

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

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

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

Tuesday, December 21, 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 begin the meeting. If everybody would please rise. And I'm going to ask Ben Kiernan, who's on active duty and is a corporal with the Marine Corps, if Ben would come forward. He's on injured duty right now. He's recuperating. He's going to lead us in the Pledge of Allegiance. But first of all, I want to thank you for coming, and welcome to the Tuesday, December 21st, 2010 full meeting of the Allegheny County Council. We're going to have 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?

(No response.)

MR. CATANESE: Ms. Cleary?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

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?

(No response.)

MR. CATANESE: Ms. Green Hawkins?

(No response.)

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?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: Eleven (11) members present.

PRESIDENT FITZGERALD: Proclamations/  
certificates. 6058-10.

MR. CATANESE: Proclamation honoring Attorney  
Vince Grogan for receiving the 2010 Professionalism Award  
from the Allegheny County Bar Association Litigation  
Section. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Thank you, Mr. President. Good  
evening, members of Council, ladies and gentlemen. We're  
here tonight to honor a very dear friend of mine and a  
mentor and an outstanding member of the Bar, Vince Grogan.  
Vince Grogan graduated from the University of Pittsburgh  
50 years ago. And in those days, when you came out of law  
school, you worked but did not get paid. Come on up here,  
Vince.

MR. GROGAN: I can still walk.

MR. MCCULLOUGH: It's called a preceptorship.  
And I tease Vince. It was sort of like being on a PGA  
tour back in those days. You played, you could win  
tournaments, but you did not get paid. But in any event,  
Vince has had a very distinguished career. And I had the  
privilege of working for Vince for a couple of years in  
the early '80s, and obviously, he deserves none of the  
blame for how I turned out. But believe me, I learned an  
awful lot from Vince. Like Yogi Berra once said, Rich,  
correct me if I'm wrong, you can observe a lot by  
watching. And I observed a lot and I learned how to  
become a lawyer by watching Vince Grogan in action. With  
that being said, I'd like to read this proclamation to you  
from County Council.

Whereas, law practitioners in western  
Pennsylvania who are distinguished, experienced and  
virtuous utilize their skills to better the lives of  
people they represent and to enhance the quality of the  
law.

And whereas, Mr. Vince Grogan, Esquire received  
his law degree from the University of Pittsburgh in 1960  
and then Bar admission in Pennsylvania in 1960, U.S. Court  
of Appeals, Third Circuit in 1963 and the U.S. Supreme  
Court in 1964.

Whereas, Mr. Grogan has displayed a commitment  
to improving as a lawyer since the beginning of his career  
and has shown to be a leader of the Bar and an effective  
advocate for his clients.

Whereas, Mr. Grogan served as president of the Pennsylvania Bar Association in 1997 and the Allegheny County Bar Association in 1989. He received the Joseph F. Weis, Jr. Distinguished Service Award in 1997.

And whereas for his prestigious, admirable career, the Allegheny County Bar Association Litigation Section bestowed upon Mr. Grogan the 2010 Professionalism Award.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of the county, commends Vince Grogan, Esquire for his lifetime service to the county as a distinguished lawyer and for receiving the 2010 Professionalism Award from the Allegheny County Bar Association Litigation Section. We hope Mr. Grogan's unparalleled dedication and practicing morality is recognized by all citizens of our great county. And this is obviously issued today, the 21st day of December 2010.

Before I turn it over to Vince, this award is the highest award the County Bar can confer on an attorney. You don't do it just because you're a great advocate. You do it because you're a fine human being. And I can think of no better combination of advocate and human being in our Bar than Mr. Grogan. Vince?

(Applause.)

MR. GROGAN: Thank you, Chuck, and thank you, other members of County Council. This is an unanticipated but incredibly pleasing honor to receive this resolution and proclamation. As a trial lawyer, over the years, I've learned that people talk about wins or losses, and seldom are we perceived and looked at for the way we conduct ourselves. And the issuance of this proclamation is certainly pleasing to me and a very satisfying recognition and acknowledgment of the 50 years I've spent, and that's a long time. I appreciate it all. Thank you very much.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6059-10.

MR. CATANESE: Proclamation honoring Corporal Ben Kiernan for his service to our country and welcoming him home from his deployment overseas. Sponsored by Council Members McCullough, Gastgeb, Finnerty, Drozd, Ellenbogen, Fitzgerald, Futules, Green Hawkins, Macey, Martoni and Robinson.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Mr. President, with your leave, I'd like to invite all the sponsors of this proclamation to stand at the podium to honor this fine American and great hero.

PRESIDENT FITZGERALD: That would be all of us. I'm going to go ahead and read this, and I'd like Ben to come up and join us. Really, I mean, we can do --- we can't do enough to say thank you to the men and women who serve us, serve this great country and make the sacrifices to preserve our freedom. And we all wanted to co-sponsor this to just, in some small way, say thank you, Ben, in honor of what he has done. I want to read this into the record.

Whereas, those who serve our country endure hardships and sacrifices so American citizens may enjoy freedom and security.

And whereas, Marine Corporal Ben Kiernan, a native of Mt. Lebanon, joined the United States Marine Corps while attending Virginia Tech.

And whereas, Corporal Kiernan's combat engineer battalion trained in the United States in 2009 and then left for southern Afghanistan on April 1st, 2010.

And whereas, during Corporal Kiernan's first tour of duty and while on patrol searching for improvised explosive devices, IEDs, in September, he was severely injured by an explosion which littered the right side of his body with complicated injuries.

And whereas, after nine surgeries for his injuries in hospitals in Afghanistan, Germany and Maryland, Corporal Kiernan returned home to Mr. Lebanon on November 16th, 2010 to receive additional treatment and physical therapy and to enjoy some much-deserved rest and relaxation with family and friends.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, commends Marine Corporal Ben Kiernan for assuming the duty of service to his country and exhibiting valor while exercising that duty as exemplified by his injuries Corporal Kiernan sacrificed for our country. And we look upon his actions with great pride. We support him while he recovers from his injuries, and most of all, we welcome him back home. And this is sponsored by all members of Allegheny County Council. Corporal Kiernan, thank you and congratulations.

(Applause.)

CORPORAL KIERNAN: I just wanted to take a second to thank everybody, Allegheny County, the City of Pittsburgh. The support has just been absolutely amazing. And the welcome back, words cannot even put it into --- I can't put it into words how much it means to me and all my other friends that were injured over there. To come back to this kind of a welcome is just, like I said, amazing. So thank you all very much.

(Applause.)

MR. MCCULLOUGH: Not so fast, Corporal. We've got a roomful of politicians and they like to talk. First of all, I would like to acknowledge Carmella and Jim Mullen because they both brought to my attention initially your story of heroism, Corporal. And I know they're here tonight, and I want to thank them. As you may know, Jim is a highly decorated Marine in his own right. He and his wife are very active in Marine affairs and have the kind of support for returning Marines and troops in general that you all deserve.

I don't think it's more than coincidental that we honor you, a fine young man and a war hero, the same night we honor Mr. Grogan, a fine practitioner of the law. It's young men like you, since the birth of our nation, who have put your lives on the line so that we would have a country of laws and not men. And again, Mr. Grogan exemplifies, frankly, what you've been fighting for, and your predecessors as well. And I want to thank you so much for taking the time and trouble to come in here.

And if I may, I'd like to invite all members of Council --- there's three in particular I'd like to single out. First of all, Councilman Gastgeb, who is your County councilman in your district, whether you know that or not; number two, Councilman Drozd, who is a veteran in his own right; and number three is Councilman Finnerty, who is --- although we all are very concerned about veterans' affairs, he is our veterans' affairs champion on County Council. So with those three, I'd like to recognize all of them to speak, and anybody else who wishes to in that regard.

MR. GASTGEB: It's an honor to meet you. I've followed your travel since you got back to Mt. Lebanon. I know you were rightfully honored there. And you're in great company. Jim and Carmella, thank you for bringing this to our attention. Bob Bailey, you are a hero from World War II. I've had the chance just looking at you,

remembering stories of your heroism in World War II and what you've done for this country. Thank you, sir, so much. The legacy that you have here with Ben and the Marines --- these are the heroes. I don't know what's going to happen later on tonight at our meeting, but it almost pales in comparison to the work you've done protecting this country, the work you're doing now and the work you've done and the love you've shown the people of this country. So I'm humbled by his presence and humbled by the veterans here. And this Council, no matter if you're Republican or Democrat, will always champion the cause of veterans. I'm just proud to be associated with that. Thank you.

(Applause.)

MR. DROZD: A lot of people have asked this, and I know great walks, it's usually walked along the MEUs. Am I wrong? You were part of an MEU. An MEU is a forward-moving outfit, operation which is compact and comprised of aircraft and all type of --- different type of warfare. So when they go into those combats in those situations, when they move forward into Kuwait or Iraq or into Afghanistan, they're usually the first ones and they're high risk, a high risk of mortality, and wound is high within the Marine Corps and those people on those ground areas. You know, I really give you --- commend you for your efforts.

When I used to sit ---. When I left the Pentagon and I got out and I hear of the 16-gun volleys in Arlington and how many young people do not come back ---. If you've ever seen a Vietnam Wall, there's a lot of ---. I go in and teach at some of these high schools. I'll say, how old are you? And they say, 15. I say, if you go down and you ever see the Vietnam Wall, there's 18 and

19-year-olds. I'm really glad you came back in one piece and the job that you did and the fellow men. I'm also glad that you were very, very good in recognizing those you serve with. That shows a good soldier.

(Applause.)

MR. FINNERTY: We'd all just like to really thank you for serving the country and for you for bringing this up so that we know this. And I'm glad you're back here. God bless you and God help you recover. Thank you very much.

(Applause.)

MR. ELLENBOGEN: I also wanted to congratulate you in the support that you get. My own personal family took a hit. A couple years ago, a sergeant, who was our cousin, was killed in a --- his squad was supposed to go home the next day. I don't know if you remember reading about it. Sergeant Dayton was our cousin and he was killed along with 12 other soldiers. So families take that very personal, too. And your family and you, I'm glad to see you in one piece. Thank you.

(Applause.)

MR. MCCULLOUGH: I'd like to recognize Ben's dad, Mr. Kiernan.

MR. KIERNAN: Thank you.

(Applause.)

(Pictures taken.)

MR. DROZD: By the way, everybody, I would be very remiss if I didn't recognize Councilman Martoni, who is also a veteran and served.

PRESIDENT FITZGERALD: 6060-10.

MR. CATANESE: Let the record show that Councilman Gastgeb is present. Proclamation honoring the Law Enforcement Torch Run Committee for hosting the inaugural Pittsburgh Polar Plunge to raise funds for athletes of the Special Olympics of Pennsylvania. Sponsored by Council Members Finnerty, DeFazio, Drozd, Fitzgerald, Futules, Gastgeb, Green Hawkins, McCullough, Martoni, Robinson and Macey.

PRESIDENT FITZGERALD: Councilman Finnerty. And I just want to make sure that they are here. Okay. We'll hold that one for now until they make it here. 6061-10.

MR. CATANESE: Certificates of Achievement honoring the South Park High School girls' doubles tennis team for winning the WPIAL Class AA Championship. Sponsored by Councilwoman Cleary.

PRESIDENT FITZGERALD: I don't know if they're here. Is South Park here? Come on up. Do we have Coach --- is Chuck here? The coach isn't here. Okay. We have Elise and Tracy Gibson. I'm going to do this for Councilwoman Cleary. She's not here this evening. And congratulations, girls, on your championship. I'm going to read this into the record and honor your achievement and the South Park High School tennis team.

This Certificate of Achievement is awarded to Elise Carter, Tracy Gibson and Coach Chuck Correll of the 2010 South Park girls' doubles tennis team in recognition

of their outstanding athletic and coaching abilities, which were showcased throughout the team's fantastic season and in their capture of the 2010 WPIAL AA championship. The team's indelible contribution to Allegheny County's long legacy of sports champions are to be commended. And on behalf of the citizens of Allegheny County, we join with the team in celebration of their outstanding and memorable season. Sponsored by Allegheny County Council on the 21st day of December 2010. Girls, congratulations.

(Applause.)

MS. CARTER: I just want to say thank you to the Allegheny County Council for this award. We had a lot of fun this season, and we're very grateful. And also, thank you so much for the courts in the county. They're really nice.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6062-10.

MR. CATANESE: Certificates of Achievement honoring the Ellis School field hockey team for winning the WPIAL AA Championship. Sponsored by Councilman Fitzgerald.

PRESIDENT FITZGERALD: Okay. I believe the Ellis team is here. Here they are. Come on up, girls and young man. All right. We want to congratulate the Ellis field hockey team for winning the WPIAL championship. And I'm going to ask the coach to say a few words in a minute and recognize all of our participants. And anybody who's ever watched a field hockey game knows how very difficult it is. And for the ones that have to go from one end of the field to the other, it could be pretty tiring. So you've got to do a lot of work and a lot of training, and it's a very difficult game to master. This is awarded to the Ellis School 2010 field hockey team.

This Certificate of Achievement is awarded to the Ellis School field hockey team in recognition for their outstanding athletic abilities, which were showcased throughout the team's fantastic season and in the team's capture of the 2010 WPIAL AA 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 memorable season. Sponsored by Allegheny County Council this 21st day of

December 2010. And I want to ask the coach to come up and say a few words and recognize individually all of our members. Coach?

(Applause.)

COACH KOZUSKO: Thank you very much. First of all, thank you to the Allegheny County Council. I certainly appreciate this, as the girls were thrilled to be here. I'd like to congratulate all the rest of the athletes in this room. It is not easy to become a WPIAL champion, so congratulations to each and every one of you youngsters here today. A very special thank you to our school, the Ellis School, and the administration there, to our parents who have been so faithful to us. They're the best cheering section in western Pennsylvania. And also, a sincere thank you to the athletes on this team. We were in fourth place going into the playoffs, and we just kept winning. They were a team that never gave up. So girls, I'm very proud of you, and congratulations on what you did this year.

(Applause.)

COACH KOZUSKO: Today we have with us Captain Gabbi Tomson, Captain Julia Guthrie, senior Laura Congelio. We have Maddie Gallagher, Abby Maxwell, Mary Haislup, Mallory Thomas, Camden Copeland, Carrie Geiser and Anna Thomas. So congratulations to you girls. We have a few girls that couldn't make it today, but it was a great season. And I certainly appreciate this. Thank you very much.

(Applause.)

PRESIDENT FITZGERALD: And any of the parents that wish to come up and take --- we're going to take pictures with the team and the county photographer. But parents certainly can get your own pictures as well.

(Pictures taken.)

(Applause.)

PRESIDENT FITZGERALD: 6063-10.

MR. CATANESE: Certificates of Achievement honoring the Hampton High School boys' soccer team for winning the WPIAL and PIAA Class AA Championships. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Thank you, Mr. President. I'd like to invite the coaches and the Hampton team to the podium, please. This is great because a lot of you are here, so I

really appreciate you taking the time to come down to the courthouse this evening.

Congratulations to you for your athletic and scholastic achievement. Your WPIAL and PIAA AA championships make you number one in our region and in our state. It's an honor to recognize you at our Council meeting. I'll read the proclamation.

This Certificate of Achievement is awarded to the 2010 Hampton High School boys' soccer team in recognition of their outstanding athletic ability, which was showcased throughout the team's fantastic season and in the team's capture of the 2010 WPIAL and PIAA Class AA championships. The team's indelible contribution 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 memorable season. And I'd like to ask the coaches on the team to say a few words. Thank you.

COACH KELLEY: Allegheny County, I thank you for this honor. This group of young men --- this is a story that started three years ago. That year was one of the first years that Hampton did not make the playoffs, and I want to say that's what excelled (sic) us to try harder, you know, to get more committed to one another. And that's what happened this year. It's never a smooth transition or it's always up and downs. This was one of the first years where, going into it, we were known as the team that's supposedly one of the best teams, and they proved that with their play on the field.

Halfway through the season, we lost our first game of the season. That was the only game that we lost this year. The players made the adjustments and made the commitment to do more, to be better and to play for one another. I just want to recognize our two captains. They can come up and say a couple words. Stefano Wach and Matt Brodman.

(Applause.)

MR. WACH: Thank you, Allegheny County Council. We'd also like to thank the Hampton Township community, the school district, all of our parents, the student body. We couldn't have done it without you as well.

MR. BRODMAN: I'd like to thank everyone as well. This is really a historic year for Hampton, hopefully. It was a good thing to be a part of, and it's

something that I'm sure everyone, including the coaches, will remember for the rest of our lives. Thanks.

(Applause.)

COACH KELLEY: Now I'm going to introduce the team. First, we have Quay Sabotka, Jonathan Mercier, Ben Wilt, Tyler Kurkiewicz, Bryan Margaria, Stephen Mottola, Erik Donatelli, Austin Dilts, Josh Gialanella, Albert Efkeman, Justin Carter, Evan Wilson, Adam Farabaugh, Matt Douth, Grant Smith, Stephen Margaria, Dave Schellin, Gonzolo, Simon Stasko, Ian Waldschmidt, Will Haley and Jeremy Taylor. Thank you.

(Applause.)

MS. REA: The only people I'd like to thank is I see you have a lot of your parents here, and I know the commitment you make to your children, and they certainly --- you've really helped them to develop into extraordinary young men. So thank you, too.

(Pictures taken.)

PRESIDENT FITZGERALD: 6064-10.

MR. CATANESE: Certificates of Achievement honoring the Pine-Richland High School girls' volleyball team for winning the WPIAL AAA Championship. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: Thank you, Mr. President. I'm going to wait until everyone clears the room before I call. Okay. Thank you again. I'd like to call the Pine-Richland High School girls' volleyball team and their coaches to the podium, please. Thank you. Recognizing student athletes is the best part of Council.

Your WPIAL championship makes you number one in the region. Your commitment to excellence in all you do is commendable. And it's really a privilege to have young women here at the podium this evening, too. I'm going to read the proclamation.

This Certificate of Achievement is awarded to the 2010 Pine-Richland High School volleyball 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 WPIAL Class AAA 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 memorable season. And now I'd like to ask

Coach Kelley --- I'm sorry, Coach Walker and the team to speak, please.

(Applause.)

COACH WALKER: I would like to thank the County Council for this opportunity for the girls to come here and receive this proclamation. It truly is an honor for us. And I must say that this group of young ladies, which this is just a small portion of our team, they are truly the epitome of student athletes. They are excellent both in the classroom and on the court, and that's what makes me the most proud of this group of young ladies. They are not only great athletes, but they are also great students and great citizens. So I would like to introduce our student --- our captain, Julia McCabe. She's our senior captain, and she is going to introduce the few representatives we do have from the team, as well as our assistant coach and manager.

(Applause.)

MS. MCCABE: We want to thank you again for having us here tonight and honoring us, and this is the season that we'll never forget. Okay. So Bella Morelli, Lexi Nittoli, Caitlyn Scioscia, Hanna Muzzonigro and Jenna Quiring and our manager, Tommy, and our Coach Piper.

(Applause.)

(Pictures taken.)

PRESIDENT FITZGERALD: 6065-10.

MR. CATANESE: The remainder will be read into the record. Certificates of Recognition honoring Deer Lakes High School Student Council for hosting the annual Senior Citizen Holiday Luncheon. Sponsored by Council Members Burn and Rea.

6066-10. Certificates of Achievement honoring Jesse Matthew Cant and Nicholas Gaston of Boy Scout Troop 99 for earning the rank of Eagle Scout. Sponsored by Councilman Macey.

6067-10. Certificate of Recognition honoring the 50th anniversary of David and Tressa McCorkle. Sponsored by Councilman Macey.

6068-10. Certificate of Recognition honoring the 50th anniversary of Mike and Mary Goda. Sponsored by Councilman Macey.

6069-10. Proclamation honoring Amber Bierkan for her volunteer efforts at the Hartwood Mansion. Sponsored by Councilwoman Rea.

6070-10. Proclamation honoring the 30th anniversary of the POISE Foundation. Sponsored by Councilman Robinson.

6071-10. Proclamation honoring Staff Sergeant Michael Flournoy for his work as a readjustment counselor for the U.S. Department of Veterans' Affairs and for bringing attention to African-American involvement in past wars. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Presentations/addresses. We have our quarterly address from the Chief Executive. Mr. Chief Executive, come forward. Welcome, and if you have any comments for us this evening, and then we'll open up the questions to members of Council.

CHIEF EXECUTIVE: Thank you, Mr. President and members of Council. I really don't have any update from the last time I was here. I'm here for the quarterly meeting and to answer any questions you might have. I want to thank you for passing the budget. Another good year. In fact, it's the eighth budget now where we haven't raised property taxes, so congratulations. You guys have done a great job in working with me, and I appreciate it. I think we can take a lot of pride in that fact, considering we're the only county left out in the west that can make that claim that many years in a row. So I'm here to answer any questions on any of the issues pursuant to the Charter.

PRESIDENT FITZGERALD: Do any members have questions this evening? Seeing none --- oh, I'm sorry. Mr. Gastgeb? Mr. McCullough?

MR. MCCULLOUGH: Do you want to start with me?

MR. GASTGEB: Yes.

PRESIDENT FITZGERALD: You've got to ---.

MR. MCCULLOUGH: Good evening, Mr. Onorato.

CHIEF EXECUTIVE: Councilman.

MR. MCCULLOUGH: A couple of questions. I know the last time you were here, we talked about the need generally to improve communication between the executive branch and Council. And I made a point of suggesting to you that there be some form of litigation report. We had another issue the last meeting, I think, that underscores that. And as I recall, you said that was something that you would look into. And I'd like to know if you intend to go ahead with that and when would you start expecting to see some form of formal reporting process as to litigation involving the county.

CHIEF EXECUTIVE: Well, I mean, I'm not opposed to giving a litigation report, and I leave it up to the Solicitor to determine what he reports and the timing of it and what goes in the writing, considering the nature of litigation. However, the County Manager and the Solicitor are available at all your meetings to answer any questions, both here and in subcommittees. And unless there's an issue there, I know that they're available to answer it. But as it relates to what gets put in the report, depending on the timing of litigation, I'm going to defer to the Solicitor. But I obviously have no problem with them briefing you in writing when they think it's appropriate, but also verbally, even in the executive session, to keep you up to speed on what's happening.

MR. MCCULLOUGH: Yes. I think that would be a good protocol, because obviously, I wouldn't be looking for, you know, extensive discussions in writing about sensitive matters. And I think if we have an idea of what the litigation is out there, if we can track it --- and then periodically if something comes up, we go into executive session. But, you know, my concern is that things seem to be happening that we read about in the paper and we hear sometimes after the fact. And asking the County Manager or the County Solicitor at an open meeting can be very awkward for all of us. So I'm glad to hear that, you know, you continue to support that, and I look forward to hearing something from the Solicitor.

The other issue I want to talk to you about is something I know is near and dear to all of us, and that's the drink tax. During our budget hearing process, in response to some question from Councilman Gastgeb, the Treasurer indicated that there was an account that had, like, \$4 million in, let's call it excess drink and car rental taxes that had not been remitted to the Port Authority. And that was followed up with an article --- and again, I'm just reciting what the article says, and if it's wrong, that's obviously why I'm asking you, where a spokesman from your office, a Megan Dardanell, indicated that there had been \$4 million that was not allocated and that another \$9.9 million had been transferred to the Port Authority for what was described as future capitol projects.

I have a bill that's out there to cut the drink tax from seven percent to six percent, and there's a motion on the agenda tonight to pull that out of

committee. And I know that I spoke to Councilman Robinson about it, and he indicated --- correct me if I'm wrong, what you said at the Budget Committee meeting, that he had spoken to the Port Authority about accepting this additional money, and they declined to receive it. Would you have any problems with knocking the drink tax down to six percent next year?

CHIEF EXECUTIVE: Yeah. I do not support lowering it to six. As you know, I supported lowering it from ten to seven a few years ago. And the money you're referring to, if you recall, that was from the first year that we collected it and the lawsuit where the Judge determined that all the money can only be used for Port Authority activity. And I think the excess at that time was close to \$12 million. It's now down to about \$4 million or \$5 million, give or take, whatever that number is. I don't have it in front of me. But that money is used for capitol or if the drink tax would come in lower in a given year. But every single penny of that ultimately goes to the Port Authority, and it's going to be zero, that account from the first year, real soon. But it is there to be used for Port Authority activity, and it has been used, evidenced by the fact that it started at \$12 million. Now it's down to about \$4 million.

MR. MCCULLOUGH: Okay. Well, the point I want to make, and I don't want to belabor this, if it's still at \$4 million and there was another \$9.9 million that was given to the Port Authority, as I'm interpreting this for future but undesignated capitol projects, which is outside our match. If that's an incorrect statement, please correct it. But from my perspective, I'm seeing \$13.9 million out there that really the taxpayers, I think, should have the benefit of. And I think the taxpayers wish it for establishments that pour drinks.

CHIEF EXECUTIVE: You know, I appreciate your comments, but I respectfully have to correct you. The money you're talking about is one-time money that gets used for capitol. This body --- you can repeal the drink tax if you want. And then we're going to use property taxes for the local match. The rules are very clear. We have to put up \$35 million to get the federal money. Every transit agency in the United States does it. We were the only ones using property taxes. I don't support it. I will veto any attempt of you guys trying to do that, if you move it back there.

The money you're talking about is one-time fund. When that's gone, it's gone. We need \$35 million every single year for the operating. The first county executive shifted it away from property taxes. I wish you could have used the existing sales tax. Harrisburg said no. We've been through this before and I'll say it again now. If we have no option, I will shift to that and I will use the sales tax. We don't have that option. But I am not supporting using the property taxes. If you lower it to six or you drop below the annual allotment, you're going to start using property taxes again to fund the Port Authority. I do not support that. That's my position. This \$4 million will ultimately go to the Port Authority, probably for capitol projects. And when that's used up, we've eventually got to find our own bond money to help them out because we're on the hook for it.

MR. MCCULLOUGH: Well, I don't want to belabor the point. And obviously, I don't agree with the premise that expending \$4 million to drop the drink tax is going to bring rise to a property tax. I don't think they're mutually exclusive. That's what I disagree with. The point is we have this money sitting here. If the money came to issue in 2008. Two years later, we're not talking about just \$4 million, but \$9.9 million for future capitol projects that have not been designated. And I think that is really a \$14 million or \$13,900,000 issue. It seems to me that there's almost been some intent to just disburse this money without regard to the current matching needs. This clearly is outside the match. That's not what it recites. You know, if that's an inaccurate quote, that's fine. But as I'm interpreting this, this is not a match issue at all.

CHIEF EXECUTIVE: The money is between \$4 million and \$5 million, so I don't know where \$13 million or \$15 million is coming from. We can look at that. Again, I'll stress this is one-time capitol money that's available. I don't know what you'd achieve by lowering the drink tax, because once you spend the \$4 million, how do you make it up the next year and the year after? You're going to be down from \$35 million to \$31 million, and this is an annual obligation we have. That money's gone. So we have to look at what our local match is every single year, and it's at least \$35 million, if not higher, considering the state funding, where we have to go. So if you do take it away and you lower it,

you've got to replace it with something. That fund, as you know, is limited. It's gone once you spend it. And that money's going to be used for capitol, because we have capitol obligations to the Port Authority that we're required --- we, the county, put money in. And the Judge made very clear in her decision that we can use that excess money that came in the front year as capitol projects of the Port Authority, and that's what we're doing and will continue to do so we don't have to use our county bond money. But ultimately, we will when the fund is zeroed out, probably a year.

MR. MCCULLOUGH: Well, again, as I see the issue, if your premise is correct, this money would already be gone, already be out the door. We have \$4 million that hasn't been expended. We have a fiscal note here that's going to project by the end of the year it will grow to \$5 million. We have \$9.9 million, at least according to this article in a statement by your spokesperson, a Megan Dardanell, with just expenditure for no particular purpose. We're talking about an entity that is so troubled they wouldn't even accept the \$4 million. So I don't see where we get anything by continuing to hold this. It doesn't do the county any good. And of course, your premise also presumes that the cut in the marginal tax rate is going to correspondingly result in a reduction of revenues, and I respectfully disagree with that premise, too.

CHIEF EXECUTIVE: And I have to just clarify your first two comments about the money. I totally disagree with your assessment. It's not \$13 million. It's \$5 million. It's one-time money. It is being used. It is being accepted by the Port Authority. I'm not going to get into an article I don't have in front of me. I'm not going to ask Megan to say it, because she's here.

MR. MCCULLOUGH: Sure.

CHIEF EXECUTIVE: But it's very clear --- obviously, it was very clear what the Judge said in her opinion. And I made it very clear to this Council in 2008 what we would do with this \$12 million. I bring it here. I can't spend a penny unless you allocate it. You hold the power of the purse strings. I don't. And I bring it here every year. The Port Authority accepts it. All I know is anybody up here that wants to reduce this, you're going to shift it to property tax. We have to put up a local match, and we shouldn't keep hoodwinking the public

on this. It's got to come from somewhere, and we only have two revenues: the property tax and the drink tax. That's our main two revenues. We've got to come up with \$35 million every single year. You guys decide. If you don't like the drink tax, get rid of it. You want to raise the property taxes, bring me a vote. I'm telling you what I stand for. I'm not raising property taxes. I'm not giving a penny more of property tax to the Port Authority. We've done it for 44 years. Not on my watch, no more.

MR. MCCULLOUGH: Then why are we retaining over \$4 million for no particular purpose?

CHIEF EXECUTIVE: Because it's set aside for capitol dollars in addition to the \$35 million we give the Port Authority every year for their operating. We have capitol obligations, and the capitol obligation fluctuates each year depending on their needs. Sometimes we give them bond money that we have obligations for. But because we have this money, we were able to hold some of the borrowing and use the excess so we didn't have to give them a lot of money. And we're now down to about \$5 million out of the \$12 million originally. And ultimately, it's all going to be used for capitol projects of the Port Authority, according to the Judge's Order. To me, that makes sense. You're either going to use that or the property tax.

MR. MCCULLOUGH: I'm not going to belabor the point with you because I know there's other people here. But I will say this. I'll follow this up with a letter because I would like not only the \$4 million specifically addressed, this comment about the \$9.9 million, but I would point out to you --- and I also pose to you the remarks the Treasurer made. If this money was set aside for capitol projects, he certainly didn't have that understanding because he implied or at least suggested that he was seeking to access that money himself for cost of enforcement, which is something specifically outside the Judge's Order and something precluded by it. So I'll follow this up with that, and I look forward to your remarks to my letter.

CHIEF EXECUTIVE: I can't let you end there because the Treasurer did ask for more money for enforcement. The money is allowed to be used for Port Authority activity. I said it from the very beginning, the Court Order. He made the argument that enforcement is

part of Port Authority activity. I said no. We had a disagreement. The Treasurer knows exactly what money's there and what it's allowed to be used for. But he doesn't set policy. You do. You set it and I set it. I gave a proposal. You voted for it. He makes an argument that he wants it for enforcement. You have every right to vote and put it in his office for enforcement. I don't support that move. I told him that. We have an honest disagreement on public policy here. But it's all Port Authority-related. The Judge said it can be used there.

MR. MCCULLOUGH: One point of clarification. The Treasurer's cost of collection and enforcement is not within the gamut of use of that money as per the Judge's Order.

CHIEF EXECUTIVE: And that's one of the reasons why I said no, because I think it's a gray area. But it's a moot point because you didn't give it to him.

MR. MCCULLOUGH: Thank you for your comments. Merry Christmas.

CHIEF EXECUTIVE: Merry Christmas.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: Thank you, Mr. President. Chief Executive, my concern --- I mean, it's been an ongoing concern probably the whole 11 years I've been on Council, are boards and authorities. And I guess --- I know that because we have the boards and authorities, they're supposed to be non-political entities. But in reality, not only here, but across the state, they're very political. And the appointments that keeps coming through become more political. If we put staff members on, your staff members, that makes it political. And not only you, but I know everybody does it.

So we've talked about studying boards and authorities here to determine what is the value of those boards and authorities long term to Allegheny County residents. And the one board and authority, and this is with all due respect to Mr. Macey, is the Airport Authority. Ten years ago when the Airport Authority was put into place, I mean, Allegheny County Airport was in, I believe, a better position than it is now. And I think it's imperative for us to take a good look at that board, not the people on the board and authorities, but what they have accomplished or not accomplished in ten years, not only that board and authorities, the Port Authority that holds us over a barrel. Obviously, we can't --- you're

saying we can't fund it. We can barely fund it. We have problems with that. I don't know if we go to Harrisburg or you go to Harrisburg or you work with us collectively to try to understand the value. And is it really feasible to continue --- as everything changes, to continue to be committed to these boards and authorities?

I don't know your position on that. If you think they're all doing a great job and nobody could do it any better --- but every time they have a problem --- with all due respect to Dr. Martoni and Bill Robinson, they're all on boards here. But I see problems. And there are problems with the city. There are problems with the county. And I don't think there's anybody in the room, except maybe Mr. Macey, that would say that the Allegheny County Airport is thriving. I hear it over and over and over again that businesses are concerned. Just regular travelers are concerned. And I don't want to appear that I'm negative about it. I'm simply saying maybe we can do something to have a director at the airport report to you or change something somewhere. And I'm not saying tomorrow. But study it and say, well, maybe, you know, that's the best thing for us to do. Thank you.

CHIEF EXECUTIVE: Well, I appreciate your comments, and I would look at any study that comes forward. But I have to chuckle. You might have heard I came off a pretty big race last year. And it's amazing the revision of history that takes place. My predecessor, who actually endorsed and testified and wanted the tunnels, has amnesia now that he supported it. My predecessor put together the Airport Authority and embraced it and supported it and also was in office when U.S. Airways, at the 11th hour, cancelled all the leases. It wasn't on my watch, but people forget that. They have amnesia. So you are right. The airport's not as good as it was when the Airport Authority was started.

But I can tell you this. On my watch, now that we're a point-to-point city, the Airport Authority has increased its O&D traffic by two million people. Eight years ago when U.S. Airways was flying out of here as a hub, there were six million people that were coming into our airport with cars. Today, there's eight million. The problem is U.S. Airways took 15 million people from planes out of here.

Cincinnati just called. They're losing their hub. They want to know how we're surviving when they lost

it. Cleveland is on the verge of losing theirs. Everybody is going to the east coast. With deregulation, there's no control of the slips anymore. Everybody wants to be on both coasts. They're building a \$5.6 billion expansion at Philadelphia Airport because they want to have more runways there. We've got a billion dollar facility out there that's not being used. But if you go out there, it's ironic because the parking lots are full and the building's empty. And the reason the parking lots are full, because we never anticipated having eight million people driving there a year. But now we have it with Southwest, JetBlue, all the low-cost carriers. It was a hub. It was built for U.S. Airways. It wasn't built for us. We never would have built a facility that big if we were point-to-point city.

So I don't think it has anything to do with the authority. It could be a county department. You'd have the exact same problem. The issue is how do we deal with this now going forward? And as the Port Authority is concerned, I love this whole idea about privatization. Again, people have amnesia. 1964, the Port Authority was created because six private companies went bankrupt. There was no transit. They couldn't make it work.

And I think there's something to be said that out of the top 25 transit agencies in the United States, not one of them are privatized, not one. You have to subsidize mass transit if you want --- I'll just call it decision. If we don't want it, we could shut it down. We might get to that point. It's going that way. But it's a public policy decision made at the federal level, the state level, then locally. But I will tell you, I'm struggling right now with the Port Authority dealing with legacy costs that had nothing to do with anybody up here. It had nothing to do with me. It's 44 years of legacy costs that are now here that we've got to deal with. And the state law ties our hands. We can't even deal with it directly. It's a frustrating situation because we don't even have the management rights to make the changes we need to maybe fix it, because state law holds our hand.

MS. REA: I guess my only response to that would be I fully recognize who is responsible for the tunnel that we on this Council for the past 11 years have said we don't want to fund it any longer. So I do recognize that really does not have anything to do ---. I guess my point to you was if this Council agrees to really study

authorities, would you be agreeable to listen to what maybe the result would be ---

CHIEF EXECUTIVE: Sure.

MS. REA: --- and maybe work with us in Harrisburg and say, we're really concerned about A, B, C, D, and maybe, you know, ten years from now, it might be good to change this because of what's going on? But I really wasn't blaming you for anything that I brought up. I was simply saying in the next year, would you work with Council, really looking at these authorities and determining if these authorities are strategically a good idea for the residents of southwestern Pennsylvania and Allegheny County? Because they seem to always come up --- issues always come up with the authorities. That's all. Thank you.

CHIEF EXECUTIVE: Yes.

PRESIDENT FITZGERALD: Councilman Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald.  
Good evening.

CHIEF EXECUTIVE: Councilman.

MR. GASTGEB: I guess my question is not going to be real specific, but general. I think you took office in 2004.

CHIEF EXECUTIVE: Correct.

MR. GASTGEB: We've been together for, I guess, seven years, so --- it's going to be seven. And I guess I've seen a change between how we do work together. And I don't know if it's been pointed out to me or to you or maybe someone in between. And working together has come up these past two comments, and maybe you do work together with the Council. But I guess I don't see it as much as I used to, and I hope to get back to that. And like Councilwoman Rea, I'm not blaming anybody. I just don't have that same, I guess, relationship. I probably haven't talked to you in 24 months, and I guess I speak for the Republican members, probably, some of them even longer. And it's hard to have, quote, co-equal branches of government and not be able to have that give and take, whether it's a five-minute cup of coffee, an exchange of e-mails.

And I do work with the Manager's Office, and I don't mean that. I mean you or maybe one of your first aides. So I'd like to get back to doing that, if possible, and I will commit to trying to do that. We'll work strictly on county business. And again, I'm not

throwing any blame out there. So that's the first point of it. Keep it in the back of your mind.

The second point of it is the budgets are getting harder. I think you would readily admit to that. Chairman Robinson starts, I believe, the budget cycle in the summer, maybe late spring. And you know, an idea came forth this year pretty much by the Republicans to put three of the leaders on the budget outside of Council together at one meeting. And I think it behooves us if you could come, one, so we can work together. There really is no agenda to do any got-yous or anything like that. You know, sooner or later, we have to sit down and do something that's high road, if you will, and just try to work together. And I'll stand by whatever you want to say back to me.

CHIEF EXECUTIVE: I'm willing to meet with anybody, anytime, and I'll take responsibilities if you didn't get a call from me in the last 28 months. But as you know, my phone number didn't change. It works both ways. And I'm more than happy --- I don't think I denied anybody a phone call or meeting. I might not have asked for one, either, but I'm more than happy to sit down and talk with you individually, however you want to do it. I think it would be healthy. You know, I guess your perception that things have changed over the last seven years, I would say that the minority and the Republican party of this Council has definitely taken a different view of my administration over the last seven years, too. So maybe we both have a different view of it. But I'm willing, also, to meet as often as you want and to try to find a way to communicate. But whatever you would like to do would be great.

But as it relates to subcommittees, look at the Charter. I think the government was set up so the County Manager is there to do the day-to-day stuff and to answer your questions and to respond on my behalf as I'm moving around doing things. But you know, you've taken advantage of the Charter, and I'm not complaining, and you institutionalized through an ordinance that I come here quarterly, which I do, and answer your questions. But if there's an important meeting we have to have, I'm more than happy to participate in it. And again, I have no problem with it.

MR. GASTGEB: I guess as a response, I'm not sure if the minority caucus has changed or not, because we

don't talk. I mean, we're dealing with perception and dealing with third and fourth parties. But you know, if we actually did talk one on one, I don't know. Maybe at the very least we could have the business relationship and the politics, what would be politics. You know, I know in 2004, '05 and maybe '06, we were doing that, and I think it was more healthy. And I'll certainly take as much of the blame as possible, too. But however long you're going to be here, a week, a year, ten years, whatever, the Republicans do want to work with the executive branch. Thank you.

CHIEF EXECUTIVE: Okay. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: Good evening.

CHIEF EXECUTIVE: Councilman.

MR. ELLENBOGEN: I have a couple points that I wanted to make. One, I had asked you the last couple meetings about the city and county in terms of snow removal cooperation. And it's my understanding that there was a meeting and that hopefully it will bear some fruit as Mr. Olczak will hopefully lend his expertise to the city. And hopefully this winter it will be a lot better. I'm very proud of the cooperation that Chief Full has with the city emergency as Superintendent Moffatt. So I have to give you an A+ on that.

Kind of going back to what Councilwoman Rea had talked about, authorities, I had some issues about authorities. Nothing specific. Mainly that it always ends up in front of us when there's a problem. And one of the things that I would ask you and advise you to is multiple appointments for individuals on different boards. I think there's so many millions of dollars that were spent through the authorities that I would appreciate, as a councilman, that you would be more cognizant in terms of appointing the same individual to more than one authority that is, in essence, a multimillion dollar business, in a sense, that to be able to work their regular job and give that kind of time to more than one authority, I think, is a valid point. And I would appreciate if that would be something you look into. The third and final point that I have ---.

CHIEF EXECUTIVE: On that point, Councilman, ---

MR. ELLENBOGEN: Sure.

CHIEF EXECUTIVE: --- I thought we cleaned that up. Is there a specific example?

MR. ELLENBOGEN: There is, and I don't want to discuss anybody or embarrass anybody.

CHIEF EXECUTIVE: Is there anybody I appointed to more than two boards recently? I don't know if ---.

MR. ELLENBOGEN: More than one board, actually.

CHIEF EXECUTIVE: The only one I could think of is the most recent one, and that person had an appointment from the mayor. Other than that, there should be no appointments in line ---.

MR. ELLENBOGEN: There's one in particular. And like I said, it's not my way to try to make --- because I'm sure that, you know, all individuals who are appointed try to do the best they can. But it's just a matter of just giving the time. I know I work a full-time job and do this, and I kind of want to pull my hair out of my head, so I'm just talking about just being able to give that kind of time.

The last point that I want to make is I listened to the dialogue in terms of how you feel about the drink tax and how Councilman McCullough had articulated it. And I guess in my mind, I'd like to try to come to some kind of a mediation, in a sense. And I guess what I'm trying to do is to get you to think about maybe changing your paradigm this way. It's very clear to me that, in not only talking to a lot of the people that own the various restaurants and establishments around the city, that business is clearly down. And we give TIFs and we give money for economic development. And I want to kind of look at this one percent in terms of a business incentive. For instance --- you know, because I know you're saying we need such and such and Chuck's saying we need to give that money back.

But let's look at it like this for a second. If you take ten people that are in an establishment and they buy one drink, we're going to get 70 cents out of it. But if we cut it down a penny, and the incentive is to say to the Tavern Association and those folks, you know what, all you got to do is put two more people in that restaurant to buy one more drink. Now we get 72 cents as opposed to 70 cents. Therefore, we kind of encourage the business community and the Tavern Association and restaurants to maybe do some things, whether it's promotions and whatnot, to be able to get those two other customers in that restaurant to do that, to give you actually another two cents, and again, at the same time, too, to be able to get

you off the dime in terms of how you feel about property taxes. So it's just a thought I wanted to bring to your attention and how you feel about it, and to you, also, Councilman McCullough. But thank you for entertaining my questions.

CHIEF EXECUTIVE: Councilman, let me just tell you this. I think you might misunderstand my position. I am not crazy over this seven percent drink tax. I'm very frustrated with that. Every other transit agency in the United States does not have to use that and they don't have to use property taxes. As you know, we have no choice, you or me. We've got to beg Harrisburg for options, and they won't give them to us. We've been trying for seven years now. You and I only have two choices. We can use property taxes or we can use the drink tax to raise \$35 million a year. There are choices. And I don't like them. I don't like the two choices. I'll be the first to admit it. But what I'm saying, if they are my choices, I made it very clear of my position of how I'm going to raise it, because we have to put the local match in.

So I don't want you to think that somehow I think it's the greatest thing in the world, because I don't. I think we got stuck with two bad choices to fund transit. And we should have better choices than that, but unfortunately, we don't have them. Of every other top 25 transit agencies --- we're the 15th largest. The top 25, they all have a better option that we do.

MR. ELLENBOGEN: And I agree with you. You made it very clear that you didn't like this, and I don't pass disparages on you in terms of how you try to lobby Harrisburg. It is what it is. But I guess in my mind, I'm trying to say, well, you know, we do have a drink tax. Maybe if we did play with this penny, maybe it would encourage the restaurants in terms of being able to have their businesses improve and to kill two birds with one stone, that the public doesn't have to pay as much and yet you'd still be able to successfully, you know, achieve your goal. So that's just my point, and I appreciate your sentiments. Thank you.

CHIEF EXECUTIVE: Councilman.

PRESIDENT FITZGERALD: Councilman Drozd?

MR. DROZD: Welcome back, Mr. Chief Executive.

CHIEF EXECUTIVE: Councilman.

MR. DROZD: You know, to coin an old song, I left my heart in San Francisco, I'm sure a piece of yours was left clear across the state in many different cities and communities and wonderful people that you had a chance to meet. Whatever the outcome, you know, you had a great opportunity to meet a lot of these people, and they had a chance to touch upon you and your thoughts and ideas.

The first question I have is --- you know, I struggle a little bit because I know the authorities and this always comes up. You know, the real basis of the authorities are the boards themselves. Really, that drives the overall. You have some oversight, we have some oversight through the budget process. But I would ask you --- you know, tonight I'm going to vote no on one because I do feel really strongly there's a very strong potential conflict of interest based upon when he gave testimony in our committee in so many words, saying that at times, I'm going to confront a certain issue on something. I'm going to vote, you know, the organization of what I stand for. And that's not what we're there for. It's to vote for what's best for the people of Allegheny County. And not to lecture or anything, to you or anyone else, but that's what it's about.

I'd like to ask you --- my question is --- and too, he's a fine gentleman, don't get me wrong, in many ways. And those two other nice gentlemen that you have that's part of your administration that we're going to look at appointing tonight. And you know, I'm vacillating whether or not to appoint. And I'd like to see your thoughts, and what are your thoughts about how it would enhance your visibility, your administration, helping to enhance that particular board that you want appointed to and how you feel it's done in the past and what you see that may help us. So I'd like to hear it.

CHIEF EXECUTIVE: I'm not sure I understand the question. You're asking about which appointment?

MR. DROZD: Well, those two appointments you have from your administration.

CHIEF EXECUTIVE: Right.

MR. DROZD: The one, I know, is for certain ---. All three are quality people, but you're appointing them in certain boards and areas. And I'd like to see how, by appointing some of your administrative people in certain authorities and/or agency's boards, those boards, how would that help you or assist your efforts? And has it

done it in the past, and where's your vision on this?  
That's what I want to see.

CHIEF EXECUTIVE: Yeah. The reason I do that, it goes to what Councilwoman Rea pointed out. Sometimes these authorities, they could have a tendency ---. What's nice about having, let's say, the County Manager sit on the Health Board or CCAC or having some of my administration sit on the Housing Authority Board, it makes sure then that there's communication that's going to the administration, county government and the authorities that I appoint and you confirm. I do see that as a big benefit, because a lot of times you accidentally get a lack of communication. They're doing their thing, we're doing our thing and we might miss something. This sort of minimizes some of the lack of communication because you have somebody sitting on the board, hearing what they're thinking, but also know what the Administration is thinking over here. That's probably the biggest benefit of having somebody from the Administration on a board.

MR. DROZD: Same question. It relates to, you know, the Port Authority. In essence, I'd like to see your thoughts on this, hear your thoughts. You're right, you know. There's no privatization of a particular authority in the country. But there is, you know --- in the way that Mr. Bland likened it, there is privatization of certain aspects of that authority, like in Denver and even Jersey, which is a very strong, you know, labor area. They do have some privatization in their lines. They're coming into, you know, the city and those areas. It's been thought in different types, and we have to be more innovative, of maybe privatizing some of the distant lines. Like the thought has been, maybe we can use some of the outlying, you know, authorities in the outlying counties. We can work together hand in hand to bring those people into the distances so that we don't cut services.

Secondly, I'd like to get your thought on the fact ---. And I have great concern about --- the Governor says, well, here's \$47 million he's taking from Economic Development. Where do you see that's going to hurt Economic Development, on one side, and the other aspect, is this just going to be a Band-Aid that we're going to have? And we've had the same conversations in the past. We're going to have the same conversations in the future, year to year. Where, in essence --- is this good? I

mean, in essence, is there any of those monies that can be deferred? I think still we have to look at streamlining where we have to. Maybe you can throw some thoughts on this and give some ideas.

CHIEF EXECUTIVE: Sure. The \$46 million that Governor Rendell did propose and SPC voted to accept is one time. Originally, the Port Authority said that would get them through June of '11, six months from now. I asked Steve and the board, I said, if you get this money, we should try to spread it over 18 months, making more adjustments to give the new Governor, the new Senate, the new House even more time to fix Act 44. I think what's important to know about the crisis, now it's a different crisis. The Port Authority has always been in crisis for a lot of reasons. But this crisis, we did everything that the Transportation Review Committee asked us to do. One, we said, give up fixed expenditures, and we got a \$96 million concessionary contract from the union. Dedicated funding is in place. We talked about it tonight. When tolling of I-80 collapsed, the state funding fell apart to the tune of about \$470 million. Within that was about \$28 million coming to the Port Authority, plus the sales taxes were down as to the Port Authority.

The reason there's a problem now is that the state money is not coming anymore. They just took it away. And we cannot make that up here. We can't replace what the state's supposed to be doing. We have our own local match issue that we deal with when we get there. So that's number one, 46 bridges, but it is only one time. And Act 44 in funding at the state level has to be fixed or we will be in crisis mode, at the latest, by June of '12, and there will be adjustments made.

The other thing, too, is, one of the things that the Port Authority struggles with, when I talk about these legacy costs. Over the last 40-some years --- let me put this in perspective with one number. I think this will bring it home. Post-retirement healthcare costs some \$32 million in the Port Authority. And SEPTA, a system three times bigger than us, it's \$8 million. Now, that's nothing that any of the current administration did. It's nothing that you did here on your watch or on my watch. This is a legacy problem. You can already retire. What do we do? How do we fix that problem? And again, very, very little control that the state gives us, but it's

something we've got to figure out. Or we're always going to have to start with that number and figure out, how do we get this to work? That's part of the problems.

MR. DROZD: Lastly, I'll say this. You know, my heart goes out to you and the family. It's affixed with a photograph in the paper that goes with a packet of comments about --- a lot of people, you know, once they had a chance to ask the former president ---. And you know, you and I and another gentleman ran once for the State Senate.

CHIEF EXECUTIVE: I'm aware of it.

MR. DROZD: The two of you had more money. All the money, in fact. Maybe the other gentleman had more than you do.

CHIEF EXECUTIVE: Two of us had the same result.

MR. DROZD: Yeah. And the same heartache, you know, the same heartache. It's not as big at the time, because you had a chance to recover later. But my point being is that, you know, I was so glad to see what you said about your family. A lot of people don't realize, and I want you to know, you know, my heart goes out to you and your family, as much as we disagreed about --- you know, to take a leave of absence. And that was all candidates, not just you. But I just saw that and it was really amazing.

And I want you to know this. There was a mayor one time in New York. Oh, by the way, the president said to me, and I had a chance one on one to ask this --- my question was, no matter what the size of office you run for, it's just as hard, isn't it? Of course, he's trying to sign autographs while I'm saying this, and this was the third question. He says, what do you want? He just says, what do you want? And I asked because I had to know it. And I was thinking of that race between you, me and the other gentleman. Okay. And he says, you better believe it. No matter what the size of the race is, it's just as hard.

But the last thing I'll tell you is this, and I want you to know this. I think both our hearts are in the right place when I say this. Maybe pieces have been scattered across Pennsylvania. And there was a mayor in New York, Jimmy Walker. And I don't know if you know this, because this was even before my time. And Jimmy Walker used to say, who would want to be president of the United States when you can be mayor of New York? And his

point was that, you know, you do so much there. And I want you to know, you know, you can leave a larger legacy here in Allegheny County than maybe you could as governor. Do you see what I'm saying? And there's so many issues out there. We're going to have disagreements. But I want you to know I want to work with you on these.

And one area that really --- I had a chance to walk in the inner sides of the city schools and I see young kids. And you've probably heard the statement --- you know, you live in the city. I lived in the city at one time. And there's so many out there. There's issues that I think are going to be something that's going to really --- not threaten, but it's going to affect the very fiber of not only our county, but America, all across this land. And those kind of issues that we can work on together, I want to work with you. Seriously, I do. Whatever disagreements in the past ---. You know, I have questions. I hope that you communicate more, meaning that, you can, we can communicate. And I do, too, our thoughts and our feelings.

And lastly, I want you to --- and I mean this from the bottom of my heart. I want you to tell your family that, you know, when it's all said and done, you know, who's left behind is the family that loves you the most. They're the ones that love you the most. And tell them that I really --- when I saw them up there, I really felt how strong that love was and I give them my best. I mean that. I seriously, seriously mean that. Okay.

CHIEF EXECUTIVE: Thank you. Yeah.

MR. DROZD: And you can do bigger and better things maybe right here in Allegheny County. I want you to know that. Okay?

CHIEF EXECUTIVE: Thank you.

MR. DROZD: All right.

PRESIDENT FITZGERALD: Councilman Futules?

MR. FUTULES: Thank you, Dan. I'd like to thank you and your staff and administration, including my staff for a great year in Allegheny County, holding the line. I've been here now for three years, and I've come to realize how professional the people are that work here. It's a great job that they do running this county, and I appreciate that.

And as your chairman of the Parks, I'm more proactive in looking at things, and I realize that there's fee structures that need to be looked at and we like to

avoid those here because of politics. But I see a \$4 million deficit, and I'd like to work towards closing that gap. People like the Parks Foundation, which have created us millions of dollars in new money thanks to the foundation that we've created here, this is a new opportunity. Privatization of certain buildings, organizations that are willing to renovate our buildings here at County Parks, because we know from discussions that we just don't have the money to do these things, and it's a great opportunity for us as a county to improve what we have in our parks for the people. And they should be aware of the fact of what your administration's doing to do that. Would you like to comment on that?

CHIEF EXECUTIVE: You know, we had a meeting today, actually, looking at more offers to possibly get some private activities at Settler's Cabin. It's going to be private money, and we're exploring it now. And if the money's real, we'll do it if it makes sense, obviously, with agreement of Council. You have to approve it. I think there's a lot of room, especially in Parks, for private partnerships where we bring in private money and make the facilities much better. That's why I formed the Parks Foundation. And you know, hopefully one day we have a parks conservancy countywide where they actually swung off and operated on their own. I think it's the best way to go, but you know, it'll take a couple steps to get there. We're on our way. We're raising private money. We're also bringing in foundation money as funding, so it is working.

MR. FUTULES: Thank you. I also want to mention the fact that we're, with Andy Baechle and Jim --- about the ski lift for Boyce Park. I think it's a great idea. We're going to probably pass this tonight. But last year we gave away skiing for an entire month, and the county realized that we actually turned a better profit by giving skiing away. And I think it comes to realize it's kind of hard to ---.

CHIEF EXECUTIVE: Who gives you that math? I want to see that.

MR. FUTULES: Well, I was told the bottom line ---.

CHIEF EXECUTIVE: I want to see that.

MR. FUTULES: I was told the bottom line was actually better. And now if I'm wrong, you can correct me.

CHIEF EXECUTIVE: I don't.

MR. FUTULES: The bottom line was better by renting skis and food concessions. The bottom line turned out to be better in the long run. And the area stores were out of ski rentals. The entire area was doing very well. So something bad that had happened last year turned into something good.

CHIEF EXECUTIVE: Yeah. We definitely had a big response after that repair was made and we opened the slopes for free. It was a good response. At a minimum, people that might not have even known the facility came to see it, and I'm sure we're going to get a percentage of them back on a regular basis.

MR. FUTULES: Right. I hope it works out well this year. Thank you.

PRESIDENT FITZGERALD: Councilman Finnerty?

MR. FINNERTY: Thank you, Mr. President. Chief Executive, I'd just like to thank you for your focus. It's always been on cleaning up the brownfields and getting development started out at the airport area and all around, but especially right there since it's in my district, to be honest with you. Also, looking at Settler's Cabin Park and development out there also.

But I was over at that J&L site at Carnegie Mellon, and they were speaking about that. And it really made me feel, I don't know how to say it, like something was said in regard to the redevelopment of this. This is the brownfield that was developed by Allegheny County with the Chief Executive's focus. And I think those developments, with Economic Development, Dennis Davin and Bob Hurley and Jack Exler and so on, that made a tremendous difference in the county economically, especially with jobs for people. And I think it's extremely important.

And I'd also like to say that I understand that it's not easy getting people to serve on boards, and I think that you have found some very fine people to be there, doctors, lawyers, et cetera, on those boards. And I think that's important --- and also, plumbers and so on, on those type of boards, and trades people. I think that's important to have those people there. And I know that we don't agree on every board member, and we went through that with CCAC, but we still have the final say on it and you have the appointment. But I appreciate your

staff going out and finding people to serve on the boards. And I thank you, and Merry Christmas.

CHIEF EXECUTIVE: Thank you. Merry Christmas.

MR. FUTULES: Grand New Year's.

PRESIDENT FITZGERALD: Councilman DeFazio?

MR. DEFAZIO: Yeah. Dan, I'd like to thank you also for doing a good job. I know in my organization that we went to you a few times for help for jobs and that. You did help. There were a lot of other people you talked to and you helped. You helped to create a lot of jobs in this area. The only thing I don't like, and I know the horse is out of the corral and it's been mentioned, but I will anyway. I don't like politics where people like yourself get blamed for something you had nothing to do with. Like they talk about the tunnel to nowhere and all that. First of all, we think it's a tunnel to somewhere. There was a lot of jobs created. But forget about all that. You had nothing to do with it. We had nothing to do with it. But this is a rough and dirty business, I guess. They blame you, and it's a shame. I hate to say that. Now if we 100 percent did it, fine. You live with it, and the people have a right to make a choice. But they didn't get the facts. A lot of bad things were said and not true. But that's the way it goes. So maybe everybody will learn from this. I've known it for years. You've really got to really push hard. You never know who's telling lies about you.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. Just one question on another subject. We have a \$4 million revenue entry in our budget for next year for contributions to non-profits. Do you have anything that you can report in that regard?

CHIEF EXECUTIVE: I met with two of the larger non-profits in the last 14 days on this issue. There is movement. We're getting close. And I just really can't say something right now. But I want you to know that I did meet with them in the last 14 days.

MR. MCCULLOUGH: Good.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yeah. Just a real quick question. You know, your staff does very well, everybody on the finance side and our people. You know, you've probably seen some of the Controller's reports.

CHIEF EXECUTIVE: Yes.

MR. DROZD: You know, I always ask for cash flow projections, and they give it so nicely. And there was a show of a --- giving a status quo of \$118 million deficit. What are your thoughts? Do you see this, where the trend's going and how we can avert it? I know this is a tough one and maybe you're saying I'm hoping it lasts until after my administration is done. But I'd like to know maybe some of your thoughts on what we can do and what are you've seen.

CHIEF EXECUTIVE: First, I haven't seen any report with a \$118 million deficit.

MR. DROZD: Yeah.

CHIEF EXECUTIVE: There isn't a \$118 million deficit, so I'm not worried about that. There is a cash flow issue that came up in the Controller's report. It was referring to \$70 million. You might have said \$100 million, but it was \$70 million of money that we get to reimburse our Department of Human Services. And there's always a lag time. But in the last few years, that lag time's getting longer for every county because of the new federal regulations and state regs. But the money's coming. I mean, it's as good as gold. It's a matter of going through the process, feds, state, here. So that \$70 million receivable is real money. It's money that we spent on their behalf. They owe us. We will get it. As a matter of fact, last time I checked, there was a \$15 million check that came in last week. Anything else come in since then?

MS. DARDANELL: There's about \$50 million that's come in since we briefed Council in November.

CHIEF EXECUTIVE: Okay. Since we briefed you --- that was 50, 5-0; right?

MS. DARDANELL: Uh-huh (yes).

CHIEF EXECUTIVE: \$50 million has come in of the \$70 million. So it is coming in.

MR. DROZD: You know, the other thing that --- all the meetings I've gone to and probably you've attended, too, you know, they're talking about --- well, you know, the states are saying it. In fact, it was interesting on 60 Minutes about all the states that are in trouble right now.

CHIEF EXECUTIVE: Yes.

MR. DROZD: And one of the things they're saying is, in the essence, you know, less money, less money. And they're pointing to the counties and municipalities are

going to have to pick that slack up. What's your thoughts? In your travels, do you see any big chunks coming down right now or in the near future that we're going to be concerned about?

CHIEF EXECUTIVE: No. I don't think the state's going to send any more money. I think it's going to be less and less every year ---.

MR. DROZD: Or the other way, taking back.

CHIEF EXECUTIVE: And I will say as County Executive we're in no position to pick up their slack.

MR. DROZD: Right.

CHIEF EXECUTIVE: If they cut, we'll cut. Obviously, I'll propose we cut. You'll decide if we do it or not. This county is in no position to pick up the state's obligations.

MR. DROZD: Thank you very much.

PRESIDENT FITZGERALD: Councilman Macey?

MR. MACEY: Thank you, Mr. President and members of Council. Thank you, Chief Executive Onorato, for being here today. I certainly appreciate your leadership and due diligence this past year. Your office has always been accessible to me, to Mr. Wojcik, Mr. Flynn and Shawn Fox, who's now off at another job, and also currently with Derek Huber.

Coming from the Mon Valley, you know, we've always had a lot to be concerned about, and I really appreciate all the work that you've done and the money that's come from Economic Development to the Mon Valley. But especially something that is unique to this region and especially unique to the Mon Valley, and that is our trails, the Allegheny Passage. And what some people might not know is Dan Onorato was there during the negotiations to get us the Riverton Bridge. You can cross the Monongahela from McKeesport through the Duquesne site. In addition to that, there was one piece of property that's been a nemesis to completing this Allegheny Passage, and that was with Sandcastle, with the Sandcastle organization, as well as Keystone. So Dan Onorato, he negotiated that. When we couldn't do it and thought we were never going to be able to do it --- now the Allegheny Passage.

And remember this date. It will be completed 11/11/11. And it's one of the most unique trails in this county. People come from all over the world and they actually come here to the Mon Valley. We've got

restaurants with people's signatures in there and people's cards and things from many places outside the Pennsylvania area. And I want to thank you for your leadership and due diligence in that area. Thank you.

CHIEF EXECUTIVE: Thank you.

PRESIDENT FITZGERALD: Mr. Chief Executive, I appreciate your coming before us, and have a nice holiday. Merry Christmas and New Year, too.

CHIEF EXECUTIVE: Happy Holidays. Merry Christmas and Happy New Year.

PRESIDENT FITZGERALD: Thank you. Approval of minutes. 6072-10.

MR. CATANESE: Motion to approve the minutes of the November 16, 2010 regular meeting of Council.

MR. ELLENBOGEN: So moved.

MR. FUTULES: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Public comment on general items. We have four speakers on agenda items this evening, starting with Mr. Robert Glancy. Mr. Glancy, come to the podium and state your name and address for the record, please.

MR. GLANCY: My name is Robert Glancy. I live at 330 Germain, Wexford, PA. Mr. President and members of Council, I am here today as a taxpayer and a small business owner of Allegheny County. I am requesting that you do not reappoint Richard Stanizzo to the Airport Authority Board --- Stanizzo (changes pronunciation). Excuse me if I murder the name. I apologize for that.

He has made it known that he is in favor of implementing project labor agreements on county projects. This stance on project labor agreements has little to do with saving the taxpayers' money. His position is based on special interest ties to the Pittsburgh Building Construction Trades Council. Mr. Stanizzo does not have the best interests of the taxpayers in mind. Rather, he has his union-affiliated cohorts in mind. The airport has had enough money problems without having individuals on the authority who are not interested in saving money through a competitive bidding process. In a day and age when our city needs to be more concerned with conservative spending, we cannot afford to have a spendthrift like Mr. Stanizzo on the authority. The Department of Labor's

numbers are accurate. It is 100 percent true that over 85 percent of the construction industry is free enterprise.

By allowing a published proponent of project labor agreements to sit on the authority, you are sending a message to the taxpayers of Allegheny County that you are, in fact, against the American dream. Mr. Stanizzo will claim that, quote, PLAs are the fair way of doing things, fair to the local workforce, fair to the developer and fair to the owner. Everyone wins. End of quote. Not allowing a competitive bidding process, rejecting over 85 percent of the workforce to work on a project, higher prices for the taxpayers to cover, seems to me as if the only winners are Mr. Stanizzo's special interests. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Glancy. Chris Childs. Mr. Childs, if you would come to the podium and state your name and address for the record, please. Followed by Steve DeFrancesco.

MR. CHILDS: Chris Childs, 429 Bower Hill Road, Pittsburgh, Allegheny County. I'm here to also, as this gentleman before me, ask that you reconsider reappointing Mr. Stanizzo to the Airport Authority. Councilman McCullough, you had brought up about your concerns with the Board --- some of these boards and the appointments. Councilman Rea, you also brought up about concerns and problems with the Authority. I apologize. Councilman McCullough did not say that, but he did bring up his concern for the taxpayers' money.

In talking about the Port Authority, some of the options that Chief Counsel (sic) Onorato talked about were two options for raising money. However, options for controlling the costs were not discussed. So I ask, which of you here, having received an abnormally large water bill, would go get a wrench and fix your leaky faucet? In the same way, controlling costs --- it was discussed about the privatization with the Parks Department and how that has helped in that regard. Opening competition and bidding will help with the cost also, help in controlling the costs and doing the taxpayers justice. I understand that there may be some of you who, with all due respect, serve in your regular jobs to represent or work with labor, union labor. And I understand it's difficult to bite the hand that feeds you. But I ask that in this position, in this job with this responsibility to the taxpayers, that

we appoint people to the boards who are unbiased. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Childs. Steve DeFrancesco, followed by Eileen Watt. Mr. DeFrancesco, if you'd state your name and address for the record, please.

MR. DEFRANCESCO: Steve DeFrancesco, 94 Coraopolis Road, Coraopolis, Pennsylvania. I'm here tonight to ask this Council to block the reappointment of Richard Stanizzo to the Airport Authority Board. My concern with this appointment is that Mr. Stanizzo is a member of the Building Trades Council, and as a member of the trade union organization, will do all that he can to place labor agreements on publicly funded projects to the airport.

On December 16th, 2010, I attended a County Council meeting where several members of the building trades spoke to the pros of project labor agreements. There were building trade representatives that commented on the problems at the Petersen Event Center and opined that they were due to a lack of a project labor agreement. They also commented on the successes achieved by the August Wilson Center because they had labor agreements. These are false comments that were provided by leaders of the same Building Trades Council that Mr. Stanizzo is affiliated with.

I managed the electrical construction on both these projects and can tell you the truth about them so that you can honestly evaluate the appointment of someone that has such strong ties to the building trades. The Petersen Event Center did not have a project labor agreement. There were 30 contractors on this project. I know that there was only one merit shop contractor, and that was the electrical contractor. If you check the documented records for this project, you will find that there were no quality issues with the electrical. All of the quality issues on this project, the roofing, the heating, the concrete, structural steel installations, were performed by union contractors.

You were told by members of the Building Trade and the supporters that if you use labor workforce, there will not be any work stoppages. The only work stoppage that has occurred on the Petersen Event Center were due to the electrical union's picket line that prevented all other union contractors from working on this project. The

one merit shop contractor continued to work every day to maintain the project schedule.

The August Wilson Center did have a project labor agreement and finished 12 months behind schedules, with major cost overruns. My company bid this project not realizing that the project stabilization agreement had been rewritten and changed to a project labor agreement. As the lowest responsible bidder, we accepted the contract and entered into a labor agreement. With a project labor agreement, we can only use a small portion of our workforce and had to rely on the union hall to provide 90 percent of our workforce. Unlike a merit shop contractor, who can handpick the workforce to match the workers' talents to the project needs, the union sends the next available worker just on numerical sequence of when they were laid off, whether they are qualified for the tasks or not.

If Mr. Stanizzo is reappointed to the Council, there's a strong chance the project labor agreements will be placed on future projects at the airport. The project labor agreement will discriminate against me and all of my employees who decided not to pay union dues as a fee to work in America. I urge you to stop the reappointment of Mr. Richard Stanizzo to this position.

PRESIDENT FITZGERALD: Thank you. Eileen Watt.

MS. WATT: Thank you for the opportunity to speak to you again in support of free enterprise. I'm here to make the argument for rejecting the reappointment of Richard Stanizzo for the Allegheny County Airport Authority. Many times, Allegheny County Council is basically defending the actions of the county authorities to the taxpayers. More often than not, the decisions of the authorities of Allegheny County are not in the taxpayers' best interests, and you as Council members are held accountable. Unfortunately, your influence over each of the authorities is limited to the confirmed appointments that oversee the day-to-day decision-making. You should trust that the appointments that you confirm will act in the interest of the taxpaying citizens of Allegheny County.

Richard Stanizzo, although well-versed in the politics of the county, has continually voiced support of project labor agreements and sits as vice-president of the AFL-CIO. In fact, when questioned on record, he factually stated that he would promote project labor agreements on

the Airport Authority and take care of the groups that he represents. If Council values the taxpaying constituents that it is empowered to represent, then the Council would reject appointing any individual who strongly voices his support for special interests and blatantly rejects 85 percent of the construction workforce. I realize that making a controversial decision to reject the reappointment is not easy, but please consider the difficulty you encounter when answering to the taxpayers of Allegheny County on increased costs for county projects. Please reject the reappointment of Richard Stanizzo by voting no to his reappointment tonight. And I wish all of you a Merry Christmas. To all of Council, Merry Christmas as well. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Watt. Presentation of appointments. How about taking 6073, 6074, 6075 and 6076 together?

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment or reappointment of Tim Stevens, Joseph A. Olczak, Abass B. Kamara and Iftikar Malik to serve as a member of the Minority Business Enterprise Advisory Committee for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Let's take 6077, 78, 79, 80, 81 and 6083-10 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment or reappointment of Ronald S. Graziano, Regis R. Claus, Charles L. Desmone, John J. Auciello, Anthony H. Costa, Thomas G. Bigley, Jerome W. Valenti to serve as a member of the Plumbing Advisory Board for a term to expire on December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. Let's take 6084, 85, 86, 87, 88, 89, 90 and 6091-10 together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment or reappointment of Robert W. Orchowski, Dr. Walter Goldberg, Daniel Bricmont, Esquire, James E. Barrick, Chester R. Babst, III, Louis A. Naugle, David P. Mazzocco and Michael E. Hohman to serve as members of the Air Pollution Quality Advisory Committee for a term to expire on December 31st, 2011. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 6092-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the reappointment of Mark Nowak to serve as a member of the Human Relations Commission for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee Review. 6093-10.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment of Kevin P. Kinross to serve as a member of the Allegheny County Community College Board for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 6094 and 6095, let's take those together.

MR. CATANESE: Communication from Chief Executive Dan Onorato recommending the appointment or reappointment of Mark Jones and Lorina W. Wise to serve as members of the Allegheny County Industrial Development Authority, the Allegheny County Hospital Development Authority, the Allegheny County Higher Education Building Authority and the Residential Finance Authority for a term to expire on December 31st, 2012. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Appointment Review. 6096-10.

MR. CATANESE: Approving the reappointment of Jim Block to serve as a member of the Council of Friends Organization, North Park, for a term to expire on December 21st, 2012. Sponsored by Councilwoman Rea.

PRESIDENT FITZGERALD: Councilwoman Rea?

MS. REA: I make a motion to appoint Mr. Block to serve as a member of the Council of Friends in North Park.

MR. ELLENBOGEN: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Unfinished business. Committee on Appointment Review, second reading. 6025-10.

MR. CATANESE: Approving the reappointment of Lois M. ---.

MR. ELLENBOGEN: Point ---.

PRESIDENT FITZGERALD: Do you have a point of order?

MR. ELLENBOGEN: Yes. Mr. President, I'd like to ask the clerk, do any of these approvals serve on more than one authority?

PRESIDENT FITZGERALD: I don't know if the clerk would know the answer to that.

MR. ELLENBOGEN: Would you know, Mr. Chairman, the chairman of the Appointment Review Committee?

PRESIDENT FITZGERALD: He may know that.

MR. DEFAZIO: I don't know. I can't remember. You're talking about if they serve on more than one ---?

MR. ELLENBOGEN: Would you ask the County Manager, please?

PRESIDENT FITZGERALD: I don't know if he would know.

MR. ELLENBOGEN: I would believe he would know. I mean, he's the County Manager.

PRESIDENT FITZGERALD: We can ask him. Mr. Flynn, do you know if any of these members serve on more than one authority, if you know?

MR. FLYNN: The ones you're voting on tonight?

PRESIDENT FITZGERALD: Yeah.

MR. FINNERTY: What specifically do you want to ask him?

MR. ELLENBOGEN: I'm asking him about all of them. I made a point to the Chief Executive that these authorities, in my opinion, have problems. And I'm not going to vote for anybody who sits on more than one authority. With a county with almost 1.3 million people, if you can't find more than ---.

PRESIDENT FITZGERALD: Okay. Okay. Let's let him answer. Let's let him answer your question.

MR. FLYNN: The county is not --- looking through the list, the county is not appointing any of these appointees to more than one authority.

MR. ELLENBOGEN: So you're telling me that no one that's on this list serves on another authority? I'm talking about the ones we're voting on tonight, Mr. Flynn.

MR. FLYNN: The unfinished business section?

MR. ELLENBOGEN: Yes, sir.

MR. FLYNN: The county has not appointed any of these individuals to more than one authority. I think the Chief Executive talked about --- there may be one

individual who was an appointee of another government entity.

MR. ELLENBOGEN: Okay. But the point of the matter is --- so what I'm gathering from you, that the city possibly appointed somebody else to another board also?

MR. FLYNN: That's correct.

MR. ELLENBOGEN: But the bottom line is they serve on two authorities at one point; right? I mean, I'm not finding fault with the Chief Executive, but just ---.

MR. FLYNN: Well, I think by virtue of a joint authority, there's a possibility you're going to have somebody serve on one of those authorities and one with the county.

MR. ELLENBOGEN: Thank you, sir for taking the time.

PRESIDENT FITZGERALD: 6025-10.

MR. CATANESE: Approving the reappointment of Lois M. Cain to serve as a member of the Allegheny County Accountability, Conduct and Ethics Commission for a term to expire on December 31st, 2015. Sponsored by Council President Fitzgerald.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Okay. At the meeting, the majority of the people approved this reappointment, so I make a motion to approve.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: I'm sorry. Say it again. I was interrupted.

MR. DEFAZIO: Okay. You were talking about 6025-10?

PRESIDENT FITZGERALD: Yes, sir.

MR. DEFAZIO: Okay. On 6025, I'd just recommend that we go along with this reappointment.

PRESIDENT FITZGERALD: So moved.

MR. FINNERTY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. 6029-10.

MR. CATANESE: Approving the reappointment of Richard Stanizzo to serve as a member of the Allegheny County Airport Authority for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. At the meeting, the majority of people there approved his reappointment, and I make a motion to go along with his reappointment.

PRESIDENT FITZGERALD: So moved.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second.  
Discussion? Mr. Drozd?

MR. DROZD: Yes, sir. This gentleman is a quality individual and he has good decision-making skills, by far, but we have to start looking outside the box when appointing people to authorities and boards and wherever they may be, because look at the disarray of many of our authorities. We've argued this in so many times and we've had questions about our authorities. Where does that rest? The buck stops with the board. We have to start looking outside the box. We have to look at who we're appointing to the boards and where their special interests may lie. This gentleman is quality. No doubt about it. But he also and so does represent a special interest group that would pose potential conflicts of interest when it came to voting on certain contracts. I would appoint him tomorrow to any agency where there weren't such contracts, without a doubt, but not to a board whereby there could be contracts and where he so said and gave testimony in a committee the other night that he would allow his beliefs and thoughts and philosophies, is what I understood or inferred, in essence, that he would vote those philosophies or outlooks of the group that he represents.

If that's the case, and he so said, then I don't know how any member of this board --- or this Council, excuse me, could vote to reappoint this gentleman, as good a person as he may be. There's that potential conflict. And it is so said and stated. Everyone heard it that was at that meeting. So if we are going to go into the 20 --- whatever century is coming up, we're going to have to go with new members of the board that don't have issues that may come up or conflicts or potential that could lead to exorbitant, unnecessary costs to the taxpayers and to those authorities. And so with that in mind, I will have to, unfortunately, with deepest regret, vote no to this gentleman being reappointed to this authority. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Macey?

MR. MACEY: Thank you, Mr. President and members of Council. I served with distinction with Mr. Stanizzo on a board for over four years. We've never had a PLA at the Allegheny --- I mean at the International Airport. Never had a PLA. Stabilization agreements, yes, there were. We've also had many, many of non-union people work at that airport. So it's a little misleading when people come up with blanket statements about a fine man like Mr. Stanizzo. And I also have to remember to remind people on this Council, as well as the residents, that there is not one penny of taxpayers' dollars that go into that international airport. It's paid through user fees. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: The vice-president of the Labor Council that sits on our Council, Mr. DeFazio, will be the first to tell you that there's nobody up here who went toe to toe with Mr. Stanizzo more probably than me. Regardless of whether I agree with him at all times or not, Mr. Stanizzo is definitely a person who cares about his workforce, and he's for the union people. And someone, myself, who came up through the unions, I'm concerned about the working people and their jobs to work at that airport. And although I may not always agree with him, I respect the fact that he fights for working people, and I cannot vote against him. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yeah. Thank you, Mr. President. There's nothing misleading when it was so stated in the committee. That's fact. There's nothing misleading. Secondly, when we say that there's no taxpayer monies going in there, there is monies coming out of the taxpayers' pockets because those user fees are paid by the tickets that are purchased for those airlines by the very residents of this county. They pay it. And it also goes into efficiencies of that airport, which needs a revamping completely. So you know what? Maybe everybody on the board shouldn't be reappointed. Maybe we need new ideas. Maybe we have to find new ideas and people, maybe even without this county, not just within this county, and have the expertise to take that board and that authority and take it where it needs to go. And that's where it needs to go, is to be competitive with other authorities --- airport authorities in the country.

So maybe we have to look at --- why not look for people outside that maybe necessarily don't live in Allegheny County, that can bring some expertise objectively, objectively, to take these authorities into the next century, that's going to save the taxpayers' money, become more efficient and do what they're supposed to do? And that's to serve the people of Allegheny County and the surrounding regions, by the way. That's where that authority serves. Not only in surrounding regions, into the neighboring states.

So I have no problem whatsoever about my stance and my position, and I'll defend it any time. And again, when I say this gentleman's quality, don't ever infer that I don't say he's a quality gentleman and a good, well-meaning gentleman. But when there's a potential conflict, that's a potential conflict and it's so stated and so noted and was said in that committee, that there could be, could be, not that there is, but could be if it came to a vote on certain issues. And I don't see how anybody could allow that to happen. I'm not going to. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. McCullough?

MR. MCCULLOUGH: I wasn't at that committee. I wasn't there whenever --- with regard to what Mr. Stanizzo said. But I had to go through an important committee process myself. And it would have been troublesome to me, if I had gone through that process, if I would have been asked by anybody on Council where I fell on a particular issue and if that would have been used as a litmus test to deny me the opportunity to serve Allegheny County. So I have a similar problem with using a statement or having a particular question about an issue that may come up down the road being attributed to Mr. Stanizzo. I'm going to vote for Rich. I know him and I have regard for him. I take note of Councilman Macey's comments. I'm aware of nothing during Mr. Stanizzo's tenure as a director out there that would indicate that he deserves to be singled out for being voted off the board.

I'm very interested in the issue of project labor agreements. I really didn't know about them until we had that very healthy debate, I guess, about six weeks ago. I'm trying to keep an open mind about it because I have people I respect on both sides of the issue that both have made compelling cases for. But I don't think we ought to use what may be an extraneous comment as a litmus

test to deny somebody the opportunity to serve on the board.

And the other thing I would say is, as Councilman Macey noted, there are no project labor agreements presently out at the Airport Authority even though Mr. Stanizzo's been there for a full term. And I would presume that if there is an issue that comes up that is a conflict of interest for him, that he will recognize that. That term is thrown around very loosely, conflict of interest. But you know, you can't predict that until it presents itself. And I would presume that Mr. Stanizzo will address that kind of complication if and when it arises.

PRESIDENT FITZGERALD: Mr. DeFazio?

MR. DEFAZIO: Yes. I agree with all that Chuck said and part of what Matt said when he said he's a high quality person, which he is. You're allowed to vote any way you want on this. Rich Stanizzo was asked that question. He gave his honest opinion, what he thought. He thought it was a good thing. And he's always one person on the board that --- he gave his honest opinion of what he thought of that. And you just can't take him or restrict him from the board. I mean, that would be like saying, well, we can't have a business person on there. We can't have attorneys on there. We can't have this group of people on there. So you can't paint people with a brush, they're all the same. I mean, he gave an honest opinion when asked, and that was it. So I would say that --- I would agree with Richard Stanizzo staying on here. He's done a good job so far. Thank you.

MR. BURN: Mr. President?

PRESIDENT FITZGERALD: Yes, sir. Do I have Mr. Burn on the phone?

MR. CATANESE: Yes.

PRESIDENT FITZGERALD: Mr. Burn, welcome. We're in the midst of a debate on Bill 6029-10, which is discussing the appointment of Richard Stanizzo to the Airport Authority Board. Mr. Futules is next. Mr. Futules?

MR. FUTULES: Thank you. Matt, you know, I hope that he didn't disrespect you as an elected official during that committee process, because he may have. I wasn't there. I didn't hear what he said to you. And I certainly can understand how you feel about Mr. Stanizzo if that's the case. But I do have a technical question

for our County Manager, but maybe someone can answer it because I don't know the answer. How many people sit on the Airport Authority Board? When they vote, what kind of majority vote do they need to pass something?

PRESIDENT FITZGERALD: I think it's nine members, I believe.

MR. ELLENBOGEN: Well, ask Bob. He's on it.

PRESIDENT FITZGERALD: Bob, how many votes?

MR. MACEY: It's nine, but ---.

PRESIDENT FITZGERALD: Nine members. You need five, I'm assuming.

MR. FUTULES: Okay. That's the question. Thank you. That's all I have.

PRESIDENT FITZGERALD: Okay. Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. I have to vote for Rich Stanizzo. I'm the liaison to the airport, also, with Councilman Macey. And Mr. Stanizzo right now --- I don't know if he still is, but he's the chairman of the board. And I go to a number of meetings, and he does a tremendous job getting things through. And he's a quality person, without a doubt, and I don't think anyone, and I mean anyone that's being appointed to a board should have to pass some personal litmus test that somebody has. I think what we have to do is look at the whole ball of wax of a person and say, is this person a good person? He doesn't have to believe exactly like I believe. And he is, as Councilman DeFazio said, only one vote on the board. So I'll definitely vote for Richard any day. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: You know, I highly commend this gentleman for his honesty, and he did speak in that essence. But this is about, as you say, a litmus test. It's what we do. We're in a committee and we ask those questions, the hard questions, whatever it may be. It is on their résumés, and that's what you have to ask. You have to delve into the answer to questions --- to ask the right questions to give the right answers. And you have to find --- if the gentleman would have said to me, I will abstain on any vote when it comes to a contract like that or contract, because of my --- as well as any member of the board, when there is a potential, whether it's cold, hard, black and white, fact, conflict or not, but when there's a potential, you should excuse yourself just like any one of us. I wasn't given that assurance.

So you know, we're talking about a litmus test and all that. If you go before the Congressional --- have you ever been to the Congressional hearings appointments? It's a litmus test. It's in anything you do. The hard questions are asked and your philosophy and your outlook because you know what? That's part of what you do and how you vote, just like it is for any one of us. And when we were elected, we went through a litmus test. The people asked our philosophy and our outlooks and what we believe and what we don't believe in. And that's our job. They asked us, and we need to ask the same questions to anyone, anyone that we pass on any authority, any board anywhere. We have to ask the hard questions. And I'm going to ask it when I see what I feel, I think, is best for the people of Allegheny County. That's what comes first and foremost.

We leave at the door our personal views. We express those, but we're going to do for our constituents what's best for our constituents. And if you can't leave it at the door, then you know what? I'm not going to let someone in the door. That's the way it is. And again, there's no one that has more utmost respect for this gentleman and his quality of character. I recognize that and I'll tell him that and I'll defend that. But at the same time, I'm going to do what's best, I feel, for my constituents. And I think we have to look at all authorities and reappointments because the proof in the pudding, by the way, is in the authority itself.

Look at the authority itself. Here's an authority that sent someone to Geneva, Switzerland or wherever it was, to study mass transit when we've got great mass transit in our country. Oh, yes, it's important. There's an authority that paid \$500 for a golf outing for one of its members. \$500. That's important. And by the way, I believe it was the president of the board or one of the board members who went to Hawaii to study mass transit on an island. Think of that one. And you're telling me that we shouldn't look at reappointments to this authority and other authorities? We shouldn't look? I don't think so. It's the results that count, and there aren't any positive results right now on that authority, and I'm going to do what's best for the people of Allegheny County any time.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: Thank you, President Fitzgerald. I'm not sure if there's any positive results in any level of government authority, federal, state, whatever. You know, there's a challenging time ahead of us. I guess my consistency, since I've been here, is that, you know, I think the Charter is clear, you know, who we confirm and who we appoint. But when you look at the appointment confirmation process, my mind just goes to the federal level where President Bush would nominate a Supreme Court justice, and most recently, President Obama.

But Mr. Drozd is right. The Senate does have confirmation hearings, but something amazing happens there. And I think with Justice Sotomayor, one of the more recent justices of the Supreme Court, the most conservative Republican members confirmed. And when the shoe was on the other foot, the most liberal Democratic members also confirmed President Bush's, because who wins the election gets the opportunity to appoint. Mr. Onorato won the election three years ago. Mr. Corbett just won the election. And it's up to the board, whether it's the Senate or this Council, to confirm it.

So my rule is I look for high crimes and misdemeanors. I look for something that maybe violates the Charter. Mr. Fitzgerald may or may not agree, but we thought we found something that was very suspect with the Health Board many years ago, not with an individual or a litmus test, but we thought the Charter was being violated, potentially being violated. So you know, Mr. Drozd is correct in what he's talking about, but I think it comes down to what our role ultimately is. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Point of order.

MR. CATANESE: Yes, sir.

PRESIDENT FITZGERALD: Yes.

MR. BURN: Point of order is do I need to be formally acknowledged on the record as being in attendance before I vote? I don't think that's been done yet.

PRESIDENT FITZGERALD: That is correct.

MR. CATANESE: Yeah. Let the record show that Councilman Burn is present by phone.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Yes.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.  
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: Yes.  
MR. CATANESE: Mr. Macey?  
MR. MACEY: Yes.  
MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. CATANESE: Ms. Rea?  
MS. REA: No.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Yes.  
MR. CATANESE: Ayes 11, noes 2. Confirmed.  
PRESIDENT FITZGERALD: 6030-10.

MR. CATANESE: Approving the appointment of Cindy Shapira to serve as a member of the Allegheny County Airport Authority for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I recommend the appointment of Cindy.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? We'll do a voice. All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. 6031-10.

MR. CATANESE: Approving the appointment of State Representative Matt Smith to serve as a member of the Allegheny County Airport Authority for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: I make a motion at this time to go along with the appointment.

MR. FINNERTY: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. 6032-10.

MR. CATANESE: Approving the appointment of Senator Wayne Fontana to serve as a member of the Redevelopment Authority of Allegheny County for a term to expire on May 23rd, 2013.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I make a motion to go along with this appointment.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second.  
Discussion? Mr. Ellenbogen?

MR. ELLENBOGEN: Yes. I don't wish to pass any dispersions on this appointment as an individual, but I will say that this individual also serves on the Sports and Exhibition Authority, which I just gave a belated speech about people having the time to serve on one board. So this is an example. I'm going to have to say no, not as an individual, but the fact that --- particularly that this individual spends a lot of time in Harrisburg. I don't know how he could possibly do --- as Councilman Drozd would say, give due diligence to both boards. So I'm going to vote no. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yeah. You know, I really understand Councilman Ellenbogen's views and you know, I echo that. You know, there is cause to be concerned with of the time essence. But knowing Mr. Fontana's background --- Senator Fontana's background --- he has a background in real estate, commercial and industrial, I believe or whatever, but anyhow, a background in real estate. And I hear he may serve --- and also, I believe he's the chairman of one of the committees in Harrisburg that would have some bearing on this; is that correct? I thought he gave that in testimony; is that not correct, Mr. Chairman, of the appointment? Didn't he say he was on a certain committee in Harrisburg which could help the Redevelopment Authority; is that correct?

MR. DEFAZIO: I think you're correct. He did say something like that.

MR. DROZD: He's not the Chair?

MR. DEFAZIO: He's not the Chair.

MR. DROZD: He's not the chairman, but he's on the committee. Okay. All right. So you know, I echo Councilman Ellenbogen's viewpoint. But in this case, I think that he can lend some good light on this and maybe help us.

PRESIDENT FITZGERALD: Let's do a voice vote. All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Make a note that Mr. Ellenbogen opposes, nay, and all others are in affirmation. 6033-10.

MR. CATANESE: Approving the reappointment of Doris Carson Williams to serve as a member of the Redevelopment Authority of Allegheny County for a term to expire on May 23rd, 2015. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion for this reappointment.

MR. FUTULES: Second.

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. 6035-10.

MR. CATANESE: Approving the reappointment of Derek E. Uber to serve as a member of the Allegheny County Housing Authority for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion at this time to go along with the reappointment.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second. Discussion? Councilman Gastgeb?

MR. GASTGEB: Yeah. I mentioned these confirmation votes and what may come up. And to me, I don't agree with the Chief Executive's explanation that you have to put your staff on to get a better read. You could put so many people on, but I think you would know just as well, someone who works for you, if that was the

case. I also think that it's a disservice to the 1.1 million people that are out there that have, maybe, a desire to serve on more of a notoriety board like our Housing Authority. I've been consistent where I just don't think it's good policy to put someone who works for you on the board. The Post-Gazette did a pretty serious expose about five months ago where there seems to be a network around that continues to get a lot of the contracts. And to me, at least, it just weights those decisions by having people you can count on to vote a certain way. I'd rather see them go after academia, labor, to business, anywhere other than the courthouse. Thank you.

PRESIDENT FITZGERALD: Thank you.

MR. MCCULLOUGH: Rich?

PRESIDENT FITZGERALD: Yes, sir, Mr. McCullough?

MR. MCCULLOUGH: Yes. I would like to second Councilman Gastgeb's remarks. And I would point out that while technically this is permissible under the Municipality Authorities Act, frankly, it's even permissible that members of this Council can serve on these authorities. This Council has never taken advantage of that or exploited that, to put its own staff or its own members on these boards. And I think there's an important concept behind that. I think at some point, you have to have some level of independence, and I think that line is crossed when you take staff members and put them on these authority boards.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: No.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: No.

MR. CATANESE: Ms. Rea?

(No response.)

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 9, noes 2. It passes.

PRESIDENT FITZGERALD: 6038-10.

MR. CATANESE: Approving the reappointment of Timothy M. Hazel to serve as a member of the Property Assessment Appeals and Review Board for a term to expire on December 31st, 2013. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair DeFazio?

MR. DEFAZIO: Yes. I'd like to make a motion to go along with this reappointment.

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The motion carries. Committee on Budget and Finance, second reading. 6049-10.

MR. CATANESE: A resolution of the County of Allegheny authorizing the issuance of tax and revenue anticipation notes in the aggregate principal amount of \$50 million, providing for the date, interest rate, maturity date and place of payment in respect of the notes, accepting a proposal for the purchase of the notes, providing for the security of the notes, authorizing the proper officers to execute and deliver the notes, authorizing and directing the preparation, certification and filing of the proceedings with the Department of Community and Economic Development, appointing a paying agent and registrar, approving a form of note and repealing inconsistent resolutions. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Thank you, Mr. President. I have an amendment.

PRESIDENT FITZGERALD: Do you have it in writing?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Okay. It can be passed out.

MR. ROBINSON: Mr. President and members of Council, if I might, there is a fiscal note that Ms. Liptak prepared.

MS. LIPTAK: Not for this one.

MR. ROBINSON: Not this one? I'm sorry. I stand corrected. This amendment, what it does is it identifies some specific information that is necessary for the county to move forward with this particular bond issue. In our last committee meeting, Ms. Griser, our County Budget Director, was present, and in conjunction with Ms. Liptak, indicated that there was an amendment that was going to be necessary, one, so we can get the best deal possible, but there needed to be a date inserted into the legislation. And also, we needed to identify parties to be involved in this issue.

Ms. Liptak, with the cooperation of Ms. Griser and myself, worked on an amendment. The amendment before you contains two items that hopefully you will agree should be inserted into this bond issue. That's what the amendment is about. If you look at the amendment that's being presented to you, and you go down to the second whereas, you will see that there's a date of December 21st, 2010. That's the date that the parties who will be assisting us in selling and purchasing the note have identified as the date they would like to utilize. Let me read it to you, if I might, because the second part of that whereas identifies a specific entity that the Administration feels can get us the best deal.

Whereas, the proposal dated December 21st, 2010 has been submitted by Boenning and Scattergood, Incorporated, the purchaser for the purchase of the notes in the approved principal amount, at a purchase price equal to the principal amount thereof, and such notes to bear interest at a rate not to exceed six percent per annum, the approved interest rate computed on the basis of a 360-day year, and to mature on April 5th, 2011.

That is essentially the amendment, the date of December 21st, and Boenning and Scattergood, Incorporated. If this amendment is accepted, there may be some additional information members may want. If you go to page A-1, you will read some material that relates to the redemption prior to maturity, as well as the interest

rate, maturity date, dated date and the CUSIP. I share that information with you because I realize that all members of Council did not have an opportunity to attend the Budget and Finance Committee meeting. And also, there were members of Budget and Finance who were not present when I indicated that we needed to make an amendment. Every member, to my knowledge, has received all of the documents I'm referencing. Ms. Liptak sent them in advance, as the Chair indicated that she would. That's all the information that I have at this point to share with the members, and I would make a motion to approve the amendment.

PRESIDENT FITZGERALD: First, I think, Mr. Robinson, we need to move the bill first, and then we'll make a motion to amend. So do I have a motion to approve the bill?

MR. ROBINSON: Yes, sir.

PRESIDENT FITZGERALD: Do I have a second?

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: Now for the amendment, Mr. Robinson.

MR. ROBINSON: Yes, sir. I'd like to move to approve the amendment.

MR. MARTONI: Second.

PRESIDENT FITZGERALD: Moved, second on the amendment. I want to take a voice vote on the amendment. I'm sorry. Mr. McCullough, do you have a question?

MR. MCCULLOUGH: I have a question. Looking at Exhibit A, and it looks like there was an insert there, as well. Is that one percent? Is that ---?

MS. LIPTAK: One point.

MR. MCCULLOUGH: One point?

MR. ROBINSON: Yes, sir.

MR. MCCULLOUGH: Okay. So that's one percent per annum; is that correct?

MS. LIPTAK: Yeah, one percent a year.

MR. ROBINSON: Per year.

MR. MCCULLOUGH: I believe I know the answer to this, but I think it's important to get it on the record, because when you reconcile the interest rate on Exhibit A with the first page of the resolution, it says a rate not to exceed six percent per annum, the approved rate. I want somebody to give us some comfort. Jack, I think I'm going to look at you to say that the interest rate of one percent on Exhibit A overrides the not to exceed six

percent per annum approved interest rate in the resolution.

MR. ROBINSON: Point of order, Mr. President.

PRESIDENT FITZGERALD: Yes, Mr. Robinson.

MR. ROBINSON: Mr. McCullough is referencing Mr. Cambest. The Chair would think that Mr. Cambest is not the person to answer that question even if he has the answer. Ms. Griser and Ms. Liptak are available, and I think they might be more appropriate persons to answer Mr. McCullough's concerns.

MR. MCCULLOUGH: Because I'm looking for an interpretation of a legal document.

MR. CAMBEST: I don't mind ---.

PRESIDENT FITZGERALD: You want a legal interpretation?

MR. MCCULLOUGH: That's correct.

MR. CAMBEST: Yeah. These are pretty standard in tax anticipation notes and in bond issues to give a not-to-exceed number. So I would say based on the document that I'm reading, the one percent would override the not to exceed six percent contained in the original resolution.

MR. MCCULLOUGH: Thank you.

PRESIDENT FITZGERALD: Let's do a voice vote on the amendment. All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? The amendment carries. Now on the bill itself, please call the roll. Bill as amended. I'm sorry.

MR. ROBINSON: Move for approval.

PRESIDENT FITZGERALD: Yes. We had that motion. We're good. Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.  
MR. CATANESE: Mr. Macey?  
MR. MACEY: Yes.  
MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Yes.  
MR. CATANESE: Ayes 12, noes 0. The bill

passes.

PRESIDENT FITZGERALD: 6046-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing a Free Ski Lift Ticket Promotion during the 2010-2011 skiing season at the Boyce Park Ski Slope. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Futules?

MR. FUTULES: Thank you. We met on December the 14th and we had discussed this at the committee about giving a Tuesday night free ski lift at Boyce Park. Last year, an example being February, skiing which was completely free for that entire month. And we discovered some things that are beneficial. We had a lot of great people that came out and enjoyed our county parks for free, but we also looked at some benefits of promoting Allegheny County parks. So this is a promotion I believe that will be tested this year, not necessarily next year, but we will revisit that, I'm sure, because this has to be amended into our code if we did. So this year we're going to give free skiing at Boyce Park on Tuesday nights for the remainder of the season beginning after we vote on it. And the committee had given an affirmative recommendation. And I ask at this time to make a motion to accept that.

PRESIDENT FITZGERALD: So moved.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Second. Discussion?

Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.  
MR. CATANESE: Mr. Drozd?  
MR. DROZD: Aye.  
MR. CATANESE: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. CATANESE: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. CATANESE: Mr. Futules?  
MR. FUTULES: Yes.  
MR. CATANESE: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. CATANESE: Mr. Macey?  
MR. MACEY: Yes.  
MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. McCullough?  
MR. MCCULLOUGH: Aye.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Fitzgerald, President?  
PRESIDENT FITZGERALD: Yes.  
MR. CATANESE: Ayes 12, noes 0. The bill

passes.

PRESIDENT FITZGERALD: 6047-10.

MR. CATANESE: An ordinance of the County of Allegheny County, Commonwealth of Pennsylvania, permitting Twentieth Century Fox Television, a unit of Twentieth Century Fox Film Corporation, to use certain county-owned real property. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Futules?

MR. FUTULES: Thank you. We also discussed on December 14th the filming at Hartwood Acres. There will also be some other locations, maybe another county location, I'm not sure exactly, but I know of the barn. This is the Twentieth Century Fox Television Network. It is a pilot program called Lock and Key. And they searched all over the country, and as a matter of fact, they looked in Canada. And they found that Hartwood Acres, the mansion itself, was considered to be mystical and magical, and they decided to come to Allegheny County. So we're excited. We got a pamphlet. Everybody may have one. It actually spells out exactly what they're going to do. And some members may look at it and be aware of the fact that

once they're done, this contract can be anywhere from one to seven years. And that's depending on the Fox Network, whether they pick up on the television. But they will film a television series here in Pittsburgh. We should all be proud of that. And therefore, we'll be negotiating a contract with them. The amount has not been determined. And it will become public later maybe, maybe not. I don't know.

But I think it's a great thing that they're using our park. And it will not conflict with any of the other activities. They'll be working around the other events there, so it will not endanger any county parks. And I imagine when they're finished, there will be improvements to our mansion. They said they would put it back to exactly the way it was, if not better, when they're finished. And I make a motion to accept it.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? Mr. Drozd? Mr. Ellenbogen.

MR. ELLENBOGEN: I just have a point that Councilman Futules mentioned about them putting it back to the way it was. Is that in the contract or is that just on their word?

MR. FUTULES: No. It's in the contract. We discussed it. If you look at this packet, it talked about they have to paint some ceilings white, I guess, for lighting purposes. They're going to change some drapery on the windows. They're actually going to remove the front door and they're going to put a new front door. They're going to remove the chandelier. They're going to put it in a safe case. They're going to store some of the things. They're removing some furniture from the mansion. But everything they do is going to be in the contract. And I'm sure that there'll be some sort of escrow accounts for any of the damages that would occur during that time. I'm sure the County Manager is responsible enough to ---.

MR. ELLENBOGEN: I was going to ask you how much the additional insurance would be.

MR. FUTULES: I can't answer that.

MR. ELLENBOGEN: Would the County Manager know?

MR. FUTULES: He may know the answer.

PRESIDENT FITZGERALD: Mr. Flynn?

MR. FLYNN: Fox will be covering --- carrying insurance and the County is additionally insured. I just

talked to the Solicitor. It's going to be in the \$5 million range.

MR. ELLENBOGEN: Oh, good. Thank you.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: One thing we need to point out, too, is that it's going to bring some significant money and some income into Allegheny County. It's a pilot project. If it goes beyond, it's going to be a miniseries. It was pointed out by Mr. Flynn it's money for the county. It's a win/win. We bring revenues and recognition to our county. But I think maybe that Mr. Futules ought to abstain on this one because I believe he's put in for one of the parts one of the character roles.

MR. FUTULES: Oh, yeah. Yeah.

MR. DROZD: I was going to say, maybe you ought to abstain. We have to put some levity in this tonight a little bit. We just have to get some smiles out of my colleagues.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes 12, noes 0. The bill passes.

PRESIDENT FITZGERALD: Liaison reports. The liaison reports this evening, I have one. I'd like to read a letter from our Councilwoman Joan Cleary dated today, December 21st, 2010. President Fitzgerald, please accept my resignation from Allegheny County Council effective immediately. That's from Councilwoman Cleary. I'm disappointed that Councilwoman Cleary will no longer be able to serve the last year of her term. And I want to thank her and congratulate her for her service to this county. She's done a lot of great work. And it's a difficult situation she was able to overcome and served this county very well. So with that, I wanted to let the colleagues know that we received this today. And I'm sure Councilman DeFazio, Chair of the Democratic Caucus, will be given the process of replacement, which will go through their caucus. Any other liaison reports this evening? Mr. Macey?

MR. MACEY: Yes. Thank you, President Fitzgerald and members of Council. We've heard talk about the Airport Authority. I'd like to speak a little bit about the airport itself. I can tell you that we've added 1,000 more parking spaces. It's actually a range, over 1,000 long-term parking. And that's because we've continued to increase our international flights to France. And this has been consistent from November to this November. We also increased the origination and destination flights coming out of the airport. Now, we may have less airplanes, but these are larger airplanes, so there's more passenger seat miles that are coming out of that airport. In addition to that, I'd like to report that the S&P has given the Airport Authority a favorable rating. And right now their debt is down to \$450 million. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. Futules?

MR. FUTULES: Yes. I'd like to take this opportunity to thank our staff members here tonight because without you guys --- you do our jobs and make us look great up here. And I just want to take this opportunity to publicly thank you for your work that you do all year. And also, I'd like to wish everybody in Allegheny County Happy Holidays and may next year be as good as this year. Thank you.

PRESIDENT FITZGERALD: New business, ordinances and resolutions. 6097-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code through the creation of a new Section 5-207.13 entitled Assessment Appeal Filing Fee in order to establish the Right of Protection from Mass Taxing Body Appeals as part of the Residential Property Taxpayer Bill of Rights in relation to the implementation of the 2012 countywide reassessment. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: Very briefly. At the last meeting, we had an extended discussion about one of our least favorite collective subjects, which is property assessments. During the course of that, I believe I received an invitation, and I'm certainly going to make an offer, to conform with some ideas that I think will mitigate the brunt of the pending reassessment. These are based on my experience. As I said earlier this evening, you observe a lot by watching. And over the last ten years, I've learned a heck of a lot by watching what the county has had to struggle with. I'm bringing this forward now with the hope that it will go into committee, along with these other bills, that there will be an extensive review of this. There's plenty of time to deal with these and other possible issues that may come up with the new reassessment. But I thought tonight we'll bring it up now rather than wait until something came out and it may be too late to really take the concern or the sting out of the new reassessment. Thank you.

PRESIDENT FITZGERALD: 6098-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code, through the creation of a new Article 208 entitled 2012 Property Tax Appeals in order to provide for the Right of Appeal Prior to Payment of higher property taxes as part of a Residential Property Taxpayer Bill of Rights in relation to the implementation of 2012 countywide reassessment. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: No. Thank you.

PRESIDENT FITZGERALD: 6099-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code, through the creation of a new Article 208 entitled 2012 Property Tax Appeals in order to provide for the Rights of Reimbursement for certain appraisal expenses occasioned by residential taxpayers related to the appeal of 2012 assessed values as one of the Residential Property Taxpayer Bill of Rights in relation to the implementation of the 2012 countywide reassessment. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: No. Thank you, Mr. President.

PRESIDENT FITZGERALD: 6100-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code through the creation of a new Article 208 entitled 2012 Property Tax Appeals in order to provide for the Right of Onsite Verification of any assessed value for the 2012 tax year as part of a Residential Property Taxpayer Bill of Rights in relation to the implementation of the 2012 countywide reassessment. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: No comment.

PRESIDENT FITZGERALD: 6101-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division Four, entitled Finances, Chapter 475 entitled Taxation, Section 475-47 entitled Creation of Homestead Exclusion Program in order to provide for the Right to a Proportional Homestead Exemption as part of a Residential Property Taxpayer Bill of Rights in relation to the implementation of the 2012 countywide reassessment. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform. Mr. McCullough, do you wish to

comment?

MR. MCCULLOUGH: No comment.

PRESIDENT FITZGERALD: 6102-10.

MR. CATANESE: An ordinance amending the Allegheny County Code of Ordinances, Division One, entitled Administrative Code, through the creation of a new Section 5-210.18 entitled 2012 Property Assessed Value Phase-In in order to provide for the Right to Protection Against Sticker Shock Reassessments for residential property owners' assessed value for the 2012 tax year as part of the Residential Property Taxpayer Bill of Rights in relation to the implementation of the 2012 countywide reassessment. Sponsored by Councilman McCullough.

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

MR. MCCULLOUGH: No comment, Mr. President.

PRESIDENT FITZGERALD: 6103-10.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, permitting the Community College of Allegheny County, CCAC, to use office, classroom and kitchen/workshop space from the County at the Police and Fire Academy for CCAC Food Service Training Program for Special Needs Adults. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Public Safety. 6104-10.

MR. CATANESE: A resolution approving a project for the benefit of Duquesne University of the Holy Spirit to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt bonds to be issued in one or more series in the aggregate principal amount not to exceed \$118 million as stated below, provided that the taxing power of the County of Allegheny, Pennsylvania shall not be obligated in any way with respect to the bonds hereinafter defined, and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. New business, motions. 6105-10.

MR. CATANESE: A motion of the Council of Allegheny County reestablishing the Budget Transfer

Committee in accordance with Section 805.03 of the Administrative Code. Sponsored by Councilman Robinson.

PRESIDENT FITZGERALD: Councilman Robinson?

MR. ROBINSON: Thank you, Mr. President and members of Council. This Budget Transfer Committee is the committee assigned in the Administrative Code to essentially reconcile our books. Ms. Liptak has served on this committee for several years, and I anticipate she will be our representative in the future. Move for approval.

MR. GASTGEB: Second.

PRESIDENT FITZGERALD: Moved, second.

Discussion. All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.

6106-10.

MR. CATANESE: A motion of the Council of Allegheny County to continue the services of Attorney John F. Cambest to provide legal advice, representation and consultation to the County Council. Sponsored by Councilman Martoni.

PRESIDENT FITZGERALD: Councilman Martoni?

MR. MARTONI: I would like to move that we hire Mr. Cambest for this coming year.

(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved, second.

Discussion? All in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries.

MR. MCCULLOUGH: Opposed.

PRESIDENT FITZGERALD: I'm sorry. Please make a note that Mr. McCullough opposes. 6107-10.

MR. CATANESE: A motion of the Council of Allegheny County pulling Bill Number 5772-10, an ordinance directing the placement of a referendum and amending the Administrative Code of Allegheny County contingent upon the passage of that referendum, from committee for immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Actually, my preference would be to have a committee discussion on this. This has been around for almost 170 days. And if there would be some acknowledgement that this would be put on the agenda for Government Reform, say by the end of January, I would prefer to defer to committee.

PRESIDENT FITZGERALD: I think we can do that. I think it's worthy of discussion and I think it's something we can do. We have a few bills in that committee, but I think we can probably get this one ---.

MR. MCCULLOUGH: Okay. Well, then I'll drop this.

PRESIDENT FITZGERALD: 6108-10.

MR. CATANESE: A motion of the Council of Allegheny County pulling Bill Number 6053-10, an ordinance reducing the rate of county taxation on the sale at retail of liquor and malt and brewed beverages within the county to six percent, from committee for immediate final vote. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. I'm going to ask for a point of personal privilege. I've been advised that there were five speakers who say they tried to register online to speak, and I understand that for whatever reason, that didn't go through. I see a couple of them still here in the audience. We all know these individuals. We also know the drill to go through, so I have no good reason to doubt their credibility. I can only presume it was some sort of a snafu within the county's computer system. I would like to yield my time to address this issue if the Chair will recognize and give them the opportunity to speak.

PRESIDENT FITZGERALD: You're going to yield your time and then not speak?

MR. MCCULLOUGH: That's correct.

PRESIDENT FITZGERALD: Okay.

MR. MCCULLOUGH: That might be a break for all of us.

PRESIDENT FITZGERALD: And I know there were some questions earlier. They're coming forward. They know the drill. And I checked with three different members of the staff to see if any --- and none of them did receive it, so I don't think it's anything intentional. We have a system that people do know. Without objection, if there are no objections by members of Council --- we don't like to do this because you do open up Pandora's box to everybody saying, I called, I tried to sign up. You know where I'm going with this?

MR. MCCULLOUGH: I know that. And also, we've been here a long time. That's why I'm yielding my time to speak on the motion to pull. If for some reason ---.

PRESIDENT FITZGERALD: I'm guessing you could probably speak for nine minutes; right? Is that right?

MR. MCCULLOUGH: Well, you know, I've been known to do that.

PRESIDENT FITZGERALD: So you're not going to speak? I have your word that you're not going to speak?

MR. MCCULLOUGH: I'm not going to speak on the motion to pull. If some reason it comes through, I reserve the right to speak on the subsequent bill.

PRESIDENT FITZGERALD: If the motion passes, then you want to speak on the bill?

MR. MCCULLOUGH: That's correct.

PRESIDENT FITZGERALD: All right. We have a deal as far I'm concerned. Any objections? What do we have here? We've got three speakers? I'll give you three of them. Let's go three. We'll make that deal. We'll make three of you. I'll let Mr. Joyce pick the three.

MR. JOYCE: Myself and John Graf ---.

PRESIDENT FITZGERALD: And if you'd state your name and address for the record, please, Mr. Joyce.

MR. JOYCE: Kevin Joyce, proprietor of the Charlton Restaurant and past president of the Pennsylvania Restaurant Association. Five of us did sign up online through different computers, so I don't know where your glitch is. You know, we sat through the proclamations. We enjoyed the lovefest with the County Executive.

But you know, the math really bothers me because we've all been through this. If you recall when this drink tax went down in 2007, it was clearly about the match. It was clearly about the securing a local source for the match, the match that got the federal and got the state money in line. And at the time, that was \$27.5 million. And we were understanding it was going to go up by \$200,000 every year.

Now, the first year, you collected \$42.9 million. We told you halfway through the year, you're way over-collecting. Please reduce the tax now. No one listened. You collected over \$15 million more than you needed in year one. In year two, the reduction was dropped to seven percent. We said you could go as low as six or five because you've already collected \$14.9 million extra. The match in year two was only \$200,000 more. It's not \$35 million. The County Executive mentioned \$35 million at least a half dozen times. I don't think the county matches everybody \$35 million. You folks, I

think, would know that. But it's not \$35 million as far as I'm aware. You over-collected in year two. You over-collected in year three.

Now, the Judge --- when the County Executive wanted to take the extra money and use it for other things, we took him to court. And I was the Plaintiff in that suit. And the Judge agreed that it could not be used to anything else but transportation. Now, where she opened the door for the County Executive was she didn't limit it to the match. She said as long as it's public transportation-related. So that gave Dan the out to say, okay, we're going to use it for capitol projects. But you're using it for capitol projects you haven't even dreamed up yet. You've got \$10 million sitting there for undesignated capitol projects. Now, that's not very fair to the taxpayers. You've got another \$4 million in another fund, which I guess gets transferred eventually. You're collecting more money than you need. And this Council could reduce it to six percent like that and not be in any trouble next year whatsoever. It's the right thing to do. It's the fair thing to do.

We're already at a disadvantage competitively. There's no reason why we should get a seven percent disadvantage where we could be a six-percent or five-percent disadvantage. None of us like the drink tax. None of us like the fact that one industry has to take care of what everyone in this community needs and uses, which is public transportation. But you should not be collecting more than you need for the match. It was always about the match. Now you're playing the slush fund game. This is not right. And none of you guys really seems to follow this math. You don't really seem too concerned with your fiscal responsibility. Thank you for letting us speak at the end of your meeting. Mr. Jeff Cohen is here.

PRESIDENT FITZGERALD: Do you have another speaker? State your name and address for the record, please.

MR. CONE: Jeff Cohen, 2935 Beech Boulevard. I will say one thing. I like all you guys, but I haven't missed being here. I can tell you that.

Anyhow, this is my take. I think the taxpayers are like the customers. I live in the county. They're customers of the business you have. If you have a good customer and you send their bill twice, they overpay, you

call them and you say, hey, listen, you know what? you paid an invoice twice already. I'm going to refund and give you credit. It's the same thing here. I mean, we're the customers. The taxpayers are the customers. Business conditions are still very difficult. I think things are still going to continue to be tough. Look at what the national government just did. They extended the unemployment. It tells how tough things really are. And we're over-collecting money. And you know, the tax has never been fair.

And you've got a Port Authority. I mean, I don't get it. We keep finding something that we need, but it doesn't ever make sense. Healthcare costs are \$10,000 or \$15,000 or \$20,000, and they pay \$500 to \$1,000. We as taxpayers can't keep funding those issues. As Jan said, they had a \$96 million concession. Maybe they need a \$296 million concession to make it right. We just can't keep paying. I would say this. Six percent is the right number. Five is the right number. The money you have in the bank, I'm not sure where you're looking at or how high you're looking at, but you have around \$13 million or \$14 million sitting there that they say the Port Authority doesn't really want and they have money that they don't know where they're going to spend it. And I think you can do great things for the taxpayers in this county. I think you can show them you really care about them.

Plus it would help business, just like Councilman Ellenbogen said. You know what? If you look at the TV channels every day, every channel and every company is discounting something. It's the same scenario. Things are tough. Maybe you'll lower the tax. Maybe they'll get some amount of money. Maybe they'll change their habits. If you look at the average person who's spending money at Christmas this year, it's less than a year ago, less than the year before and less than the year before. So things aren't getting better.

So I would hope --- and I know Dan's against this, so the chance of this getting passed probably is me winning the Powerball lottery tomorrow night, but I want to say this. Do the right thing for one time. Just really, you know, cut it to six percent. You know, see where the revenues are for fiscal 2011 and help the taxpayer and help business. That's what you guys are elected for. You're elected to run this county and help the taxpayers and do the right thing. So I do appreciate

you letting us talk while you sit here. And I did sign up to online. Next time I'm going to call.

PRESIDENT FITZGERALD: Do you have another speaker? Next speaker.

MR. CONE: Thank you very much. Have a nice holiday, everybody, a happy and healthy new year. Thank you very much.

PRESIDENT FITZGERALD: Mr. Graf, state your name and address for the record, please.

MR. GRAF: Good evening. John Graf, 6933 Church Avenue over in Ben Avon, owner of the Priory, the hotel known as the Priory over on the North Side. I'm not going to restate what's been said. I think Mr. Joyce and Mr. Cohen I think were pretty eloquent.

One thing I will note is that in his opposition to --- or anticipated opposition to Mr. McCullough's motion, the Chief Executive predicted somehow that if this tax is reduced to six percent, that somehow or other, it wasn't going to generate enough revenue for the Port Authority match. But I think that's clearly not the case. He conveniently neglected to mention that there's about \$5 million or \$6 million being collected by rental car tax that also goes to that match. Add that to the six percent of the gross sales for liquor. That will more than cover the amount of the match and still generate probably another \$3 million or \$4 million a year in excess. Mr. Cohen said, don't collect more than you need to. This was sold as a tax to finance the county's duty to the Port Authority to obtain matching funds. Set it to six percent and see what happens. Thank you.

PRESIDENT FITZGERALD: Thank you. Mr. McCullough, you need to make an official motion.

MR. MCCULLOUGH: So moved.

MS. REA: Second.

PRESIDENT FITZGERALD: Moved, second.  
Discussion? Mr. Gastgeb?

MR. GASTGEB: I'll speak strictly to pulling the bill. Just so everybody knows, we're going to try to pull the bill so we can actually talk about the bill. But speaking of pulling the bill, if I go back and argue with what the Chief Executive said, even the speaker that just spoke, and I thank Mr. Fitzgerald for letting us hear from our constituents, there was a lovefest this room, but there wasn't a lovefest in the polls on November 2nd, in part because of this tax. And the thing I learned on

November 2nd was listen to what the people want if we can. Let's try to help small business. And I'm wondering if anybody did listen. And I'm also wondering what kind of math did we do here. We passed a budget that we'll have \$4 million in revenue. Mr. McCullough has to ask the Chief Executive, do we have it there, because we're going into the new year, and we don't. That's the type of math we do.

Mr. Cohen made a good, I think, suggestion. Let's do something that we know the math makes sense. And strictly speaking math, let's pull this bill. The reason why Mr. McCullough has this on pull is because we're over-collecting. There's no doubt we're over-collecting. Members up there voted for ten percent. We over-collected by \$15 million. Seven percent is still over-collecting. There's no doubt about it. We're still over-collecting. We will generate enough money. This is for the match. There's no reason to say in black and white --- we have a fund --- the Treasurer, when he was sitting here, discussed that. Yeah, we have a fund. The money's just sitting there. The Port Authority is not taking it. We're not expending it. It's just sitting there. So what do you do with this fund? Do you give it to the Port Authority who doesn't want it or give it back to the people who we're over-collecting it from? It's pretty simple. It's in black and white. We don't have to go back in history and do this and that, selective enforcement and everything else that came up.

But I do want to say something to my colleagues. When I knew this was coming up, I knew there would be some objection to it because they figured the Chief Executive wouldn't like it. We've been here for 12 months this calendar year. And guess how many ordinances we passed as a Council in 12 months, 26 meetings, dozens of committee meetings? Four ordinances. Four out of 12 months' worth of work, of any substance. Why did I bring that up? This should be the fifth. I mean, I think four is a low number. And by the way, the Republicans have two and Democrats have two even though the membership's 11 to 4. We need to start doing some work here that makes sense. People are looking for us to help them with their pocketbooks. They're looking and saying, we have an overage. We're over-collecting. Tonight we can do something about that. Tonight is the time to do it. Thank you.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: Mr. Robinson.

MR. ROBINSON: Thank you, Mr. President. On the motion to pull the bill out of committee, previously Mr. McCullough attributed some comments to me and indicated that if he was incorrect, I should correct him. This is the time to correct him. Respectfully, I don't want anyone to think that someone in the Port Authority told me the Port Authority did not want or need any drink tax money in the possession of the county. I believe Mr. McCullough may have misunderstood our conversation on that subject. What I indicated to him, and I'll paraphrase, was the Port Authority was not sure that what Mr. McCullough or some others had characterized as excess money, which I don't think exists anywhere, excess money, that if that money were to be forwarded to them, they would like it to be a part of some comprehensive approach to solving their fiscal problem. They did not want to receive excess money or additional money from the county and find themselves in the same position next year that they're in this year. It was my intent to see what I might do to assist them in reestablishing some of the roots that they had decided to drop and maybe be able to rehire some of the employees they anticipating furloughing.

This particular bill that Mr. McCullough would like to raise or like to bring out of committee has not been on the committee's agenda. I indicated to Mr. McCullough if he wanted to take the bill out of committee, if he wanted to come to this Council and request that they bring it up for a vote, I would not oppose that, nor have I opposed that. But I was clear with Mr. McCullough, as I have been with everybody in this county, where I stand on the drink tax, and I won't reiterate that. Also, no request has been made of me by any member of this Council as Budget and Finance Chairman to put this particular bill on the agenda. If someone makes a request of me to put this bill on the agenda so that the Budget and Finance Committee can process it, I'm more than willing to do that.

I believe that this issue, along with several other fiscal issues that have been brought up tonight, are best addressed through the committee process and they should become a part of a comprehensive approach to our long-range fiscal planning, which I've been calling for

almost since the day I arrived on this Council. I made several requests of the Chief Executive for a long-term, long-range fiscal plan. I have not received it. We made an attempt in Budget and Finance during the budget process to bring the principals to the table, in part because Mr. McCullough, but several other members have raised this as well with me in private, and Ms. Liptak and I have talked about it on several occasions. I believe our principal efforts next year should be long-range fiscal planning. And to that extent, I would hope that Mr. McCullough will withdraw his motion and allow the committee process to proceed. Thank you, Mr. President.

PRESIDENT FITZGERALD: Let's call the roll.

MR. DROZD: Wait.

PRESIDENT FITZGERALD: Mr. Drozd, do you have a comment?

MR. DROZD: Least not forget that the Port Authority just had, what was it, \$47 million dropped into its lap; wasn't it? \$45 million or whatever it might be. So in essence, this amount pales compared to what they've just received, this one-percent reduction. Now, maybe it's time to give the people something a little back here. And it is a tax on the people, whatever it may be and wherever it might be. It's a tax on the people of our county.

And remember what they talked about the ski slope? You know, they found by giving it free on that one day or two, that they gained more revenues. We don't know what that effect may be in the essence of that drop, that one percent. Maybe we ought to look at it and give it a chance to see what might happen.

And you know, I keep on thinking in all this and whatever we're discussing, are we just delaying the inevitable, what befalls the Port Authority or what needs to be done within the Port Authority, things that need to be done? Something drastic and dramatic needs to be done with this Port Authority. If not, this discussion --- how many years have we had this discussion on this Council? Far before I came here, I'm sure. And you know what? The way it is now, given status quo, this is going to continue on. So maybe we ought to give some things a chance to look outside the box. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: I guess in closing, my take on my colleague, Mr. Robinson's, comments is that it would be

great to have a collective approach with this extra money, as I'll call it. But we're never going to be able to have a comprehensive approach if we're not collecting enough of an overage. It's \$4 million to \$5 million. It's been clear that's what it is. And if we're going to give the Port Authority \$4 million and they're hundreds of millions of dollars in debt, it's never going to be comprehensive. And if there's one bill that never needs to go back to committee, in my opinion, it's this one. For three years this has been going on. You can go back in the record and look. We probably had more committee meetings on this than any other subject. Maybe it's time to discuss this. I mean, the reason why we passed only four ordinances in 12 months is because we don't take issues and move them forward. And you know, the only way this is going to come back up again, someone will bring it out of committee for the same thing, probably I will in January, until we take care of it. Thank you.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. Burn?

(No response.)

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: No.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: A question for the Solicitor. Is this a conflict of interest for me?

MR. CAMBEST: Not for pulling the bill out of committee, no.

MR. FUTULES: Okay. No.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: No.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Nay.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: No.

MR. CATANESE: Noes 7, yeses 5. Failed.

PRESIDENT FITZGERALD: Notification of contracts. 6109-10.

MR. CATANESE: A communication from County Manager Jim Flynn submitting executive actions related to contracts for the month of November 2010. Sponsored by the County Manager.

PRESIDENT FITZGERALD: Motion to receive the file?

MR. FINNERTY: Second.

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

(Chorus of motions.)

(Chorus of seconds.)

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

(Chorus of ayes.)

PRESIDENT FITZGERALD: Opposed? Motion carries to receive the file. Public comment on general items. We have three speakers this evening. Mr. Harry Liller. Mr. Liller, if you'd state your name and address for the record, please.

MR. LILLER: My name is Harry Liller, 438 Puxton Street in the Mt. Washington area of Pittsburgh. The U.S. Chamber of Commerce said 90 percent of small businesses fail in their first year. That's a horrible statistic that I will not accept. The Small Business Administration will not help businesses create businesses. I will not accept that either.

I have a nonprofit community bank plan that if you make a product people need or perform a service people need, I will help you create your small business. I will create a bank that takes money from the Federal Reserve like a regular bank and we'd pay it back. Unfortunately, this Council will not do anything about it. The County Executive will do nothing about it.

We also have the lowest economic growth rate in the country, one of them because you're all narrow-minded. You only care about the kickbacks and the payoffs. I can create businesses where you are making products people need or performing services people need, which helps the

economy. It's amazing how I keep bringing this up on deaf ears. The only way we're going to have a nonprofit community bank plan is you're going to have to elect me as the next county executive. Now, you saw the lovefest a couple hours ago where they just kissed each other's behinds and everything was hunky-dory. But the reality is the census says we're going to lose a congressman. The politicians are never held accountable when we have people leaving all the time because they don't have jobs. Here's a chance people that come here because I am going to help you create your American dream.

I will also create an oil refinery on the old Duquesne blast site. We have one of the highest gas rates in the whole country compared to New York and Los Angeles because they have a higher cost of living. It will bring gas prices down. It will bring oil prices down. It will create jobs. I would also like to create a 24-hour stock market exchange that --- emphasis on initial public offerings. That means we'll be connected to every stock market around the world. They will want to get in on initial public offerings. That's where the money is when a company goes public, the initial investments. That will bring big, large investment companies here. This will bring big stock market companies here to Pittsburgh that will benefit all of us. But as I can see, the media already walked out on me as usual. The politicians treat me like garbage. This is what we have to do. My name is Harry Liller and I'm running for county executive.

PRESIDENT FITZGERALD: Thank you, Mr. Liller. Jim Barr? Mr. Barr, state your name and address for the record, please.

MR. BARR: Jim Barr. I live in the Borough of West View. I'm here this evening to speak about general comment on municipal authorities. You got into discussion about appointments. And appointments are not the problem. It's the diffusing of responsibility by the state legislators by approving municipal authorities.

My reason for speaking tonight was motivated by prepared remarks Allegheny County Commissioner Larry W. Dunn presented to a subcommittee of the Pennsylvania House of Representatives. This is an old document, October 15th, 1997 that I think is still just as valid. He addresses the United States legislators by saying, my concern stems from the recent pressure to proliferate authorities and the continuous erosion of the role of

local government in Pennsylvania that the creation of authorities has spawned. I can give you an example. Tonight they appointed members to pollution control. But these buses in West View Plaza are running in violation and polluting, and nothing ever is done. And I think that's an example of the immunity of municipal authorities. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Barr. Melina Brajovic? Would you state your name and address for the record, please?

MS. BRAJOVIC: Hi. I'm Melina Brajovic of Blawnox Borough. I just wanted to thank Councilman Chuck McCullough. He's my councilman at large. I used to live in Mt. Lebanon. And he recognized the service of the young man, Ben Kiernan. He was in the service for U.S. Marines. And I'm very grateful for him bringing that family here and recognizing our people who serve. I also want to thank him for all the hard work that he has done for our Allegheny County.

I do have in my hands the bill --- the proposal of his concern about protecting taxpayers. And they are very well made. And I believe he works very hard for his community and protecting our taxpayers. And I just want to let everyone know to consider this before doing any votes to recognize what the regular fellows like me can recognize. Thank you very much for serving everybody, and Merry Christmas.

PRESIDENT FITZGERALD: Do I have a motion to adjourn?

(Chorus of motions.)

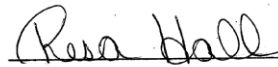
(Chorus of seconds.)

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 8:00 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.

  
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Court Reporter