

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
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, July 6, 2010 - 5:00 p.m.

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

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: We're going to call the meeting to order. If everybody would please rise. Welcome to the Tuesday, July 6th regular meeting of Allegheny County Council. I am going to ask DeShawn Squires, a 12th grader at Penn Hills High School, Jordan Lee, who's going to the University of Pittsburgh next year, Iman Wilkerson, going into the 12th grade, and Christina Roberson, going into the 11th grade at Penn Hills High School, to lead us in the Pledge of Allegiance, and then if you would 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?
MR. BURN: Here.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Present.
MR. CATANESE: Mr. DeFazio?
(No response.)
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?
MR. MCCULLOUGH: Present.
MR. CATANESE: Ms. Rea?
(No response.)
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Present.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Here.

MR. CATANESE: Thirteen (13) members present.

PRESIDENT FITZGERALD: Proclamations/
certificates. 5748-10.

MR. CATANESE: Certificate of Achievement
honoring the Penn Hills High School girls' track and field
team for winning the PIAA Class AAA Championship.
Sponsored by Councilman Futules.

PRESIDENT FITZGERALD: Councilman Futules.

MR. FUTULES: Congratulations. Your
accomplishments on the track team overall is a great
accomplishment, something that you'll be able to recognize
for the rest of your lives, not just today, not next year.
But someday you'll be my age, and you'll be able to tell
your children and your grandchildren your accomplishments.
I'd like to tell you a little story, because I'm better at
telling stories than giving speeches.

Back in 1969, I also held a record. My record
was the most --- the highest yards per carried average in
the county for football. Since that day, that record has
never been broken, but it came after ---. One day as a
junior, I was the defensive end for the football team, and
the coach decided to put me in as a quarterback. I took
the ball and I realized there was nobody to hand the ball
to. I ran 76 yards for a touchdown that year, one time,
and the average came out to the national average of 76
yards for carrying, and has never been duplicated in
history. So when you can stand up here and tell that at
the age of 57, 41 years later ---.

MR. ELLENBOGEN: How old, Nick?

MR. FUTULES: I'm 57. You girls will someday
have this opportunity to do the same. It's a great thing
when you can say that I was the best in the state. But
you really earned this, not me. I didn't earn what I got.
I got lucky and made a run, but things like that happen.
I've also got a message for the coach, because when I was
in the eighth grade, my first day on the track team, none
of us knew what to do. I'm sure you didn't either. You
just went out for the track team; didn't you? You've got
an older brother that's on the track team? Younger
brother? He's a very good player, too. Coach Kumar, he's
reading the roster. He sees Futules and he says, Nick
Futules. Here, Coach. He says, you've got an older
brother named Tony; don't you? I said, that's correct.
He says, you know your brother holds the WPIAL record in
pole vault? I've got 50 kids all around me, and the coach

is telling me this. And I said, yeah, Coach, I know that. He said, are you as good as your brother? The answer was, well, you're darn right I am, not knowing what I was doing. But this is for you, Coach. The coach says, well, let's see.

So I run down the ramp and I've got this pole. And I figured, I've watched my brother do this maybe dozens and dozens of times. It was simple, except the standard at nine feet. I could only jump over it. So I'm running down the ramp, I hit the box and I'm heading for the pole. All of a sudden, I realize that I'm dislocating both of my arms from my shoulder. So I let go and everything came crashing down on top of me. And everybody on the team's going, whoa. And the coach comes running over to me. He looks out at me in the pit and he said, I knew it was too good to be true.

So Coach, when you have girls like this that are great, don't assume that their siblings will be just as good. Cherish the ones you have, because that's the most important thing. Now I'm going to ask you to say a few words because you know exactly what's going on. And then I'm going to read this proclamation after you're done. And I would like you to say their names, too, please.

COACH ZELKOWITZ: Thank you for honoring our team. I really appreciate it. To my left is Iman Wilkerson, Christina Roberson, DeShawn Squires and Jordan Lee. All three of these girls are coming back. Unfortunately, we're going to be missing Jordan Lee. She's going to Pitt next year on a well-deserved scholarship. Very quickly, I'll tell you what these girls did out at states. Iman ran ten events in two days. Okay. And she got faster as she went along. She led off our four by four. Unbelievable leg. Got us the lead. Jordan ran eight, and four of those were 400s. If you've ever run a 400, you know how grueling it is. She ran a textbook anchor leg on four by four and broke the school record --- I'm sorry, the state record by two and a half seconds. And that cemented our state championship. DeShawn ran both the four by one and four by four relays. Christina did that as well. We're missing one of our girls. It was on the four by one. She couldn't make it today. Paige Fields. These five girls took home a team championship. They're the only AAA team in western Pennsylvania history to do that, so I'm very proud of these girls.

They've done many other things. I coach the guys and girls indoor. I'm the guys' coach outdoor. They did unbelievable things indoor. They won seven tri-state championships in a row indoor. These girls are just amazing. I also want to thank the girls' head coach who couldn't be here tonight, Sara Miller. And I also want to do a special thanks to Carlson Christian. He's a volunteer assistant coach. He was recognized as the Coach of the Year in the state for what he did with these girls. And if it wasn't for Carlson --- I mean, what he does with these girls is unbelievable, and they can attest to that. So I just want to really thank him, because we may not be up here without him. So thank you very much.

(Applause.)

MR. FUTULES: Thank you. I just got off the phone with Sara Miller's father about a half hour ago, and her sister is getting married and asked me for a date. We're very close to that family. And Sara is a great, great girl and she's a great coach. This is their day. This is their day. And girls, thank you again for coming down. Thank you, parents for coming down. And I hope that someday you can reflect upon this day and say, I remember being at Allegheny County. We sat before 15 members of Council that recognized your great achievement in life. I'm going to read the proclamation and then we're going to take some pictures.

Certificate of Achievement awarded to Penn Hills High School 2009-2010 girls' track and field team. This Certificate of Achievement is awarded to the Penn Hills High School 2009-2010 girls' track and field team in recognition of their outstanding accomplishments throughout the team's fantastic season in which the team captured the 2010 Class AAAA (sic) PIAA Championship. The team's incredible contribution to Allegheny County's long legacy of sports champions are to be commended. On behalf of the citizens of Allegheny County, we join the team in celebrating their outstanding and memorable season. Sponsored by myself on July 6th, 2010. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5749-10.

MR. CATANESE: Certificate of Achievement honoring the Mt. Lebanon High School softball team for winning the WPIAL and PIAA Class AAAA Championships. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. If I could ask the Mt. Lebanon Blue Devils softball team to come in and kind of stand behind me, led by their coach, Nikki Fajtak, and just talk about, as the girls are walking up, the great achievement of winning not only a WPIAL title, but also a state title. Certainly we see this happen once in a while when we're recognizing our youth, but we don't see it a lot because it is a great achievement to win not just a WPIAL, but also a state title. And I think that's the goal when a season starts, no matter what sport it is, and softball is no different.

But I can tell you, the dedication and commitment to play softball, it starts at an early age. I was talking to the girls a little bit before the meeting started about Horseman Field, and that's a field for eight and nine-year-olds in Mt. Lebanon. It's just not much to look at. You know, the in-house at least play there and some of the travel. And you know, you start in those fields --- sand lots, if you will, and move up through, maybe all star and the high school program. And it starts when they're young. It's a sport that you have to be fairly good at, I think, to progress. And certainly these girls have.

Their program, I think, is one of the best, Mt. Lebanon. They won a WPIAL championship as well as a state champion. You have to be a tremendous player, tremendous coaches. I want to recognize Geena Badolato for pitching a perfect game, if you can imagine that, in the state championship game, and striking out 11 and beating the Central Bucks South by 1-0. Tess Apke had a home run for Mr. Lebanon. And as a team, it was their 19th consecutive victory. So you could see the progression, dedication and the commitment they have. They also beat Shaler 7-2, which I also think is a pretty good team, from what I've read, for the AAAA title. They had three softball all stars by the Post-Gazette, which Geena, Tess and Breanna Tongel were part of that. So congratulations. It's these young women that are able to achieve not just in sports, but academically, that we're very proud of.

So I'd like to read the proclamation into the record and a special one for Geena because of the perfect game. It does reference that. And we'll pass out the proclamations, and we'll bring Nikki up to say a few

words. So again, congratulations on behalf of County Council for a tremendous season.

And your proclamation reads, this Certificate of Achievement is awarded to the 2009-2010 Mt. Lebanon High School girls' softball team in recognition of their outstanding accomplishments to the team's fantastic season when the team captured the 2010 AAAA WPIAL and PIAA championships. The team's indelible contributions to Allegheny County's long legacy of sports championships are to be commended. On behalf of the citizens of Allegheny County, we join in celebration of their outstanding season and a memorable season, at that. Sponsored by me, Councilman Gastgeb. Girls and coaches, congratulations on a terrific season.

(Applause.)

COACH FAJTAK: I just want to thank the Council members for honoring us here. We greatly appreciate it. I'll start by introducing our team here. We have Alexa Hagenbrock, our right fielder, Julz Tindal, who obviously was hurt early on this season, so she became our designated hitter, Kathleen Mathison, she is our third baseman, Ali Casrere, our left fielder, Jen Bahm, our catcher, Chicky Brandy, our outfielder and pinch runner, Kaitlin Klinchock, who was our rookie this year at second base, Ashley Darabant, our center fielder, Tess Apke, our shortstop, Geena Badolato, our pitcher. And we have three girls that couldn't make it tonight: Bre Tongel, Darby Forr and Jordan Solomon. These girls accomplished something that Mt. Lebanon hasn't done very often, the second WPIAL title in softball and the state title for the first time. And they made state history by the perfect game in the state championship, which is something that was never done before, either. So I can't say how proud I am of them. And believe it or not, when we started out with a record that was losing, 1-2, so they came a long way. Thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5750-10.

MR. CATANESE: Certificate of Achievement honoring the CCAC South softball team for winning the NJCAA Region 20 Championship. Sponsored by Councilmen Martoni, Macey and Robinson.

PRESIDENT FITZGERALD: Councilman Martoni, Councilman Macey and Councilman Robinson.

MR. MARTONI: The whole team, come on up here. We're getting very, very used to having athletic teams and other teams from South Campus coming for these certificates. They are truly an outstanding group of people, so we're very proud to have them here. Bob's going to read the proclamation and then we'll introduce our guests and then we'll say a few words. Bob?

MR. MACEY: I think we do quite well down in the Mon Valley, West Mifflin and CCAC South.

This Certificate of Achievement is awarded to the 2009-2010 CCAC South Campus softball team in recognition of their outstanding athletic abilities which were showcased throughout the team's fantastic season and in the team's capture of the 2010 NJCAA Regional 20 Championship. The team's indelible contributions to Allegheny County's long legacy of sports champions are to be commended. On behalf of the citizens of Allegheny County, we join with the team in celebration of their outstanding and immortal season.

(Applause.)

MR. ROBINSON: Once again, CCAC rises to the occasion. And I want to thank these young ladies for their outstanding contribution, not only athletically, but also academically, because I'm positive they're good students and they'll graduate from CCAC and they'll carry our banner both academically and athletically. Just a personal comment. Councilman Futules mentioned that he had a record that was longstanding, so I started thinking. I said, ah, Bill Robinson, the Ohio State University track meet at the University of Wisconsin at their field house, I set a record, Nick.

MR. FUTULES: Was it 76 yards?

MR. ROBINSON: No. It was 600 yards indoors. Now, I'm not going to tell you the whole story, but I'm going to tell you this part of it. The night before, and this is true, I dreamed that I was going to win that race and I was going to beat a friendly rival, Elzie Higginbotham at the University of Wisconsin. And he was one heck of a middle distance runner. The next day, I set that field house record and I beat Elzie Higginbotham. Not 76 yards. Just a little story. And thanks for piquing my interest in that regard.

But I want to also congratulate the college, the leadership of the college, when we hear from some of the leadership of our South Campus. We do an outstanding job,

as you know, and I'm always waving the banner for CCAC. But it's the people who work for us and the students. It's all about students. And our staff, faculty, administrative staff and support staff, from the housekeeping staff all the way up, do an excellent job to keep CCAC as an outstanding institution. What these young ladies have done will help us in recruiting. It will massage our ego. It will make them feel good. But it also lets you know that not only can these young ladies play softball, but they're good students as well. And I thank them and I thank the administration.

(Applause.)

MR. MARTONI: Now I'd like to introduce the president of the South Campus, one of our own from Allegheny County. She went away for a while and worked, but she came back here, back home, Charlene Newkirk. Charlene?

(Applause.)

DR. NEWKIRK: I'd like to thank the Council. I've only been back in Pittsburgh a year. I grew up here and actually graduated from Westinghouse, so it's good to be home. And I'm a graduate of the University of Pittsburgh. But in my first year back, I felt very strongly that we needed to grow our athletic programs. And I talked to the administration about creating a women's softball team. In the first year of its existence, they not only won the regional championship, but they went to nationals, and we are just so delighted and honored that they could represent us nationally. So I congratulate the team and the coach, George Adams. And George is going to introduce the women's team now.

(Applause.)

COACH ADAMS: First, I'm going to go with our only sophomore, and it's Amy Hirsch, and she is high honors, going to Cal next year. We'll certainly miss her. Catcher Valerie Bordona (phonetic), second base Shannon Keyes, third base Erica Sharred (phonetic) and right field Alicia Sharred, a part of the twins duo there. And I'd like to thank everyone for the continued support of sports at South and thanks for the opportunity to be present today. Thank you.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5751-10.

MR. CATANESE: Certificate of Achievement honoring members of the CCAC South bowling team for winning the NJCAA Men's Doubles National Bowling Championship. Sponsored by Councilmen Macey, Robinson and Martoni.

PRESIDENT FITZGERALD: Councilmen Macey, Robinson and Martoni. Another great championship for our community college.

MR. MACEY: Not to be outdone. We've had some popular sports in Pittsburgh: baseball, football, some soccer, some basketball. There are winning college teams. But we also have a winning team here at the CCAC, and that is the bowling team, the Men's Bowling Doubles Championship. And I'd like to call Paul Kelly, Josh Thompson, Coach Vilage, and how about the athletic director, Vince Mezza? Come on up. And of course, Dr. Charlene Newkirk.

Now, the South Campus men's doubles bowling team won the 40th Annual Men's Bowling National Championship in Buffalo, New York. This is the second consecutive year CCAC men's doubles teams have won the national championship. Not only are we great in WPIAL winning state championships, local championships, we also win national championships. That says a lot about the character and the athletic ability of people in the Pittsburgh region. I'm going to read the proclamation --- Certificate of Achievement and then we'll have some people come up and speak on behalf of the teams.

This Certificate of Achievement is awarded to CCAC South 2009-2010 men's doubles bowling team in recognition of their outstanding accomplishments throughout the men's fantastic season in which the team captured the National JCAA's 2010 Men's Doubles National Bowling Championship. The team's indelible contributions to Allegheny County's long legacy of sports champions are to be recommended --- are to be commended. And on behalf of the citizens of Allegheny County, we join with the team in the celebration of their outstanding and memorable season. Thank you.

(Applause.)

DR. NEWKIRK: Again, I was really delighted to find out that the bowling team was so excellent. This is not the first winning season, but these two gentlemen have represented CCAC and done Allegheny County very proud.

I'd like to introduce the coach to you so he can introduce the students.

COACH VILAGE: Thank you, everybody, for having us here. These two young men --- I guess two years ago I was coaching at Pla-Mor Lanes in the Pittsburgh area and saw them two bowling and knew they had a lot of talent. I didn't know if they'd ever bowl for me, didn't know if they were coming to CCAC or not, but through some persuasion of some other bowlers that bowled there, they were kind of forced into bowling. So they were good both years. I think between Josh --- I guess between the two of them, they don't like each other very much because they always argue. But you know what? When they bowl together well, they're best friends, and I guess that's why. If you don't like each other, I guess you could be best friends. They're still the best bowlers I've ever seen. Who's better? Well, Josh is definitely a better left-hander and Paul is definitely the better right-hander. They're both very good bowlers and it's been a privilege and a pleasure to work with both of them. And hopefully I can help them out in the future. Thank you.

(Applause.)

MR. ROBINSON: Often you hear me saying that I anticipate that our community college one day will be a great community college. They're not there yet. We're a very good community college. But I believe when we reach that point of being a great community college, it will be about all of our legacy, not only meeting the requirements of middle states, the academic requirements of the crediting agency or even being great in our own minds. It will be because of the composite of all the community college has been over the last 40 years, will come, will converge at a point where we will know we are great. We're establishing criteria right now to measure our greatness, not only against other community colleges, but in terms of some goals and aspirations we have.

The athletes that come before us time to time as champions not only come to us as athletic champions, but they come as representatives of what the community college can be. Perhaps the day we're designated a great community college, we will also be great on the athletic field in every endeavor where we compete. And I hope all of our athletes aspire to be great, just as all students aspire to be great. So thank you, gentlemen. Thank you,

President Newkirk. Thank you, Coach, for all you've done to help the community college become a great institution.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 5752-10.

MR. CATANESE: The remainder will be read into the record. Proclamation honoring the service and life of Staff Sergeant Bryan Hoover. Sponsored by Councilwoman Cleary.

5753-10. Proclamation honoring Chester and Evanna Wawrzonek for being named Polonians of the Year. Sponsored by Council Member Drozd.

5754-10. Proclamation commending Mary White for being named the Red Cross Volunteer of the Month for the month of April. Sponsored by Councilman Drozd.

5755-10. Certificate of Recognition celebrating the 200th anniversary of Hebron Church. Sponsored by Councilman Finnerty.

5756-10. Certificates of Achievement honoring the Serra Catholic High School baseball team for winning the WPIAL Class A Championship. Sponsored by Councilman Macey.

5757-10. Proclamation honoring the 100th anniversary of the Hungarian Reformed Church. Sponsored by Councilman Macey.

5758-10. Proclamation honoring Penn State University's Greater Allegheny Branch and Duy Tan University for collaborating to enhance each university's international presence. Sponsored by Councilman Macey.

5759-10. Certificate of Recognition celebrating the 60th anniversary of John and Gerry Singer. Sponsored by Councilman Macey.

5760-10. Certificate of Recognition celebrating the 60th anniversary of Frank and Lois Bonadio. Sponsored by Councilman Macey.

5761-10. Certificate of Recognition celebrating the 50th anniversary of Bud and Mary Ann Hall. Sponsored by Councilman Macey.

5762-10. Certificate of Recognition celebrating the 50th anniversary of Edward and Mary Ann Peterson. Sponsored by Councilman Macey.

5763-10. Certificate of Recognition celebrating the 50th anniversary of Fred and Joanne Brassart. Sponsored by Councilman Macey.

5764-10. Certificate of Recognition celebrating the 50th anniversary of Stephen and Mary Oleska. Sponsored by Councilman Macey.

5766-10. Certificates of Achievement honoring the South Park High School girls' track and field team for winning the WPIAL Class AA Championship. Sponsored by Councilwoman Cleary.

PRESIDENT FITZGERALD: Public comment on agenda items. We have two speakers this evening. The first one is Melina Brajovic --- Brajovic (changes pronunciation). I hope I pronounced that right. Is Melina here? I guess not. The next speaker is Jim Barr. Mr. Barr, if you'd come to the podium and state your name and address for the record, please.

MR. BARR: My name is Jim Barr. I make my home in the Borough of West View. I'm here to speak against Motion 5775-10. That is for the county to assume responsibility of the stone piers that support the former bridge across the Allegheny County River between Plum and Harmar. My concerns are that --- first of all, it's good to have visions --- longitudinal visions for recreation and everything. But as we all know --- you know, I have longitudinal visions at home. I have patio stones that still need placed. I have flooring that needs to be laid. It's still laying there, never got around to doing it. So it's good to have visions, but we've got to be real practical. I think there's more urgent concerns that we should address other than these piers.

I mean, some of the questions that come to mind, why is PennDOT spending money to demolish a pier that Allegheny County wants to take responsibility for? Is there liability in taking responsibility for these piers? The other thing is, how are you going to pay for them? There's supposed to be an Allegheny County Riverfront Park. I think federal money is very difficult to obtain. The county doesn't have any. The state doesn't have any. And if you get money from the federal government, I hope it's not in Federal Reserve debt notes. I hope it's in gold or silver.

The other thing is the Allegheny County infrastructure is probably in big need of repair, their bridges, which would probably supersede --- I think we've got to take care of safety first. I know there's a bridge down in the lower part of the county that I think PennDOT had to close.

And my biggest concern is that this Allegheny County Riverfront Park will develop into a municipal authority --- municipal authorities, which we all know are the most unaccountable, inefficient form of government known to man. They're inefficient and they're not accountable to the citizens. So I just hope you consider that we have more important issues other than some stone piers. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Mr. Barr.
Approval of minutes. 5767-10.

MR. CATANESE: Motion to approve the minutes of the June 1st, 2010 and June 15th, 2010 regular meetings of Council.

MR. MACEY: So moved.

MR. MCCULLOUGH: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries.

MR. MCCULLOUGH: Excuse me, Mr. Fitzgerald. I should abstain from the June 1 meeting.

PRESIDENT FITZGERALD: Would you please make a note, Mr. Catanese, that Mr. McCullough will be abstaining on the June 1st approval of minutes? Presentation of appointments. 5768-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, recommending the reappointment of Council Member Michael Finnerty to serve as a member of the Conservation District Board for a term to expire on December 31st, 2010. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5769-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, recommending the appointment of Donald Newman, P.E. to serve as a member of the Conservation District Board for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 5770-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, recommending the appointment of Deborah A. Lange, Ph.D., P.E. to serve as a member of the Conservation District Board for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee Review. 5771-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato, recommending the appointment of Magisterial District Judge Anthony W. Saveikis to serve as a member of the Agricultural Land Preservation Board for a term to expire on December 31st, 2011. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Unfinished business. Committee on Budget and Finance, second reading. 5735-10.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2010, Submission 09-10. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. Before I make a motion, with your assistance, I'd just like to mention that those of you who have not had an opportunity to attend the Budget and Finance Committee meeting, some concerns have been raised as to whether or not we're getting appropriate information from the administration. I just want to report that Ms. Liptak is working with Ms. Griser in particular to make sure that the information that's forwarded to us is more complete in terms of the source of the funding, the administrative costs and some other particulars, so that not only the committee is more informed, the Council members are more informed as they ask questions and gather information.

I just want to thank the administration for their cooperation and Ms. Liptak for her leadership, because she's been able to identify some areas where additional information would not only be helpful to her in giving us an analysis, but also will be helpful to other members of Council who are on the Budget and Finance Committee. So I welcome other members of Council to attend the Budget and Finance Committee meeting and see the thorough work that your colleagues and staff are doing. On 5735-10, move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved, second.
Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?
MS. CLEARY: Aye.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN 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: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Aye.
MR. CATANESE: Ayes 13, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Committee on Economic Development and Housing, second reading. 5732-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the transfer of the County of Allegheny's interest in a parcel to Maureen Kennedy. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Finnerty.

MR. FINNERTY: Thank you, Mr. President. This was moved out of committee with an affirmative recommendation. The property is located in the Borough of West View, and we are the third person involved in this. The Borough of West View has already okayed this. The North Hills School District has already okayed it. Now it's up to us to okay it. I did transfer all of the information to every councilman electronically, so I hope you had a chance to open it up and read it. Thank you. I make a motion to approve.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Aye.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN 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: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 0. The bill

passes.

PRESIDENT FITZGERALD: 5733-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the transfer of the County of Allegheny's interest in two parcels to Matthew and Donna Durik. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Finnerty?

MR. FINNERTY: Thank you. This property is located in the City of Duquesne and the Duquesne School District. Both have already okayed this. And I would like to make a motion to approve.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Aye.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN 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: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 0. The bill

passes.

PRESIDENT FITZGERALD: 5734-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the transfer of the County of Allegheny's interest in a parcel to George and Debra Kresich. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Finnerty?

MR. FINNERTY: Thank you, Mr. President. Again, this block and lot are located in North Versailles Township and East Allegheny School District, and both have approved this sale. I'd like to make a motion to approve.

PRESIDENT FITZGERALD: So moved.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion?

MR. FUTULES: I have a question.

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: During the committee process --- excuse me. I just forget. Wasn't it \$5,000 in exchange?

MR. FINNERTY: Yes, it is \$5,000. But the way this is split, the county gets \$1,000 and the other two entities get the remainder. So that's the way they do that. I think it's \$2,500, \$2,500 and \$1,500 (sic).

MR. FUTULES: Okay. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Question. On these parcels and the preceding parcels, were the appraisals --- did this match the appraisals or was it under the appraisal? Were those appraisals done?

MR. FINNERTY: The appraisals --- if you would allow me --- the appraisals were sent to you electronically. All of the information in regard to all the papers --- there was 15 pages worth to read. The appraisal --- the county has a current assessment on this property of \$11,600 on our real estate website. This property was a sheriff's sale. It has not been on the tax rolls for quite a number of years and has incurred violations with it. And obviously, it hasn't been reassessed. So that's where it lies. The total amount --- the sum is going to be \$5,000. Again, it's going to be split \$2,500, \$2,500 and \$1,500. And this is one way we can get property back on the tax rolls.

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: Yeah. This particular parcel does have a house on it; correct? This is the one that had all the violations?

MR. FINNERTY: That's exactly right.

MR. FUTULES: And it's probably costing these people at least \$5,000 more to demolition this home?

MR. FINNERTY: Right.

MR. FUTULES: So they'll have a \$10,000 investment when they're finished with the property. So in all fairness to them, I think that the county is selling this to them at a deal. But yet they will be able to pay the taxes on this property and possibly rebuild or increase the value of their home. Thank you.

MR. ELLENBOGEN: I just have a question. So this is property they want adjoined to the home they live in now?

MR. FUTULES: That is correct.

MR. ELLENBOGEN: Okay. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?
MR. BURN: Yes.
MR. CATANESE: Ms. Cleary?
MS. CLEARY: Aye.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN 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: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes 13, noes 0. The bill

passes.

PRESIDENT FITZGERALD: Liaison reports. Any liaison reports this evening? I have one, and I'd like to mention it to all members of Council. I got a call from our friends from Cleveland. Apparently Cuyahoga County has changed their form of government. They're getting away from a three-commissioner form of government and going to a county council and chief executive, something that happened here about 11 years ago. And because of the success that they have heard that Allegheny County has had in running its county government, they've invited me, as president, to come there and speak in the middle of July. It's not because I'm --- who I am or whatever, but just because I'm representing as president this whole Council. So I feel pretty flattered. We all should be extremely proud, not just this Council, but obviously, the Chief Executive, the administration, you know, all of our departments who do the work. But I'm not going to go to

Cleveland to give away any of our football plays, but we will certainly reach out a hand and give them any advice we have on how a county government can be operated if we all --- and our predecessors who have been here the last ten-plus years can be proud of that. Mr. Futules?

MR. FUTULES: Thank you. We just had the 4th of July weekend, and I hope everybody had a great time. But our county parks depend on hot summers and cold winters. This summer, July 4th weekend, the Settler's Cabin wave pool had 5,500 attendees to the pool in one day. This is a record, I believe. See, it helps that they have records. I believe they got to the point where they had to stop allowing people to come into the pool. The same thing happened at Boyce Park, I believe at Sandcastle, too, I've heard. So great things happen to the county when the weather's great because the pools are doing very well. Let's hope for great, hot weather. Unfortunately, our air conditioning bills will be out of sight, but the county will benefit from the swimming pools for sure. So thank you very much.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Thank you. Last week I attended a town hall meeting in Bloomfield, where concerned citizens and employees of West Penn Allegheny discussed the matter of the partial close of West Penn Hospital. And you know, my position in getting involved with Braddock Hospital is well known to everyone here. We now have another major hospital that has plans to close its emergency room and very, very vital medical services at West Penn Hospital. What's particularly troubling about this is it's in the Bloomfield area, which is a vibrant community, very vibrant part of the City of Pittsburgh. Yet for a number of reasons, West Penn Allegheny really is almost entirely going out of business there.

A couple of meetings ago, Councilman Drozd suggested we hold a healthcare summit to discuss the state of the hospitals in Allegheny County. And I think it's a good idea. And I would commend Mr. Drozd to bring that forward. I think when you see what's clearly a ripple effect going on through our Allegheny County where we've had several major hospital closings or partial closings over the past few years --- now two major emergency rooms in very short order will be closing down --- I think it's something that we need to be concerned about. It's not

just a hit to the economy in this area, but it's a hit to the people who need healthcare the most. And I hope that Councilman Drozd will bring that bill forward. I hope we can get a healthcare summit.

PRESIDENT FITZGERALD: Councilman Ellenbogen?

MR. ELLENBOGEN: I just want to say that I saw in the media yesterday they were talking about the truck traffic in North Park and --- due to the dredging of the lake. And there's an example of how a bad decision in government can cost millions. Now, when I was chief of special services in the '90s, we used to have dredge boats so that would never happen, and a very frugal administration that laid off half of the laborers so that the grass got to be, like, three foot high in the parks. Also, part of that is they refused to give me those couple thousand dollars to fix those dredge boats so this wouldn't happen. So here we are, after I warned them 12 years ago what was going to happen --- \$12.4 million, the aggravation of all the people missing out on being able to use that lake because of some bad decisions. So what I'm saying to the public, pay close attention to who you vote for and what they stand for, because those little decisions they make today are what cost our kids and that millions of dollars later. Thank you.

PRESIDENT FITZGERALD: Thank you. New Business. Ordinances and resolutions. 5772-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, directing that a referendum question amending Article III of the Allegheny County Home Rule Charter pursuant to the Home Rule Charter and Optional Plans Law and Second Class County Charter Law be placed on the 2010 general election ballot, and further amending the Administrative Code of Allegheny County contingent upon the passage of the referendum question. Sponsored by Council Members McCullough, Gastgeb and Drozd.

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

MR. MCCULLOUGH: Yes, I do. Thank you. First of all, I would like to acknowledge both Councilman Drozd and Councilman Ellenbogen for various comments at past meetings that really were the genesis of this bill. As you know, Councilman Drozd has made it quite well known his position about taking leave of absences when somebody

is seeking an office outside of the county. And Councilman Ellenbogen quite properly pointed out that that concept shouldn't be limited to the Office of Chief Executive.

I really think this is a referendum question whose time has come or should be coming very shortly, and the public ought to have the opportunity to weigh in on it. It actually seeks to really address the whole issue of term limits and County Council's role in this. As we all know, the Charter provision that requires councilmen to resign their office to run for another office is very unfair. We've been singled out, actually, within the entire state. Past efforts to get this repealed have failed. I think if we package that as part of a wholesale reform in this area, I think we have an excellent chance of having that succeed. It would be part and parcel to what I think is a very good idea of encouraging more involvement in government by term limits. But I also want to point out this does not apply to any current office holders. To that end, it is consistent with the 22nd Amendment of the U.S. Constitution, which imposed term limits on the president, but made it quite clear that the current office holders were not to be subject to that because you don't want to inject personalities. It's a forward-looking piece of legislation.

I did set it up that if Council wanted to move aggressively on this and put it on the ballot in November, it could. I do recognize it is something that needs studied. And you know, if you want to put it through the committee process and we consider it for next year's primary election, I'm fine with that as well. And obviously there's other ways to start this. I look forward to a healthy debate on it. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. McCullough. 5773-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the transfer of the County of Allegheny's interest in a parcel to the Elizabeth Township Sanitary Authority. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Public Works. 5774-10.

MR. CATANESE: A resolution authorizing the designation of a Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009; authorizing and

directing the designation of the Redevelopment Authority of Allegheny County as the issuer of Recovery Zone Bonds within the Recovery Zone pursuant to the American Recovery and Reinvestment Act of 2009; authorizing incidental actions and repealing inconsistent resolutions. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. New business, motions. 5775-10.

MR. CATANESE: Motion of the Council of Allegheny County expressing the Sense of Council with regard to a proposal for the county to assume responsibility for portions of an unused bridge span that formerly carried the Pennsylvania Turnpike across the Allegheny River between Plum and Harmar, specifically the stone piers that supported the former bridge deck, in order to allow for the preservation of the structure for future incorporation into the Allegheny County Riverfront Park. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: Okay. First of all, I'd like to thank Councilman Fawcett --- former Councilman Fawcett and Councilman Burn, who originally sponsored the creation of the riverfront park, which, you know, continued to expand and grow. I'd also like to thank the Turnpike Commission. Executive Director Joe Brimmeier came before the Parks Committee last week. Chairman Futules had him here by phone. And they have offered to give us these major piers that are very --- that are structurally sound.

And one of the things we've always tried to do is create a better quality of life for the constituents and the citizens of Allegheny County, and we try to do it at a minimal cost, do more with less, that type of thing. And we certainly did this a number of years ago working with U.S. Steel, one of our major corporations, when they donated to us, at the price of \$1, the Riverton Bridge over the Monongahela River, which connected the riverfront trail there and was in use at that time. And I remember certain folks coming forward and saying, we can't take the liability. We can't do that. Well, we take liability on every time we open the doors, every time we vote on a budget, whether it be to open a building, open our parks, open our wave pool, build a bridge, build a road, let people on our elevators, et cetera. So everything we do is inherent with risk. We try to minimize that risk. We

try to build things as safely as we can. So that's part and parcel of where this motion came.

Mr. Brimmeier came before the Parks Committee last week and indicated that he would be sending over to us a Memorandum of Understanding. Obviously, Council, we don't have the purview of signing these, but he sent it over to us and I since referred and gave it to the administration. You have a copy of it in front of you. They're offering to do kind of a whole lot of work here. These bridge piers were no longer of use to them. They built a new span across the Allegheny River. They were planning on imploding the structure, including the piers, in the middle of July. And again, I want to praise former Councilman Fawcett for bringing this to our attention and asking if we could get involved to maybe have these piers donated to us at no cost for maybe potentially in the future being able to use it as a crossing for the trail.

And that's all this motion says. This motion is basically sending a statement to the Turnpike Commission saying that this Council is interested in having these piers be used at some future date. It doesn't tie budgetarily this Council or this county's hands in building anything. If the money's not there, obviously, we can't do it. But if these piers get blown up, we're looking at a couple of million dollars, easily, of infrastructure that would literally be washed away. We would have no use for it in the future. So before they blow up the bridge and their engineering people looked at it, I thought it would be a good idea for this Council to weigh in and say, this is part of our vision for the quality of life for our citizens.

And I have to tell you, the people that I represent are always coming to me with suggestions about expanding the trails, putting a trail here, using this bridge there. It's something that people really want and really like, and I think it's one of the best things that this Council has done. I applaud Councilman Burn and Councilman Fawcett, who were the original co-sponsors of this many, many years ago. So I'm going to ask if somebody would make a motion to approve this motion.

MR. MACEY: So moved.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second. Any discussion? Mr. Futules and then Mr. Drozd.

MR. FUTULES: Thank you, Rich. In our discussion with Joe Brimmeier, I did raise a question. I said, if the bridge --- when it's demolished on, actually, July 13th, if by chance the structures are damaged, Allegheny County would not be responsible for these structures. And they're going to check and make sure that after the demolition, that we will have some piers. And these piers --- I drive past every day. I represent Harmar Township. There's a park on the water where boat launching goes on and there's an island there for conservation. These piers are perfect for the future of building a walking bridge from the Harmar Township park to the island. There will be substantial costs someday, maybe 50 years from now. But we should prepare that it be done now, because we don't have vision. The vision of having a bridge here in the 1900s just out by Heinz Field was there for over 100 years. And all of a sudden, somebody turned it into a memorial for Fred Rogers. It became a very useful and nice-looking memorial now. I think everybody probably says, well, we didn't need that bridge here for the last 100 years. Well, guess what? The same thing is going on now.

So Council members, we have to have vision for the riverfront. And we just got this brochure today in our mailboxes. But this showed the riverfront projects, what exists and what's in the future. In the future, Harmar Township is the heart of it. So if we don't take advantage of something today, the future will be bleak because once those piers are removed, each pier could cost millions of dollars. Now they're not in the water. They're on land, so there's no danger to boat traffic.

There is one particular here that isn't a waterway, but there is shallow water where boats are not navigable. Now, there could be a possibility that we could put in a light, a warning light on that pier, and that would be the only --- if anything, I can see, cost to putting a light on the pier for safety factors. But the people in Harmar Township are happy. And if you've actually visited the site, which I have ---. I got out of my car. I walked down there. I walked across the bridge. Under the bridge, it's magnificent, this new Turnpike where, if you stand underneath, you're amazed. And when you look at the site and the acreage down there of a potential riverside park for the people in the north, they cry for something like this on the river. And this is a

very potential aspect for them, you know, walking in the future. So please consider this motion. I support this. I'd like to be a co-sponsor on this motion as well.

PRESIDENT FITZGERALD: Add Mr. Futules as a co-sponsor. Councilman Drozd?

MR. DROZD: I also was listening in on that meeting, and Mr. Brimmeier did give testimony. I, for one, will not support it. And I'll tell you some of the issues and questions that I asked in the letter that I sent, dated today.

This letter is in response to the testimony you provided before the June 24th, 2010 Allegheny County Council Parks Committee regarding the Allegheny River Bridge and the Allegheny County Riverfront Park. First, I fully support --- and I'm a biker, by the way. I bike across ---. And I'll be biking tonight if it's not too late. I hike. I do all those things. I use these trails, by the way. I ride them all. First, I fully support the efforts to make --- but I will not put the taxpayers at risk from liability or have them have to pay for the maintenance of piers when they can't even get their bridges and roads and everything else in infrastructure fixed in Allegheny County.

First, I fully support the efforts to make Allegheny County more pedestrian and bicycle friendly. And I thank you for your willingness to support such an issue. However, I am deeply concerned that the project will be completed at the expense of the taxpayers --- in fact, it will --- of Allegheny County and the Commonwealth of Pennsylvania. Besides bearing the maintenance costs, you indicated that the state would expect the residents of Allegheny County to bear the risk of any and all liability. What happens if a boat hits that or a jet ski or maybe put a rope swing off that? How about a barge, a riverfront barge? Expect the risk of all and any liability.

It is interesting to know that a bridge engineer recently informed me that after a brief period of time, the taxpayers would have to invest in civil monies to maintain the structural integrity of the bridge piers. Did anybody talk to any engineers? I did. Structural engineer and bridge engineer. The bridge engineer told me the first five years, it may be okay. After that, you'll put millions into maintaining those piers. Whatever. The structural engineer told me --- also, by the way, you lift

the weight off those piers, you've got a different situation altogether. And to build anything like that --- it's unbelievable to build something like that. I'm talking about the bridge --- you know, the bike trail to nowhere, which it may be.

With this in mind, I respectfully submit the following questions. And I think we have to ask them. You have to get answers before you vote on anything. That's our due diligence. If the Pennsylvania Turnpike Commission does not plan on removing the piers from the Allegheny River as previously required, is there a revised project plan? If so, doesn't this project need to be re-bid? I mean, it's only fair to those other contractors to bid on this the way it was. If you demolish the bridge, that should be re-bid

Can you or supporters of this initiative provide the county, the supporters of the initiative, with a feasibility and planning study relating to the proposed bike trail bridge and trail development? Do you realize PennDOT has reports on these bridges? It was told to me by the structural engineers. Did anybody ask for those in Allegheny County? Did anybody read them or look at those reports? It has in there two cost estimates. If you go in there, you'll see it says they're tearing down --- and I'll point that out in Mr. Brimmeier's letter. It says that there were people that said you can't use these piers. That's why they're tearing the bridge down. Why would they build the existing bridge over the existing piers? They can't use these piers. Okay.

You are recorded as saying that it would cost additional monies to demolish the bridge in such a manner as to preserve the piers. What additional costs will Pennsylvania taxpayers, including Allegheny County, there's a triple whammy right there, bear in order to preserve the piers and the lower portions of the bridge, meaning that the Allegheny County residents are going to have to maintain those bridges, whatever cost it may be. Then the Pennsylvania taxpayers are going to have to --- by the way, including --- which includes the Allegheny County people --- are going to have to pay for additional costs to tear the bridge in such a way that maintains the piers. That's a triple whammy for the taxpayers of Allegheny County as well as a whammy for the Pennsylvania taxpayers.

Can your engineers certify that the piers and lower portions of the bridge are structurally sound, say, even capable of supporting a bicycle and pedestrian bridge? Who do you and supporters of this initiative envision paying for and constructing a bike trail bridge, especially when we have mega millions of dollars badly needed for repairs to our existing parks, existing roads and bridges and buildings and repairs to our infrastructure?

I've got a half caved in road, by the way, that there are neighbors down there and families down there that say it's a public safety issue because their loved ones are in jeopardy because they have to go to the hospital. In these areas in the city. You have billions in pension funds and roads and bridges that need repaired. Millvale. Millvale, the problems and the flood issues are still not corrected, including Myer and Valosix (phonetic), that aren't repaired. Where's the money for that? Where's the money for that? There are bridges out there in my area, too, and any of your areas, like in Emsworth and where else it may be, but there's no monies to repair them. Harmony Road is completely shut down.

The answer is to cut down roads, shut down roads, rather than repairing bridges. And we're going to do this? Can you provide the county with historical financial data related to the costs associated with operating and maintaining the piers and its structural integrity to date? Can your engineers provide a guarantee to the county that the piers do not currently need repairs? What's underneath that water? What's happening to those piers?

It will not require repairs in the near future. And who will assume the responsibility of repairing any damage that may occur during the demolition process deemed necessary to save the piers and any suits that may result from workers being injured during the demolition? Because you know what? When we take ownership, when we're saying that we're taking ownership, we buy into the whole system. Assuming that the Pennsylvania Turnpike Commission and our state owns the land abutting the bridge, is the Commission and/or state willing to donate this land to the county for development of this trail? And by the way, the gentleman that brought this to the county happens to live, I believe, right in that vicinity where that bridge is

going; okay? He wants all the taxpayers of Allegheny County to bear this.

If the bike bridge fails to come to fruition, will your engineers guarantee that the piers will not create a hazard and hamper critical barge and river transportation that is so critical not just to this county, but the entire region, to sustain our local economy? Are we willing to jeopardize that when we talk about helping the economy in Pennsylvania and our region? Are we really willing to do that? Do you know how much barge traffic goes up there? You have boating and everything else.

Most importantly, I don't understand how the state, with a budget deficit of \$1 billion, can justify investing in a project with so many uncertainties, placing additional burdens on its taxpayers, especially in these hard times when it cannot maintain our existing infrastructure or give us money for that existing infrastructure. They told us already there's no more money. That's it. Allegheny County, and Pennsylvania, for that matter, cannot afford to build a bike bridge while existing roads and bridges are in disrepair. We are accountable to the public, and the taxpayers deserve to receive a return on their investment. As such, I urge the commission and both state and county officials to make the preservation of our existing assets a priority.

An alternate suggestion or recommendation, perhaps, would be for those non-profits that was mentioned by the gentleman that brought this to the county. Rails to Trails, non-profits, let them take assumption of ownership of the bridges. Let them do that, to engage non-profit, recreational organizations. They may assume ownership and maintenance repairs, however, may or may not someday be bicycle and pedestrian-friendly bridges. And by the way, I've got stats on who uses, including me, the bike trails, and that's less than about one percent of the population of Allegheny County, and we're asking all the taxpayers of Allegheny County to bear the cost. Is that right when we can't even fix our roads and bridges when they come to us all the time? I look forward to seeing your responses.

Now, what Mr. President didn't tell us --- and I'm sure he would say --- we did get a letter in response from the Turnpike Commission, which does answer some of these questions, by the way, and it's from Mr. Brimmeier. And in that is what he's saying. And then very

specifically in the money area he says that the county is familiar with the piers ---. Are we familiar with the piers? Have we talked to any of our engineers? Can anybody here tell me that? Are we familiar with those piers? Maybe Mr. Flynn can answer that question. He has inspected them to the county's satisfaction and is prepared to accept the piers as is, with representation as to condition, suitability for any purpose and suitability for a particular purpose. Then he puts a litany of requirements that we have to go through just a litany of requirements, getting approval from the Corps of Engineers, the United States Coast Guard, the Army Corps of Engineers, that will investigate and prepare or revise as appropriate a hydraulic report prepared by consultants dated April 2006. Now listen to this one. We'd purposely prepare the new bridge in which you'll operate from the premise that the old piers were to be removed. Doesn't anyone ask why? Why were they to be removed if they're that good, and not used again?

Now after going through this litany of requirements which costs probably our people unbelievable time and unbelievable thousands of dollars in analysis and whatever it may be in order to take these bridges before these piers --- before we can, he states this. In the event that the county --- that's us, the taxpayers of Allegheny County --- is later unwilling or unable for any reason to complete the conditions outlined above in paragraph four, then the county takes full responsibility --- when they say county, that's the taxpayers of Allegheny County --- full responsibility for the lawful demolition of the piers --- which could be millions --- which responsibility includes but is not limited to --- now listen to this one --- to securing permits, bids and contractors for the same, the cost of demolition, the cost of the insurance thereof, the liability for all aspects of the demolition, the removal of all debris and the return of the area --- that includes the river bottom. What do you think of that? I don't know if we have any dredging capabilities, do we --- the area to its ordered condition. Does anybody know what that means? Does anybody have any costs on that? I talked to engineers. This could be astronomical.

And who's going to look at our constituents in the eye again? I took a poll, by the way. I did. I talked to my constituents, and they all agreed. Not one

said, hey, let's go for those piers. They all said, no way. No way. They don't want it. They want you to do what you were commissioned to do here in Allegheny County. You were elected to take care of business, not go in some other direction, which you may someday. You know, I term this like the tunnel under the river, the North Shore Connector. I call it the tunnel to nowhere, like the bridge to nowhere. Well, this is bicycle bridge to nowhere that may be someday whatever. The people of Allegheny County come first in my book. Their needs come first. I've got those roads. I've got those bridges. People are still crying about getting them repaired. I've been promised that it was getting looked at. They still are not repaired. If you can guarantee me those monies are in place, then maybe we can look at something like this. Or how about Millvale's? How about the city? How about the people in all your areas, in all your districts? They come first. And by the way, they don't want this. They want you to take care of business, which you were elected to do. You were elected to take care of the existing structures, first and foremost, before you do anything else. Thank you, Council members. If anyone votes for this ---. I don't know how anybody could vote for this without getting the answers to these questions. How could you? How could you?

PRESIDENT FITZGERALD: Councilman Gastgeb, Councilman Finnerty and then Councilman Burn.

MR. GASTGEB: Thank you, President Fitzgerald. Hopefully with my record as such with recreation and trails, that I've always supported projects. In fact, when Mr. Fawcett first had this idea and solicited Mr. Burn, I worked closely with Mr. Fawcett. I looked at many of the blueprints, many of the maps. At no time did any of the riverfront property have a bridge located within its premise, within its vision. Now, you know, things pop up for sometimes for the better, sometimes for the worse, and that's fine. But the riverfront park can still exist without a bridge, I want people to know that, and not destroy the austerity and what the vision has been from the get-go, which I believe it's part of.

But you know, today, as we listen to Talk Radio, today's big topic was, why didn't anybody say no and raise some red flags for the Port Authority tunnel? And I think it's a compelling argument. Mr. Drozd is doing his due diligence in a job that he fills as an elected

representative of the County Council. I think he's bringing up the same issue now. Should we look at cost? Is cost going to be an issue? The vision is one thing. Cost is another. And in these economic times, people are screaming for fiscal discipline, fiscal common sense. And I think there's skepticism when someone says you're going to give the government something and the taxpayers aren't going to be on the hook. I just don't know if anybody believes that in this day and age anymore.

And what makes it very compelling to me to at least take a step back until we get some answers, in the agreement that comes out from the Turnpike Commission, one of the subsections says that the county shall be responsible for all costs associated with the task. This is under the paragraph. And there's multiple possible events that may happen. As what my colleague said, this may never happen. The likelihood may never happen. But it's written here. What I'm hearing from my colleagues that favor this and what I'm reading are two different things. What we think it says and what it does say are two different things.

In fact, what I'm going to ask our Solicitor, Mr. Cambest ---. I've been here ten years. I've seen us take tangible assets, sometimes horses for the county police, sometimes radios for the county sheriff. There were always ordinances. This clearly says there's a hand receipt of \$1. It's a tangible asset here. How could we do this with a motion?

MR. CAMBEST: I think you're correct in acquiring the real estate value. When I heard the discussion this evening, I thought there would be additional stuff that would be needed after this motion to go forward with it, as I understood it, so ---.

PRESIDENT FITZGERALD: There will be. First of all, for this Council to accept property or dispose of property, either way, which is this Council's purview, would require something to come from the administration. We're getting ahead of ourselves. And the reason we're getting ahead of ourselves is because July 13th, a week from today, they're going to blow these things up. If we don't move by then, they will be gone and we'll have lost the opportunity. So in essence, this is the Sense of this Council, that's what this motion is, telling the Turnpike Commission that we're interested in this, so that they could alter their permit or the contract, the scope of

work that they have dealing with this structure. So this Council will still have to vote in ordinance form, Councilman, as we always do, whether we acquire land or sell land. That's just the way the Home Rule Charter was written.

MR. GASTGEB: So then from a timeline perspective, the ordinance will come after the demolition?

PRESIDENT FITZGERALD: Well, if it's after the demolition when the piers are gone, there's nothing to accept. It will be gone.

MR. GASTGEB: I'm saying the demolition of the trestle, the piers would still be intact if the trestle ---. So we're going to take piers?

PRESIDENT FITZGERALD: Yes.

MR. GASTGEB: So from a timeline perspective, we want to pass an ordinance after the demolition occurs on the trestle?

PRESIDENT FITZGERALD: Well, we'd like to do it beforehand, but I don't know if we have the time to do it in one week.

MR. GASTGEB: I think it's foolhardy to go into this without an ordinance before demolition occurs because we don't know if any damage could occur to the piers. Then we're going to do an ordinance after the fact?

PRESIDENT FITZGERALD: Mr. Brimmeier was standing before Mr. Futules' committee and said if there was damage to the piers, that they would accept responsibility. And then we'll never see an ordinance. This Council won't approve an ordinance to take damaged piers.

MR. GASTGEB: I think it's highly unusual we wouldn't have an ordinance with this. I understand your explanation with timing and I think it's plausible. But, you know, for ten years we've never taken any tangible property without an ordinance with it. So I think you're putting the cart before the horse procedurally. That's my opinion. Thank you.

PRESIDENT FITZGERALD: Councilman Finnerty, then Councilman Burn.

MR. FINNERTY: Thank you, Mr. President. First of all, this is a motion and we're not taking control of any property. As the president said, it's just a Sense of Council. The only way we can do that is by ordinance. That's our rule.

It is a vision to have riverfront parks. It is a vision to be able to cross the rivers. To do that in an economical way would be to save the piers. There's been many things said here, and most of it is nothing but malarkey because we're not in any way investing any money in the piers whatsoever --- excuse me, \$1. And it is a vision. Maybe it won't happen in ten years. Maybe it won't happen in 15 years. But those piers will still be there.

And as Councilman Futules said, there's only one pier that's in the water. And we heard many things said here about navigation. And it's the shallow part and there is no barge traffic on the part where that pier is. And there's very limited boat traffic. We look over here on the rivers around the Point and see, as someone commented already, a pier that is a memorial to Mr. Rogers. We look down by Point Park and we see, a little up from Point Park, a pier from the old Wabash Tunnel, the railroad pier. It's been there for 150 years. 150 years. These piers don't move. They're there. There's no maintenance on that pier. They use that pier. They put flags on top of it for decoration purposes.

So to say things that are disparaged here, to talk about taxpayers' money --- everybody here, all 13 of us and the other two that aren't here care about the taxpayers' money. That's why we're here. It's the people first, and this is something that's for the people. We're looking at something that's a vision for the future, and that's extremely important. We heard somebody say something about, it's going to cost the Turnpike Commission more money. Well, it's not. It costs them less money if they don't demolish the piers. But they're also going to have to pay something of the \$3,000,000 or \$4,000,000 it would cost to blow the piers up to buy the person out of their contract. That was said here. Mr. Drozd was not here. Mr. Drozd was on the telephone. We had the drawings in front of us. We had everything in front of us that day. But it's important that a person's here live, in person so that they can read the material and can digest what's going on.

So we look at the situation and we say we're looking at a vision. We're looking out for the taxpayers always. That's what we do. That's why we're here. We want to make life better for every person that lives in Allegheny County. We have trails in my area, like the

Montour Trail, the Panhandle Trail, et cetera, that didn't cost the taxpayers money because these trail people have raised that money. So looking forward, to say anything that is nothing more than an assumption --- and everybody knows what an assumption is if you take the word apart. It's a shame to hear somebody without a vision for the people of Allegheny County. It's not costing us one --- no. It's costing us \$1. And I don't think we're going to fill too many potholes, we're going to not do too many roads or we'll not construct too many bridges or fix the infrastructure or our shoring system with \$1. So I'm for this. And please put me down as a sponsor. And let's get out of the absurd shenanigans up here and vote on it. Thank you.

PRESIDENT FITZGERALD: Add Mr. Finnerty as a sponsor. Councilman Burn, then Councilman Ellenbogen.

MR. BURN: Thank you, Mr. President and members of Council. Mr. President, would you please note, as one of the original sponsors of the countywide riverfront park ordinance, add my name as a co-sponsor to 5775-10, please.

PRESIDENT FITZGERALD: Please add Mr. Burn.

MR. BURN: Mr. President and members of Council, I've heard a lot of great arguments on both sides. And to those who may be a little reluctant to sign on to this or has some concerns, with all due respect, I think that we are on the same page when we talk about doing a service to the taxpayers and we talk about looking for ways to generate revenues and we look at other methodologies to make use of the amenities here in Allegheny County to enable our residents the benefit from being here, to enable our business owners to benefit from being here. That was one of the reasons that Dave Fawcett originally came up with this. I remember my first week on Council in January of 2006, Dave reached out to me and showed me the maps that I think Vince discussed a few minutes ago and this vision that he had. And when he showed it to me, I signed on to it immediately. And I shared with Dave some of the things that we did in Millvale. I heard Millvale mentioned a couple times tonight. I think I know a thing or two about that town. And I shared with Dave some of the things we did in Millvale when I was mayor, on development of our riverfront park.

And with all due respect to some of the folks that are concerned and some of the folks who've spoken, I would suggest that defining this as recreation only is to

define it in a vacuum, is to apply two-dimensional thinking and not to look at this thing from its entire perspective. It's to take one isolated variable out of an equation and mischaracterize it. When you look at a riverfront park concept or when you look at something of this nature, you can't just narrow the definition to recreation. Sure, it is recreation, but there are other factors that spin off of that.

In Millvale, we have acres of property along the Allegheny River, and it was sitting there. We had Jesteadt's marina, which had some boats --- a large number of boats, an old water plant that hadn't been used. And other than that, we had sumac, locusts, garbage, and just an overgrown area that was sitting there. We went to the county and we made a pitch. And I remember the folks that were involved back at the time. Mayor Murphy was involved, someone in the city. Mike Dewita (phonetic) was involved. Dave Mayernik was involved. And we went to them --- it would have been the mid '90s, '94, '95, and we started talking about this concept we had to develop the Millvale Riverfront Park, not just for recreation, but because of a small river town trying to reinvent itself and rebuild for its residents, for its taxpayers and for its business owners, something to market the town with. And they bought on relatively quickly. And when we saw the support that Millvale garnished and generated from doing this, it was contagious. The town got excited. The residents got excited. The Council got excited. The business owners from the Millvale Borough Development Corporation got involved. And it brought the community together, as other projects in other communities do as well.

So that \$1 wasn't just for recreation. That \$1 wasn't just to knock down the sumacs and the locusts and put up a building down there, which we did; to put a gazebo down there, which we did; to put a bike trail down there, which we did; but that \$1 created an economic engine for the Borough of Millvale in more than one way. Directly how did it create an economic engine? The Millvale marina expanded. There's more boats down there because of the development of that park than there ever were. There's private sector investment right there. The Three Rivers Rowing built a state-of-the-art facility where Olympic athletes come to train in Millvale, Pennsylvania because of that \$1. There's private sector

investment. The pavilion, people come down there ---. It's tough to get that ground reserved, because somebody's always trying to get in there and use it for an event and a picnic or something of that nature. Private sector investment. We recognized, just on that small parcel in Millvale, \$3,500,000 of private sector investment. That's the direct private sector investment.

Let's talk about the indirect economic investment in the borough itself. From the Grant Bar up to the corner to where Kitman's Furniture is, and you make a left over to the P&G Diner, where Michelle Obama had pancakes a couple of months ago, that whole business district will tell you that it saw an increase from people coming in off the marina, people coming in on the Three Rivers Railway, people coming in off the dragon boats, coming into the Grant or coming up a little bit further to the French bakery to buy some pastries, it brought people to Millvale. Once they got there, they knocked on the door and came in to see what else the town had to offer.

When you tie that in to some of the flooding, the specter of flooding that my colleague raised, sure, that's there. That's in all river towns. But I'll guarantee you this. Because of that riverfront investment that we made in the Borough of Millvale, my colleagues and I --- my colleagues that are still up there right now have been able to recover faster in a post-Ivan Millvale because of the riverfront than they would have without it. And that is just one small example on a couple of miles of acreage, ladies and gentlemen.

Now, let's take the concept that Dave Fawcett and I brought to this Board, which was voted on unanimously and signed off on by the Chief Executive: 80-plus miles of riverfront property, \$3,500,000 in one borough, 80 miles. We're talking billions, potentially billions of dollars in private sector investment once this thing is up and running. So \$1 can get a couple of years with some study that we're going to do the due diligence on. I think it's an outstanding cost benefit analysis. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen, then Mr. McCullough.

MR. ELLENBOGEN: How do I top that? You know, this reminds me of when I was a 21-year-old senior at Pitt and we would have parties. We'd start out with a big garbage can with something to drink, and then every guy

that would come in the room would put something else in it. And then in about two hours, we didn't know what the hell we were drinking. There's a lot of stuff being thrown out here that I really think ---. You liked that, Bill? There's a lot of things being said here and a lot of issues that are being mixed, so let's try to take this apart.

Let's start with the construction end of it, and I think I know a little bit more about construction than most. I mean, I only ran the County Department for four years. Let's start with the Turnpike bridge. It would have been more expensive to take that bridge that exists and rebuild it than to build the bridge next to it. Now, think for a minute. If they did what our colleague suggested, can you conceive closing the Turnpike for two years while they rebuild that?

MR. FUTULES: Three years.

MR. ELLENBOGEN: Three years. Three years. So that was a better decision for them. It is incorrigible to me to think that the Turnpike Commission would turn over bridge piers to us that are defective and say, oh, it's not ours anymore. I mean, they're a very professional organization and their engineers are every bit as good as any engineers that the county or any professional organization has. And I think it's offensive --- it would be offensive to them and it should be offensive to the taxpayers that someone would suggest that they would try to dupe us and give us piers that were no good. Now that's one issue.

The other issue is --- and you know, my esteemed colleague, Councilman Finnerty, pointed it out. Now, I have an office in the Westinghouse Building. When I look out my window, I see two bridge piers every single day that have been sitting there for well over 100-some years. Like Mike said, they have flags on them. They're not going anywhere. If their engineers say that these bridge piers are fine, they're going to be there when most of us, except maybe Nick, are gone.

MR. FINNERTY: Because he's a young kid.

MR. ELLENBOGEN: Right. But the point being said --- and to get back to what Councilman Burn was saying, what I believe we're doing here is we are preserving a right-of-way. We're preserving a right-of-way so that possible development, possible corporations, people who want to rebuild can use this as such. Now,

think about when we were building the trolleys in the South Hills. If we didn't have that foresight to save those railroad right-of-ways, there would be no trolleys in the South Hills. And they serve thousands and thousands of people every day in getting to town. It was a great idea.

Now, my esteemed colleague to the right of me likes to talk about that railroad tunnel. I wasn't on this Council when they did that, and I would have fought against it myself. But the point is this is a great example of what we're talking about. If somebody would have just stood up and said, why don't we use the piers in the Fort Wayne Railroad Bridge, there would be no tunnel. It would go right over that bridge that cost of hundreds of millions of dollars to the taxpayers. So in reverse, here's a great example when Councilman Drozd always talks about that tunnel. If somebody would have had the foresight to save those piers, perhaps somebody could have used the Fort Wayne Bridge, which, you know, the Auditor General's Office had done the report that said that.

Preserving right-of-ways, trying to make the lives of citizens in this county better is why I'm sitting here and I'm sure most of us are sitting here. We all care about the taxpayers. But we have to have some foresight. You know, leaving two bridge piers sit there until somebody comes up with a great idea --- you know, I've heard Councilman Futules talk about an observation deck --- nobody's saying that we're going to spend any taxpayer money. I'm not going to vote to spend billions of dollars to build a foot bridge or whatever. I'm hoping that by leaving that there --- it's in nobody's way and will be there long after everyone's gone but Nick --- that somebody is going to come along and say, hey, this is going to be great. This right-of-way is preserved. And something great can happen for the people of that valley.

So, you know, mixing all these things --- and I don't disagree with Councilman Drozd. You know, he believes what he's saying in terms of the roads being bad and everything else, and he's right in that area. But this has nothing to do with that. And I think what's happening here, these issues are being mixed. We're trying to preserve a right-of-way here. It's not costing us anything. You know, the only question I have is if the Chief Executive offices --- if their engineers in the Public Works Department are willing and able to do the

permanent work and do that kind of work, and these folks are on staff, then I don't see where there would be a problem. Thank you. I'm sorry for the --- sorry about that, Nick.

PRESIDENT FITZGERALD: Councilman McCullough, then Councilman Futules.

MR. MCCULLOUGH: Thank you. I've heard a lot of arguments back and forth about the concept and who's got vision and who doesn't have vision. And before anybody labels me as somebody who doesn't have vision, I just want you to know that in 1973, I predicted George Foreman would beat Joe Frazier, and I was right. In 1990, I predicted that Buster Douglas would beat Mike Tyson, and I was right. And if John Mascio were alive, God rest his soul, he'd tell you that I predicted Sarah Palin was going to be the Republican nominee for vice president. So what I have to say is not reflective of a lack of vision. I have vision, too, on certain things.

But in any event, what I'm hearing is a lot of good conception ideas. The problem I've got is this agreement that is appended to Mr. Brimmeier's letter. Not only does it reflect that, it actually runs contrary to it. And Rich, let me ask you a question. What do you see happening between now and next Tuesday with this as far as getting this along? Are you contemplating coming back here next week with an ordinance for us to approve this transaction or what?

PRESIDENT FITZGERALD: Well, I don't have that ability. I don't have that authority to write an ordinance, as you know.

MR. MCCULLOUGH: Yes.

PRESIDENT FITZGERALD: That's the burden of the administration. I would hope they would do that. Again, I think the Turnpike Commission has this scheduled July 13th for demolition. I think they want a sense of what this Council wants to do. If this Council has no intention of ever looking into using these piers, then I'm guessing the Turnpike Commission will say, well, let's just go ahead and blow them up and be done with them. But if we have a sense that someday there could be usage for these if the dollars are there, if the right party comes along, whether it's, you know, a private investor, et cetera, then I think that's what the Turnpike Commission ---. That was what I got from Mr. Brimmeier's discussion last week.

MR. MCCULLOUGH: Okay. Well, the concern I have, Rich, is his cover letter doesn't say that. I think if he was looking for an expression of interest from the Council, I think that would be one thing. But here's what he's saying. If you take a look at his cover letter, he says, I am transmitting the proposed agreement relative to the piers. In other words, this is not a Memorandum of Understanding. It's an agreement. If you turn to the last page, it says it's intended to be legally bound on the parties. So he's throwing out a proposed agreement and then he says, I expect that Council --- that's us --- and your legal counsel --- that's Jack --- will review and comment on the document. And probably he does not understand the dynamics between County Council and the Chief Executive. If anything, a document like this should have gone to the Chief Executive, to the County Solicitor and copied to us.

PRESIDENT FITZGERALD: I don't disagree, Chuck. But again, Council has taken the lead on this.

MR. MCCULLOUGH: Yeah. But here's the problem, Rich.

PRESIDENT FITZGERALD: This was our issue, not the administration's issue.

MR. MCCULLOUGH: Our issue. He's delivered this, and then here's what he says. Time is of the essence. If not acted upon at your July 13, 2010 meeting, there will be insufficient time to authorize the institution's next meeting to save the piers from demolition. I trust you understand the dispatch with which we need to act. My concern is I think he's expecting action on a legally binding document; all right? That legally binding document here is, quite frankly, a very dangerous document. Mike, have you seen this thing?

MR. WOJCIK: No. It was just handed to me earlier.

MR. MCCULLOUGH: Yeah. I was going to say, you were just handed it, and I don't know when Jack was handed it. But, you know, we can talk about various provisions, but just let me highlight a few things. First of all --- and I know Jim stepped out of the room --- Jim, this does not preserve right-of-ways. What it preserves is the piers. And if you take a look at page two under paragraph two, the last sentence says, no representation is made that the Commission owns the real estate underlying said piers --- that would be the right-of-way --- and in fact,

it is noted specifically that the Commission does not own the underlying real estate for piers five, six and seven.

Let me tell you something. Easements would be very important, absolutely very important. But I know from firsthand experience that usually easements are for a specific purpose. And if that purpose is abandoned, the easement is extinguished. And I would have a real concern that these easements, if we haven't researched and done a title search on this, that these easements were for the Turnpike for use for a bridge or a passageway. And if that's demolished, those easements are going to expire right with it. But this is not a general purpose easement for any of the kind of things, Jim, that you're contemplating doing here. So we may be inquiring nothing more than these piers, yet they may not have any easement rights to connect those piers in any way, shape or form. And in fact, we may be extinguishing those easements just by doing this. And we don't know that until we have a chance to look through the easement agreements themselves. Do a title search. Frankly, that's what I'm talking about. They're putting that onus on us. We're taking that risk. A better way to have this agreement would be it's contingent upon certain things, such as our right to explore that and make that kind of examination.

Then if you go to paragraph four at the tail end of page two, starting there and through page three, there are eight specific tasks that the county must do. This is not a situation where --- and again, I've done these, too, for Upper St. Clair, where you take state property and you're allowed to let it sit there. And if you get around to using it someday, you get around to using it someday, and if you don't get around to using it someday, you're allowed to knock it down or do what have you. Here they're enumerating eight action items that we have to undertake at our expense, including getting the Army Corps of Engineer approval, Coast Guard approval ---.

PRESIDENT FITZGERALD: Mr. Brimmeier said that last week. He indicated that those two approvals would be easy to get.

MR. MCCULLOUGH: Okay.

PRESIDENT FITZGERALD: Under testimony, he said that.

MR. MCCULLOUGH: All right. There's eight different action items. But the point is if we don't get the eight action items, we have to demolish the piers.

It's not that they sit there. That's what it says. If you take a look at the next page, paragraph five on page four, in the event the county is later unwilling or unable for any reason to complete these conditions, the county takes full responsibility for the lawful demolition of the piers, securing permits, bids, contractors, what have you. So unfortunately, we've got a situation here that if we don't get this done --- and I'm not here to say whether it's going to be easy to do or not --- we have to knock the thing down --- these things down. That's an expense. It's not that we can sit and let them be there.

The other thing that is really concerning to me is --- I'd like everybody to take a look at the last paragraph on page four, and it reads through page five. And take a little bit of time to read that and ask yourself, if you were buying a house for yourself, would you every try to make --- would you ever make that kind of open-ended agreement and open-ended commitment? Here's what it says. If any claims for such damage or injury, including death, may be asserted, whether or not the claims are based on the active or passive negligence of the Commission, blah, blah, blah, blah, blah. And then you read on and it says, the county agrees that it will release, remise, quitclaim, indemnify and hold harmless the Commission and a whole laundry list of people from every cause of action presently known or unknown, suspected or unsuspected, foreseen or unforeseen, which may arise and be prosecuted against the Commission on account of the bridge piers.

So who knows what kind of issue may be out there or may be coming down the road? We're taking on a blanket liability for the Turnpike Commission for anything they may have done or did not do, frankly, from the beginning of time into perpetuity. I have never seen anybody able to get away with this kind of an open-ended commitment. Normally what you say is you're responsible for these kind of things up until the date we take it over, and then we pick it up from there. And then we indemnify you for anything down the road. You indemnify us for anything that happens prior to that.

I don't know that this Sense of Council motion really serves any purpose tonight. I don't see any reason why we can't just give this to the County Solicitor, the administration has it, and tell them to work this out and come back to us with an agreement as part of an ordinance

that we can live with. I think this sends a false signal out there. I think it sends a dangerous signal that we're somehow abiding by this agreement. I'm not here to say whether the concept is good or not, but I think if there's an opportunity to get easements, we ought to take them. If we have to take the piers as part of getting those easements, I'm fine with that, as long as we can limit our liability and our exposure to it. Unfortunately, this doesn't do it. And with a great sense of regret, I'm going to vote against this Sense of Council motion until I know we've got a document that we can live with.

PRESIDENT FITZGERALD: Councilman Futules.

MR. FUTULES: Wow. What a great argument. And I certainly --- and I heard every word. Matt has concerns and I think we all do. I thought we would be voting on letting the administration handle this from here on and come back and tell us. Maybe you both are correct. We're not sure. That's what I thought we were doing tonight, just voting to let the administration look at this and say, yeah, it's a good idea or maybe we shouldn't.

But after listening to you, it just popped into my head, a thought that I'm surprised the Turnpike Commission is willing to give us these piers and easements, because 100 years from now, when they go to replace the bridge that's there now, the new one, they may need that structure area to build another bridge again, and they won't have it. I'm almost surprised that they haven't thought of that themselves, because this bridge is here. It's gone. And once this bridge gets old, they've got to rebuild a new one over here. And if we've got a right-of-way and easement and they can't do it, then they're stuck. And it's something that's not in our lifetime, but wow. That's something that they should have thought about, but I think this is above me and maybe some of us here on Council. I think the administration really needs to look at this, and whatever the recommendations they give us, I think that we should, as a Council, consider that.

PRESIDENT FITZGERALD: Yeah. Let me just --- real quick. We're not voting on this contract. It was a letter that came out. It's a Sense of Council that we are interested in having the piers. We're interested in having them work out the details. Some people may not like every detail and may vote against the final ordinance as it comes. But if we vote no and send the signal that

we want no parts of this, then in essence, we're never going to have any chance, you know, to do title searches, the easements, to do all of these wonderful things that sound good but can't be done in a week.

MR. MCCULLOUGH: Rich, let me ask you, if I may ---.

PRESIDENT FITZGERALD: You will. Let others have a chance. Ms. Cleary?

MS. CLEARY: Yes. I think we're getting off track here. All we're doing is saying that we want them to leave those piers there and we will accept them for \$1. I mean, that's all we're doing here. And I think when you look at what they can provide for the parks and the trails system, I think that comes into the quality of life that I think everybody really wants. So I would definitely support this and I'd like to be added as a co-sponsor.

PRESIDENT FITZGERALD: Add Ms. Cleary. Mr. Drozd?

MR. DROZD: He hasn't had a chance ---.

PRESIDENT FITZGERALD: I'm sorry. Mr. Robinson was next, then Ms. Green Hawkins and Mr. Macey. Yeah. I'll let everybody speak, and then we'll move back to Mr. Drozd and Mr. McCullough if he wants to speak again.

MR. ROBINSON: Thank you, Mr. President. On several occasions, I've heard the comment that either the Chief Executive or the administration need to be a part of this process, either by way of some legislation being submitted to this Council or, in terms of their interest in expanding the parks and the trails. If my memory serves me correct, there is a Parks Commission. And if my memory serves me correct, the Chief Executive --- the current Chief Executive took an interest in that project in large measure because of Councilman Burn and former Councilman Fawcett. Yet I'm not sure where the administration and the Chief Executive stand on the action that we're asked to approve this evening.

And given the fact that the executive director of the Turnpike Commission, I believe, has been authorized to speak on behalf of the Commission, at least through a document that some members have, there's an urgency on their part to get the job done, being they're taking those piers down themselves and transferring them to somebody. And evidently, the interest that was sparked by this Council has motivated Mr. Brimmeier to send over what I believe is a contract that he would like somebody on our

end, the county's end, to consummate. If he sent it over to this Council to be consummated, he sent it to the wrong party because we don't have that ability. I don't know if he sent anything over to the Chief Executive's office. And it does not appear that there's anyone here from the Chief Executive's office who is prepared to speak on this issue to let us know what the Chief Executive's thoughts are on this matter. And I'm not even sure it's fair to ask anybody other than the Chief Executive to come before us and let us know what his vision is for the Parks Commission. Correct me if I'm wrong. He picked all the members of the Parks Commission.

PRESIDENT FITZGERALD: Yes. It's the Parks Foundation.

MR. ROBINSON: Okay.

PRESIDENT FITZGERALD: The Parks Foundation is really charged with funding --- going out and finding private donations, not a special project.

MR. ROBINSON: I understand that.

PRESIDENT FITZGERALD: Okay.

MR. ROBINSON: Hear me out. I am not sure that the Parks Foundation cannot take ownership of these piers. It is not clear to me that they can, and it's not clear to me that they shouldn't be the ones pursuing these piers, because it looks like there's a possibility that they could use them in the immediate future. And having them under their jurisdiction would be helpful. So if we move forward to send a signal to the administration and send a signal to the Turnpike Commission, I think we need to tread lightly because there may be other parties who can take responsibility for these piers if the Turnpike Commission wants to turn them over to them. And that will answer a lot of our questions about liability.

I think Mr. McCullough has raised some salient points. And now that literally everybody in Allegheny County knows what the potential for liability is, I want us to tread even lighter. I don't want us to put ourselves in a position where someone wants to challenge us around accepting these piers, or once we accept them, that we don't have all the information we need, not only from the administration, but from the Turnpike Commission.

If this Council decides to approve this motion, and this motion positively affects the Turnpike Commission by the 13th of July, we need to know exactly what it is that they expect either the Chief Executive or this

Council to do before they make a final decision on demolishing the piers. If I am to understand Mr. McCullough's reading of the letter, if something doesn't happen on our end by the 13th of July, the Turnpike Commission is prepared to blow up the piers. Well, we only have one more week that we're going to be here, unless we have some special meeting. And we don't have any reports in front of us as to whether or not our engineers think this is a good idea. So I'm reluctant to move forward.

I am willing to support this motion if we can get some better assurance that if anything comes back to us, that it's clear what our obligation is going to be, and at the same time, we thank Mr. Brimmeier for his letter, but in no way do we give any official status as a contract that he expects us or the administration to sign.

PRESIDENT FITZGERALD: Let me say this, Mr. Robinson. I have no problem with asking Mr. Brimmeier if he will make himself available next week. However, the 13th is the day that they're scheduled to blow them up. So I would like the Sense of Council, which is not a contract --- it doesn't ratify everything in the letter. It says we have an interest in preserving the ability to have the piers. That's what it says. Even if we voted 15-0, it doesn't oblige this Council, this county to do anything, because it's not in the proper form of an ordinance, which we must follow in the Home Rule Charter to approve the taking of land. So again, it is a Sense of Council and I think going to the letter clouds the issue because this Sense of Council just says we're interested in looking at it. Obviously, the administration, our engineers, the County Manager, et cetera have got to move forward, and all we can do is ratify it at that point. Ms. Cleary?

MS. CLEARY: I already spoke.

PRESIDENT FITZGERALD: Ms. Green Hawkins. I'm sorry. You did speak. I apologize.

MS. GREEN HAWKINS: Thank you, Mr. President. I think it's been said a few times this evening, but I think it bears repeating just so that there is clarification and people understand what it is we're trying to do here tonight. And it is a motion expressing a Sense of Council just to say that we have an interest in these piers. As far as this agreement, just to reemphasize, it is a proposed agreement. Proposed means, to me as a lawyer,

that I get to give counter proposals, as do you. It's not a contract of adhesion. And the question was asked of me, would I recommend that my client sign something like this? And as a lawyer who deals with plenty of corporations across this country every day, I can do just what I do to them. I look at them and say, you know, your lines are straight, your margins are great, your words --- but here's what I want. And we are free to do that. Thank you.

PRESIDENT FITZGERALD: Mr. Macey.

MR. MACEY: Thank you, Mr. President and members of Council. I'd like piggyback just a little bit on what Councilman Burn had said earlier. And I serve with the Regional Trail Corporation. You know, 30 years ago, there was a few people that got together and said, you know, with these railroads breaking up and with all this land available, maybe you ought to start building these trails. So they did. They got together and put together a few trail councils up along --- from Washington D.C. on up through the Mon Valley. And today we're only two segments away from having the number one, the longest trail in the country, something that people come here from all around the country to enjoy. And as far as economic development is concerned, there's documentaries out there with regard to the Regional Trail Corporation and various trail councils on how the economic development grew in their area. No, it's not industry, but there's bread and breakfasts. There's restaurants. There's bike repair shops. There's other stores and amenities throughout the area.

You know, when they were building these trails, they had tunnels they had to deal with. They had bridges they had to deal with. And, you know, it all came together. But it wouldn't have come together if somebody at the railroads and the trail councils didn't help preserve those right-of-ways and preserve those infrastructures that made it possible, at lower cost, to get across the river or to get under those mountains. Please add me as a sponsor, and I support this wholeheartedly.

PRESIDENT FITZGERALD: Add Mr. Macey. Now we'll go to a second round for those people who want to speak again. Mr. Drozd, Mr. McCullough and Mr. Gastgeb.

MR. DROZD: I'll defer to Mr. Gastgeb first.

PRESIDENT FITZGERALD: Well, Mr. McCullough is ahead of him. Mr. McCullough?

MR. MCCULLOUGH: Rich, I think this is important. When is the specific date and time this bridge is to be demolished?

PRESIDENT FITZGERALD: They told us July 13th, which is next Tuesday.

MR. MCCULLOUGH: Okay. What time?

PRESIDENT FITZGERALD: I don't know.

MR. FINNERTY: Ten o'clock, I think.

MR. MCCULLOUGH: Okay. Because here's the issue.

PRESIDENT FITZGERALD: I'm guessing it's not in the evening. That's why I said ---.

MR. MCCULLOUGH: So here's one of two things. Either we pass the Sense of Council motion tonight and we tell them, oh, we've passed a Sense of Council motion that doesn't mean anything other than we're interested in preserving the piers. He's going to come back and he's going to say, that's not good enough. We're blowing them up because I told you you've got to act on this by July 13th. Or he comes back and he says, I've read your motion and here's what it says. I'm looking at the second whereas clause on the next to the last page, just above where it says primary sponsor. It says, at a meeting of County Council, Committee on Parks, held on June 24, Turnpike Commission CEO Joe Brimmeier expressed the sense that those bridge piers can, in fact, be spared, and the Commission would be willing to explore further options if the county were to agree --- agree to assume responsibility for the pier structures. That's not an expression of intent. That's an agreement to assume responsibility.

Then we go into the operative language of the resolution itself. Now, therefore, it is moved by the Council of Allegheny County that Council expresses its support of a proposal for the county to assume responsibility. Okay? That's his proposal. Well, he could come and say, you know what? We blew these things up. We got your expression that you supported a proposal. We delivered you a proposal, Allegheny County. Now don't come back and tell us any more about this new agreement you want to do.

Here's what I think we ought to do. Why not just send them a letter saying, you know, we received

this. Thank you very much. We're interested in the piers, but we're not in a position to act upon this agreement. We've referred it to the County Executive and the County Solicitor for review. We intend to get back to you by the 13th of July. Why not just do that? That puts it out there that he knows we're interested, but we sure as heck haven't committed to this and we haven't raised any false hopes that we're going to. And then you can have an --- and it can happen within a week. But there is a proper agreement negotiated that some kind of protections in here. He gives everybody the opportunity to have the kind of things we need to have so that this vision can be realized.

This doesn't do anything to protect us. It does leave us some confusion. And at the very least, it's not necessary. I think a simple communication from him expressing just what I said takes care of this and keeps us alive and gives us an opportunity to act on this property. We've gotten into trouble time and time in the past where we've let ourselves be rushed ---.

MR. FINNERTY: When?

MR. MCCULLOUGH: Would you like to give me some examples of when we've let ourselves be rushed into acting on agreements that we found out were not in our best interests?

MR. FINNERTY: Right.

MR. MCCULLOUGH: The WAM Fund, for example.

MR. FINNERTY: We have no WAM Fund.

PRESIDENT FITZGERALD: Wait. Let Mr. McCullough speak.

MR. MCCULLOUGH: We had one two years ago.

PRESIDENT FITZGERALD: We're not signing an agreement tonight. Let's understand that.

MR. MCCULLOUGH: That's right. So let's give ourselves an opportunity to negotiate it. Let's give the county an opportunity to negotiate it. Let's not send out a motion saying that we're in support of a proposal when the only proposal we've got is this where it talks about assuming responsibility when what we're saying is we're interested in trying to preserve these piers. That's not what this Sense of Council motion says. And this proposal is a very dangerous document. And the best thing that's going to happen out of this is we don't do anything within the meantime. They're going to be gone anyhow.

MS. CLEARY: Point of order. We've been talking about this for an hour. It's just a Sense of Council. It's just a motion. I think we need to vote ---

MR. MCCULLOUGH: Read what it says. Read it first.

MS. CLEARY: --- one way or the other. Well, then we can vote how we want to vote. As Johnny says, just vote up or down.

MR. FUTULES: I call the question.

PRESIDENT FITZGERALD: Let's try one more round. Let Mr. Drozd and Mr. Gastgeb and any ---.

MS. CLEARY: It's been an hour.

PRESIDENT FITZGERALD: Okay. Almost finished.

MR. FUTULES: Call the question.

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

MR. CATANESE: We only have 13 people here.

MR. GASTGEB: Clarification now. Sitting members?

PRESIDENT FITZGERALD: We need ten; right, Mr. Cambest? All right. Let's call the roll on the question.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

(No response.)

MR. CATANESE: Mr. Drozd?

MR. DROZD: Nay.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: No.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Nay.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: No.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: No.

MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: No.
MR. CATANESE: Noes 7, yes 6 (sic).
PRESIDENT FITZGERALD: Mr. Drozd, you have the

floor.

MR. DROZD: Thank you, Mr. President. The motion reads, and make no mistake ---. First of all, I've heard a lot of ---.

PRESIDENT FITZGERALD: I'm sorry. You know what? You asked me ---. No, she had asked me about changing the paper. Oh, you did it? Okay. Never mind. Go ahead.

MR. DROZD: I gave Mr. Gastgeb ---.

PRESIDENT FITZGERALD: No. Go ahead.

MR. DROZD: That's why we went to Mr. McCullough.

PRESIDENT FITZGERALD: Mr. Gastgeb, go ahead.

MR. GASTGEB: Okay. Thank you, President Fitzgerald. Thanks, Matt for, I guess for letting me go. I guess for me, without disrespect up here to anybody that's made comments, to me, the Sense of Council is bad, and I'll tell you why. Members up here are divorcing what the Turnpike Commission has sent us as if it doesn't exist. I think it's very relevant because if this was in my back yard or somebody up here's back yard, then we'd have complete control over the Sense of Council. You'd be able to say when you wanted point A, point B, point C. We don't have that. We have to follow what their vision is. And Ms. Green's right. Maybe it will be proposed differently from us back. But right now, how could you divorce what the Turnpike Commission wants us to do? It is very large.

And as Mr. McCullough put out --- pointed out, it could cost money. There could be a title search. Title searches aren't free. And these permits that they need. we need permits from the Corps of Engineers, Coast Guard. With eight of them here, are these all free? That's my point. Mr. Macey and Mr. Burn bring up some good examples on economic development. I've stated that many a time. I'll wait until my colleagues are done talking then. Thank you. I stated that many times. I'm a big trail guy. The parks are important to me. Many examples exist over ten years. Every example that was

given by my colleagues have been shovel-ready projects. You act like the trestle's going to be built tomorrow. There is no trestle once the bridge comes down. There's just piers. I'd understand if there was a shovel-ready project. Then there would be a marina. There would be bikes. There would be whatever. The genesis of 1970 for the trails was because they were going to start.

We have to hope that there's a likelihood that the bridge is going to be built over a trestle over the existing piers exactly to the specs and the blueprints. I don't know if that's going to happen or not. You act like the bridge is ready to go. There is no trestle bridge. It's going to be torn down. There's going to be piers there. And by the way, these piers have conditions, not by me, not by me bringing malarkey up for fear, by the Turnpike Commission. They bring up wrongful death. They bring up injuries. They bring up property claims that the county's in charge of or the county has purview over. I'm not making this up. Mr. Drozd isn't making this up. This is in their agreement. So how do you have a Sense of Council and just divorce the agreement like it doesn't exist? I don't understand.

I think that --- and I love having a vision on this stuff. That's why Republican Dave Fawcett came to me. He was a close colleague of mine. I know this is important to him. But what also is important, too --- at the time he was a Republican. Now he's not. I don't know why you'd want to spend money on this. I want to know how much this is going to cost. I'm against it because I see --- and I agree with Rich. I run away from liability. I don't think we can operate that way. I totally agree with you. But I'm not used to having a Sense of Council when the adjoining document has so many things in there, eight points, more points on different things that holds us accountable. And why? Because we think maybe some piers down the road are going to be important.

I will go back and say, before many of you were on this Council in 2003, I saw the blueprints. Mr. Fawcett was happy. Mr. Burn was involved. They did a tremendous job. I signed on kind of as a junior person with them. There was no bridge back then. This was not like a deal buster, because there was no bridge and harbor, that the riverfront property was doomed somehow. Somehow, it was still, even last year at this time, a good project, a riverfront project. You know, you have trails

along the river. It joins the river. So I don't know why this all of a sudden completely takes the trails, completely takes the riverfront park project down the tube because we're not keeping some piers that we're going to be liable for. And we have to do it, because we're under the gun, by July 13th. I mean, we're going to have an ordinance, I guess, next meeting. I'm not going to cry if the Chief Executive wants to sign something like this, but I think it's just irresponsible. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd, then Mr. Ellenbogen.

MR. DROZD: Thank you, Mr. President. Make no mistake. I heard the word malarkey if --- whatever may be, as pointed out by some of my Council members. This is not malarkey. It's not. It's all in this document right here from the Turnpike Commission. And by the way, it was said that we're just asking them to explore, the administration. It doesn't say that. The motion says --- it says specifically, motion of the Council of Allegheny expressing the Sense of Council regarding proposal for the county to assume responsibility of unused bridge. To assume responsibility. It doesn't say explore. I don't see explore anywhere in there. It says, to assume. They're asking, which triggers this, which goes to the administration and says to the administration, please accept this document or whatever it may be. Assume the responsibility. When is it malarkey, when is it whatever when we're doing due diligence here? When is it?

The Solicitor just told us, you just got a copy of this document today. I did, too. The date of the document is June 30th. He just got one today. I did, too. And we're just going to say, okay, let's go with it, this is it, when we're talking what could be millions of dollars? Are we saying it's malarkey when we're doing due diligence to protect the people of Allegheny County from unnecessary costs, unnecessary liability? Are we doing that? I also heard here it said that --- I heard that. I was in --- I heard that on the phone or wherever I might have been. The Turnpike commissioner said, quote, unquote, it would cost the state more money to tear the bridge down to save the piers. Check the record. Check the minutes. You'll see it. I don't know. Maybe you left the meeting, Mr. Finnerty. Well, look at the minutes. Check it. That's what he said. That's what I heard.

MR. FINNERTY: You're totally wrong.

MR. DROZD: Well, then let's go to the minutes and we'll see. Well, if I am, then why don't we wait for him to respond to my letter, which I asked him in that letter? He can say, well, that I'm wrong. Let him say you're right or wrong. I don't care if you're right and I'm wrong. I want him to go on record and I want the record to say this is ---.

MR. FINNERTY: If you didn't care, you wouldn't be talking to him.

PRESIDENT FITZGERALD: Let Mr. Drozd finish.

MR. DROZD: You came at me, Mr. Finnerty.

MR. FINNERTY: You keep pointing your finger at me.

MR. DROZD: All right. Whatever it may be. Whatever it may be and what it is, is this. Let him respond to the questions in my letter. Let the Solicitor look at the document, the contract. Let us find out what it actually is and what the people of Allegheny County assume the liability and the costs are for this. And the litanies are unbelievably long. All this litany of what they're asking is going to cost thousands of dollars in order for us to do business. There's a study in this. You know what studies cost, hydraulic studies? Think of that. And it even says in this --- their own engineer said that the piers are not good for reconstruction. Now it was pointed out, someone visited the piers and they pointed to these piers in the river down here. These piers in the river down here are small little piers, compared to what's up there. That's exactly ---. Now, are we going to pay for piers --- they are different piers. Are we going to pay for piers to put flags on? Are the people of Allegheny County going to pay for piers to maybe put flags on, in all due respect?

Now, let me say one other thing. You know, it was pointed out in the Millvale area that people frequent those restaurants. Guess what? I do, too. Exactly the ones you said here. I've never seen a biker yet in there. I see people that use the parks that were done by the good people of Millvale. They did it. The people of Millvale is the one that brought it by doing that beautiful riverfront park. But when you start biking beyond there, you're on a cinder trail. You know what I do as a biker? I turn around and I go the other way where it's more paved. I have yet to see a biker other than me in there.

and by the way, I didn't bike there. I drove there from where I live to go to those beautiful restaurants in Millvale.

So I don't believe in the statistics that I have, whatever it may be. If it is, it's great. No one here can know if this good vision. I'm not saying it's not good vision. But it's not a good deal for the people of Allegheny County. It's not a good deal to the taxpayers. And this document says it. And when they say --- when it was said just a little while ago and said something about the fact that, oh, by the way, if something happens to those piers during the thing and some damage is done, they'll assume the repairs, it doesn't say that in this document. I don't see it in here. I only see this document in numerous places it says that we, the people of Allegheny County, shall be responsible for costs associated with the tasks listed under the paragraph. It goes on.

We the people of Allegheny County could be responsible for costs of demolition, costs of insurance, on and on and on. I hear a lot of costs. We, the people of Allegheny County, are going to assume these costs. And you know, thank you, Mr. Robinson, as well as some of my other Council members who put out some good points. You're right. It shows the foundation. That's the one --- the foundation should be assuming this, not the people of Allegheny County, because why do we even create the foundation, you know, for the parks? I took gifts in kind all the time. For a major university I took gifts in kind all the time. I sure did, as well as monetary gifts. So I don't know. I'm hearing all this hearsay, but this is the document. Examine it. Look at it. Anybody can look at this --- let's put it online. Let's put it on the website for the people of Allegheny County. Guess who's going to assume it. The people of Allegheny County. Because guess who's going to assume it? The people of Allegheny County.

PRESIDENT FITZGERALD: Just one point, so that we understand, the document has nothing to do with the motion.

MR. DROZD: Sure, it does.

PRESIDENT FITZGERALD: We're not voting on the document.

MR. DROZD: Mr. Fitzgerald, you're saying assume ---.

PRESIDENT FITZGERALD: The motion was written before the document even came.

MR. DROZD: It doesn't matter. You're saying assume the responsibility, assume the responsibility. This is it. And it says here the administration --- Chief Executive, administration will see if they want us to assume the responsibility of this document, okay, and maybe they negotiate. Maybe they don't. That's what you said. You've given them the green light.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Thank you, Mr. President. Councilman McCullough raised some good, valid points, I think. But we also have two other attorneys up here, you know. Councilwoman Green Hawkins raised the point that this is more a Sense of Council as opposed to the logistics and the legality than some of the things that Councilman McCullough addressed. Councilman Burn is also a very respected attorney and he also concurs.

The question I have is --- and maybe this might not be fair to our Solicitor and the County Solicitor and the County Manager. The point is there are averments and there are things that are in this, and I'm wondering, does the County Manager have any input in terms of whether he would commit his resources to see that these permits are filed and the necessary paperwork is done? We don't have the capacity to do that. I think it's a fair question to ask, whether --- if they weren't aware of it, I'm sure they're aware of it now --- whether they are willing to commit the resources to do this paperwork in this quick of a time.

And I would also like to get a response from not only our Solicitor, but from the County Solicitor in terms of the legality of this because I'm not an attorney. I'm an economist and a financial person. So I'm getting different legal opinions here, so, you know, I'm asking our Solicitor and the County Solicitor, is this a Sense of Motion, as Councilwoman Green and Councilman ---?

PRESIDENT FITZGERALD: Let me ask Mr. Cambest. Mr. Cambest, are we on the hook for this or the Turnpike Commission?

MR. CAMBEST: I think as I said about an hour ago, I read it as being a Sense of Council with regard to the proposal, not agreeing to the proposal, not agreeing to any of its content. I assume that if we adopted this this evening, it would then go to the administration for

Mr. Wojcik to review or somebody from his department. And he would probably be raising a lot of questions discussed here tonight.

Now, I can't comment on Mr. Brimmeier, what he's thinking, Mr. Racour (phonetic), what he's thinking. I can only comment in follow-up to what we have here. That's what I anticipated the procedure to be. I don't think it binds us in any way. I don't know whether the piers will be blown up July 13 if we do this. I can't comment on that. I can only comment on the motion itself, the procedural aspects of it, the potential liability to us, County Council, as expressed in the Sense of Council.

MR. ELLENBOGEN: So Mr. Cambest, I'm correct in my thinking and saying that to vote aye on this bill more or less opens the door to allow the administration and the Solicitor and the County Manager and whoever is involved to pursue, and it does not in any way hook us to any legalities or anything falling apart? That's your opinion, sir?

MR. CAMBEST: Mr. McCullough may be correct that if you voted no, that they would just go ahead and blow the piers up on July 13th at ten o'clock. That's a possibility.

MR. ELLENBOGEN: All right. Thank you, Mr. Cambest.

PRESIDENT FITZGERALD: Ms. Cleary?

MS. CLEARY: Yes. I think that's --- basically what our Solicitor says is what I had to say. We're saying the County to assume responsibility. Everybody's agreeing --- we've all read already this is only a proposal for the County to assume responsibility. That is the whole phrase, proposal to assume responsibility, just the Solicitor just explained. That is all we're voting on. We're what, an hour and 15 minutes now talking about just a proposal to look at this. I think it's time to vote.

PRESIDENT FITZGERALD: Mr. McCullough, then Ms. Green Hawkins.

MR. MCCULLOUGH: Jack, I have a question for you. If Council voted to approve this Sense of Council motion, could not the Turnpike Commission turn around and blow those piers up next week anyhow?

MR. CAMBEST: Sure.

MR. MCCULLOUGH: Because basically it's legally meaningless? That's what you're trying to say? Unless, of course ---.

MR. CAMBEST: As to this agreement.

MR. MCCULLOUGH: But you would agree with me that it does say Council expresses its support of the proposal? I know support doesn't mean we agree with the proposal. It does express support. So there's some leading on that there's a proposal. Does anybody have any proposal out there from the Turnpike Commission other than what Mr. Brimmeier sent to us?

PRESIDENT FITZGERALD: Not that I'm aware of, Chuck.

MR. MCCULLOUGH: Okay. Jack, let me ask you, or Mike --- you showed up, so you might as well work a little bit tonight. Are either one of you gentlemen prepared to recommend to the County --- let me put it to you this way. Would either one of you approve this document as to form as it's written?

PRESIDENT FITZGERALD: Nor would the sponsor recommend it.

MR. MCCULLOUGH: Rich, that's the point.

PRESIDENT FITZGERALD: The motion was written long before they even ---.

MR. MCCULLOUGH: And that's the point, Rich. It crossed. In other words, this motion was prepared long before this ever came in. So there was no mixing or matching, no ability to comprehend this stuff. So here's my point ---.

PRESIDENT FITZGERALD: Let me just say this. There has never been a stronger advocate for this Council to take time to hold hearings --- I would love to do that. I would love to take six months to study this. The problem is I nor this Council nor the administration has any control over that July 13th deadline. That is a deadline we're up against that we have no control over. So we are just doing a Sense of Council asking them to give us the opportunity to enter into an agreement. Now, we may never come to an agreement. Mr. Wojcik, the Law Department and the Manager may say it's too costly. We don't think it's the right thing to do. And they may blow the piers up, and that may very well happen. But if we don't send the signal, I think the chances that the bridge piers get blown up increases. That is all we're trying to do tonight.

MR. MCCULLOUGH: Rich, unfortunately, your motion doesn't say that. Your motion does not say --- it says nowhere in here, we want the opportunity to enter into an agreement with you. What it says is, we express support of a proposal to assume responsibly. It doesn't say that.

PRESIDENT FITZGERALD: If they give us the piers, we have to assume responsibility.

MR. MCCULLOUGH: Well, that's just the point. If they give us the piers, we're going to be stuck with the responsibility.

PRESIDENT FITZGERALD: That's right.

MR. MCCULLOUGH: And on whose terms? On the terms of their proposal or a proposal that hopefully we work out beforehand? And that's the problem. The problem is this wasn't prepared in response to this. This was prepared in the blind, and now this thing came in here.

Let me tell you something. The Turnpike Commission loaded up on us with this document. This is one of the most one-sided, repulsive documents I have ever seen. As far as I'm concerned, this is basically them saying, you know what? If they really want those piers, we'll going to load it up with all this stuff, and if they take it, that's great for us because we've just absolved ourselves from liability for these things from time immemorial, and if they don't, we can turn around and we can say, well, we offered it to Allegheny County and they didn't want it. And that's the problem I got with this.

And Jim, you made a point earlier on about the engineers of the Turnpike Commission, and I'm sure they know what they're doing. But all these drawings and stuff that they produced to us, they didn't produce an engineer's evaluation as to the structural viability of these piers. I'm sure they had something on file. I'm sure they did some sort of analysis when they went through demolition and they determined, for whatever reason, it was better to blow this whole thing up than to just blow up --- you know, they could have kept the piers themselves.

Now, what they're telling you by this agreement is, ask us no questions, we tell you no lies. If we ask a question of due diligence, yeah, they'd have to turn it over. But there's nothing here saying, oh, well, we were going to tell you if we got a problem. Now, we could put a representation and warranty in here that says they cover

it a certain date to have no known defects or anything like that. But it's not here. And Rich, that's the problem. A very simple way to express interest is to just write them a letter and say, we're interested. We would like to enter into an agreement with you. And we turn this matter over to the County Health Department and the Chief Executive for further ---.

PRESIDENT FITZGERALD: That's what this is.

MR. MCCULLOUGH: You're saying it in essence, Rich, that that's not what it is.

PRESIDENT FITZGERALD: So you think the Turnpike Commission is trying to stick it to us, is the way you're talking.

MR. MCCULLOUGH: It could be read that way. It could be read that way. This is so one-sided.

PRESIDENT FITZGERALD: Mr. Brimmeier is trying to hurt Allegheny ---?

MR. MCCULLOUGH: I didn't say he's trying to hurt. He's loading it up; all right? And if he were here, I'd tell him that. Joe, you're loading up on this agreement and you don't expect anybody is going to sign this thing like this, so why are you doing it?

PRESIDENT FITZGERALD: Ms. Green Hawkins?

MS. GREEN HAWKINS: Thank you, Mr. President. In plain English, just for clarification, the issue becomes the enforceability of this proposed agreement based on County Council's passage of the Council motion tonight. Then I think the question becomes, why would the state --- why would the Turnpike rely on a Sense of Council motion from a body that has no authority to enter into such an agreement? And there is no basis for that. So I don't see a basis for any complaints, court actions to enforce this agreement. So that's just my two cents and my opinion.

PRESIDENT FITZGERALD: Mr. Finnerty and then we'll vote on it.

MR. FINNERTY: I was just going to say, it is a proposal they sent and it is one-sided. There's no doubt about that. And it's just like when you bargain. If I wanted to sell my car for \$5,000, I'm going to ask for \$8,000 and then we're going to start and we're going to see where we are. The same way you'd sell a house. So this is nothing but a proposal and we're only giving a Sense of Council. It's going to the Law Department, the

Chief Executive, and they're going to do some proposing in relation to this. I definitely support this. Thank you.

PRESIDENT FITZGERALD: Two more comments. I'm going to let the caucus chair of the Republicans and the Parks chair speak and then let's vote, because we have gone on about an hour and a half just on this issue. Mr. Gastgeb?

MR. GASTGEB: Thank you. I appreciate the debate and cooperation thereof. Just real quick. I've been on Council ten years doing the Sense of Councils. To me, unless you have a complete majority, which would be 13 members, you'll lose this. If one person votes no, two votes, three, whatever it is, there's just no message. There's no sense. It's a PR nightmare for the Turnpike after this by looking at the record. So I mean, this Sense of Council means nothing unless it's unanimous. Thank you.

PRESIDENT FITZGERALD: Mr. Futules?

MR. FUTULES: Okay. I want to clarify on the fact when you talked about blowing up the piers on July 13th. That is not true. They're blowing up the steel structure one at a time starting July 13th. This demolition is going to continue on through the month of July into August, and it won't be sometime in August until the actual stone piers maybe come up for demolition. Now, the problem is, we don't need meet until the end of August. At that time, that's when it becomes too late. And they're steel structures, not the stone piers. That's what's coming down on July 13th, just one section at a time. It takes time to replace the steel structures before they go to the next one. So it's the beginning of the demolition, not the end of the demolition on July 13th. But I agree with everybody with what we're talking about, but I just thought we were voting on taking it to the administration for them to look at and say yea or nay.

PRESIDENT FITZGERALD: And let me make this commitment to this Council. I will get Mr. Brimmeier here next week. Just pass the Sense of Council so they at least delay this process. If we don't get good answers --- Mr. Brimmeier is not here --- he's a representative from the Turnpike Commission --- to come and answer some of these very good questions, what is our liability, what is our risk, what are the right-of-ways, what do the Coast Guard --- you know, the DEP and the other permits. So you have my sense --- my commitment to do that. But I just

want us as a Council to send the signal that we would like you to delay blowing these things up, whether they're doing them one at a time or doing them all together. My sense was once the process starts, it's going to be very difficult for us to unravel it.

MR. MCCULLOUGH: Rich, why don't you send a letter just doing that? Why don't we act on that? Why don't we pass a motion saying we're asking to delay this until you come? I mean, what I'm hearing is --- and we've talked about this for 90 minutes, and quite frankly, we've had to talk about it for 90 minutes because we're all trying to eyeball something that we don't know fully what's going down again. If we have to have a special meeting --- we've had special meetings in the past. It's a very important issue. If the only hang-up on this is we want to rush something through so we don't have a special meeting, that's no reason at all. Why not just tell them we're interested when we've done more study, and ask them to postpone it?

PRESIDENT FITZGERALD: Call the roll. Let's call the roll.

MR. CATANESE:	Mr. Burn?
MR. BURN:	Yes.
MR. CATANESE:	Ms. Cleary?
MS. CLEARY:	Aye.
MR. CATANESE:	Mr. Drozd?
MR. DROZD:	Nay.
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:	No.
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:	No.
MR. CATANESE:	Mr. Robinson?
MR. ROBINSON:	Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Yes 10, noes 3. The bill passes.

PRESIDENT FITZGERALD: And I'd still like to get, if not Mr. Brimmeier, I'll do everything I can to get him here, someone from the Turnpike Commission to go over this next week. And obviously the administration would have this and start working on this so we can get further down the road. 5776-10.

MR. CATANESE: A 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 July 21st, 2010 beginning at 5:00 p.m. in the Gold Room of the Allegheny County Courthouse. Council President Fitzgerald shall be the presiding officer for such public hearing. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: There's been an awful lot of discussion and information, some misinformation, some other information regarding Marcellus Shale and drilling. And I think it's important --- one of the things this Council has really done well is we've held public hearings, whether it be on things like the smoking ban or base year or what have you. We try to get information out there to the public. So what I would like to do is I'm proposing a public hearing. There is no ordinance compelling or adding a moratorium on drilling. City Council has one. There's talk of one in the state. But I think it's important for us to educate not only ourselves, I know myself, but also our constituents as to both the economic benefits, the economic drawbacks and the environmental risks of Marcellus. What can this mean to our region?

I would like to bring in the DEP. I would like to bring in well drillers. I would like to bring in environmental groups, such as the Sierra Club, Clean Water Action, et cetera, PennFuture, and I would certainly invite members of this Council to give me names which we could invite people to kind of educate us on what is Marcellus and what does it mean to this county. So I will ask for a motion to hold this hearing on July 21st.

MR. FINNERTY: I'll make that motion.

MS. CLEARY: Second.

PRESIDENT FITZGERALD: Moved, second. Any discussion on that? Please call for a voice --- I'm sorry. Mr. Ellenbogen and then Mr. Drozd.

MR. ELLENBOGEN: I just wanted to point --- maybe it might be a good idea to go to one of the universities and get a geologist.

PRESIDENT FITZGERALD: So noted. Mr. Drozd?

MR. DROZD: I said it before. We have to really take inventory on what's happened with this, inventory on what our assets are and our resources in Allegheny County. What sits under that ground? Because what sits under that ground could alleviate the tax burden on our citizens. We need to do that. If we're going to have this public forum, let's get an inventory of what's out there, including what our authorities own, that we haven't seen yet. How much is the Airport Authority going to share with us? The authorities sit on land that we own, some of them. So we might have to get an inventory on this and get a handle on it if we're going to help, you know, the tax base within this county and make this county more attractive and reduce those taxes. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty?

MR. FINNERTY: I think Penn State is having something in regard to the Marcellus Shale and it might be a good point to contact Penn State.

PRESIDENT FITZGERALD: I'll make a note of that. With that, all in favor respond by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries. We'll be doing a public hearing on July the 21st on Marcellus Shale. 5777-10.

MR. CATANESE: A Motion of the Council of Allegheny County pulling Bill Number 5653-10, a resolution authorizing a feasibility study of the Allegheny County Airport Authority, the Allegheny County Sanitary Authority, the Sports and Exhibition Authority of Pittsburgh and Allegheny County, and the Port Authority of Allegheny County for the purpose of evaluating the potential for their incorporation into the operation or Allegheny County for privatization, from committee for an immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Thank you. This is actually an exact duplicate of a motion that was presented two years ago about this time. And it was presented on the heels of

concerns about the drink tax and the Port Authority and the possible transit strike. And now we've had the Port Authority come in last week, and obviously they have some more issues. And that's just one example. But as I said at that hearing and I'll say it again, I think we have to examine the paradigm. I think we have to examine the paradigm as to whether authorities are the best means of conveying these important public services. I personally don't think they are. And we can go on and on about whether they are or whether they're not. But the easy way is to try to do a study to find out what should be done with them.

Now, privatization can mean a lot of things. It doesn't necessarily mean totally independent without subsidy and taking it in as an operation of the county. There's various levels of meaning as well. But there's a whole panoply of discussion here that I'd like to see explored. And I'm asking that we pull this out of committee, vote on it, and ultimately we would ask the executive branch to prepare an RFP for proposals to do a study and let's evaluate this. I would point out to you --- and I'm sure you've all seen the latest report from the County Controller. If you take a look at page three, he talks about the lack of interest earnings. And I'll just read this for the public because I think it's important.

The lack of available cash for investment purposes has contributed to a projected \$1.56 million shortfall in interest earnings. Through May 31, 2010, the county recorded \$135,000 in interest earnings compared to an overall budget of \$1.9 million. To meet the 2010 adopted budget, an addition \$1.8 million in interest needs to be earned.

One other possibility is if we could somehow franchise out the activities of these authorities. Some of you may be able to. Some of you may not. Rather than make the mistake that the City of Pittsburgh did, which is to take that money and use it to just plug operating budget deficits and shortfalls, would be to invest it and basically hold it in trust and use the interest out of that to help us meet our budget. And that would address the issue we've got here. We all know that the budget problems we face aren't going to go away by the end of this year. We all know that the financial problem --- or the fiscal problems that the country is experiencing

aren't going to go away overnight. We're hearing time and time again about cutbacks in state subsidies or federal subsidies. None of this will increase property taxes. And this is a potential to have other ways to get around that issue. So I'm requesting to make a motion to pull this from committee tonight for a vote.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second.

Councilwoman Cleary?

MS. CLEARY: I just wanted to know from staff, from our Solicitor, because this is to do a study, where's the fiscal note for this to see what the study would cost? Or don't we need one for this or what? I thought anything that costs money, we needed a fiscal note for.

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

MR. MCCULLOUGH: Yeah.

PRESIDENT FITZGERALD: And then I'll let Mr. Ellenbogen.

MR. MCCULLOUGH: We don't need a fiscal note because we don't know what it's going to cost until we do an RFP. And I would point out that the county, without any approval from this Council, conducted some sort of a feasibility study about alternative uses for Braddock Hospital. And apparently the money was there and there was not a fiscal note.

MS. CLEARY: But our rule says ---.

MR. MCCULLOUGH: But I'm just telling you. I'm just telling you it's not required to authorize doing things with notes if we haven't awarded a contract. It's just an authorization to move forward with that.

MS. CLEARY: But we're spending money.

MR. MCCULLOUGH: We're not spending any money until we get --- not until we get into a contract to do that.

MS. CLEARY: And we're going to have another vote then?

MR. MCCULLOUGH: Absolutely.

MS. CLEARY: We'll have a note for that?

MR. MCCULLOUGH: Absolutely. I have no problem with that at that point unless you don't spend any money.

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

MR. ELLENBOGEN: What I wanted to say was I agree with the concept of looking at these authorities.

I, for one, am very sick and tired of authorities making decisions and to have my door bashed down like I made them. Every time one of these authorities makes a disparaging decision, it affects the public as a whole. These halls are filled. We get a thousand e-mails. We get tormented.

What I'm thinking here, Mr. President, and you as Chairman of the Government Reform Committee, is maybe it's time for us as a government reform committee for us to sit down and try to put together some kind of a committee with some professionals from some universities and some experts and labor people and try to roll up our sleeves and try to hash this thing out and see what's the best direction to go before we spend any money.

At least in my mind, I think that that's what that committee is for, Mr. Chairman, and I think that the time has come, particularly in light of what I'm seeing in the Port Authority and some of the other things that I'm reading in the newspapers and finding out the information from the newspapers. So being that I'm the one who --- like the rest of you, who have to hear this, I think it would be a good idea for us to possibly create some kind of a committee within the Government Reform Committee to look at these things without spending any money and rolling up our sleeves and just getting to the bottom of some of this and seeing what's going on here.

PRESIDENT FITZGERALD: Let me just respond a little bit. A couple years ago --- because I know Mr. McCullough has introduced some things in the last session, we did hold a number of meetings in Government Reform. And I think you were there and talked to the authority members, the director, Mr. Bland, Mr. Penrod, et cetera. I have no problem with doing that again. That might be a discussion we want to have. If my recollection holds, Chuck, and maybe I'm wrong on this, but I thought the study was about \$50,000 per authority and there were three of them at the time you were looking at. It was \$150,000. Am I remembering right on that?

MR. MCCULLOUGH: Let me respond to that and what Jim said. This clearly contemplates exactly what you're talking about. Nobody said it has to be a feasibility study for a cost. We can appoint a commission and do volunteers or what have you. Rich, as I recall at the time, it was \$50,000 for all for each one of those in discussion about it. And again, it was just an estimate.

But I think the idea is let's have a hard independent look; okay? Nobody said you had to go out and hire a firm to do this. I think this would be a great idea if we had some sort of a commission. We've just got to do the feasibility study.

PRESIDENT FITZGERALD: Like the Institute of Politics, something like that?

MR. MCCULLOUGH: What was that?

PRESIDENT FITZGERALD: The Institute of Politics, the IOP.

MR. MCCULLOUGH: Well, let me give you an example. Why don't we just say we're going to have seven people, and the Chief Executive picks three, and each caucus picks two, and give them a timeline on when to do this? I mean, I don't think we have to go out and get a particular entity to do it. Why don't we get some people that we think would be knowledgeable and do it that way? Nobody says we have to pay money for this. I think we just need to take a look at the issue.

PRESIDENT FITZGERALD: And again, I think most members probably would agree with that. If that's the type of thing, we would work to put a commission together like that and they can look into it and come back with some sort of recommendation as long as we still have the final approval.

MR. MCCULLOUGH: Oh, absolutely. Why don't we do this? Since it is getting late, I'll pull this back. Why don't you talk, Rich, as to how you would like to see this commission assembled, a volunteer commission? My thoughts would be ---.

PRESIDENT FITZGERALD: No cost.

MR. MCCULLOUGH: No cost. But again, how we staff it. And I'm thinking two from each caucus and three from the Chief Executive for seven, something like that. And we'll talk about this as discussion at the next meeting, and I'll pull this.

PRESIDENT FITZGERALD: Mr. Finnerty real quick and then ---.

MR. FINNERTY: I think that's a great discussion item, but I also think we should have equal representation, which means we have 11 seats. So you have one through four. We should have ---.

MR. MCCULLOUGH: Whatever, Mike. I don't want to quibble with numbers. Let's just get ---.

PRESIDENT FITZGERALD: We can work that out.

MR. FINNERTY: I'm just saying ---.

MR. MCCULLOUGH: I'm not going to quibble with it.

PRESIDENT FITZGERALD: Mr. McCullough's pulling it, so we will discuss it --- I'm sorry, Mr. Gastgeb, do you want to ---?

MR. GASTGEB: Yeah. I mean, my recollection is many of us have said comments about it. And there's four authorities listed there that were not in that legislation for the better part of two sessions. And really, the only remedy is if we do something. It's a county issue. It's a county remedy. And you know, we might have had these in the past and there have bills by many members here, but the bottom line is nothing's changed. The structure of these authorities, they're still the same structure. Many board members are still the same for reappointments. It's going nowhere fast. So whatever we can do, it's incumbent upon us to do, not the state or whatever. We need to sit down and figure out how to get those authorities to work. They're county entities. Thank you.

PRESIDENT FITZGERALD: Mr. Finnerty? Okay. Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say, I mean, we've reached the pinnacle, but we got to start looking at this. I mean, we gave the Port Authority what, \$24 million, \$28 million? Some of the authorities we don't give anything to, but the public depends on us to be the ones to open our eyes and take a look at this stuff. I mean, I think the time has come. I mean, you can take Councilman Robinson and put him in any budget, and believe me, he'll find every nickel in there that should be in there. We've got attorneys up here. We have economists up here. We have every walk of life sitting right here at this counter, right here at this, from one end to the other. We have teachers, too. If we can't, as a group, with the professional expertise that sits on this Council, then there's something wrong. I mean, there's no doubt in my mind that we could come up with some solutions and we can come up with some ideas here to change some of the direction this is headed in. Thank you.

PRESIDENT FITZGERALD: All right. Let's move on to public comment. Mr. Drozd, you had --- I'm sorry. Go ahead, Mr. Drozd.

MR. DROZD: Just real quick. It doesn't have to take even a feasibility study in many cases. Let's just

do some benchmarking like SEPTA. Why does SEPTA, such a large, much larger employer than ours, run so much more efficiently cost-wise? Why? I ask these questions all the time. So there are authorities throughout the country that are doing much better than we are, and there are segments --- and the Port Authority is looked at and talked about whether to privatized a long distance line, the contracts, what may be that way. So there are a lot of people doing a lot of things out there better than we are, and in some cases we're doing better things than they are. So we've got to share that. We've got to find the best ones. Let's go look where the best is and let's look if maybe we can duplicate it in some way. Thank you.

PRESIDENT FITZGERALD: Thank you. We have one speaker tonight on general items. It's Carol Wivell. Is Carol here? I'm sorry. I apologize for mispronouncing your name. Ms. Wivell, if you'd come forward and state your name and address for the record, please.

MS. WIVELL: If you would pass out these papers ---.

PRESIDENT FITZGERALD: Yeah. The clerk will distribute those to members of Council. If you'd state your name and ---.

MS. WIVELL: My name is Carol Wivell. I live in Bellevue. And I've come tonight to ask you for help. I'm not a polished public speaker, so I certainly don't plan to read all of this, but I will read some of it and I'd like to skim some of it. The first thing is the first of three letters that I wrote to the editor of the Citizen, which is our local borough's newspaper. On the copies, if you want to see these letters that I wrote, they are online and here's that website address. On April 30th, I wrote, Dear Editor, it rained for the past few days. Yesterday evening I sat in my wicker rocker on the front porch watching the rain fall, enjoying the fresh washed air. The sun is back out today. I find myself wondering now if my neighbors will be burning again tonight. Will I be forced to close all my windows and stay in the house again? Will I close everything up in time to avoid a headache, sort throat and plugged up ears?

I made it clear to the police officers who responded last time I called that I do not have asthma, COPD or any other life-threatening condition that would necessitate a visit to the emergency room over this. My reaction to the smoke from local recreational burning is

just plain misery, mediocre misery. My headaches remain long after the smoke dissipates. The kicker is once emissions from a fire have created a miserable situation in the air, a phone call to report it to authorities is like closing the barn door after the horse is already gone. We need a more proactive, preemptive way ---.

PRESIDENT FITZGERALD: Continue. It means you have a minute.

MS. WIVELL: Oh. I listened a long time.

PRESIDENT FITZGERALD: I understand.

MR. FINNERTY: Good point.

MS. WIVELL: We need a better way to address this problem, hopefully without one neighbor having to antagonize another. I'm already. Miss Popularity. Not. As Bellevue Council members consider what to do with a new ordinance over the next few weeks, I hope you'll kindly consider the minority of us who suffer acute health symptoms from wood burning emissions. Retailers have been selling lots of fire pits and chimineas over recent years. And they're definitely here in Bellevue now. We saw with the recent volcano eruption in Iceland that air currents carried the emissions to Europe.

PRESIDENT FITZGERALD: Go ahead. Without objection, we'll let Ms. Wivell continue.

MS. WIVELL: Thank you. So with the volcano eruption in Iceland, the air currents carried the emissions to Europe and forced the Europeans to close their air course while Iceland's remained open. Since the air on the street is not likely to stay at the street, I hope Council can craft a reasonable way for all of us to enjoy life outdoors in this little urban community of ours.

The Citizen newspaper published this letter on April 30th. I'll skip ahead and I'll say I'm looking at houses out of Allegheny County because I can't stand this. I can't stand having this headache because of someone else's recreational activity. They don't even know what this does. I don't have asthma. Some of you, I'm sure, know people who do have asthma or some of you do have asthma. I'll skip ahead again. The mayor of Bellevue actually said to me two weeks ago asthma is the most overdiagnosed condition there is. Research it.

PRESIDENT FITZGERALD: Thank you, Ms. Wivell. If you can just sum up.

MS. WIVELL: Okay. I've been going to my local council meetings for a few months now. The mayor of Bellevue made it very clear he's not interested in this. He likes to burn in his yard. Two weeks ago, the fire marshal in Bellevue ---.

PRESIDENT FITZGERALD: Okay. Ms. Wivell, again, these are Bellevue ---.

MS. WIVELL: It's a public health issue. And every little municipality is fighting over this and doing one little piece at a time. This is a health issue. The fire marshal can't control a health issue. The people that respond to my calls tell me, until your elected officials do something, there's nothing we can do. And these are firemen and they're policemen. Their concern is fire suppression and public safety in that way. This is a health issue ---.

PRESIDENT FITZGERALD: I understand. You stated it. Thank you, Ms. Wivell. I have one more speaker who is not here to be called, but I'm going to ask without objection to let Ms. Melina Brajovic to speak. Without objection, Ms. Brajovic, you can speak. Can you state your name and address for the record, please?

MS. WIVELL: I don't know what the point of ---.

PRESIDENT FITZGERALD: Ms. Wivell, we're going to let ---.

MS. WIVELL: How you people tell me ---.

PRESIDENT FITZGERALD: Ms. Wivell, please, we're going to let Ms. Brajovic --- Brajovic (changes pronunciation) up.

MS. BRAJOVIC: Yes. My name is Melina Brajovic (corrects pronunciation).

PRESIDENT FITZGERALD: Brajovic. I apologize.

MS. BRAJOVIC: I currently dwell at the time at 221 8th Street, Blawnox in the Commonwealth of Pennsylvania. And I would like to thank the President of Council and Mr. Cambest and the rest of Council members for letting me speak today. I would like to thank you all for serving.

And I am in support of Allegheny County Councilman Matt Drozd and Mr. Chuck McCullough in their efforts to speak on behalf of the Allegheny County taxpayers. I deeply understand their concerns and I hope that we all can understand their concerns, that we all can share their concerns and possibly that we consider correcting the perpetual spending that creates indefinite

debt that will affect all taxpayers who will not be able to pay it back. We cannot keep spending today and expect our children to pay it back tomorrow. Mr. Joseph G. Brimmeier indicated that the state would expect the residents of Allegheny County to bear the risk of any and all liability, as quoted by Mr. Drozd.

Dear President and all Council members, please note that the Commonwealth of Pennsylvania is today, as we speak right now, insolvent. That means that our debt obligations exceed our ability to raise taxes, frankly, to pay for them. The state is not bankrupt, but we are on the brink of the bankruptcy because of what many unbalanced state budgets did to the state.

I support Mr. Drozd and other Council members and am thankful to Mr. McCullough as well. Let us please notify our Governor together of our concerns so that we can correct the problem and not continue contributing to the state's debt with unreasonable spending. Our state is right now \$4 billion structural deficit out of whack. The budget is \$28 billion. The revenue is coming in \$24 billion. We have \$2.5 billion dollars as we speak, debt to the federal government for unemployment compensation borrowing. We have approximately \$8 million pension obligations, and that's coming up as we are moving forward. We have a \$8 million bill that's got to be paid to the doctors' retention fund, which our Governor has --- may I speak further, President?

PRESIDENT FITZGERALD: Usually it shuts itself off. If you want to get to the end of this.

MS. BRAJOVIC: Thank you, President. And to all this, I'd like to quote Mr. Drozd's statement, I do not understand how a state with a budget deficit of \$1 billion can justify investing in a project with so many uncertainties, placing additional burdens on the taxpayers when we cannot maintain our existing infrastructure. And I want to thank everyone for serving. Thank you for all your time. And in a final quote by Dr. Ron Paul, capitalism should not be condemned since we haven't had capitalism. Thank you.

PRESIDENT FITZGERALD: Thank you. Do we have a motion to adjourn.

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 7:53 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