

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Dr. Charles J. Martoni	-	President, District 8
Nicholas Futules	-	Vice President, District 7
John P. DeFazio	-	Council-At-Large
Heather S. Heidelbaugh	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2 (via telephone)
James Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
John F. Palmiere	-	District 6
Robert J. Macey	-	District 9
William Russell Robinson	-	District 10
Barbara Daly Danko	-	District 11
James Ellenbogen	-	District 12
Amanda Green Hawkins	-	District 13

ORIGINAL

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

Tuesday, April 3, 2012 - 5:00 p.m.

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

IN ATTENDANCE:

James Flynn - County Manager
Michael Wojcik - County Solicitor
Joseph Catanese - Director of Constituent Services
John H. Rushford, Jr. - Counsel for County Council
Jared Barker - Director of Legislative Services
Walter W. Szymanski - Budget Director
Jack Cambest - Solicitor

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<p>1 PRESIDENT MARTONI: The April 3rd meeting will 2 come to order. Please rise for the Pledge of Allegiance, 3 and please remain standing for a moment of silent 4 reflection. 5 (Pledge of Allegiance.) 6 (Moment of silent reflection.) 7 PRESIDENT MARTONI: Please sit. Roll call. 8 MR. CATANESE: Mr. Burn? 9 MR. BURN: Here. 10 MR. CATANESE: Ms. Danko? 11 MS. DANKO: Here. 12 MR. CATANESE: Mr. DeFazio? 13 MR. DEFAZIO: Here. 14 MR. CATANESE: Mr. Drozd? 15 MR. DROZD: Present. 16 MR. CATANESE: Mr. Ellenbogen? 17 MR. ELLENBOGEN: Here. 18 MR. CATANESE: Mr. Finnerty? 19 MR. FINNERTY: Here. 20 MR. CATANESE: Mr. Futules? 21 MR. FUTULES: Here. 22 MR. CATANESE: Mr. Gastgeb? 23 (No response.)</p>	<p>1 Get Involved!, Inc.'s third annual Pittsburgh Service 2 Summit. Sponsored by Councilman Drozd. 3 6857-12. Proclamation declaring April 2012 as 4 Child Abuse Prevention Month in Allegheny County and 5 commending the efforts of the Court-Appointed Special 6 Advocates, CASA, of Allegheny County. Sponsored by 7 Council Members Burn, Danko, Drozd, Ellenbogen, Finnerty, 8 Futules, Gastgeb, Green Hawkins, Macey, Martoni, Palmiere 9 and Robinson. 10 6858-12. Proclamation honoring Judge Gustave 11 Diamond for receiving the Robert E. Dauer Award of 12 Judicial Leadership and Excellence and Pennsylvania 13 Attorney General Linda L. Kelly for receiving the Judge 14 James R. McGregor Award at Amen Corner's 52nd Judicial 15 Reception. Sponsored by Council Members Martoni, Drozd, 16 Ellenbogen, Finnerty, Futules, Gastgeb, Green Hawkins, 17 Macey, Palmiere and Robinson. 18 6859-12. Proclamation congratulating the 19 2011-2012 graduates of the Local Government Academy's 20 Newly Elected Officials Course. Sponsored by Councilman 21 Martoni.</p>
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<p>1 MR. CATANESE: Ms. Green Hawkins? 2 MS. GREEN HAWKINS: Present. 3 MR. CATANESE: Ms. Heidelbaugh? 4 MS. HEIDELBAUGH: Here. 5 MR. CATANESE: Mr. Macey? 6 MR. MACEY: Here. 7 MR. CATANESE: Mr. Palmiere? 8 MR. PALMIERE: Here. 9 MR. CATANESE: Ms. Rea? 10 MS. REA: Here (via telephone). 11 MR. CATANESE: Mr. Robinson? 12 MR. ROBINSON: Present. 13 MR. CATANESE: Mr. Martoni, President? 14 PRESIDENT MARTONI: Here. 15 MR. CATANESE: Fourteen (14) members currently 16 present. 17 PRESIDENT MARTONI: Proclamations/ 18 certificates. 19 MR. CATANESE: We have no presentations. They 20 will all be read into the record. 21 PRESIDENT MARTONI: Okay. 22 MR. CATANESE: 6856-12. Certificates of 23 Recognition honoring the Pittsburgh Leadership awardees of</p>	<p>1 6860-12. Proclamation honoring Dr. Sheila L. 2 Johnson for her efforts to preserve gospel music as an art 3 form. Sponsored by Councilman Martoni. 4 6861-12. Certificate of Recognition honoring 5 Rose Sharp upon the occasion of her 100th birthday. 6 Sponsored by Councilman Macey. 7 6862-12. Certificate of Recognition honoring 8 Peter Gustave "Gus" Norder upon the occasion of his 100th 9 birthday. Sponsored by Councilman Macey. 10 6863-12. Certificate of Recognition awarded to 11 Mr. and Mrs. Rex and Barbara Hough upon their 50th wedding 12 anniversary. Sponsored by Councilman Macey. 13 6864-12. Certificate of Achievement honoring 14 Lukas James Gaydos of Boy Scout Troop 57 for earning the 15 rank of Eagle Scout. Sponsored by Councilman Macey. 16 6865-12. Certificate of Achievement honoring 17 Robert Anthony Holmes of Boy Scout Troop 57 for earning 18 the rank of Eagle Scout. Sponsored by Councilman Macey. 19 6866-12. Certificate of Achievement honoring 20 Robert Edward Lee, II of Boy Scout Troop 57 for earning 21 the rank of Eagle Scout. Sponsored by Councilman Macey. 22 PRESIDENT MARTONI: Thank you. Public comment 23 on agenda items.</p>

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1 MR. CATANESE: We have eight.
2 PRESIDENT MARTONI: We have eight. Joy Sabl?
3 Joy, are you here?
4 MS. SABL: Yes, I am.
5 PRESIDENT MARTONI: Joy, please start with your
6 name and address and ---.
7 MS. SABL: Joy Sabl, 7008 Willard Street,
8 Pittsburgh, 15208. And I'm hoping that you will either
9 now or after consideration in committee, sign on to the
10 resolution opposing Citizens United, which I think we all
11 have now seen is a way to encourage people on all sides of
12 the political process to basically put a fire hose into
13 their pockets and spray it over the political process,
14 doing very little for the greater economy or the clear
15 workings of the political process or, in fact, for the
16 people doing the donating. People are basically wasting
17 money on both sides. They say it's an arms race and it's
18 a mess.
19 Think of it this way. If you had a society that
20 was made up of 99 percent farmers and 1 percent
21 advertising people, that could actually, possibly be a
22 functional society. If you had a society that was 99
23 percent advertising people --- I like advertising people.

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1 but a society where you focus only on advertising rather
2 than on producing anything that a society actually uses,
3 this is not a good direction to push our society into.
4 And I feel that that is what Citizens United
5 does. It's an endlessly turning wheel, putting vanity
6 money into campaigns and forcing everybody else to ante
7 up. This is why 63 percent of small businesses oppose it.
8 This is why, depending on the area, roughly 65 to 85
9 percent of the general public opposes it. A resolution
10 such as this not only passed in the State of New Mexico
11 and Hawaii and similar political hotbeds, it also passed
12 in Lancaster. Last I checked, Lancaster was not
13 considered an extremist area.
14 There are many areas in Pennsylvania that are
15 very middle of the road, where people have gotten fed up
16 and said enough is enough. We hope that you agree with
17 this. Thank you very much.
18 PRESIDENT MARTONI: Thank you. Jonathan
19 Robison?
20 MR. CATANESE: Mr. President, if I may, let the
21 record show that Councilman Gastgeb is present.
22 PRESIDENT MARTONI: Jonathan?

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1 MR. WANCA: May I speak from here, or should I
2 move up to the mic?
3 PRESIDENT MARTONI: We can hear you, if it's
4 okay with everyone else.
5 MR. WANCA: Fine.
6 PRESIDENT MARTONI: Okay.
7 MR. WANCA: Jonathan Robison, of 154 North
8 Bellefield Avenue, Apartment 66, Pittsburgh, 15213.
9 Making a statement on Citizens United can be put in one
10 sentence. The question is, is this country going to move
11 from one person, one vote to one dollar, one vote? There
12 are many other issues that could be gotten into about
13 Citizens United. I will just say that it is --- someone
14 who has had a PAC, a pocket, political action committee, I
15 file my reports regularly and disclose the contributors.
16 A privileged class that doesn't have to is obnoxious. But
17 the bottom line is this. Are we moving from one person,
18 one vote to one dollar, one vote? Thank you.
19 PRESIDENT MARTONI: Thank you, Jon. Lynda Park?
20 Lynda, are you here?
21 MS. PARK: Hello. Thank you for giving me the
22 opportunity to speak in front of the Council. My name is
23 Lynda Park. I'm a resident of Mt. Lebanon. I am here to

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1 ask you to support the Council motion calling for a
2 constitutional amendment to reverse Citizens United v.
3 FEC.
4 I am a naturalized citizen of the United States.
5 I chose to become a U.S. citizen in 1986 when I was in
6 college. And perhaps because it was a conscious decision
7 and not something I was born into, I have taken the power
8 and the responsibility of citizenship very seriously.
9 Nonetheless, I was not an activist of any kind until the
10 Supreme Court's Decision on Citizens United in 2010.
11 When the Court ruled that because corporations
12 are a legal person, they have the First Amendment rights
13 to spend unlimited funds for political expenditures, it
14 was as though someone slapped me across the face and woke
15 me up. In my view, the Supreme Court's Decision, in
16 essence, declared that our government was for sale to the
17 highest bidder. Over 80 percent of American voters
18 believe that the Court's Decision as a bad one.
19 Republican Senator John McCain said just a few days ago,
20 quote, I condemn the U.S. --- United States Supreme Court
21 for their naïve opinion in the Citizens United, which is
22 an outrage. I predict to you that there will be a major

<p style="text-align: right;">Page 10</p> <p>1 scandal associated with this Supreme Court Decision, end 2 quote. 3 We can see that there has always been money in 4 politics, and many of us have long recognized the problem 5 of so much money going into political campaigns. But now 6 that we have the Supreme Court saying that this is how 7 things should be, if money is speech, how am I, as a 8 middle-class voter, supposed to compete with Exxon Mobil's 9 billions of dollars? Maybe some of you have plans to run 10 for office at the state or federal level. If a giant 11 natural gas company potentially owned in part by foreign 12 entities came to you and said, we have a million dollars 13 here, I can spend it for you or against you, what would 14 you do? In the aftermath of Citizens United, the gas 15 companies can do this and not even disclose this 16 information. 17 This law is not only diminishing the rights of 18 ordinary citizens, it's putting our politicians in a 19 terrible bind. Even if a politician voted for a bill 20 favorable to the gas company because he or she really 21 believed that was the right thing to do, would the voters 22 believe his or her motives were pure? We do have a</p>	<p style="text-align: right;">Page 12</p> <p>1 for a constitutional amendment to reverse the implications 2 of the Citizens United v. Federal Election Commission 3 Decision on the people of this country. 4 Councilmen and Councilwomen, I'm sure that those 5 of you who already supported today's motion do not need a 6 history lesson on the effects of the Citizens United 7 Decision. And to those of you who are already decided 8 against it, I'm sure you have your reasons for doing so, 9 which we can only hope are founded in reason rather than 10 fear that supporting this motion might bring on the 11 onslaught of anonymous contributions against you in your 12 upcoming election. But to those of you who are undecided 13 or to those of you who might need brought up to speed on 14 the effects of this Decision, or those of you questioning 15 why it is imperative that such a motion is passed by this 16 body, allowed me to address you for a moment. 17 One of my favorite historical texts happens to 18 be a letter written from Thomas Jefferson to John Adams in 19 late October 1813. And in this letter, Jefferson writes 20 lengthily regarding what he considers to be a natural 21 aristocracy and expresses how he believes that it, being 22 creative in virtue and talents, should rule the country 23 rather than the pseudoaristocracy, which is founded from</p>
<p style="text-align: right;">Page 11</p> <p>1 deficit problem in this country, that is, a trust deficit 2 in our elected leaders. 3 I don't have anything against corporations in 4 principle. I just don't want them to govern us. The 5 primary goal of corporations by design is to maximize 6 their profits, and that is fine, but do we want that to be 7 the --- to be governed by such a goal? No. I'll strongly 8 say no. The government should belong to the real people 9 and work for the common good of the whole nation. Please 10 vote for the motion and help us be part of a national 11 transpartisan campaign movement to restore the 12 constitutional rights and fair elections to the people. 13 Thank you for your time. 14 PRESIDENT MARTONI: Thank you. Thomas Dufour? 15 Thomas? 16 MR. DUFOUR: Ladies and gentlemen of the 17 Council, my name is Thomas Dufour. I'm from Whitehall, 18 Pennsylvania. And on Tuesday, March 27th, in a 19 collaborative effort with 30 other residents of this 20 county, we had published in the Pittsburgh Post-Gazette a 21 letter to the editor asking for this body to take up the 22 issue of passing a resolution similar to the City of 23 Pittsburgh's, which would express this county's support</p>	<p style="text-align: right;">Page 13</p> <p>1 wealth and birth. And Council members, this is what this 2 whole thing is about. What we have before us because of 3 this Decision is a country potentially being governed not 4 by the merit and talents of individual citizens, by their 5 well-informed intelligence and logic, but rather, by the 6 brute force of monetary influence, which, to these 7 corporations and organizations, is nothing more than an 8 investment risk, which inevitably governs our democracy by 9 instilling in our leaders the fear of losing their jobs 10 through a massive monetary campaign against them, rather 11 than by their disservice to their constituencies. 12 What chance does the virtuous, who promote the 13 public good with honesty and integrity, stand against the 14 backlash of well-funded interest groups and 15 misinformation, when we've known for years that the press, 16 being bound to their ratings and shareholder interests, 17 are no longer in a condition to correct the erroneous and 18 spun statements which tend to be bought with this endless 19 stream of cash? What chance does an individual stand when 20 it is drowned out by the carefully crafted political 21 speech which dominates our airwaves? This Decision is --- 22 was dirt in the face of American values, and to vote</p>

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1 against this motion is to cast a vote against our
2 democratic heritage.
3 The decision is simple. If every person is
4 intended to have an equal voice in government, then money
5 cannot be speech. Council members, I ask you to do the
6 virtuous thing and vote in the affirmative to lend our
7 voices to the cause of restoring political power to where
8 it rightfully belongs, not in deep pockets, but in the
9 voices of this nation's citizens.
10 PRESIDENT MARTONI: Thank you. Ronald Gaydos?
11 AUDIENCE MEMBER: Not here yet.
12 PRESIDENT MARTONI: Not here yet? Nate Frentz?
13 Nate?
14 AUDIENCE MEMBER: Not here yet.
15 PRESIDENT MARTONI: Not here yet? Marcia
16 Bandes, B-A-N-D-E-S, Bandes (changes pronunciation). Not
17 here yet?
18 AUDIENCE MEMBER: Yeah. We thought we were
19 going to be speaking starting around 5:20. I expected ---
20 they could show in the near future.
21 PRESIDENT MARTONI: Well, we have another
22 speaker. Maybe they'll get here. Joni Rabinowitz is

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1 here. I believe I saw her come in. Yes, she's here.
2 There you are.
3 MS. RABINOWITZ: I don't know how many have
4 seen --- how many of you have seen this paper, shale gas
5 report. It talks about some of the profits of Marcellus
6 Shale.
7 MR. CATANESE: Could you please give your name
8 and address and phone number, please?
9 MS. RABINOWITZ: Oh, yeah. Okay. Sorry. Yeah.
10 My name's Joni Rabinowitz. I live at 7721 Edgerton
11 Avenue, Pittsburgh, 15221. And I'm here to talk about
12 Marcellus Shale activities by the county. Two points that
13 I want to make this particular day. The first point is
14 I'm asking you to please join the suit that seven
15 municipalities have already taken against Act 13 that was
16 passed at the state. I think unless you've have your
17 heads in the sand for the last two months, you would know
18 that the state passed a law, Act 13 or HB 1950, which
19 basically preempts, preempts any local municipality from
20 making any zoning regulations whatsoever concerning
21 Marcellus Shale, so that if you are a municipality and you
22 decide you want to invite --- you want to have a hotel
23 come in or you want to have some business come in or

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1 whatever, you have no control if the Marcellus --- if a
2 Marcellus company decides they want to drill on that spot.
3 There are seven municipalities now who have
4 filed a suit against that Act, many more who are in
5 line --- in conjunction with this --- with these seven
6 municipalities, and I would urge you to join in this suit.
7 If you can't do that because of a conflict with your
8 passing this impact fee thing today, which is a whole
9 other subject, I think that you can take an affirmative
10 action and take a strong position in support of those who
11 are filing this suit against Act 13. So I would ask you
12 to please do that. It's an action by the state to
13 basically take away the powers, the powers that the local
14 municipalities have to zone. I mean, that is their power
15 according to the Municipal Powers Act. Oh, what was that?
16 Okay. Thirty (30) seconds. So I would ask for that.
17 And the second thing I would ask is that ---
18 last March, you had 120 people testifying here against
19 participation by the county in Marcellus drilling. I hope
20 you will go back and look at those testimonies before you
21 move. Now is the time when they'll be coming to get
22 leases --- maybe they already have --- lease applications
23 from different companies. They want to drill on county

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1 land. You can see in this material and a lot of material
2 that you've seen in the papers, you know, every day
3 there's something about an explosion or a leak, a person
4 with a health condition from noxious chemicals and so
5 forth. So we're asking you to not --- to not participate
6 in this program, to not sign leases with the county ---
7 with the Marcellus industry, to have the county stay back
8 from holding --- from participating in Marcellus Shale
9 drilling on behalf of the county. And I will be getting
10 more information to you on that shortly. Thank you.
11 PRESIDENT MARTONI: Thank you. Approval of
12 minutes.
13 MR. CATANESE: We have none.
14 PRESIDENT MARTONI: We have none. Presentation
15 of appointments. 6854-12.
16 MR. CATANESE: Approving the reappointment of
17 Rick Self to serve as a member of the Council of Friends
18 organization, South Park, for a term to expire on April
19 3rd, 2014. Sponsored by Councilman Palmiere.
20 MR. PALMIERE: I'd like to move for approval.
21 (Chorus of seconds.)
22 PRESIDENT MARTONI: Moved, second. Question?
23 Okay. All in favor?

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1 (Chorus of ayes.)
2 PRESIDENT MARTONI: Opposed? So ordered.
3 MR. GASTGEB: President Martoni?
4 PRESIDENT MARTONI: Yes.
5 MR. GASTGEB: May I have a point of privilege?
6 PRESIDENT MARTONI: Yes, you may.
7 MR. GASTGEB: Thank you. Councilman Palmiere
8 and myself have had discussions on the number of people to
9 South Park. And a meeting ago, Councilman Palmiere
10 actually appointed somebody from my Council district to
11 South Park. Tonight Councilman Palmiere is appointing
12 someone from his Council district, but in doing so, now
13 he's over the limit the ordinance calls for. I think it's
14 five per Council member. So what I'm going to do, because
15 I would have appointed the person that came on a month
16 ago, his name's Mr. Robert Fragasso, as my pick, I'm being
17 told by the Solicitor we can just make this a verbal
18 appointment because it's not legislative. So I would ask,
19 and I'll ask for a second, that the person we already
20 approved over a month ago, Mr. Robert Fragasso, to come
21 under my appointment to South Park, therefore making Mr.
22 Palmiere's lawful tonight. Thank you.
23 MR. ELLENBOGEN: Mr. President?

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1 PRESIDENT MARTONI: Yes.
2 MR. ELLENBOGEN: Point of privilege?
3 PRESIDENT MARTONI: Sure.
4 MR. ELLENBOGEN: A couple months ago, Vince, I
5 was told that I had an appointment that I hadn't filled,
6 and I mean, I don't have anybody to fill it. If you have
7 somebody that good that you think would fit, I'd be happy
8 to give you that appointment if it's still on the books.
9 To save all the other stuff, you could appoint it in the
10 seat that I was supposed to, because I requested
11 Councilman Palmiere if that was my appointment that he was
12 appointing to.
13 MR. GASTGEB: Thank you, Councilman Ellenbogen.
14 That could be very helpful.
15 MR. ELLENBOGEN: Yeah. I don't have a
16 problem ---.
17 MR. GASTGEB: I think down the road, I will, but
18 tonight if we don't do something, he'll be over his pick.
19 So someone has to slide over to me or you tonight, so ---.
20 But down the road, I think that would be very important.
21 Thank you.
22 PRESIDENT MARTONI: Thank both of you.

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1 MR. GASTGEB: So if I could ask for a second for
2 my motion.
3 MR. DROZD: I'll second that.
4 PRESIDENT MARTONI: We have a motion and a
5 second. Question? I think we can do a roll call on it.
6 All in favor?
7 (Chorus of ayes.)
8 PRESIDENT MARTONI: Opposed? So ordered. Okay,
9 Matt?
10 MR. GASTGEB: Yeah. Thank you, Councilman
11 Palmiere.
12 MR. PALMIERE: Sure.
13 PRESIDENT MARTONI: 6855-12.
14 MR. CATANESE: Approving the appointment of Judy
15 Mermigas to serve as a member of the Council of Friends
16 organization, North Park, for a term to expire on April
17 3rd, 2014. Sponsored by Councilman Burn.
18 PRESIDENT MARTONI: Mr. Burn?
19 MR. BURN: Thank you, Mr. President and members
20 of Council. Move for approval.
21 MR. MACEY: Second.
22 PRESIDENT MARTONI: Moved and second. Question?
23 All in favor?

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1 (Chorus of ayes.)
2 PRESIDENT MARTONI: Opposed? So ordered. Thank
3 you. Unfinished business. 67 --- yes? Okay. 6766-12.
4 MR. CATANESE: Approving the reappointment of
5 Dusty Elias Kirk to serve as a member of the Regional
6 Asset District Board for a term to expire on December
7 31st, 2015. Sponsored by the Chief Executive.
8 PRESIDENT MARTONI: Okay. We have a motion on
9 the floor. Mr. DeFazio?
10 MR. DEFAZIO: Yeah. I'd like to make a motion
11 to approve this reappointment.
12 MR. GASTGEB: Second.
13 PRESIDENT MARTONI: Moved and second. Question?
14 All in favor?
15 (Chorus of ayes.)
16 PRESIDENT MARTONI: Opposed? So ordered. Am I
17 hearing somebody talking ---?
18 MR. FINNERTY: Jan Rea.
19 PRESIDENT MARTONI: Okay.
20 MR. FINNERTY: I think she said aye.
21 PRESIDENT MARTONI: Okay. 6770-12.
22 MR. CATANESE: Approving the reappointment of
23 Dr. Oladoyin Desalu to serve as a member of the Community

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1 Services Advisory Council for a term to expire on December
2 31st, 2015. Sponsored by the Chief Executive.
3 PRESIDENT MARTONI: Mr. DeFazio?
4 MR. DEFAZIO: I'd like to make a motion for this
5 reappointment.
6 (Chorus of seconds.)
7 PRESIDENT MARTONI: Moved and second. Question?
8 All in favor?
9 (Chorus of ayes.)
10 PRESIDENT MARTONI: Opposed? So ordered.
11 6781-12.
12 MR. CATANESE: Approving the reappointment of
13 Michelle M. Figlar to serve as a member of the Children,
14 Youth and Families Advisory Committee for a term to expire
15 on December 31st, 2014. Sponsored by the Chief Executive.
16 PRESIDENT MARTONI: Mr. DeFazio?
17 MR. DEFAZIO: I'd like to make a motion for this
18 reappointment.
19 (Chorus of seconds.)
20 PRESIDENT MARTONI: Moved and second. Question?
21 All in favor?
22 (Chorus of ayes.)

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1 PRESIDENT MARTONI: Opposed? So ordered.
2 6782-12.
3 MR. CATANESE: Approving the reappointment of
4 Eva Bednar to serve as a member of the Allegheny County
5 Mental Health/Mental Retardation Advisory Board for a term
6 to expire on December 31st, 2014. Sponsored by the Chief
7 Executive.
8 PRESIDENT MARTONI: Mr. DeFazio.
9 MR. DEFAZIO: Yes. I'd like to make a motion
10 for this reappointment.
11 MR. MACEY: Second.
12 PRESIDENT MARTONI: Moved and second. Question?
13 All in favor?
14 (Chorus of ayes.)
15 PRESIDENT MARTONI: Opposed? So ordered.
16 6784-12.
17 MR. CATANESE: Approving the reappointment of
18 Dr. James H. McLemore to serve as a member of the
19 Allegheny County Mental Health/Mental Retardation Advisory
20 Board for a term to expire on December 31st, 2014.
21 Sponsored by the Chief Executive.
22 PRESIDENT MARTONI: Mr. DeFazio.

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1 MR. DEFAZIO: I'd like to make a motion for this
2 reappointment.
3 (Chorus of seconds.)
4 PRESIDENT MARTONI: Moved and second. Question?
5 All in favor?
6 (Chorus of ayes.)
7 PRESIDENT MARTONI: Opposed? So ordered.
8 6785-12.
9 MR. CATANESE: Approving the appointment of Kurt
10 Kondrich to serve as a member of the Allegheny County
11 Mental Health/Mental Retardation Advisory Board for a term
12 to expire on December 31st, 2014. Sponsored by the Chief
13 Executive.
14 PRESIDENT MARTONI: Mr. DeFazio.
15 MR. DEFAZIO: I'd like to make a motion for this
16 appointment.
17 MR. MACEY: Second.
18 PRESIDENT MARTONI: Moved and second. All in
19 favor?
20 (Chorus of ayes.)
21 PRESIDENT MARTONI: Opposed? So ordered.
22 6789-12.

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1 MR. CATANESE: Approving the appointment of
2 Valerie J. Ketter to serve as a member of the Drug and
3 Alcohol Planning Council of Allegheny County for a term to
4 expire on December 31st, 2014. Sponsored by the Chief
5 Executive.
6 PRESIDENT MARTONI: Mr. DeFazio.
7 MR. DEFAZIO: I'd like to make a motion for this
8 appointment.
9 (Chorus of seconds.)
10 PRESIDENT MARTONI: Moved and second. Question?
11 All in favor?
12 (Chorus of ayes.)
13 PRESIDENT MARTONI: Opposed? So ordered.
14 6821-12.
15 MR. CATANESE: Approving the appointment of
16 Gregory R. Spencer to serve as a member of the Minority
17 Business Enterprise Advisory Committee for a term to
18 expire on December 31st, 2014. Sponsored by the Chief
19 Executive.
20 PRESIDENT MARTONI: Mr. DeFazio.
21 MR. DEFAZIO: Yes. I'd like to make a motion
22 for this appointment.
23 MR. MACEY: Second.

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<p>1 PRESIDENT MARTONI: Moved and second. Question? 2 All in favor? 3 (Chorus of ayes.) 4 PRESIDENT MARTONI: Opposed? So ordered. 5 6822-12. 6 MR. CATANESE: Approving the appointment of 7 James R. Overton to serve as a member of the Minority 8 Business Enterprise Advisory Committee for a term to 9 expire on December 31st, 2015. Sponsored by the Chief 10 Executive. 11 PRESIDENT MARTONI: Mr. DeFazio. 12 MR. DEFAZIO: I'd like to make a motion for this 13 appointment. 14 (Chorus of seconds.) 15 PRESIDENT MARTONI: Moved and second. Question? 16 All in favor? 17 (Chorus of ayes.) 18 PRESIDENT MARTONI: Opposed? So ordered. 19 6823-12. 20 MR. CATANESE: Approving the appointment of 21 Larry S. Brinker, Sr. to serve as a member of the Minority 22 Business Enterprise Advisory Committee for a term to</p>	<p>1 PRESIDENT MARTONI: Opposed? So ordered. 2 6825-12. 3 MR. CATANESE: Approving the appointment of 4 Roxanne N. Sewell to serve as a member of the Minority 5 Business Enterprise Advisory Committee for a term to 6 expire on December 31st, 2015. Sponsored by the Chief 7 Executive. 8 PRESIDENT MARTONI: Mr. DeFazio. 9 MR. DEFAZIO: I'd like to make a motion for this 10 appointment. 11 (Chorus of seconds.) 12 PRESIDENT MARTONI: Moved and second. Question? 13 All in favor? 14 (Chorus of ayes.) 15 PRESIDENT MARTONI: Opposed? So ordered. 16 6826-12. Mr. DeFazio. Are you going to read it? 17 MR. CATANESE: I've got to read it first. 18 That's the second week in a row. That's good. Approving 19 the appointment of Austin A. Davis to serve as a member of 20 the Minority Business Enterprise Advisory Committee for a 21 term to expire on December 31st, 2015 -- '12. Sponsored 22 by the Chief Executive. 23 PRESIDENT MARTONI: Now your turn, Mr. DeFazio.</p>
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<p>1 expire on December 31st, 2015. Sponsored by the Chief 2 Executive. 3 PRESIDENT MARTONI: Mr. DeFazio. 4 MR. DEFAZIO: Yes. I'd like to make a motion 5 for this appointment. 6 MR. ELLENBOGEN: Second. 7 PRESIDENT MARTONI: Moved and second. Question? 8 All in favor? 9 (Chorus of ayes.) 10 PRESIDENT MARTONI: Opposed? So ordered. 11 6824-12. 12 MR. CATANESE: Approving the reappointment of M. 13 Gayle Moss to serve as a member of the Minority Business 14 Enterprise Advisory Committee for a term to expire on 15 December 31st, 2015. Sponsored by the Chief Executive. 16 PRESIDENT MARTONI: Mr. DeFazio. 17 MR. DEFAZIO: I'd like to make a motion for this 18 reappointment. 19 (Chorus of seconds.) 20 PRESIDENT MARTONI: Moved and second. Question? 21 All in favor? 22 (Chorus of ayes.)</p>	<p>1 MR. DEFAZIO: My turn? Am I up to bat? 2 PRESIDENT MARTONI: Yes, sir. 3 MR. DEFAZIO: Okay. I'd like to make a motion 4 for this appointment. 5 MR. ELLENBOGEN: Second. 6 PRESIDENT MARTONI: Moved and second. Question? 7 All in favor? 8 (Chorus of ayes.) 9 PRESIDENT MARTONI: Opposed? So ordered. 10 6827-12. 11 MR. CATANESE: Approving the appointment of Ola 12 Jackson to serve as a member of the Minority Business 13 Enterprise Advisory Committee for a term to expire on 14 December 31st, 2015. Sponsored by the Chief Executive. 15 PRESIDENT MARTONI: Mr. DeFazio. 16 MR. DEFAZIO: I'd like to make a motion for this 17 appointment. 18 MR. PALMIERE: Second. 19 PRESIDENT MARTONI: Moved and second. Question? 20 All in favor? 21 (Chorus of ayes.) 22 PRESIDENT MARTONI: Opposed? So ordered. 23 6828-12.</p>

8 (Pages 26 to 29)

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1 MR. CATANESE: Approving the appointment of
2 Council Member James Ellenbogen to serve as a member of
3 the Sports and Exhibition Authority of Pittsburgh and
4 Allegheny County for a term to expire on December 31st,
5 2014. Sponsored by the Chief Executive.
6 MR. GASTGEB: Second.
7 MR. DEFAZIO: Who seconded? Jimmy?
8 PRESIDENT MARTONI: That's okay. Moved and
9 second. Your second is okay. Okay. All in favor?
10 MR. FINNERTY: He didn't make the motion yet.
11 MR. DEFAZIO: We got to think about this. Wait
12 a minute. No. I'd like to make a motion for this
13 appointment.
14 MR. ELLENBOGEN: Second.
15 PRESIDENT MARTONI: Moved and second. Question?
16 All in favor?
17 (Chorus of ayes.)
18 PRESIDENT MARTONI: Opposed? So ordered.
19 6829-12.
20 MR. CATANESE: Approving the appointment of
21 Constance B.J. Parker to serve as a member of the Port
22 Authority Board for a term to expire on December 31st,
23 2016. Sponsored by the Chief Executive.

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1 PRESIDENT MARTONI: Mr. DeFazio.
2 MR. DEFAZIO: Yes. I'd like to make a motion
3 for this appointment.
4 MR. PALMIERE: Second.
5 PRESIDENT MARTONI: Moved and second. Question?
6 All in favor?
7 (Chorus of ayes.)
8 PRESIDENT MARTONI: Opposed? So ordered.
9 6830-12.
10 MR. CATANESE: Approving the appointment of
11 Robert J. Lewis to serve as a member of the Allegheny
12 County Airport Authority Board for a term to expire on
13 December 31st, 2015. Sponsored by the Chief Executive.
14 PRESIDENT MARTONI: Mr. DeFazio.
15 MR. DEFAZIO: Yes. I'd like to make a motion
16 for this appointment.
17 MR. MACEY: Second.
18 PRESIDENT MARTONI: Moved and second. Question?
19 All in favor?
20 (Chorus of ayes.)
21 PRESIDENT MARTONI: Opposed? So ordered.
22 Committee on Budget and Finance, second reading. 6835-12.

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1 MR. CATANESE: A resolution of the County of
2 Allegheny amending the Grants and Special Accounts Budget
3 for 2012, Submission 12-4. Sponsored by the Chief
4 Executive.
5 PRESIDENT MARTONI: Okay. That's the Chief
6 Executive. That will require a roll call vote. Mr.
7 Robinson?
8 MR. ROBINSON: Thank you, Mr. President and
9 members of Council. Move for approval.
10 (Chorus of seconds.)
11 PRESIDENT MARTONI: Moved and second. Okay.
12 Question? Roll call.
13 MR. CATANESE: Mr. Burn?
14 MR. BURN: Yes.
15 MR. CATANESE: Ms. Danko?
16 MS. DANKO: Aye.
17 MR. CATANESE: Mr. DeFazio?
18 MR. DEFAZIO: Yes.
19 MR. CATANESE: Mr. Drozd?
20 MR. DROZD: Aye.
21 MR. CATANESE: Mr. Ellenbogen?
22 MR. ELLENBOGEN: Aye.
23 MR. CATANESE: Mr. Finnerty?

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1 MR. FINNERTY: Yes.
2 MR. CATANESE: Mr. Futules?
3 MR. FUTULES: Yes.
4 MR. CATANESE: Mr. Gastgeb?
5 MR. GASTGEB: Yes.
6 MR. CATANESE: Ms. Green Hawkins?
7 MS. GREEN HAWKINS: Aye.
8 MR. CATANESE: Ms. Heidelbaugh?
9 MS. HEIDELBAUGH: Yes.
10 MR. CATANESE: Mr. Macey?
11 MR. MACEY: Yes.
12 MR. CATANESE: Mr. Palmiere?
13 MR. PALMIERE: Yes.
14 MR. CATANESE: Ms. Rea?
15 MS. REA: Yes.
16 MR. CATANESE: Mr. Robinson?
17 MR. ROBINSON: Aye.
18 MR. CATANESE: Mr. Martoni, President?
19 PRESIDENT MARTONI: Yes.
20 MR. CATANESE: Ayes 15, noes 0. The bill
21 passes.
22 PRESIDENT MARTONI: Committee on Economic
23 Development and Housing, second reading. 6850-12.

<p style="text-align: right;">Page 34</p> <p>1 MR. CATANESE: An ordinance of the County of 2 Allegheny, Commonwealth of Pennsylvania, enacted pursuant 3 to Act 13 of 2012, providing for the imposition of an 4 unconventional gas well fee for an unconventional gas well 5 spud in Allegheny County. Sponsored by the Chief 6 Executive, Council Members Finnerty, Ellenbogen, Macey, 7 Drozd, Rea, Robinson, DeFazio, Palmiere and Futules. 8 PRESIDENT MARTONI: Ms. Green Hawkins? 9 MS. GREEN HAWKINS: Thank you. This bill was 10 discussed in the Economic Development and Housing 11 Committee meeting on March 27th. And I understand from 12 our Solicitor that all procedural requirements have been 13 met and that all we need to do is say that we want to 14 impose this fee and participate in this in order to have 15 this happen for us. And it was affirmatively --- it was 16 moved to the full Council with an affirmative 17 recommendation for approval. I make a motion to approve 18 it. 19 (Chorus of seconds.) 20 PRESIDENT MARTONI: Moved and second. Question? 21 Roll call. 22 MR. DROZD: Question, question, question.</p>	<p style="text-align: right;">Page 36</p> <p>1 out of here without the people of Allegheny County, the 2 region and the state benefiting from it. 3 And I think every dollar collected on this and 4 any MCF that goes out of here should go to --- every dime 5 of it should go to reduce the property taxes of the people 6 of this county and this state. You know, right now 7 there's a lot of unhappiness out there, people with these 8 assessments and that and then property taxes. This is an 9 opportunity for people to get alleviated from the property 10 taxes, the burden that's been placed on them. And this is 11 a chance for them to reap some of the benefits. In 12 Alaska, they even get a check. Yep, the people of Alaska 13 even get a check from the resources that are there. 14 So I'm only supporting this token amount because 15 it's something, if nothing, but I hope to see that our 16 Legislatures work on this, and the Governor, to increase 17 and enhance the yield and make certain that it goes not 18 into other programs or whatever within the state or 19 whatever, but goes directly to the people of this 20 commonwealth, which includes this county, to reduce their 21 taxes, because remember, they thought that was going to 22 happen in the casinos, the monies from the casinos. And</p>
<p style="text-align: right;">Page 35</p> <p>1 PRESIDENT MARTONI: We had a question? Sorry 2 about that. 3 MR. DROZD: The lady first. Always ladies 4 first. 5 PRESIDENT MARTONI: Who asked the question? 6 MS. GREEN HAWKINS: Discussion. 7 PRESIDENT MARTONI: Discussion. Okay. 8 MS. GREEN HAWKINS: Thank you. Actually, I just 9 want to make sure that I'm added as a co-sponsor to this. 10 PRESIDENT MARTONI: That was it? 11 MS. GREEN HAWKINS: That was it. 12 MR. DROZD: I will support this but I don't 13 think it's enough. I think that this is just a token 14 amount, what's been given to us by the state Legislature. 15 I believe that the people of Allegheny County and the 16 region and the state deserve more than this. I think it 17 should be an ongoing cut of the profits from these people. 18 I believe that they're making enough. A lot of this gas 19 not only goes out of this state, but it goes out of this 20 country, and the monies go out. And this is only a token, 21 as far as I'm concerned. We're sitting on the Saudi 22 Arabia of America, and we're letting these resources go</p>	<p style="text-align: right;">Page 37</p> <p>1 people are still saying, I see a little bit of money here. 2 What happened here? 3 This is the Saudi Arabia. This is something 4 that all people should benefit in the State of 5 Pennsylvania and this county. And I hope to think --- and 6 I hope to think this is more --- this is going to 7 alleviate their burden. So hopefully we can get this 8 corrected in the future, and the people will benefit. I 9 think they get more direct reimbursement than even the 10 people of Alaska from what's here underneath this ground. 11 And there's another pocket below that of Marcellus Shale. 12 Think about it. Watching it go out of here without the 13 people of this county and the state benefiting from it. 14 Thank you. 15 PRESIDENT MARTONI: Thank you. Mr. Finnerty. 16 MR. FINNERTY: Thank you, Mr. President. I also 17 echo some of the things that Councilman Drozd said. We 18 are the only state that doesn't have an extraction tax on 19 natural gas, and I think it's something that should be 20 there in relation to our citizens for their welfare, that 21 there is an extraction tax. We have to look at things 22 down the road here, and the DEP has to monitor these 23 wells. And there should be enough money so that we have</p>

10 (Pages 34 to 37)

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1 enough employees of the DEP that these wells can be
2 monitored for 10 to 20 years. That's generally what their
3 lifetime is. And it's something that really concerns me
4 since we know that in Harrisburg they have actually cut
5 personnel from the DEP, and the extraction tax would have
6 definitely helped in that regard. And it also would help
7 tremendously in relation to the budget problems that they
8 have in Harrisburg. Thank you, Mr. President.
9 PRESIDENT MARTONI: Thank you. Mr. Ellenbogen.
10 MR. ELLENBOGEN: Thank you, Mr. President. I
11 just wanted to echo Councilman Finnerty and Councilman
12 Drozd's sentiments. However, my biggest concern here is
13 the health and well-being of the people of this county,
14 whether it be the air supply or the water supply being
15 drastically affected. Whatever we decide these gas well
16 fees are, I believe that we must really think very hard
17 about this because what could happen in terms of
18 catastrophically affecting our water, our air or whatever
19 needs to be monitored, whether it be what Councilman
20 Finnerty had suggested in terms of the DEP or whatever.
21 But those fees need to make sure that they're high enough
22 that we can have the proper people ensure that the water
23 and air are safe for the folks in this county. Thank you.

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1 PRESIDENT MARTONI: Thank you. Mr. Gastgeb.
2 MR. GASTGEB: I'll defer.
3 PRESIDENT MARTONI: Heather?
4 MS. HEIDELBAUGH: I'd like to address the
5 comments of Council Member Drozd. I think what he said
6 was, I support this resolution, but it's not enough, and
7 what he would like is that all of the fees collected from
8 the gas drillers be contributed to the county. The gas is
9 owned as a property right, and so in America, people who
10 own property have a right to the revenue derived from the
11 property. The surface rights are one right and the
12 mineral rights are another right. And the Commonwealth of
13 Pennsylvania has at least 150 years of jurisprudence
14 regarding the ownership of mineral rights.
15 This county was built on steel. Steel was
16 produced as a result of coal. The law in regard to coal
17 in this county is one of the most developed laws in the
18 United States about the rights of coal owners. So it's a
19 little surprising to me to be sitting here and listening
20 to comments that private property owners ought to be
21 deprived of their property, number one.
22 Number two, in regard to Councilman Finnerty's
23 comments that the DEP better monitor these wells, the DEP

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1 monitors and has been monitoring the wells since the
2 inception of shallow well drilling in Pennsylvania, which
3 started over 150 years ago. The Marcellus Shale drilling,
4 which is a new development, relatively, because it can go
5 deeper and sideways, is farther down below any of the
6 water table than the shallow well, which has been going on
7 in this western half of Pennsylvania for in excess of 150
8 years.
9 In regard to the decrease of employees at DEP,
10 the reason why the employees have decreased is because the
11 number of wells in western Pennsylvania that have been
12 drilled in the last year or so has decreased because that
13 drilling is going over to Ohio, and we're losing that
14 because of heavy enforcement of, really, kind of
15 outrageous things that the DEP is doing. They're fining
16 drillers \$5,000 for grass not being six inches in a dry
17 season, and I've seen these cases. In regard to air and
18 water, this is an industry that is enormously well
19 developed in western Pennsylvania that could provide the
20 miracle for the people of this county. What I don't want
21 to see is us as a legislative body or the Executive in
22 this county putting a heavy regulatory burden on these
23 people that are going to provide jobs and income and

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1 reduced taxes, because we're going to have increased
2 revenue. So I want to stand up for the gas drillers in
3 this region who are going to provide great jobs, union
4 jobs, non-union jobs and provide benefits to our families
5 and to this region that have not been seen since the
6 demise of the steel industry.
7 PRESIDENT MARTONI: Thank you. I think ---.
8 MR. ELLENBOGEN: Matt's first.
9 MR. DROZD: I'll defer to Mr. Ellenbogen. He
10 hasn't had an opportunity to go.
11 MR. ELLENBOGEN: I just want to say I'm not
12 going to debate the legalities of who did what or what
13 with Councilwoman Heidelbaugh, but I will say this. Every
14 meeting that Councilman Finnerty had in terms of any
15 drilling in his Council District was more than well
16 attended. There are folks here who are speaking regularly
17 about their fears of the air and the water. Regardless of
18 what my colleague thinks, there is tremendous fear among
19 the public that our water supply is --- could be in dire
20 straits. So regardless of whether the argument is correct
21 for my colleague, I will say this. The fear is among the
22 people. And it's our job to make sure that we can bring
23 forth to the citizens of this county an argument that the

<p style="text-align: right;">Page 42</p> <p>1 citizens feel safe and don't have the stress of the fear 2 of their air and their water and their property being 3 ruined because of that. So regardless of what my 4 colleague thinks, I disagree strongly, that the fear is 5 out there. I'm not a geologist and I'm not an engineer, 6 but I know enough when people are afraid, and I will stand 7 up for that. Thank you. 8 PRESIDENT MARTONI: You were ---. 9 MR. DROZD: Is there anybody else that wants to 10 speak who hasn't? 11 PRESIDENT MARTONI: We've got two up here. 12 MR. DROZD: I defer to them first. I had my 13 first go-around. I'll go on the second. Thank you. 14 PRESIDENT MARTONI: Okay. Go ahead. 15 MR. GASTGEB: Thank you, President Martoni. Mr. 16 Catanese, you can list me as a co-sponsor as well. And I 17 guess I just wanted to say we're voting on what the other 18 67 counties are going to vote on, whether there is some 19 revenue that comes into any particular county, that we 20 have to vote by state law by April 16th, so it would be 21 prudent to vote on it. But the reason we've been doing 22 this is because we do anticipate having revenue. And 23 there is competition out there. There is definitely</p>	<p style="text-align: right;">Page 44</p> <p>1 PRESIDENT MARTONI: Let's see. Who was next? 2 Ms. Green? 3 MS. GREEN HAWKINS: Thank you, Mr. President. 4 I've heard a lot of comments about this issue tonight, and 5 I just wanted to discuss briefly the issue or concern 6 about regulations that are taxing this industry. And I 7 think it's important to note that although they may have a 8 right to property underneath someone's ground, such as --- 9 similar to the water company or the gas company having 10 property rights to what's underneath the land at your 11 house. However, should they come in there and dig up your 12 back yard to get access to the pipe or whatever it is, 13 they also have to repair your back yard the way it was. 14 And I think it's only fair that any damages that are 15 caused to our roads, to our infrastructure from the 16 increased burden due to this industry only needs to be 17 fairly paid back to the community by the industry. Thank 18 you. 19 PRESIDENT MARTONI: Okay. There was Matt and 20 then Barbara. 21 MR. DROZD: Barbara should go next. Ladies 22 first. And also, you didn't speak yet.</p>
<p style="text-align: right;">Page 43</p> <p>1 competition out there with other states. The Chief 2 Executive congratulated the Governor for the Shell Oil 3 cracker facility in part with that competition. So you 4 got to have --- you can't have it both ways. If you want 5 to have industry come in here and we're going to vote on 6 something tonight, possibly, for the revenue, then the 7 competition comes with it. And I totally agree we have to 8 do any industry right and do it safe. But at the end of 9 the day, it's probably going to have to get done. So this 10 is just kind of a first step, from my perspective. 11 Also, as a county, some of the things we're 12 talking about are state-law-related and maybe law in 13 general. But as a county, the land that we own, we can 14 maintain or provide any lease arrangement we see fit. And 15 typically, that's done through the Chief Executive 16 offices. But to enter into an agreement, whether it's any 17 county-owned real property, whether there's an impact fee, 18 an extraction tax, whatever you want to call it, the Chief 19 Executive office certainly have the right to put whatever 20 minor, minimal or maximum type of lease arrangement that 21 they see fit. So there is some protections that I see 22 from the county level. Thank you.</p>	<p style="text-align: right;">Page 45</p> <p>1 MS. DANKO: Okay. I have a couple comments. I 2 want to say first that I was very disappointed with the 3 laws that came down from the state. I think, you know, 4 people talk about golden opportunities. And some of you 5 know I worked in Texas for six years. In Texas, their 6 budget and their education --- they have a permanent 7 school fund and permanent university fund that is largely 8 funded by mineral rights and drilling on publicly owned 9 lands. That money goes right into supporting public 10 education and higher education and the University of Texas 11 and the Texas A&M System. 12 As far as I can tell, Act 13 does nothing for 13 public education. And in the time since I've lived in 14 Pennsylvania --- when I first got here, the state paid 15 roughly half of the amount for public education. When I 16 do the graphs in teaching government classes now, the 17 state pays roughly a third for local public education. 18 This would have been an opportunity to change that, and 19 the Governor and the Legislature chose not to do that. 20 Regarding drilling and mineral rights and 21 property rights, I think you also have to argue that there 22 are externalities that are associated with drilling. I 23 mean, as economists --- and I understand Councilwoman</p>

12 (Pages 42 to 45)

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1 Heidelbergbaugh has a degree in economics, as well as a couple
2 of other of my colleagues. This is a clear case where
3 there are externalities involved. Once you drill, you
4 have impacts on air. You have impacts on water. You have
5 impacts on forests. Those things have to be accounted
6 for. And we need strong enforcement from the DEP to make
7 sure that those things are accounted for.
8 Regarding this bill, the ordinance that we're
9 about to vote on tonight, if we don't vote for this, we
10 cannot participate in the revenues that will be generated.
11 It's as simple as that. We can say yes. We can say no.
12 If we say no, we don't have the money for construction
13 projects, for other things that the county needs. Thank
14 you, Mr. President.
15 PRESIDENT MARTONI: Thank you. Mr. Drozd, I
16 believe you're next.
17 MR. DROZD: Thank you, Mr. President. Good
18 points, Councilwoman. And you know, I think that that's
19 one way that we can fund the areas that the taxpayer ---
20 some good points. There's a saying, what happens in
21 certain areas stays in certain areas. I have to tell you
22 that, first and foremost, you know, nowhere did I say that
23 anyone that's a property owner shouldn't profit what goes

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1 on within their land. I didn't say that. I don't think
2 anyone heard that; did they?
3 Secondly, I'd like to point out that I don't
4 stick up or defend drillers that come from outside this
5 region and this state unless their constitutional rights
6 are infringed upon. My first allegiance, and proudly I
7 stand up for them, is the people of this county and the
8 people of this state. That's first and foremost my
9 allegiance. And I can't understand, in the essence, that
10 I'm supposed to defend whatever that comes from wherever,
11 and they're going to take this --- what is a natural
12 resource from this region and this county, and the people
13 are not going to fully benefit from it? That was pointed
14 out. And the only way I'm --- the reason why I'm voting
15 on it tonight, it's better than nothing. But you know
16 what? It's almost nothing compared to what's in this
17 ground and how the people of this county, this region and
18 this state could benefit from those dollars.
19 So I proudly stand up and I'll defend the people
20 of this county, my constituents in this state, that they
21 have a right to benefit directly from those funds that
22 come out of that ground. They've been here. They will be
23 here and they'll go here in future years to come, and so

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1 will their children, after these drillers from outside the
2 state are gone and they leave behind what might be
3 something that we ourselves can't repair later. And it's
4 going to cost us monies that we don't have, and we can't
5 even estimate what could happen to our lands. So we have
6 to do this. We have to look at ways to take those
7 cash ---. This is a token amount. But you know what?
8 I'm not giving up to get more from them on behalf of the
9 people of this county and this region and this state,
10 because they have it due and have it coming. Thank you.
11 PRESIDENT MARTONI: Mr. Finnerty.
12 MR. FINNERTY: Thank you. Getting back to DEP,
13 I am really thankful that they are enforcing the law. I
14 think that six inches of grass is a little overboard, and
15 I don't know what the rest of that citation said. But I
16 think it's very important that they do regulate this. We
17 take a look at the coal mining industry, and I look at my
18 area where we have all sorts of acid mine drainage going
19 on. Obviously, the coal mining industry wasn't regulated
20 correctly. They went and did whatever they did. If we
21 look at another state, West Virginia, for example, and
22 you'll see another example of the coal mining industry
23 going overboard, taking mountaintops off down there.

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1 And I think we have to look at what happened to
2 us in regard to our natural resources. For example, the
3 oil in Titusville is another prime example of unregulated
4 incidents that happened at the turn of the century where
5 the creek was running black from oil. I think we need
6 enforcement. And there's been a tremendous amount of
7 wells drilled in southwest Pennsylvania. Actually, the
8 last count I had was 3,500 wells that have been drilled in
9 this area. I think that's a good amount of wells. Not
10 many have been drilled in Allegheny County, five that I
11 know of, and they're in the north. I think they're in
12 Frazer. So I think it's important that the DEP does
13 enforce things.
14 And my biggest concern --- my biggest
15 concern is what happens 10 and 20 years from now when the
16 tanks are sitting out in the field and a truck has to come
17 and take the water and sand that has been separated.
18 Who's watching? What's happening to that water 10 or 20
19 years from now? I think that's something that has to be
20 looked at. I think it's important.
21 Like I said, I am a co-sponsor of this
22 reluctantly, because that's the only thing we have to work
23 with. And as Councilman Gastgeb said, maybe this is just

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1 the start. But as a state --- as a state we should
2 definitely have an extraction tax on it, as other states
3 have. We're the only people that don't have one. New
4 York hasn't drilled yet, but I'm sure New York will do
5 something like that. That's just my assumption. All the
6 other states do. As Councilwoman Danko said, Texas
7 probably has one of the steepest, and Oklahoma. And I
8 think we have to look. That gas isn't going anywhere.
9 It's going to be there. Thank you.
10 PRESIDENT MARTONI: Heather?
11 MS. HEIDELBAUGH: I appreciate Councilwoman
12 Danko's thoughts and comments, and I always appreciate
13 them because they're very thoughtful. Although we may
14 disagree at times, I think they're very reasonable, very
15 academic, and I appreciate them. You know, I agree
16 that --- although I'm not an economist but have a degree
17 in economics, that there are externalities that occur
18 because of drilling of gas. The drilling of gas is one of
19 the most heavily regulated areas, certainly, in industry
20 today. I had some experience with that, and I know it to
21 be heavily regulated. And there are an enormous amount of
22 people employed in DEP who are out there looking at the
23 wells constantly.

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1 The Governor, I thought, with the Legislature
2 entered into a very delicate balance in regard to this
3 bill. And the key thing I thought in terms of economics
4 was, if we have --- if we as a state have competition ---
5 we have competition from New York, Ohio and West Virginia,
6 as well as North Dakota, because they have a lot of gas
7 drilling there now --- how can we attract business? How
8 can we allow our people, our Allegheny Countyians who own
9 the gas rights --- they can own the surface rights and
10 they can own the mineral rights, and they want to sell
11 their gas for profit. Okay. How can we enter into a
12 compromise such that the costs that are going to be
13 associated with this drilling is such that we pay for the
14 externalities, the supervision by the DEP, the protection
15 of the water and the air and the roads, as my colleague
16 mentioned, but we also have it low enough so that we don't
17 drive these companies out of western Pennsylvania and into
18 Ohio? Because Governor Kasich has really been trying to
19 get the companies over there on the Utica.
20 So I will be voting for this because I think it
21 is a compromise. I felt like I had to sort of weigh in on
22 some of these comments made by my colleagues because I
23 don't --- I don't necessarily agree with them. And I

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1 think the most important thing said here tonight was by my
2 colleague who has now left, Mr. Ellenbogen, that the
3 public does have a fear of this. And to the extent that
4 we, as public officials, can work diligently to address
5 the issues in a scientific way and not spread the fear,
6 and speak in a thoughtful way based on true knowledge,
7 really, what's going on, sort of not fear-based rhetoric,
8 I think we will do Allegheny County citizens a great
9 service.
10 And the other thing --- the last thing I want to
11 say is our citizens, our Allegheny County constituents
12 want low-cost energy. And under the predictions that ---
13 under the prediction that we now have --- okay. Under the
14 prediction that we now have, the gas in western
15 Pennsylvania can supply America's needs for 100 years.
16 And the poor in our county would greatly benefit from
17 decreased energy costs, decreased gas costs to heat their
18 homes. So that's --- I'm done.
19 PRESIDENT MARTONI: Thank you. Mr. DeFazio and
20 then Mr. Finnerty.
21 MR. DEFAZIO: Yeah. A lot of Council people
22 made some good points. I'm not going to go through it
23 just like they did. But I will say one thing. I disagree

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1 with, Heather, what you're saying about the fees. We'd be
2 the only area in the whole country that's not charging
3 fees. These people aren't going anywhere. These people
4 expected to pay these fees. Openly in the newspaper, they
5 expected. They just don't want to get killed with fees.
6 Nobody does. But you know, they're not going to run
7 anywhere because they have to pay fees like everyone else
8 does. Everyone else should know you've got to pay the
9 fees, so they should be paying here, too. Thank you.
10 PRESIDENT MARTONI: Mr. ---.
11 MR. FINNERTY: Thank you, Mr. President. I'd
12 just like to say that Ohio does have an extraction tax,
13 and it doesn't seem to be driving them out of Ohio into
14 Pennsylvania. And that, to me, is the important thing
15 that we're looking at. Thank you.
16 PRESIDENT MARTONI: Thank you. I think we
17 have ---. It's been a long time since we had this on the
18 floor. Did we have a motion and a second on it?
19 MR. FINNERTY: Yeah.
20 PRESIDENT MARTONI: We did? Okay. We'll do a
21 roll call vote; okay?
22 MR. CATANESE: Mr. Burn?
23 MR. BURN: Yes.

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1 MR. CATANESE: Ms. Danko?
2 MS. DANKO: Aye.
3 MR. CATANESE: Mr. DeFazio?
4 MR. DEFAZIO: Yes.
5 MR. CATANESE: Mr. Drozd?
6 MR. DROZD: Aye.
7 MR. CATANESE: Mr. Ellenbogen?
8 MR. ELLENBOGEN: Aye.
9 MR. CATANESE: Mr. Finnerty?
10 MR. FINNERTY: Yes.
11 MR. CATANESE: Mr. Futules?
12 MR. FUTULES: Yes.
13 MR. CATANESE: Mr. Gastgeb?
14 MR. GASTGEB: Yes.
15 MR. CATANESE: Ms. Green Hawkins?
16 MS. GREEN HAWKINS: Aye.
17 MR. CATANESE: Ms. Heidelbaugh?
18 MS. HEIDELBAUGH: Yes.
19 MR. CATANESE: Mr. Macey?
20 MR. MACEY: Yes.
21 MR. CATANESE: Mr. Palmiere?
22 MR. PALMIERE: Yes.
23 MR. CATANESE: Ms. Rea?

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1 (No response.)
2 MR. CATANESE: Mr. Robinson?
3 MR. ROBINSON: Aye.
4 MR. CATANESE: Mr. Martoni, President?
5 PRESIDENT MARTONI: Yes.
6 MR. CATANESE: Ayes 14, noes 0. The bill
7 passes.
8 PRESIDENT MARTONI: Before we go further, could
9 you check on 6854-12? Did we vote on that or did we ---
10 we did not; am I correct? I would like to go back to
11 6854-12. Okay? I'm asking the question. I'm not giving
12 you the answer; okay? I'm asking --- I was told maybe we
13 didn't have a vote on it, and I want to correct it if
14 that's so. Did you check that? Did you check that? Did
15 we vote on it?
16 MR. BARKER: We did not.
17 PRESIDENT MARTONI: We did not. Okay. We did
18 not, for whatever reason. Okay. We're going to vote
19 right now; okay? I was told we did not vote on it.
20 MR. FINNERTY: Could I say something in regard
21 to that? I think we did vote on it. And after we voted
22 on it, Councilman Gastgeb questioned ---.

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1 PRESIDENT MARTONI: Well, I'm just trying to
2 correct it because ---.
3 MR. FINNERTY: No, we did vote on it because I
4 have it checked off. It was voted on.
5 MR. CATANESE: It was voted on, then we did
6 the --- that's what I thought.
7 PRESIDENT MARTONI: That's why I'm bringing it
8 up. I want to make sure ---.
9 MR. FINNERTY: So it has to be voted on.
10 PRESIDENT MARTONI: So it's okay?
11 MR. FINNERTY: Yeah.
12 PRESIDENT MARTONI: I just want to make --- I
13 wanted to make sure. Liaison reports. It's better to be
14 sure. Liaison reports? Mr. Finnerty, I know you have
15 one.
16 MR. FINNERTY: Oh, yeah. I have a few. Thank
17 you, Mr. President. I appreciate it. First of all, in
18 regard to some apprenticeship programs that are opening
19 up, Western Pennsylvania District Council 57, an
20 apprenticeship program is opening up again. The dates on
21 it are going to be April 24th and April 26th. The
22 telephone number is 412-276-6061. Council 57 is painters,
23 glaziers, drywall finishers. So that's something you

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1 might want to look into. And I guess I better give you
2 the address here. It's Ewing Road, and it's Carnegie, PA,
3 15106.
4 The other thing is a joint apprenticeship
5 program by Heat and Frost Insulators and Asbestos Workers.
6 This is Local 2. And the address is AWL Number 2,
7 Apprentice Training Center. It's 1057 Clinton Road,
8 Clinton, PA, 15026. And the telephone number is
9 724-695-3902. And they will be accepting applications
10 from April 30th to May 10th. So if you're interested in
11 that, give them a call. These are all great jobs. I also
12 would like to comment, with your permission, Mr.
13 President, ---
14 PRESIDENT MARTONI: You have it.
15 MR. FINNERTY: --- that Soldiers and Sailors
16 inducted into their Hall of Valor 14 individuals Sunday,
17 March 25th, 2012. It's John A. Dugan, Jr. Hall of
18 Valor --- Valor. Sorry. And they're joining nearly 700
19 veterans that have already been inducted into the
20 prestigious hall as recipients. Not all of these people
21 are recipients of this, but there's been Congressional
22 Medal of Honor, Distinguished Service Cross, Navy Cross,
23 Air Force Cross, Silver Star, Distinguished Flying Cross

<p style="text-align: right;">Page 58</p> <p>1 and Airman's Medal or Soldier's Medal. So there's 2 different awards that these gentlemen have received. 3 And my final point is that today at Soldiers and 4 Sailors, they're having a rally to save the 9/11 airway at 5 the airport. And if you're listening, I hope that you 6 can --- if you can't attend, at least make an effort to 7 give a call to either your congressman or federal senator. 8 They're all in support of this, but they need to hear from 9 you. It's important that you do call them. This is an 10 important airway for this area. And it provides a number 11 of jobs, besides it provides a lot of security here. So 12 thank you, Mr. President. 13 PRESIDENT MARTONI: Thank you. Mr. DeFazio. 14 MR. DEFAZIO: Are you on new business? 15 PRESIDENT MARTONI: No. Liaison reports. 16 MR. DEFAZIO: No. 17 PRESIDENT MARTONI: Okay. No more liaison 18 reports. New business. Ordinances and resolutions. Go 19 ahead. 20 MR. DEFAZIO: Yes. Under new business, I have a 21 motion to here, a sense of Council motion. Do you want me 22 to pass that out? 23 PRESIDENT MARTONI: Yeah, please do.</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. HEIDELBAUGH: I missed my first Council 2 meeting two weeks ago to attend the funeral of my uncle, 3 George Heidelbaugh, who served in World War II and we lost 4 him --- strike that --- my uncle, Jerry Overhoff, who 5 served in World War II, who served in the South Pacific, 6 World War II veteran. Five days later, I attended the 7 funeral of my other uncle, George Heidelbaugh, who served 8 in the Korean War and who served in Antarctica under --- 9 in the North Pole --- in the North Pole, not Antarctica, 10 under the frozen ice cap watching for Russians coming 11 over. 12 So we are losing our veterans. And our veterans 13 typically ask not to make a fuss when they return from 14 service. They give us their lives, their valor. They 15 leave their homes and their families for years on end. 16 And I thought a very small way that we could honor the 17 lives that they have given to us, the freedom that we 18 enjoy and for the ability to sit here and to discuss 19 civilly with opposite viewpoints is to establish a 20 five-percent goal for participation, county contracts with 21 companies that are owned and controlled by veterans. And 22 I thank you very much for referring it to committee. I</p>
<p style="text-align: right;">Page 59</p> <p>1 MR. DEFAZIO: Actually, we can wait until we get 2 done, but I want to get these ---. 3 PRESIDENT MARTONI: Why don't we wait these --- 4 okay. Please? 5 MR. DEFAZIO: Yes. 6 PRESIDENT MARTONI: 6867-12. 7 MR. CATANESE: An ordinance of the County of 8 Allegheny, Commonwealth of Pennsylvania, amending Article 9 903, Section 5-903.02 of the Administrative Code providing 10 for the Purchasing Officer as head of the Division of 11 Purchasing and Supplies to create a policy which 12 establishes a five-percent government-wide procurement 13 goal for participation by small business concerns owned 14 and controlled by veterans. Sponsored by Councilwoman 15 Heidelbaugh. 16 PRESIDENT MARTONI: Committee on Government 17 Reform. Ms. Heidelbaugh? 18 MS. HEIDELBAUGH: May I speak? 19 PRESIDENT MARTONI: Yes, please. 20 MS. HEIDELBAUGH: Thank you. If the President 21 and Council would just give me one moment. 22 PRESIDENT MARTONI: Please.</p>	<p style="text-align: right;">Page 61</p> <p>1 would really appreciate cosponsors on this. And thank you 2 for the consideration. 3 PRESIDENT MARTONI: Thank you. 6868-12. 4 MR. CATANESE: An ordinance of the County of 5 Allegheny, Commonwealth of Pennsylvania, amending and 6 supplementing the Allegheny County Code of Ordinances, 7 Chapter 475, entitled Taxation, Article V, entitled Senior 8 Citizens Relief, to further define the applicability of 9 the Longtime Senior Citizen Owner/Occupant Tax Relief 10 Program. Sponsored by Councilmen Finnerty and Robinson. 11 PRESIDENT MARTONI: Committee on Government 12 Reform. Mr. Finnerty, Mr. Robinson? 13 MR. FINNERTY: Thank you. Just very briefly, we 14 have a 30-percent discount for our senior citizens, but 15 it's income related, and the income is \$30,000. The state 16 has a senior citizen's discount also, and theirs is 17 \$35,000. What this piece of legislation does is limit it 18 to \$35,000 for senior citizens to participate in a 19 discount that we give senior citizens. Thank you, Mr. 20 President. 21 PRESIDENT MARTONI: Mr. Robinson? Okay. Thank 22 you. Committee on Government Reform. 6869-12.</p>

16 (Pages 58 to 61)

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1 MR. CATANESE: An ordinance of the County of
2 Allegheny, Commonwealth of Pennsylvania, authorizing the
3 use of County real property by the Gateway Radio Control
4 Society for the operation and management of the Model
5 Aircraft Field located in the County's Boyce Park.
6 Sponsored by the Chief Executive.
7 PRESIDENT MARTONI: Committee on Parks.
8 6870-12.
9 MR. CATANESE: An ordinance of the County of
10 Allegheny, Commonwealth of Pennsylvania, authorizing the
11 acceptance of a donation of solar lights for installation
12 on Corrigan Drive in the County's South Park. Sponsored
13 by the Chief Executive.
14 PRESIDENT MARTONI: Committee on Parks. New
15 business, motions. Yes, Mr. DeFazio?
16 MR. DEFAZIO: Okay. Jared, can you pass out the
17 motion? What this is is a motion expressing the sense of
18 Council of Allegheny County supporting the elimination, or
19 it should say the possible elimination, of the property
20 assessment system through Senate Bill 1462, allowing the
21 County, municipalities and school districts to replace the
22 property tax with other taxing options. So to cut to
23 this, what it is is the Senate, sponsored mainly by, I

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1 guess, Wayne Fontana, they want to pass this Senate bill
2 that only pertains to second class counties, so this will
3 only pertain to Allegheny County. What it would do is
4 possibly eliminate the property tax.
5 And I would recommend we talk of this more. Let
6 the people have a referendum. Do you want to go with
7 earned income or personal income, sales tax, fee per
8 square feet tax? Whatever. There could be a lot of
9 options and the people would have the opportunity to see
10 what they want to do. Or they can have an opportunity to
11 stay where they're at. But at least it does something,
12 because as it stands right now, you are not going to get
13 all the legislators around the state to do what we're
14 doing in Allegheny County. Why would they want to get in
15 this mess that we're in? Yeah, we have the people of
16 Allegheny County backing us, but we don't have the people
17 of Philadelphia, Bethlehem, PA, Reading and everyone else.
18 So we just keep talking and talking. Nothing is getting
19 done. And I agree with the Senate. This is an
20 opportunity for Allegheny County, and it's an opportunity
21 to possibly get something done. So I guess we probably
22 want to put this in committee because there's a lot to go
23 through with this.

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1 PRESIDENT MARTONI: Okay.
2 MS. HEIDELBAUGH: Point of order.
3 PRESIDENT MARTONI: Go ahead.
4 MS. HEIDELBAUGH: Thank you. I don't know if
5 this is the right question or not, but can we have an ---
6 I like this a lot. Can we have an opinion from our
7 Solicitor on the validity of this?
8 MR. DEFAZIO: Yeah, you could. You could get an
9 opinion from anyone. I mean, you know, you can ask
10 anybody you want. When we put it in committee, you
11 can --- when we put it in committee, we can bring in all
12 the people we want to ask all the questions we want. No
13 one is trying to railroad this through. If it don't get
14 passed in the Senate bill, then it's meaningless for us.
15 I'm just looking for a way to go along with it because
16 everywhere I go, everyone is disgusted with the assessment
17 that's going on right now. So this is an opportunity to
18 let the public --- people of Allegheny County, if this
19 passes, let them say what they want to do. But you can
20 ask anybody.
21 MS. HEIDELBAUGH: I'd like to have a meaningful
22 committee process. But prior to having that, because I
23 think like a lawyer, I'd like to have an opinion on ---

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1 and I've worked with you, Jack, on various questions that
2 I had. I like the sense of this a lot. I've been going
3 to all of these meetings, as you know, with County
4 Executive Fitzgerald, and one of the first committees that
5 I spoke at, this was exactly what I said. I just don't
6 know whether we can do this in terms of whether Fontana
7 has a leg to stand on and whether --- you know, if he
8 does, whether we can proceed this way.
9 Secondly, if we are going to refer to committee
10 and we would try to say this was the sense of Council, I
11 would love to have some organizations like the Allegheny
12 Institute, who are economists, who would run some numbers
13 to see where we're going to come out on different forms of
14 taxes. So if we would think about doing this tax, well,
15 poor people are going to be hurt. If we think about doing
16 this tax, rich people are going to be hurt. Rich people
17 are always going to be taxed more. But you know, to run
18 some numbers before we just kind of run willy-nilly into
19 this because we certainly do not want to go from the
20 frying pan to the fire.
21 MR. DEFAZIO: No. That's why I said we're not
22 even going to try to pass it. We want to get all the
23 information and all the experts in we want to bring in,

<p style="text-align: right;">Page 66</p> <p>1 ask all the questions. We're looking for a better system 2 if it's possible. At the end of the day, if it's not 3 possible, then we're stuck with what we have. 4 PRESIDENT MARTONI: Why don't we send it to 5 committee? I'm thinking of what committee. I have two in 6 mind. 7 MR. CATANESE: Mr. President, if I may, we need 8 a motion on the agenda before you can assign it to a 9 committee. 10 MR. MACEY: So moved. 11 (Chorus of seconds.) 12 PRESIDENT MARTONI: Motion and second. 13 Question? All in favor? 14 (Chorus of ayes.) 15 PRESIDENT MARTONI: Opposed? So ordered. Now 16 we'll put it in committee. Thank you very kindly. I'm 17 not sure what committee. I've got two in mind: Budget and 18 Finance and Government Reform. 19 MR. ELLENBOGEN: Government Reform. You're 20 changing the government. 21 PRESIDENT MARTONI: That's what I'm asking. 22 That's what I'm asking. Yeah.</p>	<p style="text-align: right;">Page 68</p> <p>1 gives the right to the state to make that determination 2 instead of local governments. But if the local government 3 was able to decide lawfully what is a tax-exempt property, 4 we'd have so much more revenue here now for the benefit of 5 the residents versus to benefits of, quote, nonprofits. 6 Thank you. 7 MS. HEIDELBAUGH: I feel like that is a 8 legitimate question that we should be discussing, but I 9 feel if we put it into here, we may not succeed on this 10 mission. I think there's two separate issues, because 11 that was a huge hot potato. 12 MR. GASTGEB: Right. I know it's a separate. 13 issue. 14 PRESIDENT MARTONI: Any other ---? 15 MR. FINNERTY: Yeah. Where's it going? 16 PRESIDENT MARTONI: It's going to the Committee 17 on Government Reform. 18 MR. FINNERTY: Did you send it? 19 PRESIDENT MARTONI: Yeah. Sent. 20 MR. FINNERTY: Good. 21 MR. ELLENBOGEN: I just want to say, I mean, I 22 was there when the Senator discussed this with John. And 23 I don't like to speak for John, but he's just looking for</p>
<p style="text-align: right;">Page 67</p> <p>1 MR. GASTGEB: Before you put it there, let's 2 have some discussion. 3 PRESIDENT MARTONI: Let's have more discussion 4 on it. Go ahead, Mr. Gastgeb. 5 MR. GASTGEB: Okay. Thank you. I think that 6 the telltale is going to be how the numbers rule up. But 7 obviously, the Senate is going to have to know that before 8 they vote on it because they're going to be instituting 9 something that they're going to have to be comfortable on 10 how the numbers are going to rule up, what we're going to 11 have to know as well, because we're not sure. It could be 12 better or worse. Hopefully better. 13 The other thing I think is important is --- and 14 I know this has nothing to do with it, Mr. DeFazio, and 15 I'm not trying to give you extra work, but we should 16 dovetail something, and maybe I'll do it, where --- I'm 17 not sure whether there shouldn't be a second class county 18 exemption for tax-exempt property. I mean, the state's 19 saying we're tax-exempt, but we're the ones that have to 20 go out and confirm it. We should have a local autonomous 21 nature of what we should do with regard to that issue. So 22 you know, I personally feel better if this body was the 23 one saying it's tax-exempt, but I know state law right now</p>	<p style="text-align: right;">Page 69</p> <p>1 another way to do this, you know. If the Senate doesn't 2 pass this, then we're getting way ahead of it. And the 3 interesting part about this is from the --- Senator 4 Fontana is obviously a Democrat. The reality of it is 5 it's a Republican House and Republican Senate. So if they 6 vote on it to move it forward, then I think the 7 Republicans and the Democrats will think it has some 8 merit, and then at that point, I think it will 9 probably --- we'll probably want to be more meticulous 10 with it anyway. So we may be getting a little ahead of 11 ourselves here is all I'm saying. 12 PRESIDENT MARTONI: Mr. Drozd? 13 MR. DROZD: Yeah. I believe that people have 14 the right to control their own destiny. And I like this 15 because of the fact that they will have a choice. I 16 believe in referendums. I believe that people have the 17 right to decide. And this will give them the opportunity 18 to participate in their own government, especially in the 19 way right now with these assessments and these property 20 taxes and how hurting the people are out there. This will 21 give them the chance to vent and let them decide. We 22 heard so many times over these years, I heard it, you 23 heard it, people say it should be this, should be that,</p>

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1 should be this, should be that. Let's see what the
2 majority of the people say. I think this is a good idea.
3 I think it gives them an opportunity to have control of
4 their own destiny. And I just like the idea of doing a
5 referendum. Let's hear what the people have to --- let's
6 hear the voice of the people. Let's hear what they have
7 to say. Thank you.
8 PRESIDENT MARTONI: Ms. Heidelbaugh.
9 MS. HEIDELBAUGH: Yeah. In regard to Council
10 Member Ellenbogen's comment, I think we should work on
11 this at the same time as Wayne Fontana is working on it
12 because we as a body represent the whole county. He does
13 not. If we come to the conclusion as a legislative body
14 that this isn't good for our people, I think he'd want to
15 know that. If we run the analysis and run the numbers, he
16 may be --- I'm sure what he's thinking is this is good for
17 the people. But if we dig into it as well, we may come up
18 to a different conclusion, so I think we can work on it on
19 a parallel tracks and provide him that information.
20 PRESIDENT MARTONI: Okay. It's going into
21 committee, Government Reform. Thank you. 6871-12.
22 MR. CATANESE: Motion of the Council of
23 Allegheny County expressing the sense of Council of

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1 Allegheny County supporting the formulation and
2 ratification of a Constitutional Amendment to reverse
3 Citizens United v. Federal Election Commission and to
4 restore constitutional rights and fair elections to the
5 people. Sponsored by Council Members Green Hawkins and
6 DeFazio.
7 PRESIDENT MARTONI: Ms. Green Hawkins and then
8 Mr. DeFazio.
9 MS. GREEN HAWKINS: Thank you, Mr. President.
10 We've had people come in and speak tonight about this
11 issue with regard to Citizens United. Most laypeople know
12 it as a case where the Supreme Court said that
13 corporations are people. The case itself is kind of
14 meaty, and there are other ramifications, I believe, to
15 the conclusions drawn in that case. And those are matters
16 that I would actually like to discuss with my fellow
17 Council members in committee before bringing it out to the
18 full Council for a vote. Like I said, the case is very
19 meaty and it's not anything that can be summed up nicely
20 in one sentence, and I think that would be better fleshed
21 out in committee.
22 PRESIDENT MARTONI: What committee did you want
23 it to go to?

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1 MS. GREEN HAWKINS: What committee did you
2 think?
3 PRESIDENT MARTONI: I would say Government
4 Reform.
5 MS. GREEN HAWKINS: Government Reform. Thank
6 you.
7 PRESIDENT MARTONI: Does that sound reasonable,
8 Government Reform? Okay. John?
9 MR. DEFAZIO: Yeah. Just real quick. I think
10 that a lot of the speakers have brought up some good
11 points, but there's a lot more that we could possibly
12 bring out if we talk in committee. There's a lot more
13 things that people should know about how dangerous this
14 is, and we'll talk about it in committee.
15 PRESIDENT MARTONI: Ms. Danko?
16 MS. DANKO: I'd like to be added as a
17 co-sponsor.
18 PRESIDENT MARTONI: Okay. Vince?
19 MR. GASTGEB: I'm not going to get into the
20 noble goal of having a referendum or in this case, looking
21 at an amendment. But you know, what people think and then
22 what's written are two different things. I would ask in
23 the committee process that we really get away from the

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1 opinions and the whereases where somehow a divided Supreme
2 Court is not a good thing, that there's been a misuse of
3 the First Amendment, that corporations have done X, Y and
4 Z, they're serious threats to the democracy. And maybe
5 that's how people feel, but you know, if you're expecting
6 to get a unanimous vote out of this body --- and to me, if
7 you don't, it's just fragmented and you're dissecting it
8 and it's predictable anyhow. Then I would really ask in
9 committee that a lot of this --- it's littered with
10 opinions, you know. I think it really doesn't do justice
11 to what the main body or the intent of the legislation is
12 or the motion is. Thank you.
13 MS. HEIDELBAUGH: I just want to speak quickly
14 here. I do some election law on the side. And 527s have
15 existed prior to the Citizens United case. A 527 is
16 MoveOn.org. funded by George Soros, a billionaire. There
17 was never a complaint about any of the huge money, that's
18 a fact, billions of dollars that flew --- what is the
19 word --- flew in --- that came into the system from
20 foreign sources prior to Citizens United. And Citizens
21 United allows labor unions to contribute as well. So it's
22 not --- if we're going to condemn --- oh, yes. Oh, yes.

<p style="text-align: right;">Page 74</p> <p>1 MS. GREEN HAWKINS: Are we going to have the 2 debate now? 3 MS. HEIDELBAUGH: If we're going to allow --- 4 but other people got to speak. So if we're going to 5 condemn corporations and the money that they give, we're 6 going to have to condemn labor unions. 7 PRESIDENT MARTONI: Well, let's save all that 8 for the committee meeting; okay? Is that okay with 9 everybody? 10 MR. DEFAZIO: Yeah. It's okay that she started. 11 We'll let people look at it. Let the general public weigh 12 in on this, and then you'll really see what should be 13 done. 14 PRESIDENT MARTONI: From the committee on 15 forward, we can do that; okay? Notification of Contracts. 16 MR. CATANESE: I have none. 17 PRESIDENT MARTONI: None. Public comment on 18 general items. We have one speaker. Andrew ---. 19 AUDIENCE MEMBER: Could the people who are 20 supposed to speak on here also speak about general items 21 if they want, Mr. President? 22 PRESIDENT MARTONI: Andrew Wanca? Thank you, 23 Andrew.</p>	<p style="text-align: right;">Page 76</p> <p>1 unions have a constitutional right to spend unlimited sums 2 in elections. The Decision overturned decades of legal 3 precedent and dozens of laws. And the ruling earned 4 banner headlines, a rare State of the Union rebuke and 5 continuing public disapproval. The Decision also raises 6 one of the Court's controversial and I think consequential 7 in history. We've already seen in the 2010 election that 8 independent spending soared, much of it secret. 527s may 9 have existed, but the power and the share of the spending 10 in elections has increased dramatically, especially in 11 entity super PACs, which are often funded by a handful of 12 millionaires which we are here to say is a problem. And 13 they're becoming as powerful as candidates' own campaigns. 14 And they don't even have the thinnest public protections 15 of timely disclosure or contribution limits that exist 16 when I myself as an individual give to a candidate 17 directly. 18 So even though the 2012 presidential race 19 promises to be the most expensive in history, the 20 lingering recession has left the average voter 21 cash-strapped and left out of the conversation. I think 22 that the history --- history tells us that the dividing 23 line between private power and public need has shifted,</p>
<p style="text-align: right;">Page 75</p> <p>1 MR. WANCA: Would you like them to go first? 2 MS. HEIDELBAUGH: I'd like to hear them speak. 3 PRESIDENT MARTONI: Okay. Sure. No. Let's let 4 them speak. Let's let them speak; okay? Let's let me 5 look and see who; okay? Did Ronald Gaydos come in? 6 AUDIENCE MEMBER: Yes. 7 PRESIDENT MARTONI: Ronald Gaydos? He's not? 8 AUDIENCE MEMBER: He's here. Yeah. 9 PRESIDENT MARTONI: Where's he at? Come on up. 10 You won the lottery. 11 MR. FRENTZ: Hello and thank you very much for 12 letting me speak. I apologize I wasn't here at the 13 beginning of the meeting. My name is Nate Frentz, and I'm 14 a public policy graduate student at Carnegie Mellon 15 University. I am a resident of Squirrel Hill, Pittsburgh. 16 I'm here to urge you to pass the resolution opposing 17 corporate personhood rights in the context of elections. 18 Specifically, it's the motion 0871-12 (sic). And I would 19 like to thank all the co-sponsors. 20 I personally think that the most pressing public 21 policy issue of our day is how to re-empower individual 22 voters after the Supreme Court's Citizens United Decision 23 in which only five justices ruled that corporations and</p>	<p style="text-align: right;">Page 77</p> <p>1 and I think that few times has the necessity has been felt 2 more now than ever. And Supreme Court Justice Robert 3 Jackson --- I believe I have a minute --- once wrote that 4 the Constitution is not a suicide pact. We don't have to 5 resign our fate to this. We have options. A 6 constitutional amendment may sound drastic. but I think 7 it's an important step that we can take. We the people, 8 directly through our elected representatives, can create 9 our own democracy, and that's why I'm here. You as 10 Allegheny Council can help --- County Council can help 11 register that the public-desired constitutional rights of 12 voters be heard by passing this resolution, and in doing 13 so, you will be part of an effort in cities and states 14 across the country to build momentum toward a more 15 meaningful role in our democracy for the people gathered 16 here today and for all flesh and blood voters. Thank you 17 very much for your time. 18 PRESIDENT MARTONI: Thank you. Marcia Bandes? 19 Marcia? 20 MS. BANDES: Marcia Bandes. 21 PRESIDENT MARTONI: Marcia, your name and 22 address. I forgot with the last speaker.</p>

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1 MS. BANDES: My name is Marcia Bandes. I live
2 at 1531 South Negley Avenue in Squirrel Hill. And I also
3 apologize for missing the beginning of this meeting. As a
4 resident of Allegheny County and one of Barbara Danko's
5 constituents, I appeal to the Council to vote unanimously
6 to Allegheny County Council Motion 6871-12. It does call
7 for the formulation and ratification of a constitutional
8 amendment to reverse the Citizens United v. Federal
9 Election Commission and encourages the United States
10 Congress to pass and send to the states for ratification
11 such an amendment in order to restore constitutional
12 rights and fair elections for the people for the following
13 three reasons.
14 One, in spite of the Supreme Court's total
15 inability to separate fact from fiction, we need to send a
16 clear message to Congress that corporations are not
17 people, that we want an amendment sooner rather than later
18 to clarify that fact. Number two is that surveys have
19 shown that the candidate with the most money wins their
20 race 90 percent of the time. On NPR, American Life this
21 week, they spoke with Congressmen and women, and brought
22 to light that they spend two to four hours every day,
23 every day, raising money for their next campaign. And

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1 fundraising for their next campaign begins immediately
2 following their election and even before they take oath of
3 office in January. On average, for a House seat, they
4 need \$15,000 to \$20,000 a day. They're so into the need
5 to raise funds that they call lobbyists and ask them to
6 hold fundraisers. The Citizens United Decision only makes
7 this situation much, much worse. And lastly, I would like
8 to say that it is critical that the County of Allegheny
9 add its voice to the other municipalities, counties and
10 states across the country demanding an amendment to
11 overturn the Citizens United Decision and start the
12 process of reestablishing a government for the people, by
13 the people. So please vote unanimously for this motion.
14 And then lastly, I would just like to comment,
15 and that is that in the past, the Supreme Court has made a
16 difference between corporations and labor unions. There
17 are definite differences between the two. And that's all.
18 Thank you all ever so much.
19 PRESIDENT MARTONI: Thank you. Andrew, we're up
20 to you.
21 MR. WANCA: I'll be quick. They all made their
22 points much better than I could have. I didn't know if I
23 was going to speak. My name is Andrew Wanca. I live in

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1 West Mifflin, Pennsylvania. I want to thank Ms. Hawkins
2 and Mr. DeFazio for bringing the issue in front of the
3 County Council. And we're going to have a rally at the
4 United Steel Workers' Building on Thursday from 7:00 p.
5 until 9:00 p. to gather petitions from people that are
6 bringing them to us and to sign --- we'll have petitions
7 to be signed there because we are the Move to Amend
8 Chapter here in Pittsburgh.
9 Backtracking a bit, as I listened to the
10 discussion about the extraction fee debacle in this state,
11 to me, it illustrates essentially what the problem is in
12 this country, that corporations have gamed the system so
13 successfully and the electoral process now through the
14 Supreme Court ruling, and prior to that, the legislative
15 process, okay, and they're just --- they're gaming the
16 system; okay? They're dumping in this election just
17 like --- as the gentleman pointed out. In small
18 elections, they're dumping money into campaigns to take
19 people out that might have a more progressive opinion.
20 They have corrupted the electoral process of this country.
21 I'm very passionate about that, as are the people that are
22 here. And I'm sick of it. And that's why I got involved
23 in that movement. I have a lot of things to do in my

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1 life, but in my opinion, when the Supreme Court made that
2 ruling, it was probably their worst Decision in our
3 republic's history. And that's basically all I have to
4 say.
5 PRESIDENT MARTONI: Thank you very kindly.
6 Motion for adjournment?
7 (Chorus of motions.)
8 (Chorus of seconds.)
9 PRESIDENT MARTONI: Moved and second. All in
10 favor?
11 (Chorus of ayes.)
12
13 MEETING ADJOURNED AT 6:30 P.M.
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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.



Barbara J. Jones

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