE: Mr. Gastgeb?
 MR. GASTGEB: Yes.
 MR. CATANESE: Ms. Green Hawkins?
 MS. GREEN HAWKINS: No.
 MR. CATANESE: Mr. Macey?
 MR. MACEY: No.
 MR. CATANESE: Mr. Martoni?
 MR. MARTONI: No.
 MR. CATANESE: Mr. McCullough?
 MR. MCCULLOUGH: Aye.
 MR. CATANESE: Ms. Rea?
 MS. REA: Yes.
 MR. CATANESE: Mr. Robinson?
 MR. ROBINSON: Nay.
 MR. CATANESE: Mr. Fitzgerald, President?
 PRESIDENT FITZGERALD: No.
 MR. CATANESE: Noes 10, ayes 5. The bill fails.
 PRESIDENT FITZGERALD: 5460-10.

MR. CATANESE: Motion of the Council of Allegheny County authorizing the Council of Allegheny County to conduct a public hearing pursuant to Article II.G. of the Rules of Allegheny County Council on March 24, 2010, beginning at 5:00 p.m. in the Gold Room of the Allegheny County Courthouse. Council Member Finnerty shall be the presiding officer for such public hearing. Sponsored by Councilman Finnerty.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you, Mr. President. This hearing is going to be about the prevailing wage. And as it said in the motion, it will be the 24th and will begin at five o'clock in this room. Thank you, Mr. President.

PRESIDENT FITZGERALD: So moved. Do I have a motion to ---?

MR. FINNERTY: Yes.

PRESIDENT FITZGERALD: So moved. Do we have a second?

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second. Any discussion? I'm just going to call for a voice vote on this. All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed?

MR. MCCULLOUGH: Opposed.

PRESIDENT FITZGERALD: Please note Mr. McCullough is in opposition. I'm sorry. Mr. Gastgeb?

MR. GASTGEB: I had a question on the public hearing.

PRESIDENT FITZGERALD: Yes.

MR. GASTGEB: Yes. And I don't know if this would go to the presiding officer, the Council President or even to the committee. But at some point in time --- I would assume before the public hearing would be an appropriate time, if we could have, whether it's our Council asking collectively or myself, even, as an individual member --- I would like to have a clear ruling from Mr. Wojcik and Mr. Cambest and Mr. Rushford as to the legality of this bill, point blank, black and white, so we know going into this what the pros and cons are from a legal perspective. And I'll make that address publicly. I'll give the courtesy to whatever officer is here. And if I have to, I'll type a letter myself to the attorneys, with whoever wants to join me. But I think it's an important aspect to have through the fact-finding. If we're having a public hearing, obviously, we're trying to gather facts and discovery. And not to have that important piece is somewhat counterproductive to having a public hearing to begin with. Thank you.

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

MR. FINNERTY: Yes. That definitely will be done, Councilman Gastgeb. We'll have that.

MR. GASTGEB: Thank you very much.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Yes. Mr. Robinson and Ms. Rea.

MR. ROBINSON: I believe Ms. Rea was first.

PRESIDENT FITZGERALD: Ms. Rea?

MS. REA: Thank you, Mr. President. I just wondered if we could also have a list of who do you invite to the public hearing? I was at the committee meeting, and I know who was represented at the committee meeting. But do we also as a Council send invitations for anyone to speak or not? Or it's just a public notice and whoever wants to attend attends?

PRESIDENT FITZGERALD: Well, we could, and we'll give the Chair ---. But I think the Chair would probably allow --- I'm not speaking for him, but anybody who wants to come in and speak. It's an open public hearing.

MR. FINNERTY: Right. It's an open public hearing. Anybody can come. You have to sign up for it.

MS. REA: Beforehand?

MR. FINNERTY: Yes, beforehand. Anyone can come. We're going to have to have, I guess, a solicitor here and a representative from Mr. Cambest's office.

PRESIDENT FITZGERALD: Mr. Robinson and Mr. Drozd.

MR. ROBINSON: Thank you, Mr. President and members of Council. I object to Mr. Gastgeb's request and also to Mr. Finnerty's statement about having someone attempt to render a legal opinion on a piece of legislation that's pending before this Council. That's prejudicial. There is no reason to have our legal Counsel or the legal Counsel for the County to give us an opinion on a bill that has not been passed by this Council. You are prejudicing the situation. If citizens want to come forward and make their comments, that's fine. But to request a legal opinion on legislation that is subject to a public hearing and to interject that opinion into the process, I think, is outside of the rules and not the way we should be proceeding. It sends a chilling signal to people who may be for or against the legislation. There will be plenty of time for the lawyers to weigh in.

The bill was constructed, both bills, with legal input internal to this Council, and it reflects the interests and concerns of individual Council members. If this process is initiated, I'm going to request a legal opinion on every single piece of legislation that comes before this Council before we vote. It would seem to me to be very prudent to let nature take its course, to do what we normally do, to allow people at a public hearing to express themselves and to reserve our own judgment until such time that we are ready to vote or we do vote.

This is, no doubt, controversial. But it's no more controversial than some of the other pieces of legislation that come before this Council, and we have never requested a legal opinion be inserted into the hearing process or that a legal opinion be requested on a piece of legislation that has not gone through the total process of this Council, which includes the possibility of amendment. Thank you, Mr. President and members of Council.

PRESIDENT FITZGERALD: Mr. Drozd, Mr. Gastgeb and Mr. McCullough.

MR. DROZD: I just wanted to comment. On many of these public hearings that we have, we've got to be very --- to make certain ----. I'm not talking the legality factors. I'm talking about expertise. We've got to get the experts in here to one of these meetings that can speak in pros and cons on both sides. I think we really need to make these public hearings, as well as our committee meetings, more robust and to get all sides of all issues. And I think that any Council member should be able to recommend those experts or people that they want to hear. I think that's important. And people from the outside, that they be given the opportunity. You got to make sure that we are thoroughly getting that message out and bringing people that really have expertise. People will speak on a motion. They have a right to do that. At the same time, we need to get people in here that are experts in this area and can speak on the pros and cons on any issue, any issue in any committee that goes before the County.

PRESIDENT FITZGERALD: We want people to know, March 24th is the day, and everybody is welcome to come. They're always welcome on all issues, people coming to speak. Councilman Gastgeb?

MR. GASTGEB: Yes. Just to respond to Mr. Robinson. And I guess, you know, my viewpoint is more of a timing issue, and I'll try to recollect accurately. When we had our debate on smoking, you know, we had a public hearing, maybe even more than one. I'm almost positive that we had a ruling on the legality of the smoking before we voted. Now, it could be a gray area if it was right before the public hearing or slightly after. When the administration brought forth a proposal to combine the Sheriff's Office with the County Police, we also had, I believe, a legal opinion at about the same time we had a public hearing. So I don't think

historically it's been any different. If we do get a Solicitor's opinion, we don't have to broadcast it.

And I will agree with Mr. Robinson on one aspect. Maybe the County Solicitor would be on his own schedule or maybe with a majority or even with the Executive, but I think our Solicitor is our Solicitor. If we want to get an opinion today, tomorrow or next week or whatever, whether someone thinks it's prejudicial or not, that's up to their opinion. I don't think it's out of order to work closely with our own Solicitor regarding that. I also don't have a burning desire that it has to come out before the public hearing. That's fine. Certainly, it has to come out before we vote in some fashion, I'm hoping, from both Solicitors. But I'd like to work in a very deliberative fashion with my own Solicitor, because quite frankly, I'm tired of going through lawsuits. Just go through the last four years here. There's lawsuit after lawsuit after lawsuit for County ordinances and County laws. A lot of times they were overturned or changed. So I would like to get through. People could vote the way they want, whether they think the Solicitor's opinion is accurate or not. But to have it as part of the package is what I'm talking about. And we can argue about the timing of that package, but I do think it's an important aspect. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, Mr. Ellenbogen and Ms. Rea.

MR. MCCULLOUGH: Bill, first of all, I beg to differ with you as far as precedent. I recall the essential services fee, and you said you wanted one of Mr. Rushford's colleagues over in committee and got an opinion two years ago that killed it for about two years. And then we went through the process back in October of passing it unanimously. And then we got an opinion after we passed it, telling us it was illegal. Now, it would have been real nice if we would have had that opinion before we acted on it a second time. The other thing is, I'm just about to the point where I'm going to suggest we have a legal note with some of these things, just like we have a fiscal note, because I think it behooves all of us. It's helpful to all of us if we know something is legal before we vote on it.

The other thing I would point out is I don't think we ought to view a legal opinion as any more significant than an economist's opinion or labor's opinion

on this or industry's opinion on this. I would hope, if you're going to have a public hearing on this, we're going to have people from all walks of life. Some of them are going to stand up and say it's legal. I'd like to hear from some labor law experts in this area. I'd like to also hear from some economists in this area. It's something else that I think we need to make our decision. Whether you want to broadcast that opinion prior to the public hearing or circulate it internally, I sure as heck think we ought to have it, because time and time again, and I've been preaching this since I got here, you're passing things without knowing whether or not they're legal and you're asking the courts, and frankly, me by some of these lawsuits and decide, and that's not the way to do business.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Wait. Mr. Ellenbogen, Ms. Rea and Mr. Robinson. Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. I guess from my perspective, I would like to have the public hearing first without any opinion at all. I say this because --- let's gather the kind of information that we need. We don't really know who's going to speak yet. You may have some legal labor attorney speak. You may have some attorneys from various walks of life who understand this kind of law. The point I'm saying is this. Once we gather all the information, and then if you want to ask for a legal opinion ---. The fact that we have all this new information, if it is deemed to be illegal, the road that we're going, somebody may have something to say during that public hearing that can lead us down another road and take another route around it.

And that's my point. To go in there with the opinions first, I kind of think narrows our perspective, closes our minds a bit. We get all the information from all walks of life and the types of people, again, who do speak. And then they render a legal opinion that the way we're going is not right. Then there's a possibility that because we might have got some ideas from other people, that we can go a different route. And that's my point. I think Councilman Robinson is right on the money with this. Thank you.

PRESIDENT FITZGERALD: Councilwoman Rea and then Councilman Robinson.

MS. REA: Thank you, Mr. President. The issue I find confusing about this is, you know, we're almost threatening each other with what information we're allowed to have before we have a public hearing or what information we were not allowed to have. Mr. Gastgeb, he simply asked a question. He wanted an answer to a question from people who, I think, are supposed to give us the answers to questions that we have. I don't think he asked anything out of order. And as far as threatening that for every piece of legislation, I want a legal opinion, well, that would be fine with me. I'm not a lawyer. Some people may put some faith in a legal opinion, some people may not. But as a Council member, if I have a legal opinion on every piece of legislation or on any issue, that is my right to ask for it. And I do find it rather offensive that someone would threaten another Council member, because that's all they asked for.

PRESIDENT FITZGERALD: Mr. Robinson and Mr. Futules.

MR. ROBINSON: Thank you, Mr. President. As you know, members, I'm a stickler on process and procedure. And so I welcome this particular debate, and I'm glad Mr. McCullough brought up this point. Respectfully, Mr. McCullough, I would indicate to you that as you know, I was one of the few sponsors on this Council of the essential services bill. And I say that to put some content into your concern about whether I did or did not ask for a legal opinion. In the Budget and Finance Committee --- the essential services bill was in the Budget and Finance Committee. I never asked Mr. Rushford or Mr. Cambest, ever, since I've been a member of this Council for an opinion, a legal opinion in a committee meeting. Never. And I'll stand by the record. In fact, I have been very adamant that members not do that in committee. I've asked Mr. Rushford and Mr. Cambest to spread some wisdom, yes, I have.

MR. MCCULLOUGH: And they've discussed the bill.

MR. FINNERTY: We're cutting a rug now.

MR. MCCULLOUGH: You don't want to make that argument to me.

MR. ROBINSON: Let me finish before you break into laughter.

PRESIDENT FITZGERALD: Mr. Robinson has the floor.

MR. ELLENBOGEN: Is this bill ---?

PRESIDENT FITZGERALD: Mr. Robinson has the floor. Hold on. You'll get your turn. Mr. Robinson, continue.

MR. ROBINSON: The reason I have asked Mr. Cambest and Mr. Rushford for wisdom was to accommodate members who felt there was an urgency in interjecting a lawyer and a legal opinion, with a capital O, into a process, an internal process of Council where we're not taking verbatim minutes and where that attorney, even if he or she gave their opinion, it would have no weight in the committee. I believe that the legal opinions that we're talking about have to be in writing. I believe that the only person on this Council who's eligible to request a legal opinion is the President. And I'm on record as saying that.

Now, to editorialize, you cannot have 15 members asking Mr. Rushford, Mr. Cambest or Mr. Wojcik for a legal opinion because you might get 15 different answers. That destroys the integrity of our process. Now, we don't have a rule that says only the President can request a legal opinion. I wish we did, because I think this legislation is going to really test us around this issue of legal opinions, who's right, who's wrong. But it should be clear. I do not believe that legal opinions should be secured verbally in committees. I will never request one in writing in the Budget and Finance Committee. I believe that kind of business should go through the President, should be handled internal and should be in writing. And every single member should get the same opinion from the same person. That's the first point. And I say it with all due respect to Mr. McCullough.

Also, if we're going to have clarity, then I would hope that the presiding officer would give us all clarity before we start into this budget hearing to tell us what the rules are and to tell us who's going to be the person that determines when those rules are in effect. Otherwise, I think we're going to have chaos. And what Ms. Rea has said is going to turn into a more contentious and bitter debate than what we're already destined to have.

I don't mind a debate. I don't mind the bitterness. I don't mind the disagreement. And very frankly, if my colleagues don't believe that we should pass the prevailing wage bill, I'll side with the majority when the battle is over. But I don't want this battle

weighted either way for those who are for or against. And I don't want our constituents to think that we don't have enough integrity to listen to them and vote our conscience. Some of us have perhaps already made up our minds. That's fine. Some of us haven't. But I don't think we ought to use the legal expertise of a county at this point, in support of or against the bill.

My bill, along with the bill that Councilman DeFazio and Councilwoman Cleary introduced --- Dr. Martoni and Councilwoman Green Hawkins put up a bill with me. We haven't been advocating for those bills. I promised I wouldn't advocate for my bill, and that's still my promise. I honestly believe that this issue is contentious enough and divisive enough that this Council ought to just sit back and listen. And when it's time to get the legal opinions, let's go into executive session, let's get a legal opinion and let's all get the same opinion at the same time. Let's vote up or down. That's all I'm asking, is fairness. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: I practically forgot what I was going to say.

PRESIDENT FITZGERALD: Do you want to come back? We have a few people that are in line here, so ---.

MR. FUTULES: I'd like to go right back to the beginning when Vince asked for a legal opinion. I think he has the right to ask for it. I think it should be internally because quite frankly, between you and me, Vince, I've already asked that question in the committee process, and/or staff members, and I've gotten some answers, but I'm keeping it to myself.

PRESIDENT FITZGERALD: Well, let me say this because we're getting off subject, you know, obviously, on the legal opinion, and I know both sides seem very passionate. This bill is not going to be voted on tonight. This was just a motion to hold the public hearing. And I guess we can talk about it, if we want a legal opinion, prior to the public hearing. But the whole legal opinion issue, I think it obviously could be done in committee. But we'll continue. Mr. Finnerty, Mr. Drozd, Mr. Gastgeb and Mr. McCullough.

MR. FINNERTY: Thank you, Mr. President. Personally, I believe that a Council person up here, any of us, has the right to ask for a legal opinion. I think you'll find that if I asked a legal opinion from our

Solicitor, that as Chairman of Economic Development, it will be shared. And if you ask an opinion from Mr. Cambest, then you will get the same opinion. They do have copy machines, I'm pretty sure, in their law office. So I don't think we're going to get different opinions unless you go to a different attorney. And like I said, I think it is imperative that people have the ability up here to seek a legal opinion without, shall we say, going through the Chairman or without going through the President. That's been done before, and it will be done again. People have a right to know. And I agree with Councilwoman Rea on that. Thank you.

PRESIDENT FITZGERALD: Councilman Drozd.

MR. DROZD: Thank you, Mr. President. I understand my colleague, Councilman Robinson, in many ways, but I agree with Councilman Finnerty, Councilman Gastgeb and Councilwoman Rea and others, that we all have a right to go and seek legal opinion. The County Solicitor, Mr. Wojcik, just told me we have 43 attorneys on staff, 10 of which are committed to the general background. The others are committed to human services, is what I understand. We pay healthy fees to Mr. Cambest. We have a very credible and competent --- who I and many of you ask questions of Mr. Barker, who does an outstanding job.

So I think it's a right to know, and it's part of the process. And I think we have to seek that legal --- and any of us have a right, as it was pointed out here, to go directly and seek that advice. It shouldn't go through any chair. It shouldn't go through the President, in all due respect. They are incredible people. But any one of us represent the people of Allegheny County, and we have a right to seek all or any information to come to a final decision, and that includes legal advice. So I stand very firmly on that. Thank you, Mr. President.

PRESIDENT FITZGERALD: And again, you know, we can go round and round on this, and maybe this is really something --- if Council wants to have a rule --- and I don't think we have one at this point. I mean, we, the last ten-plus years, existed on, you know, if people asked for legal opinions, they were able to do it, sometimes through the Chair, sometimes not. Maybe this is really something that, as a Council, we ought to take a look at and determine a rule that we might want to have, whether

it goes through the Chair, whether it's done when the bill is introduced, whether it's done at final passage, et cetera. So again, we're getting a little off subject, because this is about the public hearing on March 24th. But I mean, I'll let everybody speak, but I just want to --- maybe that might be a more appropriate venue to do so. Mr. Gastgeb.

MR. GASTGEB: Yes. Thank you. I'll clarify my remarks, again, that I believe I said the public hearing is on the 24th, but the whole detail that we need to do, a legal opinion has to be somewhere in that mix. Now, I would agree with Mr. Ellenbogen. Does it have to be done before the 24th? Well, no. And even if it was, I don't think anyone is going to broadcast it and somehow that would make the whole public hearing different because we know what an attorney might have said or not said. But what my biggest, I guess, directive is is do you want a public --- do you want a Solicitor's opinion before you vote on this? I'm going to probably say most of us are going to say yes, we probably do.

And I think that the sooner we have it after the public hearing, shall we say, the better it's going to be for us to digest it, ask questions. I would think there would be a collective approach to asking the same question, at least to our own Solicitor. I mean, maybe it gets to the County Solicitor. But I think we need to have it as part of the due diligence of what the public hearing is going to bring. Yes, we're going to have people give us pros and cons at the public hearing. But shortly after that, we should be able to digest all the information in a collective --- hopefully as a collective body. So that was my point. So do you want --- do we want a legal opinion on this issue? Well, I know I do. So however I need to get that forth to Mr. Rushford or Mr. Cambest, I'll do that, with the President or whoever. But we need to have that.

I think to a certain extent, without pointing any fingers, we've had issues that are borderline legality, shall we say, that maybe the legal opinion comes at the 11th hour or the Friday before the Tuesday meeting or maybe on the Tuesday meeting. I'm not saying that's going to be the case this time. But what I can tell you is, the littlest thing provides lawsuits by anyone who lives in this county. The biggest things certainly will. I just don't want to be before a county judge, a

Commonwealth judge without having the backing. I think attorneys put their names on the line. Black and white, this is what I think. It goes up along the line of appeal for that. But we have to have that. You can vote the way you want, whether you think that a Solicitor's ruling is impactful or not to you. But to have it as part of the package is my point. The timing, I think, you can work on. That's fine. But we need to have it as part of our overall deliberations. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, Ms. Green and Mr. Ellenbogen.

MR. MCCULLOUGH: You know, I can't get an opinion when I want it. I'm told that if I want an opinion from the County Solicitor, I have to go through the clerk. So it's not like I can call somebody up on the phone and say, hey, give me an opinion. I've also been told by --- and John, you correct me if I'm wrong --- that I've been told by Jack, if I want an opinion from him, that I need the authorization of the majority of Council. Quite frankly, I think that's very frustrating. When I was County Solicitor, some of you, on both sides of the aisle, would call not only me but other --- of the people in the County Law Department and got opinions whenever you wanted it.

I don't think that opinions ought to be elevated to the stature of the Ten Commandments. They're only opinions. Okay? It's a part of the information. The only concern that I would see about opinions is if somebody gets an opinion and they try to jackpot the rest of Council. In other words, you spring it on them at the last second and say, oh, I got something from the County Solicitor, or oh, I got something from Mr. Rushford's office. And I don't think we're talking about that here.

I think we should have access to our advisors, like we did when I was County Solicitor, like my municipal clients have had in the past, and like we do other advisors that we've got. It's part of the decision-making process. John, you're very famous for saying, if we're wrong, the courts will tell us. And I think sometimes we decide, well, we don't need an opinion and they say, we can't do it. But for a strategic reason, for a public policy reason, we're going to challenge it anyhow. And I think it's important to know that going in.

And the other thing I don't think you want to do is have a public hearing, get everybody's expectations up

that, yeah, yeah, yeah, we're going to do this, just like we did with the essential services fee. That passed unanimously. We thought we had that, see? And then all of a sudden, Rich --- you know, an opinion came out of the air. You asked for it. You'd have to get a vote of Council for the rest of us to do it. You did it on your own. And all of a sudden, boom, it went down. I think we want to avoid that happening again. Wouldn't it be helpful if we knew going in, there's a legal issue here, also to say how can you address the legal issues? You know, most legal issues aren't black and white. They're shades of gray. So there may be a way to craft this statute to get around the legal issues that are there. And I think that's important to have that kind of public discourse.

But let's not stick our heads in the legal sand and say, we don't want an opinion, we don't want to know, get everybody coming out of the public hearing all fired up, and then put it on one of these Solicitors and say, you know, you can't do that, you've got to go back to the drawing board.

PRESIDENT FITZGERALD: Councilwoman Green and Mr. Ellenbogen.

MS. GREEN HAWKINS: Thank you, Mr. President. I just wanted to caution my fellow Council members when we're talking anyone being able to get a legal opinion. Councilman Robinson does have a good point when he says that we could get 15 different answers. It's not as simple as just copying someone's opinion and giving it to the next person who asks. It's all dependent upon how the issue is framed. I'll frame the issue one way. Councilman Burn will frame it another way. Councilwoman Cleary will frame it another way. So unless we're going to each share the opinions that we get so we can see the nuances that make it yes in this case, no in this case and maybe in this case ---. I think Councilman Gastgeb had a good point when he said that we ask one question. We can agree on one question and get an opinion on that. Otherwise, we're in for madness and mayhem. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen.

MR. ELLENBOGEN: First of all, Mr. President, I'd like to thank you for your ability to coordinate all this and keep it on a civil level. I don't think the public realizes what you have to do dealing with 14 other warriors, as we would say, and keeping it very civilized.

I'd like to try to expand a little bit on what Councilwoman Green Hawkins said. I'm not used to saying her ---. I keep wanting to say Green, so my apologies. But let's talk about this issue at hand. We're talking about labor and we're talking about law. Councilman McCullough is an attorney. Councilwoman Green Hawkins is an attorney. Councilman Burn is a very proficient attorney. There's nobody in this County who knows more about labor law than Councilman DeFazio. Councilman Finnerty was a president of a union. Councilman Macey was an officer in the union. There's no one on this Council who knows more about legislation and government than Councilman Robinson. He was teaching me when I was a pup.

In this particular issue, you have this vast knowledge of legal opinions, of legislative ability and of union ability. Now, what I'm saying here --- what I would like to see done here --- we're a legislative body. We're not an executive body. We're a body of a unified decision of how we all think. What should happen here is we should all talk. Let the labor people on this Council give their opinions, the legal people give their opinions, the merchant people have Councilman Gastgeb and Councilwoman Rea, who understands business probably more than most of us --- I forgot Nick, who owns half the County. Put all those opinions into one barrel. Let us all talk.

And then allow our President to take all this knowledge and put this question together so that not only do we not drive the Solicitor out of his mind, but to come up with a comprehensive, informed, educated and the best question we can come up with. We have that ability right here, and that's my point. As a legislative body, I think that's the way to go. I think it's the fairest way to go. I said you were a mean President. I didn't forget. I mean, if you really look at it from a common sense issue and you look at it as we are a legislative body, I think that that should all be put together. As our President, let him decide the best route to go. That's why we elected him the President, because he has that skill. Thank you.

PRESIDENT FITZGERALD: Let's call the roll on this vote. I'm sorry. Mr. McCullough, you want one more round?

MR. MCCULLOUGH: I want another word. I want to follow up on what Jimmy was saying. The easy way to deal with these other weighty issues we've got is to go to the

Solicitor. I mean, obviously, the best way to do it is if we all weigh in and can have an authorization with one opinion that we could get. I don't think that should ever deny any of us to talk to one of our legal advisors informally or what have you. But the real easy thing is, is this particular bill legal? If not, what are the issues that make it illegal and how can it be cured? Then we get past the issue of having 15 opinions and 15 framed issues. That's the easy way to do it. I think if we would see that, at least before we vote, then I'm fine if you want to go through the hearing process, as long as we caution people that we haven't done a legal review. But before we vote on something, is it legal? If not, why not? And how can it be changed to make it legal? Very simple.

PRESIDENT FITZGERALD: I know we did a voice vote. We did a voice right; right, when we approved this?

MR. CATANESE: Yes. It was 14 to 1.

PRESIDENT FITZGERALD: Without objection --- and if we want to do it again, because we had more discussion --- or no? Nobody wants to revisit it. So the issue is not the hearing. I think everybody's in agreement on the hearing. The issue is when and if and whenever we get a legal opinion and on which bill, because there's a couple bills. There's a lot of amendments and there's a lot of things floating around on this particular ---. So the public hearing will be on March 24th at five o'clock. Mr. Finnerty, Chair of Economic Development, will be presiding. Everybody in the County is welcome to come down, sign up, testify and voice your opinion. Notification of contracts.

MR. DROZD: I have a motion I want to introduce.

PRESIDENT FITZGERALD: You have a motion, Mr. Drozd?

MR. FINNERTY: A notification?

PRESIDENT FITZGERALD: No, no, no. He has a different motion; right?

MR. DROZD: Yes, sir. I'll just comment very quickly on this. This is one that I brought up before. It's about the use of Authority public money to pay lobbyists. I had it in committee once before, and I'm going to bring it up again because I specifically noticed in the Port Authority's minutes that were sent to us, they put up an increase to utilization of paid lobbyists. And

that's approximately about \$1,000,000 and whatever have you.

And the point is that these monies are paid from public monies. People that put coins or dollars into those boxes --- and I feel that it's very unnecessary to be paying lobbyists when we have good legislators throughout our system that should be doing this on behalf of their constituents. And I, for one, and many of my constituents, are really not happy about this.

It says, too --- we talked about legalities. If we look at what is specifically allocated to the Port Authority through the Pennsylvania Statutes in 55 Pennsylvania Statute, 553(b), the Authority is vested with the power to enter into contracts, and that's just for convenience in carrying out its business. There is no hint that the Authority's power was intended by the General Assembly to encompass contracts for lobbying activities. It explicitly provides that the Port Authority was created for the purpose of planning, acquiring, holding, constructing, improving, maintaining and operating, owning, leasing and whatever have you. But there's nothing that provides that they can pay lobbyists.

And I, like a lot of my constituents, are very, very not pleased with the fact that when they're going to be going over budget this year and they've said they're shy of funds and whatever else may have you, that it's not right that they should be putting public monies or tax dollars that we give them --- even though we give them tax dollars, they say, well, it's not tax dollars, it's public money. Well, they need less money from us, that we should be using on our roads and systems and such.

If I was a legislator, I'd be very, very insulted to think that I couldn't do my job in lobbying on behalf of my county. And I would ask any legislator out there, if they don't think that they're competent to do so, I'd like to hear that from them if they don't feel they're competent to lobby on behalf of our county to bring monies to this County. And by the way, the Port Authority even pays a legislative liaison very handsomely to do that liaison between legislators.

So I want this put in committee right now, Mr. President, and I'd like to discuss this in depth. I'd like to examine it as far as the legalities of this, and I'm going to, to see if it's allowed for in the statutes. And what we read and what I was told, it's not

specifically in the statutes. There are a lot of questions here. And if you'd ask any of our constituents if they want that money that they put into the box put towards lobbyists, or do they want it towards services within the Port Authority, you know what the answer is going to be. The answer is going to be I want the services. And we're talking in excess of \$1,000,000 or whatever. It's close to \$1,000,000 or more that's paid every year to pay lobbyists. And this is not right and it should stop now. Thank you, Mr. President. I look forward to discussing this in committee. And thank you. And I apologize.

PRESIDENT FITZGERALD: Let me ask the clerk, if this was not on the agenda this evening, we have to read at least the title for this ---

MR. CATANESE: Title of it, yes.

PRESIDENT FITZGERALD: --- so that we can place it on the agenda and then move it to committee? And we'll do that, Mr. Drozd, and move it to committee. And since I'm seeing it for the first time, let me think about which committee and I'll make a ruling on that within the next day or two.

MR. DROZD: Thank you, sir.

MR. CATANESE: Urging the Port Authority of Allegheny County to take certain actions pertaining to proposed or enforced lobbying contracts.

PRESIDENT FITZGERALD: Thank you. It will be referred to committee. Mr. Macey, do you have a comment? I'm sorry.

MR. MACEY: Yes. Thank you, Mr. President and members of Council. First of all, I don't think it's our position to micro-manage the Port Authority. Lobbyists, it's a very noble and essential part of communicating one's position, whether it's a cause or a company need or something we need in our State. For the \$2,000 to \$3,000 that we may spend on a lobbyist to leverage, say, \$25 million, I think its good money well spent. And in our situation in Allegheny County --- you've read it in the newspaper. I'm not making any new headlines here. There's going to be a \$25 million to \$30 million shortfall next year. And the year after that, it may be as high as \$50 million. So if we don't toll Interstate 80, if we don't have lobbyists lobbying our Congressmen --- because let's face it, not all of our Congressmen and not all of our State Representatives are well informed on the issues.

So lobbyists are essential, and I think this is foolhardy on my colleague's part.

PRESIDENT FITZGERALD: Mr. Drozd, just briefly, and then we are going to go ---.

MR. DROZD: It always is our job --- when there's a tax dollar put in any authority or anywhere within this County and any government agency, it's our job to do good steward. That's what we're here for and that's what we're supposed to do. And secondly, if you look at the proof of the results of what they got, they got a tunnel that's under the river that's going nowhere.

PRESIDENT FITZGERALD: Don't discuss the tunnel.

MR. DROZD: The Wabash Tunnel and on and on and on. Thank you, Mr. President. It doesn't yield any results.

PRESIDENT FITZGERALD: Notification of contracts. 5461-10.

MR. CATANESE: Communication from County Manager Jim Flynn submitting a summary of Executive Actions relating to contracts for the months of December 2009 and January 2010. Sponsored by the County Manager.

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

(Chorus of motions.)

PRESIDENT FITZGERALD: Moved. Do I have a second?

MR. FINNERTY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Public comment --- I'm sorry. Mr. Ellenbogen.

MR. ELLENBOGEN: Can I ask the County Manager to come up to the podium?

PRESIDENT FITZGERALD: You may. We'll bring Mr. Flynn up. We haven't heard from him for a while. Always glad to be enlightened by our County Manager. And again, good job on the snow. I know we did this two weeks ago, but it has not abated, our emergency. And we look forward to continued work by your department.

MR. ELLENBOGEN: Mr. Flynn, I called you up here because I wanted the camera to see you.

PRESIDENT FITZGERALD: Mr. Ellenbogen, I don't think that's proper parliamentary procedure. I know he's a good-looking guy, but this is ---.

MR. ELLENBOGEN: Well, it's St. Patrick's Day. You need to come up here. If you're Irish, you start March 1st. It's the whole month. No. I've called Mr. Flynn up here because, you know, I am a former emergency guy and a former Public Works guy. And Mr. Flynn is the center of the County football team. And what I mean by that is you never notice him until the ball goes over the quarterback's head. That's the only time you notice the center on a football team, when he misses a block and the ball goes over the quarterback's head.

MR. FINNERTY: I can't wait to see where this goes.

MR. ELLENBOGEN: The point I wanted to get across is that for the last three weeks, this County has been under siege with weather. And you know, there's been other government entities that have taken a lot of heat in the news media. I have not heard one negative thing about Allegheny County's Emergency group, Public Works group, anything, Human Services group, Seniors group. And this is a credit to your leadership. The fact that nothing's been said is a fact that you've done a stellar job. All that coordination doesn't happen by itself, because anybody that understands county government --- and you know I have extensive experience working in county government --- it comes with some leadership. And that leadership was provided by you. And I think that you deserve the County's thanks for the things that we didn't hear that were negative, because everything ran smoothly. And nothing negative was done, and I think that's a credit to you. And I wanted to publicly thank you, and I wanted the people to see you. I think he's a handsome guy. Come on. Look at him. Thank you.

(Applause.)

MR. FLYNN: Thank you for your kind words, but I can't take credit for any of that. I think we've got Public Works directors, Emergency Service, Bob Full. We've got County directors that are --- I'm very proud of them. I hope --- them up against any other entity. And it's not just the folks that you saw. We had employees volunteering to stay over at the Shuman Center, at the Kane Hospitals. Dennis Biondo, the Director of Kane Hospitals, went out during the snowstorm to pick people up to take them to work. So it's not just the groups you mentioned. But I'm very lucky that they make me look good, which isn't an easy thing to do.

MR. ELLENBOGEN: Well, your leadership, I mean, was quite clear to me. And the fact that you coordinated all that and the fact that you have the ability to tell a good staff and put that all together is a credit to you. And I thank you, and I'm sure the people of the County do thank you. And I'm sorry to embarrass you like that, but I had to take my shot.

PRESIDENT FITZGERALD: And at the appropriate time, we would like to bring some of those folks in and recognize them. But since we're still truly in the middle of this emergency --- Mr. Burn and Mr. Macey, from the Allegheny River down to the Monongahela River, we're not out of this yet. We have a lot of doozies coming up, and I'm glad we have professionals that really --- as Mr. Flynn mentioned, the directors on down, have really made us all proud to do what we do as elected officials. Thank you, Mr. Flynn.

MR. FLYNN: Thank you.

PRESIDENT FITZGERALD: Now our speakers. We have five speakers this evening, beginning with Mr. Lester Ludwig. Mr. Ludwig, if you would come and state your name and address for the record, please.

MR. LUDWIG: My name is Les Ludwig. I live at 6589 Rosemoor Street in Squirrel Hill. And information came back to me. I don't know whether it's accurate. I don't have anybody to assess it. And that is that my proposal to bring money to the County didn't necessarily meet with approval higher up the line, whether it's Mr. Flynn or Mr. Onorato. I'm not quite sure. So therefore, I'd like to have the opportunity to make the presentation to one of these people so I can at least have a fair decision made.

I'm going to turn to --- and by the way, thank you all for your very warm welcome this evening. I want to turn to something that I'm not an expert in, but I come to you as a citizen. And I found the following. If I drive and watch, where are the potholes? Most of them, they're at the seams where the sections come together. Is there something being done wrong technologically, Mr. Ellenbogen? I don't have the ability to judge that. Number two, I went up to the Chief Engineer of the City of Pittsburgh during the Murphy administration and said, why are we paving where the cars are parked? There's no wear there. And he said, well, there's no reason. He said, it's just custom and practice. We pave across the entire

street. Well, maybe we should only pave two of the four lanes and do double the distance. I pose it as a question to you because I don't have the expertise.

Lastly, how many of us in this room --- ask yourself the question --- have driven on a scarified surface for weeks, waiting for the paving crew to come and finish covering it? What's wrong with riding on it if it's in good condition? And take the money and put it to other uses that are so desperately needed here in the county. And do more of the roads, even though we don't know --- as I thank you for your comments earlier --- that we don't know. But that we do know that we're not going to solve the problem totally. So therefore, how do we work at the problem? How do we go about trying to solve that problem, address the area of wisdom? I don't think I'm so wise, Mr. Robinson. But thank you for the comment.

PRESIDENT FITZGERALD: Thank you, Mr. Ludwig. Joylette Portlock? Ms. Portlock, if you'd state your name and address for the record.

DR. PORTLOCK: It's Joylette Portlock, and I am with Citizens for Pennsylvania's Future, PennFuture. Do you want our address or my personal address?

PRESIDENT FITZGERALD: You can give the organization's address. It's fine.

DR. PORTLOCK: It's 425 Sixth Avenue, Suite 2770, 2-7-7-0, Pittsburgh, 15219. Okay. Well, good evening. Thank you all for your comments here today. I'm Dr. Joylette Portlock, Western Pennsylvania Outreach Coordinator with Citizens for Pennsylvania's Future. We are a statewide public interest environmental advocacy organization with offices in Harrisburg, Pittsburgh, Philadelphia, West Chester and Wilkes-Barre. PennFuture's purposes include advocating and litigating to protect public health and environmental quality across the Commonwealth. We've always worked on air quality.

And in the fall of 2009, we launched a campaign called Breathe Easy, Stay Healthy, focused on air pollution in southwestern Pennsylvania, specifically. PennFuture appreciates the work that the Allegheny County Health Department has put into creating the long-awaited, federally required implementation plan for the Liberty-Clairton area, detailing how the area plans to achieve levels of fine soot pollution, called PM2.5, that are consistent with Federal health standards.

However, we have several serious criticisms of the plan put forth by the Health Department. Despite vast improvements since the 1970s, Allegheny County as a whole still has some serious air quality problems. This is not news. And in 2009, the American Lung Association rated the air in the Pittsburgh Metropolitan area worst in the nation for day-to-day levels of fine soot pollution for the second year in a row, largely because of the poor air quality in and around Clairton. These fine soot particles are so tiny, the width of each particle is only a tiny fraction of the cross-section of a human hair, that they bypass the body's normal defenses and can penetrate deep into the lungs. As fine soot levels rise, there are more asthma attacks, hospitalization for asthma and increased emergency room visits for lung problems.

PennFuture, along with GASP, travels to an area between the Clairton coke works and the monitors in Liberty Borough, and met dozens of families that are being affected by this pollution and whose air quality will not be guaranteed under the plan put forth by the Health Department. Almost every resident that I spoke with, including parents of young children, grandparents and a few people who were planning to be here today but were unable to make it, expressed no surprise that their air quality does not meet the Federal standards. This is an issue they live with every day, and person after person related the stories to me, the odor, the film that's left on anything left outside, and the respiratory health problems that they've suffered for generations. Some residents have endured this air quality problem for decades. It is not justified nor is it legal for the Health Department to insist that the plan protecting people successfully. I hope that County Council will weigh in on this important issue and insist that Allegheny County Health Department remedy this. Thank you again for letting me talk.

PRESIDENT FITZGERALD: Thank you, Ms. Portlock. John Novobilsky? If I saying that right. Novobilsky? I don't see him here. Chris Popovich? Is Mr. Popovich here this evening? And our final speaker, Mr. Joseph Osborne. Mr. Osborne's here. Ms. Osborne, if you would come forward and state your name and address for the record, please.

MR. OSBORNE: Hi. I'm Joe Osborne. I'm with Group Against Smog and Pollution. It's 5604 Solway

Street, Suite 204, Pittsburgh, Pennsylvania, 15217. Like Joylette, I'm here to talk about the State Implementation Plan for the Liberty-Clairton area. I'm the legal director against smog and pollution. Basically, a State Implementation Plan is a strategy that's required under the Clean Air Act to clean up pollution in areas that fail to meet the EPA's health-based air quality standards. Liberty-Clairton is one of the areas that fail to meet the health standards, and it's mostly due to emissions from U.S. Steel's Clairton Coke Works.

As you know, the air pollution in Liberty-Clairton is a large part of the reason that the Pittsburgh Metro area keeps getting the honor of worst air pollution in the nation in the American Lung Association reports. While it's popular to attack this report or simply deny that we have a problem, the undisputed fact is that air pollution monitors in Liberty and Clairton consistently measure some of the highest fine particle pollution concentrations in the country. And by the way, these aren't monitors right next to the smoke stacks. Those are located on top of schools. The pollution problem in Liberty-Clairton is an unfair burden for the area's residents, who must contend with a variety of additional health risks as a result. And the bad press associated with our air pollution problem continues to hold back our region's development. So it's critical that we address the Liberty-Clairton air pollution problem quickly and effectively.

GASP and PennFuture have looked at the Health Department's proposed plan, and it simply won't do the job. Liberty-Clairton was supposed to meet with the new PM2.5 standard by 2010. The Health Department doesn't plan to meet this standard until August of 2015. That means the plan will be late, even if the EPA grants the County the maximum deadline extension that the Clean Air Act allows. Further, even after the plan is fully implemented, the Health Department's own models indicate the large area near the Clairton Coke Works still exceed EPA standards for healthy air. And we have identified at least 80 families living in that area. So the Health Department's plan would force residents of Liberty-Clairton to spend over five additional years breathing air we know is unhealthy. And even after that, at least 80 families would be expected to continue breathing unhealthy air indefinitely.

The EPA standard isn't just some abstract number. So long as we continue to exceed the standard, we'll see additional cases of childhood asthma, additional heart attacks, additional premature deaths. These are all very real and there's grave consequences for failure to act. And it's all completely avoidable. So we're here today to ask for this. The opportunity is going to come before Council to approve the regulatory changes that are required as part of this plan, the changes to Article 21. If the plan still contains the flaws that we've outlined tonight, please condition your approval on a commitment from the Health Department to alter the plan so it meets the health standards promptly and guarantees health to all residents of Liberty-Clairton. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Osborne. That's our last speaker this evening. Do I have a motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 6:39 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. Quigley