

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                 |
| James R. 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, May 15, 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:

Joseph Catanese - Director of Constituent Services  
Jared Barker - Director of Legislative Services  
Walter Szymanski - Budget Director  
Jack Cambest - County Solicitor

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| Page 2  | Page 4   |
| <p>1 PRESIDENT MARTONI: The Council meeting will now come to<br/>2 order. Please rise for the Pledge of Allegiance, being<br/>3 read by Mr. Finnerty, and please remain standing for a<br/>4 moment of silent prayer or reflection.<br/>5 (Pledge of Allegiance.)<br/>6 (Moment of silent prayer or reflection.)<br/>7 MR. MACEY: Mr. President, Point of Privilege,<br/>8 please?<br/>9 PRESIDENT MARTONI: Sure.<br/>10 MR. MACEY: I would like for everybody to<br/>11 remember Rege Stephenson, who was the President of the<br/>12 West Mifflin Council, who passed away early this morning.<br/>13 He was a true public servant and spent over 30 years of<br/>14 his life helping people in this community. Thank you.<br/>15 PRESIDENT MARTONI: Thank you. Please be<br/>16 seated. Roll call.<br/>17 MR. CATANESE: Mr. Burn?<br/>18 MR. BURN: Here.<br/>19 MR. CATANESE: Ms. Danko?<br/>20 MS. DANKO: Here.<br/>21 MR. CATANESE: Mr. DeFazio?<br/>22 MR. DEFAZIO: Here.<br/>23 MR. CATANESE: Mr. Drozd?</p> | <p>1 MR. CATANESE: Fifteen (15) members present.<br/>2 PRESIDENT MARTONI: Proclamations/<br/>3 Certificates. 6705-12.<br/>4 MR. CATANESE: Proclamation recognizing Mr.<br/>5 Michael Cheberenchick for his 43 years of public service<br/>6 to the Borough of Castle Shannon and the community.<br/>7 Sponsored by Councilman Palmiere.<br/>8 MR. PALMIERE: Good evening, everyone, fellow<br/>9 Council members. It's a privilege tonight to be here to<br/>10 honor a gentleman whom I've gotten to know his family and<br/>11 I've gotten to know Mr. Cheberenchick just recently in<br/>12 recent years. He's been a wonderful public servant and<br/>13 has served the community of Castle Shannon for many, many<br/>14 years. And I wanted to have him and his family come up.<br/>15 I think it was high time that we honored a public servant<br/>16 of his stature. Would you please call --- come up? This<br/>17 is Mr. Cheberenchick's family; his son, Dan, his daughter,<br/>18 Terry, and son, Michael. And they're here to honor their<br/>19 father tonight, along with us. And I'd like to, if I<br/>20 may --- I have one for each one of you --- I'm going to<br/>21 read the proclamation. Okay? And if anybody here has<br/>22 anything to say, feel privileged to do so.</p> |
| Page 3  | Page 5   |
| <p>1 MR. DROZD: Here, present.<br/>2 MR. CATANESE: Mr. Ellenbogen?<br/>3 MR. ELLENBOGEN: Here.<br/>4 MR. CATANESE: Mr. Finnerty?<br/>5 MR. FINNERTY: Here.<br/>6 MR. CATANESE: Mr. Futules?<br/>7 MR. FUTULES: Here.<br/>8 MR. CATANESE: Mr. Gastgeb?<br/>9 MR. GASTGEB: Here.<br/>10 MR. CATANESE: Ms. Green Hawkins?<br/>11 MS. GREEN HAWKINS: Present.<br/>12 MR. CATANESE: Ms. Heidelbaugh?<br/>13 MS. HEIDELBAUGH: Here.<br/>14 MR. CATANESE: Mr. Macey?<br/>15 MR. MACEY: Here.<br/>16 MR. CATANESE: Mr. Palmiere?<br/>17 MR. PALMIERE: Here.<br/>18 MR. CATANESE: Ms. Rea?<br/>19 MS. REA: Here.<br/>20 MR. CATANESE: Mr. Robinson?<br/>21 MR. ROBINSON: Present.<br/>22 MR. CATANESE: Mr. Martoni, President?<br/>23 PRESIDENT MARTONI: Here.</p>   | <p>1 Okay. Ladies and gentlemen, whereas, throughout<br/>2 the history of our storied county, great citizens have<br/>3 made significant contributions to our community and<br/>4 whereas, a life-long resident of the Borough of Castle<br/>5 Shannon, Mr. Cheberenchick was elected Justice of the<br/>6 Peace in 1968, was elected and served as Mayor from 1974<br/>7 to 1978, and then became a councilman for more than 30<br/>8 years.<br/>9 And whereas, in 1942, Mr. Cheberenchick enlisted<br/>10 in the Army, Tenth Armored Division, part of the Third<br/>11 Army commanded by General George Patton in France. And<br/>12 among the medals he earned was the Bronze Star for Bravery<br/>13 in Combat.<br/>14 And whereas, after his discharge, Mr.<br/>15 Cheberenchick worked for nearly 28 years for the State<br/>16 Auditor General's Office before retiring in 1985.<br/>17 And whereas, Mr. Cheberenchick is one of the<br/>18 original founders 35 years ago of the Medical Rescue Team<br/>19 South, an ambulance service for Castle Shannon, Baldwin<br/>20 Township, Mt. Lebanon and Dormont.<br/>21 And whereas, Mr. Cheberenchick was married to<br/>22 the late Mrs. Hazel Cheberenchick for 58 years, and</p>   |

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1 together they had one daughter, Terry, and two sons, Dan  
2 and Mike.  
3 Now, therefore, be it resolved, that Allegheny  
4 County Council, on behalf of the citizens of Allegheny  
5 County, does hereby recognize Mr. Michael Cheberenchick  
6 for his many years of loyalty and commitment to serving  
7 the public. And we thank him for his noteworthy  
8 contributions to the community. Sponsored by myself and  
9 my colleagues on County Council. Congratulations.  
10 (Applause.)  
11 MR. CHEBERENCHICK: Thank you very much. I  
12 appreciate the attention given to me. It was well worth  
13 me doing what I did. I loved every minute. Thank you.  
14 (Applause.)  
15 MR. PALMIERE: Thank you very much. Come on  
16 over here. We'll take a picture. Thank you, Mr.  
17 President.  
18 MR. FINNERTY: Congratulations.  
19 MR. CHEBERENCHICK: Thank you very much.  
20 (Pictures taken.)  
21 PRESIDENT MARTONI: 6941-12.  
22 MR. CATANESE: Proclamation declaring the week  
23 of May 20th to May 26, 2012, as National Public Works Week

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1 in Allegheny County. Sponsored by Council member Macey  
2 and Gastgeb.  
3 MR. MACEY: Good afternoon. National Public  
4 Works Week is observed annually during the third week of  
5 May, to celebrate the men and women who provide and  
6 maintain infrastructure and services collectively known as  
7 public works. Across this nation, the Association of  
8 Public Works Administration --- Association, excuse me,  
9 has 28,500 members, and they use this week to energize and  
10 educate the public on the importance of the contribution  
11 of public works through their daily lives; planning,  
12 building, managing, operating the essence of our local  
13 communities.  
14 This year's theme, Public Works, Creating a  
15 Lasting Impression, speaks to the never-ending effort of  
16 public works professionals to use sustainable solutions to  
17 bring their communities the highest possible quality of  
18 life within a framework of environmental, social and  
19 economic responsibility. Joining us here today is Cathy  
20 Trexler --- she's the President of the APWA in Allegheny  
21 County --- Joe Olczak, who is the Director of Public Works  
22 in Allegheny County, Phil LaMay, who's a member of  
23 Allegheny County, Bernie Rossman, Don Beerman (phonetic),

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1 Jason Dailey, Peter Overcashier, Douglas King, Chester  
2 Emmick and Danny Greary (phonetic). Come up, please,  
3 those who are here. But in the interest of time, I'm not  
4 going to go through all the Whereas', but I will say,  
5 therefore, be it resolved, that Allegheny County Council,  
6 on behalf of the citizens of Allegheny County, hereby  
7 designates this week, from May 20th to May 26th, as  
8 National Public Works Week in Allegheny County.  
9 Furthermore, we urge all county citizens to join  
10 with the American Public Works Association in activities  
11 and ceremonies designed to pay tribute to the public works  
12 professionals, engineers, managers and employees, and to  
13 recognize the substantial contribution they have made to  
14 our health, safety, welfare and quality of life. And I'm  
15 sure we'll hear about some activities that will be going  
16 on that week. Cathy Trexler.  
17 MS. TREXLER: Thank you. I appreciate that  
18 Allegheny County is recognizing this week. Allegheny  
19 County is only one of 25 counties represented by the  
20 Western Pennsylvania Chapter, and we've got a lot of  
21 activities that are going on, coming up in May and June.  
22 First off, the National Public Works Week is next week,  
23 and June 7th, our chapter holds its annual equipment show.

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1 And our focus is always to provide training and education  
2 for public works professionals on topics related to  
3 regulatory compliance, grant opportunities and safety  
4 training.  
5 So this year's seminars are going to be  
6 Stormwater.Phase II, Hard Work Protects Streams. Recently  
7 there was an agency that had realized some significant  
8 fines because they did not meet their stormwater  
9 regulations. The second one will be, Alternative Fuel  
10 Vehicles and Lawn Care Equipment. So this is kind of a  
11 good segway into our upcoming APWA Sustainability  
12 Conference coming to Pittsburgh, June 25th through the  
13 27th. And this is an international conference, and the  
14 keynote speaker will be Mayor Patrick Henry Hays of North  
15 Little Rock, Arkansas, who is President and Chairman of  
16 the Board of ICLEI.  
17 And there again, they'll have --- participants  
18 can attend over 30 educational sessions on sustainable  
19 public works presented by speakers from across America,  
20 including our Western Pennsylvania sustainability  
21 champions. Unfortunately, they didn't make it here yet,  
22 but Phil LaMay couldn't make it tonight. He's going to  
23 speak on behalf of Allegheny County and all the great

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| <p style="text-align: right;">Page 10</p> <p>1 projects that Allegheny County has worked on. Monaca<br/>2 Borough is Mario Leone, the manager there. And Jason<br/>3 Dailey, who was supposed to be here tonight, is the Public<br/>4 Works Director in Cranberry Township, and he will be<br/>5 speaking about the sustainability projects they have<br/>6 there. Also, focus is --- they will have three tours<br/>7 focusing on Allegheny County. The first one is a walking<br/>8 tour of the Allegheny County Green Roof. Let's see. We<br/>9 have one of our engineers at Allegheny County who will be<br/>10 doing a trip to North Park Lake, to discuss the aquatic<br/>11 ecosystem restoration and some of the sustainable projects<br/>12 that are out in that area, as well.<br/>13 And then the third one is the David L. Lawrence<br/>14 Convention Center, a Walking/Workshop Tour. They are the<br/>15 first lead green ---<br/>16 MR. FINNERTY: You got it.<br/>17 MS. TREXLER: --- lead certified conference<br/>18 facilities in the --- at least in the country, maybe even<br/>19 the world. So with that, I again thank you. And this is<br/>20 also open to elected officials, so please feel free to<br/>21 attend all of these conferences and learn about public<br/>22 works and sustainability. Thank you.<br/>23 (Applause.)</p> | <p style="text-align: right;">Page 12</p> <p>1 Gastgeb, Green Hawkins, Macey, Martoni, Palmiere, Rea,<br/>2 Robinson, DeFazio, Drozd.<br/>3 MR. FINNERTY: Thank you, Mr. President. Jim<br/>4 Morosetti, would you come up here? He's the President of<br/>5 Char-West COG, George Scarborough, Executive Director of<br/>6 the Char-West COG. And Jim Morosetti is also, I believe,<br/>7 Chairman of North Fayette Commissioners.<br/>8 MR. MOROSETTI: Yes.<br/>9 MR. FINNERTY: Frank Zieger, who is President of<br/>10 the Board of Commissioners in Stowe Township, Rick Rutter,<br/>11 who is Chairman of the Board of Commissioners in Neville<br/>12 Township and John Ciangiarulo, who is Chairman of McKees<br/>13 Rocks Borough's Council. All right. We've got you all.<br/>14 It's really my pleasure to bring you down<br/>15 here --- and all of our employees, actually, and<br/>16 congratulate you on this award. I mean, we're talking<br/>17 about three municipalities, McKees Rocks, Neville and<br/>18 Stowe, working together to come up with this plan. And it<br/>19 wasn't just done in a year. I believe it was, at least,<br/>20 two years; right?<br/>21 MR. ZIEGER: Thirty-five (35) months.<br/>22 MR. FINNERTY: Thirty-five (35) months says<br/>23 Frank, and he would know. It's a tremendous honor to get</p> |
| <p style="text-align: right;">Page 11</p> <p>1 MR. MACEY: Well, I got one more thing to say,<br/>2 and I'd be remiss if I didn't thank my colleague, Vince<br/>3 Gastgeb, for co-sponsoring this. It just goes to show<br/>4 this is all bipartisan. I also want to thank Joe Olczak<br/>5 and his department, because with the cuts that we've seen<br/>6 over the last year or so, public works is doing more with<br/>7 less. So be patient. We'll get to your pothole and take<br/>8 care of those things for you. Thanks.<br/>9 MS. TREXLER: If I could add one more thing I<br/>10 had forgotten to mention. We just got the announcement<br/>11 last May --- on May 7th, last week, Allegheny County has<br/>12 attained its --- officially attained its re-accreditation<br/>13 through the American Public Works Association.<br/>14 (Applause.)<br/>15 (Pictures taken.)<br/>16 PRESIDENT MARTONI: 6942-12.<br/>17 MR. CATANESE: Proclamation congratulating the<br/>18 Char-West Council of Governments, including McKees Rocks<br/>19 Borough, Neville Township and Stowe Township, for earning<br/>20 the 2012 Governor's Award for Local Government Excellence<br/>21 in Innovative Planning and Sound Land Use Practices.<br/>22 Sponsored by Council members Finnerty, Danko, Ellenbogen,</p>   | <p style="text-align: right;">Page 13</p> <p>1 the 2012 Governor's Award for Local Government Excellence,<br/>2 and it's in Innovative Planning and Sound Land Use<br/>3 Practices. And coming together, this area has looked at<br/>4 the recreation, the infrastructure and --- I can't think<br/>5 of the other thing you've looked at.<br/>6 MR. ZIEGER: Housing.<br/>7 MR. FINNERTY: Housing; all right.<br/>8 MR. ZIEGER: And transportation.<br/>9 MR. FINNERTY: Transportation; all right.<br/>10 Transportation. They're looking forward to the T finally<br/>11 coming to McKees Rocks and Stowe, as Frank was going to<br/>12 tell you about it, I believe. Let me read the<br/>13 proclamation. Then we'll have a few people make remarks<br/>14 here.<br/>15 Whereas, each year the Governor's Award for<br/>16 Local Government Excellence recognizes local government<br/>17 and officials that have created ways to improve their<br/>18 communities.<br/>19 And whereas, the Char Valley COG of Governments<br/>20 has --- was recognized in the category of Innovative<br/>21 Planning and Sound Land Use Practices, for the initiative<br/>22 methods to revitalize the communities of McKees Rocks<br/>23 Borough, Stowe and Neville Township.</p>  |

4 (Pages 10 to 13)

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1 And whereas, the Char Valley COG and the  
2 municipalities worked to develop the Char Valley  
3 Multiple-Municipal Comprehensive Plan, which provides the  
4 communities with a blueprint to bring economic growth to  
5 the area.  
6 And whereas, the Char Valley  
7 Multiple-Municipality Comprehension Plan would --- will  
8 create a community housing bank, increase residential  
9 development, improve traffic flow, strengthen the local  
10 economy and improve the quality of life for residents and  
11 businesses.  
12 Now, therefore, be it resolved, that Allegheny  
13 County Council does hereby congratulate Char-West Council  
14 of Governments, including McKees Rocks Borough, Neville  
15 Township and Stowe Township, for earning the 2012  
16 Governor's Award for Local Government Excellence in the  
17 category of Innovative Planning and Sound Land Use  
18 Practices. We thank you for your dedication and  
19 leadership in strengthening communities in Allegheny  
20 County. And it's sponsored by myself and all of County  
21 Council.  
22 (Applause.)

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1 MR. FINNERTY: I'd also be remiss if I didn't  
2 give a shout out for our Economic Development Department,  
3 which has spent a lot of time ---. They're also, in fact  
4 --- every meeting I went to, somebody was there from  
5 Economic Development, and they were there to help out.  
6 Thanks, again. We have some speakers here, I believe.  
7 Jim?  
8 MR. MOROSETTI: On behalf of the 19 borough and  
9 township members of Char-West COG, I want to thank the  
10 members of Allegheny County Council and County Executive  
11 Rich Fitzgerald, for this proclamation. Representatives  
12 of McKees Rocks, Neville and Stowe have worked very hard  
13 to develop their multi-municipal comprehensive plan, which  
14 will guide their development for many years to come. I'd  
15 especially like to thank Councilman Mike Finnerty for his  
16 active participation in this process, as well as the  
17 planning professionals from the County Planning. It was a  
18 real team effort. They all worked together on it. Thank  
19 you.  
20 (Applause.)  
21 OFF RECORD CONVERSATION  
22 (Pictures taken.)  
23 PRESIDENT MARTONI: 6943-12.

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1 MR. CATANESE: The remainder will be read into  
2 the record. Proclamation declaring the week of May 13 to  
3 May 19, 2012, as Police Week in Allegheny County.  
4 Sponsored by Council members Martoni and Macey.  
5 MR. GASTGEB: President Martoni, I'd like to  
6 have my name added to the Police Week. Since my son is a  
7 police officer, I don't want to miss that one. Thank you.  
8 MR. FINNERTY: I would like mine added, also.  
9 MR. CATANESE: Who doesn't want to be added?  
10 That's a good question. Everyone ---.  
11 MR. FUTULES: Yeah, save time, save money.  
12 MR. CATANESE: 6944-12. Proclamation declaring  
13 May 11th, 2012, as Travel and Tourism Day in Allegheny  
14 County. Sponsored by Council members Martoni and Macey.  
15 6945-12. Proclamation declaring the month of  
16 May as Hepatitis Awareness Month in Allegheny County.  
17 Sponsored by Councilman Burn.  
18 6946-12. Proclamation congratulating the  
19 Twentieth Century Club of McKeesport upon its 85th  
20 anniversary and recognizing 50-year members, Ms. Barbara  
21 Meredith and Ms. Joan MacDonald and Ms. Patricia Shaw.  
22 Sponsored by Council members Macey and Martoni.

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1 6947-12. Certificate of Recognition welcoming  
2 the Ellis School to the Allegheny County Courthouse during  
3 May 11th visit and commending its students for displaying  
4 interest in local government. Sponsored by Councilman  
5 Finnerty.  
6 6948-12. Certificate of Achievement honoring  
7 Mr. Jake Cappa, for his induction into the Pennsylvania  
8 Scholastic Football Coaches Hall of Fame. Sponsored by  
9 Councilman Futules.  
10 6949-12. Certificate of Achievement honoring  
11 Mr. William Bonner and Mr. John Kratsas, in recognition of  
12 their induction into the Allegheny-Kiski Valley Sports  
13 Hall of Fame. Sponsored by Councilman Futules.  
14 6950-12. Certificates of Achievement  
15 congratulating the Gold Medalists of the 2012 Outstanding  
16 Young Citizens Award. Sponsored by Council members Burn,  
17 Futules and Macey.  
18 6951-12. Certificates of Achievement awarded to  
19 Mr. Connor Kooyers, Mr. Greg McIntyre and Mr. Brandon  
20 Oskin, of Boy Scout Troop 231, for earning the rank of  
21 Eagle Scout. Sponsored by Councilman Palmiere.  
22 6952-12. Proclamation congratulating Mr. George  
23 M. Danko, upon his retirement as a fifth grade elementary

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| <p style="text-align: right;">Page 18</p> <p>1 school teacher from McKnight Elementary School, of the<br/>2 North Allegheny School District. Sponsored by<br/>3 Councilwoman Rea.<br/>4 6953-12. Certificate of Recognition awarded to<br/>5 Mr. and Mrs. Ray and Charlotte Sprites, upon their 50th<br/>6 wedding anniversary. Sponsored by Councilman Macey and<br/>7 Councilman Palmiere.<br/>8 6954-12. Certificate of Recognition awarded to<br/>9 Mr. and Mrs. Joe and Anne Grundy, upon their 70th wedding<br/>10 anniversary. Sponsored by Councilman Palmiere.<br/>11 6955-12. Certificate of Recognition awarded to<br/>12 Mr. and Mrs. Melville and Marian Martin, upon their 70th<br/>13 wedding anniversary. Sponsored by Councilwoman Green<br/>14 Hawkins.<br/>15 PRESIDENT MARTONI: Thank you.<br/>16 MS. DANKO: Mr. President?<br/>17 PRESIDENT MARTONI: Yes.<br/>18 MS. DANKO: Could you add my name to 6952-12?<br/>19 MR. DROZD: I'd like my name added to that, too,<br/>20 Mr. President.<br/>21 MR. FINNERTY: And add mine, also.<br/>22 MR. MACEY: Yeah, me, too. And all of us.<br/>23 MR. PALMIERE: All of us.</p> | <p style="text-align: right;">Page 20</p> <p>1 Friends Organization (South Park), for a term to expire on<br/>2 May 15th, 2014. Sponsored by Councilman Gastgeb.<br/>3 PRESIDENT MARTONI: Mr. Gastgeb.<br/>4 MR. GASTGEB: Move for approval.<br/>5 MR. FINNERTY: Second.<br/>6 PRESIDENT MARTONI: Moved and second. Question?<br/>7 All in favor?<br/>8 (Chorus of ayes.)<br/>9 PRESIDENT MARTONI: Opposed? So ordered.<br/>10 6928-12.<br/>11 MR. CATANESE: Approving the reappointment of<br/>12 Gerard J. Aufman, Jr., to serve as a member of the Council<br/>13 of Friends (North Park), for a term to expire on May 15th,<br/>14 2014. Sponsored by Councilwoman Rea.<br/>15 MS. REA: Move for approval.<br/>16 MR. ROBINSON: Second.<br/>17 PRESIDENT MARTONI: Moved and second.<br/>18 Questions? All in favor?<br/>19 (Chorus of ayes.)<br/>20 PRESIDENT MARTONI: Opposed? So ordered.<br/>21 6929-12.<br/>22 MR. CATANESE: Approving the reappointment of<br/>23 Kenneth A. Allshouse to serve as a member of the Council</p> |
| <p style="text-align: right;">Page 19</p> <p>1 MR. CATANESE: Who doesn't want to be on it?<br/>2 MS. DANKO: Thank you.<br/>3 PRESIDENT MARTONI: Thank you. Public Comment<br/>4 on Agenda Items.<br/>5 MR. CATANESE: I have none.<br/>6 PRESIDENT MARTONI: Approval of Minutes.<br/>7 MR. CATANESE: I have none.<br/>8 PRESIDENT MARTONI: Presentation of<br/>9 Appointments. 6926-12.<br/>10 MR. CATANESE: Approving the reappointment of<br/>11 Nancy Furbee to serve as a member of the Council of<br/>12 Friends Organization (North Park), for a term to expire on<br/>13 May 15th, 2014. Sponsored by Councilwoman Green Hawkins.<br/>14 PRESIDENT MARTONI: Ms. Hawkins?<br/>15 MS. GREEN HAWKINS: Move for approval.<br/>16 MR. FINNERTY: Second.<br/>17 PRESIDENT MARTONI: Moved and second.<br/>18 Questions? All in favor?<br/>19 (Chorus of ayes.)<br/>20 PRESIDENT MARTONI: Opposed? So ordered.<br/>21 6927-12.<br/>22 MR. CATANESE: Approving the reappointment of<br/>23 William Capp to serve as a member of the Council of</p>  | <p style="text-align: right;">Page 21</p> <p>1 of Friends Organization (North Park), for a term to expire<br/>2 on May 15th, 2014. Sponsored by Councilwoman Rea.<br/>3 PRESIDENT MARTONI: Ms. Rea?<br/>4 MS. REA: Move for approval.<br/>5 MR. DROZD: Second.<br/>6 PRESIDENT MARTONI: Moved and second. Question?<br/>7 All in favor?<br/>8 (Chorus of ayes.)<br/>9 PRESIDENT MARTONI: Opposed? So ordered.<br/>10 6930-12.<br/>11 MR. CATANESE: Approving the reappointment of<br/>12 Gary Rigdon to serve as a member of the Council of Friends<br/>13 Organization (North Park), for a term to expire on May<br/>14 15th, 2014. Sponsored by Councilwoman Rea.<br/>15 PRESIDENT MARTONI: Ms. Rea?<br/>16 MS. REA: Move for approval.<br/>17 MR. ROBINSON: Second.<br/>18 PRESIDENT MARTONI: Moved and second.<br/>19 Questions? All in favor?<br/>20 (Chorus of ayes.)<br/>21 PRESIDENT MARTONI: Opposed? So ordered.<br/>22 6931-12.</p>  |

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1 MR. CATANESE: Approving the reappointment of  
2 Bob Vishneski to serve as a member of the Council of  
3 Friends Organization (Hartwood Acres), for a term to  
4 expire on May 15th, 2014. Sponsored by Councilman Burn.  
5 PRESIDENT MARTONI: Mr. Burn?  
6 MR. BURN: Move for approval.  
7 MR. ROBINSON: Second.  
8 PRESIDENT MARTONI: Moved and second.  
9 Questions? All in favor?  
10 (Chorus of ayes.)  
11 PRESIDENT MARTONI: Opposed? So ordered.  
12 6932-12.  
13 MR. CATANESE: Approving the reappointment of  
14 Charlene Campbell to serve as a member of the Council of  
15 Friends Organization (Hartwood Acres), for a term to  
16 expire on May 15th, 2014. Sponsored by Councilman Burn.  
17 PRESIDENT MARTONI: Mr. Burn?  
18 MR. BURN: Move for approval.  
19 MR. ROBINSON: Second.  
20 PRESIDENT MARTONI: Moved and second. Question?  
21 All in favor?  
22 (Chorus of ayes.)  
23 PRESIDENT MARTONI: Opposed? So ordered.

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1 6933-12.  
2 MR. CATANESE: Approving the reappointment of  
3 Elizabeth Lewis-Scripps to serve as a member of the  
4 Council of Friends Organization (Hartwood Acres), for a  
5 term to expire on May 15th, 2014. Sponsored by Councilman  
6 Burn.  
7 PRESIDENT MARTONI: Mr. Burn?  
8 MR. BURN: Move for approval.  
9 MS. GREEN HAWKINS: Second.  
10 PRESIDENT MARTONI: Moved and second. Question?  
11 All in favor?  
12 (Chorus of ayes.)  
13 PRESIDENT MARTONI: Opposed? So ordered.  
14 6934-12.  
15 MR. CATANESE: Approving the reappointment of  
16 Susan Vertosick to serve as a member of the Council of  
17 Friends Organization (Harrison Hills Park), for a term to  
18 expire on May 15th, 2014. Sponsored by Councilman  
19 Futules.  
20 PRESIDENT MARTONI: Mr. Futules?  
21 MR. FUTULES: Move for approval.  
22 MR. DROZD: Second.

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1 PRESIDENT MARTONI: Moved and second. Question?  
2 All in favor?  
3 (Chorus of ayes.)  
4 PRESIDENT MARTONI: Opposed? So ordered.  
5 6935-12.  
6 MR. CATANESE: Approving the reappointment of  
7 Kay Downey-Clarke to serve as a member of the Council of  
8 Friends Organization (Settler's Cabin Park), for a term to  
9 expire on May 15th, 2014. Sponsored by Councilman  
10 Finnerty.  
11 PRESIDENT MARTONI: Mr. Finnerty?  
12 MR. FINNERTY: Thank you, Mr. President. Move  
13 for approval.  
14 MR. DROZD: Second.  
15 MS. GREEN HAWKINS: Second.  
16 PRESIDENT MARTONI: Moved and second. Question?  
17 All in favor?  
18 (Chorus of ayes.)  
19 PRESIDENT MARTONI: Opposed? So ordered.  
20 6936-12.  
21 MR. CATANESE: Approving the reappointment of  
22 Mary Lou Kientz to serve as a member of the Council of  
23 Friends Organization (Settler's Cabin Park), for a term to

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1 expire on May 15th, 2014. Sponsored by Councilman  
2 Finnerty.  
3 PRESIDENT MARTONI: Mr. Finnerty?  
4 MR. FINNERTY: Thank you. Move for approval.  
5 MR. MACEY: Second.  
6 PRESIDENT MARTONI: Moved and second. Question?  
7 All in favor?  
8 (Chorus of ayes.)  
9 PRESIDENT MARTONI: Opposed? So ordered.  
10 6937-12.  
11 MR. CATANESE: Approving the reappointment of  
12 Ina Jean Marton to serve as a member of the Council of  
13 Friends Organization (White Oak Park), for a term to  
14 expire on May 15th, 2014. Sponsored by Councilman Macey.  
15 PRESIDENT MARTONI: Mr. Macey?  
16 MR. MACEY: Thank you. I make a motion for  
17 approval.  
18 MR. FINNERTY: Second.  
19 PRESIDENT MARTONI: Moved and second. Question?  
20 All in favor?  
21 (Chorus of ayes.)  
22 PRESIDENT MARTONI: Opposed? So ordered.  
23 6938-12.

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1 MR. CATANESE: Approving the reappointment of  
2 Carrie Noll to serve as a member of the Council of Friends  
3 Organization (White Oak Park), for a term to expire on May  
4 15th, 2014. Sponsored by Councilman Macey.  
5 PRESIDENT MARTONI: Mr. Macey?  
6 MR. MACEY: Move for approval.  
7 MR. PALMIERE: Second.  
8 PRESIDENT MARTONI: Moved and second. Question?  
9 All in favor?  
10 (Chorus of ayes.)  
11 PRESIDENT MARTONI: Opposed? So ordered.  
12 6939-12.  
13 MR. CATANESE: Approving the reappointment of  
14 Elaine Davis to serve as a member of the Council of  
15 Friends Organization (North Park), for a term to expire on  
16 May 15th, 2014. Sponsored by Councilman Burn.  
17 PRESIDENT MARTONI: Mr. Burn?  
18 MR. BURN: Move for approval.  
19 MR. ROBINSON: Second.  
20 PRESIDENT MARTONI: Moved and second. Question?  
21 All in favor?  
22 (Chorus of ayes.)  
23 PRESIDENT MARTONI: Opposed? So ordered.

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1 6940-12.  
2 MR. CATANESE: Approving the reappointment of  
3 Judy Marshall to serve as a member of the Council of  
4 Friends Organization (Round Hill Park), for a term to  
5 expire on May 15th, 2014. Sponsored by Councilman Macey.  
6 PRESIDENT MARTONI: Mr. Macey?  
7 MR. MACEY: I make a motion for approval.  
8 MR. PALMIERE: Second.  
9 PRESIDENT MARTONI: Moved and second. Question?  
10 All in favor?  
11 (Chorus of ayes.)  
12 PRESIDENT MARTONI: Opposed? So ordered. The  
13 following will go to the Committee on Appointment Review.  
14 6956-12.  
15 MR. CATANESE: Approving the appointment of John  
16 Ciangiarulo to serve as a member of the Authority for  
17 Improvements in Municipalities, for a term to expire on  
18 December 31st, 2016. Sponsored by the Chief Executive.  
19 PRESIDENT MARTONI: The next four --- we'll take  
20 them all together --- 6957-12, 6958-12, 6959-12 and  
21 6960-12.  
22 MR. CATANESE: Approving the appointment of  
23 Daniel C. Connolly to serve as a member of the Allegheny

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1 County Industrial Development Authority, the Allegheny  
2 County Hospital Development Authority, the Allegheny  
3 County Higher Education Building Authority and the  
4 Residential Finance Authority, for a term to expire on  
5 December 31st, 2015. Sponsored by the Chief Executive.  
6 PRESIDENT MARTONI: 6961-12.  
7 MR. CATANESE: Approving the reappointment of  
8 Senator Jay Costa, Jr., to serve as a member of the  
9 Community College of Allegheny County Board (CCAC Board),  
10 for a term to expire on December 31st, 2017. Sponsored by  
11 the Chief Executive.  
12 PRESIDENT MARTONI: Committee on Appointment  
13 Review. 6962-12.  
14 MR. CATANESE: Approving the reappointment of  
15 Avis B. Katovsky to serve as a member of the Youth and  
16 Family Advisory Committee, for a term to expire on  
17 December 31st, 2014. Sponsored by the Chief Executive.  
18 PRESIDENT MARTONI: Goes to the Committee on  
19 Appointment Review. Unfinished Business.  
20 MR. CATANESE: I have none.  
21 PRESIDENT MARTONI: Liaison Reports. Anyone  
22 have any --- John?

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1 MR. DEFAZIO: Yeah, just real quick. On the  
2 primary election, there was 888,686 eligible voters. The  
3 total primary voters were just Democrats and  
4 Republicans --- were 784,474, that to me were eligible to  
5 vote. There were only 172,412 voters. There was really  
6 no problems with the election. That's all I have.  
7 PRESIDENT MARTONI: Thank you. Any other  
8 liaison reports? None? New Business, Ordinances and  
9 Resolutions. 6970-12.  
10 MR. CATANESE: An ordinance of the County of  
11 Allegheny, Commonwealth of Pennsylvania, permitting Crows  
12 Run Pictures to use certain County-owned real property.  
13 Sponsored by the Chief Executive.  
14 PRESIDENT MARTONI: Okay. I think on that one  
15 we have to waive the Second Reading on the time; right?  
16 MR. FUTULES: That's true.  
17 PRESIDENT MARTONI: So we'll need a motion to  
18 waive the Second Reading.  
19 MR. MACEY: So moved.  
20 (Chorus of seconds.)  
21 PRESIDENT MARTONI: Moved and second. Question?  
22 Do we do a roll call?  
23 MR. CATANESE: Yeah, you do a voice vote.

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1 PRESIDENT MARTONI: All in favor?  
2 (Chorus of ayes.)  
3 PRESIDENT MARTONI: Opposed? So ordered. Okay.  
4 Now we can vote on the ordinance. Do you have to read it  
5 again, Joe?  
6 MR. CATANESE: Not another time.  
7 PRESIDENT MARTONI: Okay. That's a roll ---.  
8 I'll need a ---.  
9 MR. FINNERTY: I make a motion to approve.  
10 MR. MACEY: Second.  
11 MR. DEFAZIO: Second.  
12 PRESIDENT MARTONI: Moved and second. Question?  
13 Roll call.  
14 MR. CATANESE: Mr. Burn?  
15 MR. BURN: Yes.  
16 MR. CATANESE: Ms. Danko?  
17 MS. DANKO: Aye.  
18 MR. CATANESE: Mr. DeFazio?  
19 MR. DEFAZIO: Yes.  
20 MR. CATANESE: Mr. Drozd?  
21 MR. DROZD: Aye.  
22 MR. CATANESE: Mr. Ellenbogen?  
23 MR. ELLENBOGEN: Aye.

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1 MR. CATANESE: Mr. Finnerty?  
2 MR. FINNERTY: Yes.  
3 MR. CATANESE: Mr. Futules?  
4 MR. FUTULES: Yes.  
5 MR. CATANESE: Mr. Gastgeb?  
6 MR. GASTGEB: Yes.  
7 MR. CATANESE: Ms. Green Hawkins?  
8 MS. GREEN HAWKINS: Aye.  
9 MR. CATANESE: Ms. Heidelbaugh?  
10 MS. HEIDELBAUGH: Yes.  
11 MR. CATANESE: Mr. Macey?  
12 MR. MACEY: Yes.  
13 MR. CATANESE: Mr. Palmiere?  
14 MR. PALMIERE: Yes.  
15 MR. CATANESE: Ms. Rea?  
16 MS. REA: Yes.  
17 MR. CATANESE: Mr. Robinson?  
18 MR. ROBINSON: Aye.  
19 MR. CATANESE: Mr. Martoni, President?  
20 PRESIDENT MARTONI: Yes.  
21 MR. CATANESE: Ayes, 15, noes, 0. The bill  
22 passes.  
23 PRESIDENT MARTONI: 6971-12.

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1 MR. CATANESE: A resolution ratifying certain  
2 year-end transfers pursuant to Section 805.03 of the  
3 Administrative Code. Sponsored by the Chief Executive.  
4 PRESIDENT MARTONI: That will go to Budget and  
5 Finance. New Motions.  
6 MR. ROBINSON: Mr. President? If it's  
7 appropriate, I have an ordinance and a resolution to offer  
8 at this time.  
9 PRESIDENT MARTONI: It's appropriate.  
10 MR. ROBINSON: With your leave, I'd like Mr.  
11 Barker to pass out the ordinance first and for Mr.  
12 Catanese to read the ordinance, please.  
13 MR. CATANESE: Councilman, in the entirety or  
14 just the caption?  
15 MR. ROBINSON: In its entirety.  
16 MR. CATANESE: We need a motion to accept.  
17 PRESIDENT MARTONI: Okay. We need a motion to  
18 accept.  
19 MR. ROBINSON: I'll make that motion.  
20 MS. GREEN HAWKINS: Second.  
21 PRESIDENT MARTONI: Moved and second. Question?  
22 All in favor?  
23 (Chorus of ayes.)

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1 PRESIDENT MARTONI: Opposed? So ordered. Okay.  
2 We've accepted.  
3 MR. CATANESE: An ordinance establishing an  
4 Allegheny County Rainy Day Fund and providing for the  
5 administration of revenue placed into such fund.  
6 Whereas, Allegheny County has not created a  
7 formalized reserve fund in order to provide funding to be  
8 held in reserve in case of unforeseen circumstances that  
9 could cause the depletion of the County's general funds.  
10 And whereas, the creation of such a special  
11 reserve fund has been recommended by the multiple members  
12 of County Council over the last several years, as well as  
13 by former Allegheny County Controller, Mark Flaherty.  
14 And whereas, while current County Controller  
15 Wagner has not yet discussed the 2012 Comprehensive Annual  
16 Fiscal Report with Council, former Controller Flaherty's  
17 presentation regarding CAFR and budgetary matters, in  
18 general, noted that the County's operation expenditures  
19 had exceeded its operating revenues in 2009 by \$9,000,000,  
20 the first time the operating expenditure had exceeded  
21 revenues since at least 2005.  
22 And whereas, the former controller's  
23 presentation also clearly demonstrated that, while sales

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| <p style="text-align: right;">Page 34</p> <p>1 and property tax revenues have remained stagnant since<br/> 2 2005, federal and state funding to County has decreased<br/> 3 consistently, and the County's operating expenditures have<br/> 4 increased consistently in the same time period.<br/> 5 And whereas, the former controller also noted<br/> 6 that the county has increasingly relied upon one-time<br/> 7 revenue adjustments, such as tax receivables and property<br/> 8 sales, in order to balance its budget, even as the<br/> 9 County's structural operation deficit continued to grow,<br/> 10 and its unrestricted operating cash position continued to<br/> 11 deteriorate.<br/> 12 And whereas, former Controller Flaherty's<br/> 13 warnings have been largely borne out by history,<br/> 14 culminating in the reduction of the County general fund<br/> 15 balance to just over \$6,000,000 at the conclusion of 2011,<br/> 16 reflecting the expenditures of approximately \$14,000,000<br/> 17 in reserve funding, simply to meet the County's financial<br/> 18 obligation for 2011.<br/> 19 And whereas, given the trends noted above, it is<br/> 20 the desire of the Council to create an Allegheny County<br/> 21 Reserve Fund, in order to provide the county with the<br/> 22 means of meeting unforeseen expenses without placing<br/> 23 additional demands on its already stressed budget.</p> | <p style="text-align: right;">Page 36</p> <p>1 And 2, Ten (10) percent of the County's<br/> 2 delinquent property tax receipts for the prior fiscal<br/> 3 year, including the proceeds derived from the sale or<br/> 4 assignment of any County property receivable to any third<br/> 5 party in the prior fiscal year.<br/> 6 And 3, all penalty revenue received by the<br/> 7 County through delinquent property tax collection in the<br/> 8 prior fiscal year.<br/> 9 And 4, Ten (10) percent of all revenues received<br/> 10 by the County as an unrestricted local share of gaming<br/> 11 revenues disbursed pursuant to the terms of 4 Pa. C.S.A.,<br/> 12 1403(c) or any successor statute in the prior fiscal year.<br/> 13 And 5, Ten (10) percent of any fee, royalties or<br/> 14 other revenue received by the county as payment pursuant<br/> 15 to leasing or other agreements relating to the extraction<br/> 16 of natural gas on County-owned property in the prior<br/> 17 fiscal year.<br/> 18 And 6, Ten (10) percent of any cash payments<br/> 19 made to the county pursuant to any payment in lieu of tax<br/> 20 (the PILOT) agreement during the prior fiscal year.<br/> 21 B. Investment authorization. The principal and<br/> 22 any interest revenue derived from the principal shall be<br/> 23 invested and/or reinvested in funds, accounts and other</p>   |
| <p style="text-align: right;">Page 35</p> <p>1 And whereas, the Council of Allegheny County is<br/> 2 of the belief that the creation of such a fund will insure<br/> 3 to the benefit of the citizens of the county.<br/> 4 Section 1, Incorporation of Preamble. The<br/> 5 provisions set forth in the preamble in this ordinance are<br/> 6 incorporated by reference in their entirety herein.<br/> 7 Section 2, Establish an Operating Allegheny<br/> 8 County Rainy Day Special Reserve Fund. Allegheny County<br/> 9 hereby establishes a fund to be known as the Allegheny<br/> 10 County Reserve Fund. The Fund shall consist of those<br/> 11 specific accounts and investments as are identified for<br/> 12 the purpose of this ordinance. The Fund shall not be<br/> 13 co-mingled with any other funds of the county or any other<br/> 14 entity, shall remain in place continuously and in<br/> 15 perpetuity, regardless of fund balance, and shall be<br/> 16 operated and administered as follows:<br/> 17 A. Deposits. For fiscal year 2013 and in each<br/> 18 fiscal year thereafter, County Council shall, within<br/> 19 County's operating budget, appropriate revenues for<br/> 20 deposit into the Fund, equal to the sum of the following:<br/> 21 1, One-third (1/3) of one percent of the<br/> 22 County's gross regular property tax receipts for the prior<br/> 23 fiscal year.</p>                  | <p style="text-align: right;">Page 37</p> <p>1 investments, consistent with the terms of all applicable<br/> 2 federal, state and local law. Such investment shall be<br/> 3 continuing unless limited by the terms or nature of the<br/> 4 investment itself, by applicable law, unless otherwise<br/> 5 limited by subsequent enactment of a resolution limiting<br/> 6 the duration of a particular investment of Fund revenues.<br/> 7 C. Appropriation. The Council may make<br/> 8 appropriations of any amount of principal or interest<br/> 9 revenue existing within the Fund for expenditures on any<br/> 10 operating budget line item, once authorized by the passage<br/> 11 of a resolution approved by 2/3 majority of the seated<br/> 12 members of Council. Such resolution shall, at a minimum,<br/> 13 contain a complete explanation of the purposes for which<br/> 14 the Fund revenues are to be appropriated. Notwithstanding<br/> 15 any provisions of the Ordinance to the contrary, no part<br/> 16 of the Fund principal or interest may be used, directly or<br/> 17 indirectly, for the payment of any item which could not<br/> 18 lawfully be paid through appropriation of the County<br/> 19 general fund.<br/> 20 Effective Date. The provisions of this<br/> 21 ordinance shall take effect immediately upon the date of<br/> 22 final approval.<br/> 23 Primary Sponsor: Councilman Robinson.</p> |

10 (Pages 34 to 37)

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1 PRESIDENT MARTONI: Committee on Budget and  
2 Finance; is that correct?  
3 MR. ROBINSON: Yes, sir.  
4 PRESIDENT MARTONI: We'll refer this to  
5 Committee on Budget and Finance. You had a second, Mr.  
6 Robinson?  
7 MR. ROBINSON: Yes, sir. Mr. President and  
8 members of Council, the second item that Mr. Barker would  
9 pass out with your approval, would be a resolution. And  
10 this relates to the creation of a special investigatory  
11 committee to address concerns raised about the operation  
12 of the Office of District Attorney. And I'd like to have  
13 the clerk read this bill in its entirety. I'll make a  
14 motion to put it on the agenda.  
15 PRESIDENT MARTONI: Okay. Do we have a second?  
16 MS. GREEN HAWKINS: Second.  
17 PRESIDENT MARTONI: We have a motion and second.  
18 Question? All in favor?  
19 (Chorus of ayes.)  
20 PRESIDENT MARTONI: You better do a roll call.  
21 I only heard a couple ayes.  
22 MR. CATANESE: Do you want a roll call?

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1 PRESIDENT MARTONI: Yeah, you better. I only  
2 hear two or three ayes, so it's ---.  
3 MR. FINNERTY: Can we have a clarification what  
4 the roll call is for?  
5 MR. CATANESE: To place it on the agenda.  
6 MR. FINNERTY: Thank you.  
7 PRESIDENT MARTONI: Place it on the agenda,  
8 exactly. Go ahead, roll call.  
9 MR. CATANESE: Mr. Burn?  
10 MR. BURN: Yes.  
11 MR. CATANESE: Ms. Danko?  
12 MS. DANKO: Aye.  
13 MR. CATANESE: Mr. DeFazio?  
14 MR. DEFAZIO: Yes.  
15 MR. CATANESE: Mr. Drozd?  
16 MR. DROZD: Nay.  
17 MR. CATANESE: Mr. Ellenbogen?  
18 MR. ELLENBOGEN: Nay.  
19 MR. CATANESE: Mr. Finnerty?  
20 MR. FINNERTY: Yes.  
21 MR. CATANESE: Mr. Futules?  
22 MR. FUTULES: Yes.  
23 MR. CATANESE: Mr. Gastgeb?

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1 MR. GASTGEB: No.  
2 MR. CATANESE: Ms. Green Hawkins?  
3 MS. GREEN HAWKINS: Aye.  
4 MR. CATANESE: Ms. Heidelbaugh?  
5 MS. HEIDELBAUGH: Abstain.  
6 MR. CATANESE: Mr. Macey?  
7 MR. MACEY: Yes.  
8 MR. CATANESE: Mr. Palmiere?  
9 MR. PALMIERE: Yes.  
10 MR. CATANESE: Ms. Rea?  
11 MS. REA: No.  
12 MR. CATANESE: Mr. Robinson?  
13 MR. ROBINSON: Aye.  
14 MR. CATANESE: Mr. Martoni, President?  
15 PRESIDENT MARTONI: Yes.  
16 MR. CATANESE: Ayes, 10, noes, 4, one  
17 abstention. It passes.  
18 PRESIDENT MARTONI: Okay. Mr. Robinson?  
19 MR. ROBINSON: Thank you, Mr. President, and  
20 members of Council. As Council is aware, at our last  
21 meeting I had a motion that pertained to the District  
22 Attorney's Office. There was an error in that motion, and  
23 I indicated I would be back with a resolution instead of a

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1 motion at our next meeting. This is the next meeting.  
2 The purpose of this resolution is to establish, pursuant  
3 to the Administrative Code of the County, a special  
4 investigatory committee with subpoena power, to allow the  
5 Budget and Finance Committee to address the operation of  
6 the District Attorney's Office pursuant to this Council's  
7 funding of that office, as we fund all other offices of  
8 county government.  
9 PRESIDENT MARTONI: Do you want us to have it  
10 read?  
11 MR. ROBINSON: Yes, sir, please.  
12 MR. CATANESE: A resolution of the Council of  
13 the County of Allegheny, authorizing an investigation to  
14 assure that the public revenues appropriated annually for  
15 the Office of District Attorney, are utilized in a manner  
16 that addresses the needs and concerns of the citizens of  
17 Allegheny County.  
18 Whereas, on the night of January 12th, 2010, the  
19 day after Jordan Miles' 18th birthday, he encountered  
20 three City of Pittsburgh police officers.  
21 And whereas, while these three officers claimed  
22 that they mistook a bottle of soda for a weapon and used  
23 physical force against Mr. Miles accordingly, no such soda

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| <p style="text-align: right;">Page 42</p> <p>1 bottle was ever introduced into evidence, and all charges<br/>2 against Mr. Miles were subsequently dropped on March 4,<br/>3 2010, while the officers involved were suspended pending<br/>4 an investigation into the matter.<br/>5 And whereas, on March 13, 2010, over a week<br/>6 after the charges against Mr. Miles had been dropped, the<br/>7 union representing the City of Pittsburgh Police marched<br/>8 in the City of Pittsburgh's St. Patrick's Day Parade<br/>9 wearing T-shirts bearing the slogan, We Support Our Three<br/>10 Brothers, a clear reference to the position of the union,<br/>11 as a whole, with regard to the officers involved in the<br/>12 incident with Mr. Miles, while published reports quoted<br/>13 Fraternal Order of Police President, Dan O'Hara, as<br/>14 saying, we fully support these three officers and<br/>15 brothers, and we want the entire City of Pittsburgh to<br/>16 know that.<br/>17 And whereas, on March 19, 2010, all three of the<br/>18 suspended officers were awarded various commendations for<br/>19 their service to the department.<br/>20 And whereas, while a federal investigation did<br/>21 not yield proof beyond a reasonable doubt that federal<br/>22 crime statutes had been violated by the three officers,<br/>23 the Allegheny County District Attorney is charged with the</p> | <p style="text-align: right;">Page 44</p> <p>1 And whereas, a significant number of county<br/>2 residents have repeatedly voiced concerns stemming from<br/>3 this appearance of conflict, repeatedly, and over a period<br/>4 of years in response to both the Jordan Miles matter and<br/>5 other similar cases preceding it.<br/>6 And whereas, the Office of District Attorney is<br/>7 provided with a substantial amount of operating revenue<br/>8 through Council's budget formulation process, with the<br/>9 operating appropriations of the Office of District<br/>10 Attorney exceeding \$14,000,000 for fiscal year 2012.<br/>11 And whereas, Council is charged with the<br/>12 approval of the annual budget and assuring that<br/>13 appropriation is therefore vested with the duty to<br/>14 exercise due diligence, to ensure that revenue<br/>15 appropriated through the county's annual budget are put to<br/>16 use consistent with the best interests of the citizens of<br/>17 Allegheny County.<br/>18 And whereas, an investigation of a possible<br/>19 conflict of interest involved in the District Attorney's<br/>20 prosecution of police misconduct cases would assure the<br/>21 public that the substantial public revenues appropriated<br/>22 by Council are being used in the best interest of the<br/>23 citizens it represents.</p> |
| <p style="text-align: right;">Page 43</p> <p>1 duty of investigation, whether any or all the officers<br/>2 violated Pennsylvania criminal law and, if appropriate,<br/>3 pursue criminal charges against the officers.<br/>4 And whereas, the Miles case, while perhaps the<br/>5 most publicized incident of this sort in the last few<br/>6 years, is by no means the only incident in which the<br/>7 Allegheny County District Attorney has been placed in a<br/>8 similar position.<br/>9 And whereas, the Allegheny County District<br/>10 Attorney is an elected position and candidates selected by<br/>11 the voters of the county every four years.<br/>12 And whereas, the Allegheny County District<br/>13 Attorney processes roughly 20,000 criminal cases each<br/>14 year, with each of these cases necessitating close<br/>15 cooperation between the Office of District Attorney and<br/>16 the police officers from departments from the<br/>17 municipalities within the county.<br/>18 And whereas, this need for close daily<br/>19 cooperation between the Office of the District Attorney<br/>20 and local police departments creates, at a bare minimum,<br/>21 the appearance of a conflict of interest for the District<br/>22 Attorney when local police officers may have been involved<br/>23 in a criminal action.</p>  | <p style="text-align: right;">Page 45</p> <p>1 The Council of the County of Allegheny hereby<br/>2 resolves as follows: that Council hereby authorizes an<br/>3 investigation by Council regarding the possibility of a<br/>4 conflict of interest generated by the prosecution of<br/>5 police misconduct cases by the District Attorney, to<br/>6 assure that the funds granted to the District Attorney's<br/>7 Office are utilized in a manner that addresses the needs<br/>8 and concerns of the citizens of Allegheny County. Such<br/>9 investigation shall be conducted by the Committee on<br/>10 Budget and Finance and shall be conducted in accordance<br/>11 with applicable law, shall commence no later than 120 days<br/>12 from the date of final passage of this resolution and<br/>13 shall be concluded no later than December 31st, 2012.<br/>14 Sponsored by Council member Robinson.<br/>15 PRESIDENT MARTONI: Budget and Finance<br/>16 Committee; correct?<br/>17 MR. ROBINSON: Yes, sir, if approved by Council.<br/>18 If I could make a couple comments and then make a<br/>19 recommendation to the Chair. Let me make my<br/>20 recommendation to the Chair first.<br/>21 PRESIDENT MARTONI: Okay.<br/>22 MR. ROBINSON: I believe it would be appropriate<br/>23 to refer the bill to committee and delay any action until</p>                 |

12 (Pages 42 to 45)

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1 such time as the committee has had a chance to share with  
2 all members of Council, any relevant information, and  
3 also, hopefully, appearance by our District Attorney. I  
4 think that it is incumbent upon all of the departments  
5 that we fund to be available. In the past, they have  
6 been. But the special committee, while it's authorized by  
7 the Administrative Code, is placed there so that the  
8 Council can get the information that they need and make an  
9 intelligent decision. My request is well within the bound  
10 of the power of the Budget and Finance Committee without  
11 the passage of this resolution. But I think it's serious  
12 enough --- the issue is serious enough that the committee  
13 needs to have power to gather all the information it  
14 needs, including from the District Attorney.  
15 Lastly, I believe that the integrity of the  
16 District Attorney's Office has been challenged on several  
17 occasions. And there are lists of accusations that have  
18 been issued against the operation of that office under the  
19 leadership of our current District Attorney, Stephen  
20 Zappala. I think that those accusations need to be  
21 addressed by the District Attorney, as well as by this  
22 Council, and that our first obligation is to the citizens  
23 of this county and not to the District Attorney.

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1 MS. HEIDELBAUGH: Point of order, Mr. Chairman.  
2 Typically, in regard to the resolution, aren't these  
3 supposed to be short comments?  
4 MR. FUTULES: True. Yes, that's correct.  
5 MS. HEIDELBAUGH: Thank you.  
6 PRESIDENT MARTONI: Vince, he asked first.  
7 MR. ROBINSON: Thank you, Mr. President, and  
8 members of Council.  
9 PRESIDENT MARTONI: Vince?  
10 MR. GASTGEB: I'll let Bill finish if he wanted  
11 to, and I'll try to be brief. I asked for a Point of  
12 Privilege, since he already referred this to committee, if  
13 I may have a Point of Privilege; I do?  
14 PRESIDENT MARTONI: You do.  
15 MR. GASTGEB: Thank you. I kind of feel like on  
16 the quiz show, 64, where a set of panel is looking at the  
17 perpetrator of fraud, and everybody is giving the  
18 perpetrator, I guess, good graces. And one person said,  
19 wait a minute, he's the one that we should be asking  
20 questions about and standing up. So I'm going to stand up  
21 now. I just feel very uncomfortable with this, as one  
22 council member. I have a lot of respect for Bill

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1 Robinson. We worked together in Budget and Finance for  
2 more years than I care to mention.  
3 He's probably one of the more creative people  
4 here. I love working with him, but I disagree with this.  
5 There's two issues here that we're blending, that I think  
6 are wrong. One is this Council's role being involved in  
7 any investigation, I'm assuming, of elected official, in  
8 this case, district attorney. The second is the funding  
9 issue. I agree with Mr. Robinson on the funding issue.  
10 That's our job. But we don't need a resolution to do  
11 that, and I think this puts us in un-chartered conduct.  
12 This case is very unfortunate. I don't know the details  
13 of it. I just know it's unfortunate. I don't know if  
14 there's accusations and I don't know if there's questions.  
15 But I don't think this body should be put in this  
16 position.  
17 So Mr. Robinson has every right to put this  
18 forth, and I stand by his right to do so. But the reason  
19 I voted no, not to allow this to come in the agenda, is  
20 because I don't think it belongs in this body. And I  
21 don't believe that as Council people, we should be in the  
22 position of having investigations on City elected

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1 officials for cases that we really don't know that much  
2 about, at least I don't. Thank you.  
3 PRESIDENT MARTONI: Amanda?  
4 MS. GREEN HAWKINS: Thank you, Mr. President,  
5 for the privilege of speaking. I don't have any comments  
6 with regard to the proposed resolution, but I do have  
7 comments with regard to the length of our comment when it  
8 comes to things we propose. And from my time here on  
9 Council, what I've observed is that the person who puts  
10 forth the legislation has always been given the privilege  
11 of speaking for however long they wanted. I have seen  
12 Council members go through lengthy diatribes, and I've  
13 seen transcripts of pages and pages of comment. And I  
14 would not want to see us detract from a person's  
15 opportunity to speak about the resolution. In other  
16 words, they should have it put in full.  
17 When it comes to comments about what the person  
18 has said, I think perhaps there we can draw the line.  
19 Particularly since it's in committee, we can then share  
20 comments in committee. But I would like to hear people's  
21 thoughts about the legislation and the things that they're  
22 putting forth, so we can all just have something to think  
23 about. Thank you.

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1 PRESIDENT MARTONI: Did you have your hand up?  
2 MS. HEIDELBAUGH: Yes, I did. And I agree with  
3 my colleague, Ms. Hawkins. I just want the rules to be  
4 fair. So for instance, I know when I introduced a piece  
5 of legislation, there was Point of Order and I was allowed  
6 to say about two sentences. So as long as we're allowed  
7 to talk freely when we introduce a piece of legislation or  
8 resolution, and all the rules are applicable to everybody,  
9 then I'm perfectly fine with that. I do have a question  
10 of our solicitor. I have some real questions about  
11 whether this resolution is contrary to our ability as a  
12 political branch of government. And I'm very concerned in  
13 terms of a process and the legalities, whether we have ---  
14 we're going outside the scope of what we're allowed to do.  
15 I would specifically ask for an opinion in that  
16 regard. I'd like the opinion to be private. I'd like you  
17 to just give some thought to that.  
18 MR. CAMBEST: Okay.  
19 MS. HEIDELBAUGH: And before when I raised the  
20 Point of Order, I thought I got in here, President  
21 Martoni, that I wanted to ask you, is it appropriate to  
22 send this to Budget because I don't think this is a budget  
23 and finance matter. I think it's a governmental reform.

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1 And I just don't think it's appropriate to go to Budget.  
2 Furthermore, as a new member, I don't know how to bring  
3 that up. If I did it wrong, I apologize.  
4 PRESIDENT MARTONI: Okay. I'm trying to get the  
5 right order for everybody.  
6 MR. ELLENBOGEN: You know, I have a lot of  
7 respect for my colleague and how he feels about things.  
8 I'm very uncomfortable with the way this is written.  
9 However, Mr. President, to me this is clearly not a Budget  
10 and Finance issue, but it is a Public Safety issue. You  
11 know, you're talking about people being hurt. You're  
12 talking about law enforcement. I believe that this  
13 clearly falls in the purview of my chairmanship in my  
14 committee. And most so then, I think it will shed an  
15 objective light on the whole thing and try to keep it  
16 unemotional and very factual. So I would request this go  
17 to my committee, Mr. President, where I think it belongs.  
18 PRESIDENT MARTONI: Let everybody's discussion  
19 first. Jan, I think you're on.  
20 MS. REA: Thank you, Mr. President. I agree  
21 with the comments of my colleagues, with all due respect  
22 to Mr. Robinson. But I think there are two separate  
23 issues here, and one is appropriation of monies for an

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1 office for another public official, and the other is  
2 misconduct. And I think we have to be very careful.  
3 There's a serious line there, a fine line, whatever, in  
4 what we're doing. And I'm very uncomfortable with the  
5 misconduct comments. Thank you.  
6 PRESIDENT MARTONI: Somebody else had their hand  
7 up over here.  
8 MR. FINNERTY: I might as well put my voice in  
9 here. In all due respect to my colleague, I think it's  
10 kind of amazing to me, anyhow, that somebody would  
11 actually decide what committee it's going to go to. And  
12 the way this is written makes me uncomfortable because it  
13 seems to me --- and I don't know if this is true or not,  
14 it's just my belief --- that it's sort of like a threat to  
15 the District Attorney in regard to funding. And I don't  
16 think this belongs in Budget and Finance, number one. And  
17 to put into your resolution, where you want this to go, is  
18 something that I think is in direct contradiction to the  
19 power of the president of this council, who has the power  
20 to direct things to different committees. That's how I  
21 stand, and I feel that if it goes anywhere, it should be  
22 going to Public Safety because it is a public safety  
23 issue, if anything. Thank you.

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1 PRESIDENT MARTONI: All right. I stand  
2 corrected. I was trying to read it, trying to listen.  
3 And if it's a public safety issue, I have no problem  
4 turning it to them.  
5 MR. FINNERTY: No, he has it in his ---.  
6 MR. ELLENBOGEN: In the bill.  
7 MR. FINNERTY: It's in the bill where it goes.  
8 PRESIDENT MARTONI: Well, then that has to be  
9 corrected or voted on.  
10 MR. FINNERTY: We should vote on it.  
11 PRESIDENT MARTONI: Well, we'll have to vote on  
12 what committee it goes to. Okay? All right.  
13 MR. FINNERTY: We have to vote on his whole  
14 resolution. It's been seconded and it's up, or else it's  
15 going to committee, one or the other.  
16 PRESIDENT MARTONI: I thought it was going to  
17 committee. Okay. My original statement was the Budget  
18 and Finance Committee, and I've been corrected on that.  
19 MR. FINNERTY: Right. Oh, no, I'm just stating  
20 my opinion.  
21 PRESIDENT MARTONI: I'm trying to listen to  
22 everybody. I don't think it's wrong ---.

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1 MS. HEIDELBAUGH: Point of Order; Point of  
2 Order, Mr. President.  
3 PRESIDENT MARTONI: Point of Order. Go ahead.  
4 MS. HEIDELBAUGH: Yes. May I request that the  
5 chairman reconsider its --- his decision to send this to  
6 Budget and Finance and place this resolution for  
7 consideration in Public Safety?  
8 PRESIDENT MARTONI: I would be happy to do that.  
9 I just want to get it out.  
10 MR. FINNERTY: I second that amendment.  
11 PRESIDENT MARTONI: Okay. That's going to  
12 require a vote. Matt --- go ahead, Matt. I'm starting to  
13 lose my patience, so be patient with me.  
14 MR. DROZD: I don't think it really belongs  
15 anywhere in Council, I really don't. I think an elected  
16 official is elected by the people of the county, that's  
17 directed any one time or any one decision. That's what he  
18 was elected to do, and I really sympathize and I  
19 understand. You know, there's people and you get caught  
20 up in issues, and I really respect Councilman Robinson's  
21 prowess and the way he conducts his business. But I would  
22 ask any of you, if you made a wrong decision or you made  
23 not a wrong decision, but the District Attorney could not

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1 be judged if he made a wrong decision. He made a judgment  
2 based upon the information that he had and the best  
3 judgment that he could at that time. What about any one  
4 of us, to make a decision on voting on any one ordinance,  
5 and then someone came back later on and said, you know  
6 what, that was a bad decision, I think we have to have a  
7 recall vote on that. I don't think this belongs in  
8 Council. I don't think that we should be --- this is an  
9 issue that if somebody has a problem, there are forces and  
10 procedures that are allowed both at the state level, and  
11 that can be taken in that direction. I don't think that  
12 Council ought to be getting involved.  
13 It's almost like you're trying elected officials  
14 in our chambers, and I don't feel comfortable with this  
15 whatsoever. I don't think it belongs in ---. It was a  
16 public issue, a public safety issue concerning how we can  
17 make it better to safeguard those of our citizens. In  
18 this instance, this was a call that was made with whatever  
19 information that we don't have and we don't have privy to.  
20 Some of those issues are in the courts. They're long,  
21 long deliberated. So I just don't even feel comfortable  
22 putting it in any committee, and I don't think we should  
23 be becoming involved, unless we can make things better. I

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1 think that's the way it should be perceived, is how we can  
2 make things better for the people of Allegheny County, by  
3 making judgment calls on how anyone acted in an instance.  
4 You don't know. And let me leave you with this  
5 last instance. It's like this at times. We aren't there  
6 in that issue. A lot of times with military members,  
7 people will say, why did they draw upon --- and they'll  
8 see them when they go into a home in a foreign land, and  
9 the reason being is, they're always concerned, not for  
10 their own public safety, necessarily their own public  
11 welfare, is for the fact that they want to go home and to  
12 see their families alive. So you have to take every  
13 precaution. We don't know. So I'd like to say that I  
14 really don't feel comfortable and I'll abstain on this to  
15 sending it to any committee of this Council.  
16 MR. ROBINSON: Mr. President?  
17 PRESIDENT MARTONI: Yes, sir.  
18 MR. ROBINSON: If I might, for the benefit of my  
19 colleague --- I appreciate everyone's observation. I  
20 mentioned early on that what I'm proposing is inconsistent  
21 with the authority that this Council has by way of the  
22 Administrative Code, which is the law of this county. But  
23 nothing being proposed is outside of procedures that are

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1 recognized by this Council to gather information and do  
2 specifically what I'm requesting them to do. Any  
3 committee chairperson or member of this Council could ask  
4 for a special committee. If you read the relevant law,  
5 you will see, I'm well within my bounds to make a request.  
6 I want to make that clear. I'm not operating outside of  
7 any existing law.  
8 Second of all, for those who have some concern  
9 about whether or not this issue should be brought before  
10 this Council, it's clear that this type of situation is  
11 brought to us all the time, either anonymously or when  
12 people testify before us. And certainly, most of the  
13 time, all of us has an opportunity to question whatever  
14 elected official we feel ought to come before us on a  
15 variety of issues. And that's going to happen again this  
16 year during the budgeting process, as long as I'm the  
17 Chair. I believe it was the year before last the District  
18 Attorney did come before us. He did touch upon some  
19 sensitive issues.  
20 We have been very generous with the Office of  
21 the District Attorney. We have never --- this Council has  
22 never, since I've been finance chairman, turned down  
23 questions from the District Attorney's Office, even when

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1 there have been objections from other elected officials.  
2 Also, I think it's important to realize that if, indeed,  
3 people feel more comfortable with this issue or this  
4 resolution going to Public Safety, I have no objection to  
5 that and certainly would support that. As far as whether  
6 or not this issue belongs in front of this Council, I  
7 certainly disagree with those who feel that it has no  
8 place here. It most certainly has a place here. We've  
9 had citizens come before us and raise their concerns.  
10 That's why we're here, to serve them. And certainly, my  
11 actions are consistent with that.  
12 Also, every member of this Council --- I believe  
13 it was last October --- received what I had prepared to  
14 writing this, anonymous information, anonymous accusations  
15 against the District Attorney's office. I think we have  
16 an obligation to address those. If you want to address  
17 them in private with the District Attorney, that's fine.  
18 If you want to address them in public, that's fine. But I  
19 don't think these serious accusations should go  
20 unchallenged by the District Attorney, by this Council, by  
21 our Chief Executive. But I am certainly not here to try  
22 to put anybody on trial. I don't have that authority, nor  
23 do I have that intent. If someone has a better idea as to

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1 how we can get at these accusations, including in the  
2 Whereas sections of my resolution, I'm certainly willing  
3 to do that. I will say two things that this Council will  
4 be dealing with in the future from me, one, hopefully,  
5 authorizing the appointment of a special prosecutor. Any  
6 time a police officer is involved in using deadly force,  
7 and certainly when that deadly force results in the death  
8 of one of our citizens, I think there should be a special  
9 prosecutor automatically appointed.  
10 Also, I'm going to present to you the  
11 opportunity to create a police accountability board to  
12 cover all the police departments in Allegheny County. We  
13 not only have an obligation to our citizens, we have an  
14 obligation to the police officers, as well. And I have as  
15 much respect, if not more, for police officers, than  
16 anyone in this room. And I stand with anyone who has to  
17 enforce the law, including the District Attorney. But if  
18 someone has a better idea, please present it. But I have  
19 no objections to letting the president of this Council  
20 make the final determination.  
21 PRESIDENT MARTONI: Bob?  
22 MR. MACEY: Thank you, Mr. President, and  
23 members of Council. I voted yes for this resolution to be

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1 added to the agenda because I think it's important that we  
2 hear what our colleagues and some of the aftermath of some  
3 of these situations, to even hear those things. On the  
4 other hand, I believe this should go to the Committee on  
5 Public Safety, and that's --- I support Councilwoman  
6 Heidelbaugh's motion.  
7 PRESIDENT MARTONI: Anyone else? Jim?  
8 MR. BURN: Thank you, Mr. President. I want to  
9 be sure I understood Councilman Robinson. I think I heard  
10 some of his remarks. He mentioned anonymous complaints  
11 against the District Attorney, and that we have an  
12 obligation to look into the anonymous complaints. I would  
13 caution my colleague and I would caution all my  
14 colleagues, when you start chasing anonymous complaints,  
15 especially if they relate to the police force, you're  
16 opening a can of worms. I ran a police department for 12  
17 years. If you allow folks to throw daggers in the dark at  
18 law enforcement, you're creating chaos. It's one thing to  
19 create a special panel and ask folks in confidence to come  
20 and have conversation about what they perceive to be  
21 malfeasances in law enforcement. But the minute you say  
22 all anonymous complaints welcomed, you're inviting an  
23 element or inviting a very old equation, you can't pursue.

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1 Folks are going to have agendas. When you ask folks to  
2 sign a piece of paper and treat it in confidence or give  
3 it the due diligence it needs without compromising that  
4 individual's safety, it brings more legitimacy to the  
5 process. When we get these complaints in Millvale and we  
6 invited folks to sign the complaints --- they would be  
7 treated in confidence with myself and the council --- it  
8 went from 80 percent to 85 percent declined. So I would  
9 caution my good friend, you can't chase --- I would not  
10 chase anonymous complaints.  
11 There is a process to be established with due  
12 diligence, confidentiality of the complainant, and you'll  
13 get more legitimacy to the process. That's my two cents.  
14 Thank you.  
15 PRESIDENT MARTONI: Thank you. Do you want to  
16 say something?  
17 MR. DROZD: Yeah, one quick point. I would  
18 remind everyone where three police officers were brutally  
19 killed within the city, what was a year, approximately,  
20 ago. And there was no public hearing, in essence, with  
21 the Council, in essence, to say, how can we better  
22 protect, not only our citizens but our people. You know,  
23 again, I don't believe this --- we should be trying, and

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1 that's what I feel we're doing, we're trying a case that  
2 belongs in our courts. That's where it belongs, it  
3 belongs in everybody's due process and new judicial  
4 process that was performed on this. And that's where it  
5 belongs. If someone has a problem, they'll agree with it.  
6 There is a process outside these walls that you can take.  
7 You can take that action. That's where it  
8 belongs. So I'm not going to try police officers or our  
9 District Attorney in our Council chambers. So again, you  
10 know, the reason why I have to abstain on this is, I don't  
11 believe it belongs anywhere in this council, and that's  
12 what I'm going to do.  
13 PRESIDENT MARTONI: Thank you. Who was next?  
14 You had your hand up first. Do you want to say something?  
15 I want to get to everybody else; okay?  
16 MR. ELLENBOGEN: Yeah. I just wanted to say  
17 that, you know, there's some serious accusations that are  
18 going on here. And I agree with Councilman Burn, this is  
19 a very, very slippery slope when you begin to disparage  
20 the people who put their life on the line every day, when  
21 you create that aura that you did something wrong as a  
22 group. I just want to say to you, Mr. President, if this  
23 is decided to go to my committee, it will be done in a

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1 very objective and sensitive way. And I will not tolerate  
2 from any of the speakers or from anybody else on Council  
3 anything that's disparaging on either side of the issue.  
4 If it's going to be talked out, it needs to be talked out  
5 in a very respectful and un-disparaging manner, because  
6 like I said, these are the people that go out there every  
7 day and put it on the line for us. And if there are some  
8 bad apples in the bunch, then --- like I said, it needs to  
9 be objective but it needs to be handled very  
10 unemotionally. That's all I wanted to say. Thank you.  
11 PRESIDENT MARTONI: Thank you. Amanda?  
12 MS. GREEN HAWKINS: Thank you, Mr. President,  
13 for the privilege of speaking again. And I've been  
14 listening to all of my colleagues' comments, and I'm not  
15 sure --- well, I was not seeing the same things that  
16 they're seeing, obviously, because when I look at what  
17 Councilman Robinson has proposed and I hear his comments,  
18 I see that he wants to look at having a special prosecutor  
19 appointed in certain instances, so that people can trust  
20 the integrity of our criminal justice system.  
21 People may be opposed to some of the language in  
22 this resolution, but when we look at the big idea, I think  
23 that we can all understand the importance of people having

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1 confidence and faith in our criminal justice system. And  
2 we also have procedures where people can recuse themselves  
3 if they identify a conflict, but the problem can be that  
4 it leaves it up to the person's discretion whether or not  
5 to recuse themselves. And there are certain instances  
6 where a special prosecutor's required that it takes that  
7 discretion away. And I think it helps people's level of  
8 trust in the criminal justice system. So that's what I'm  
9 seeing here. And if people are opposed to the District  
10 Attorney or Judge Moreau (phonetic) having that  
11 discretion to recuse themselves, then, you know, we can  
12 talk about that. But the thing that I think Councilman  
13 Robinson is talking about here, and if I'm misquoting him,  
14 I'm sure he'll correct me, is that he's looking at having  
15 a special prosecutor appointed so that we can restore  
16 people's trust in the criminal justice system. Thank you.  
17 PRESIDENT MARTONI: Ms. Heidelbaugh.  
18 MS. HEIDELBAUGH: Thank you, President Martoni.  
19 I just want to say that my --- I'm still very concerned  
20 whether we can, if everyone agrees or if there is a  
21 majority that agreed with this in committee and brought it  
22 back, that this is outside the bounds what we can do as  
23 County Council. And I still request that legal opinion.

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1 I think what needs to be said for the record, because I  
2 believe these are the facts, I believe that in regard to  
3 the Jordan Miles incident, which was horrific on its face,  
4 that it was investigated by the District Attorney's Office  
5 and it was found that there would be no charges brought  
6 against the police.. I also believe the U.S. Attorney  
7 through the FBI made an investigation and determined that  
8 there would be no charges filed against the police. I  
9 believe there is a civil suit proceeding by the Jordan  
10 Miles family against the police officers which is their  
11 right and is proceeding to court. And there will be  
12 discovery in that case and there will be determinations  
13 whether there was police misconduct in the civil arena.  
14 And if there is, there will be damages awarded by a civil  
15 jury. So for us to get involved in this now, I think is,  
16 A, outside the bounds of what we're legally allowed to do,  
17 Mr. Cambest will give us an opinion, and B, I think that  
18 it is a matter which has already been fully vetted by  
19 those who have more facts than we will ever be able to  
20 coalesce. And we're not serving the public when we do  
21 this.  
22 PRESIDENT MARTONI: I'd just like to get back on  
23 course here with --- we're way off course here about what

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1 we're talking about in this resolution. And we have, I  
2 believe, a motion on the floor and second to send this to  
3 the Public Safety ---.  
4 MR. CAMBEST: We don't --- let's talk  
5 procedurally.  
6 PRESIDENT MARTONI: I thought we had an  
7 amendment to send it to the Public Safety.  
8 MR. CAMBEST: No, no. I think what we need to  
9 do procedurally is we have to understand that the  
10 President has the right to send it to the committee. I  
11 think the discussion was if it gets sent to whatever  
12 committee it gets sent to, that it can be amended in  
13 committee to take out that section or put whatever at that  
14 point in time, then it would come back to Council.  
15 PRESIDENT MARTONI: Well, we're going to just  
16 send it to Public Safety. On more question.  
17 MR. GASTGEB: Just under privilege. I really  
18 think this is important. This is my frustration with the  
19 sense of Council ordinance. We never vote on the issue.  
20 We vote on what's put on in writing in front of us. So  
21 what Amanda said a little bit ago about a special  
22 prosecutor, always speaks well and it's good sense and I  
23 appreciate her viewpoint, but nowhere in there, unless I

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1 missed it, does it say anything about a special  
2 prosecutor. You know, we're asked to vote for things and  
3 then it completely changes. And, you know, there's  
4 comments in here about substantial this, significant that,  
5 recollecting events of which I know none of it's true. I  
6 can't substantiate any of the numbers in there. And I  
7 tend to agree with Heather more, that I can't think of an  
8 ill equipped body to handle any of this than any of our  
9 committees, because it's way outside of our scope. So we  
10 have a bill that really on the surface almost has nothing  
11 to do with what was said. It's completely written  
12 different than a lot of the dialogues. We're going to go  
13 public safety. Bringing up a case under civil litigation,  
14 now, we don't even talk about litigation on our own. We  
15 go into executive session because of the complexity and  
16 uniqueness and the sensitivity, if we ever would have a  
17 public meeting over a private case that's under civil  
18 litigation.  
19 I just don't understand. I mean, I understand  
20 where Councilman Robinson is going. I appreciate that.  
21 He's passionate about it. There are people passionate  
22 about it. And I understand what Councilwoman Green said.  
23 I think that's worth a discussion. But what we're voting

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1 on allowing it to go to committee the way this is written,  
2 I really think it's problematic. It doesn't say anything  
3 that we said. We're making a request of a legal --- it's  
4 not the controller, it's not the treasurer, it's not the  
5 Department of Public Works. It's a legal issue that  
6 somehow we're going to interject ourselves in. And  
7 there's litigation going on, too. So I just think it's  
8 problematic and, you know, if it goes to Public Safety,  
9 that's fine, but I really think it's outside the scope of  
10 this body. Thank you.  
11 PRESIDENT MARTONI: Jack?  
12 MR. CAMBEST: Yes, Mr. President. I think Vince  
13 raises some good questions. But I think what we need to  
14 do is discuss, first of all, what we have before Council.  
15 All that is is a proposed resolution which you said is  
16 going to go to public safety. My suggestion would be, as  
17 Ms. Heidelbaugh said, we need to answer some questions  
18 before we start that process in public safety so that we  
19 get some answers, where do we go, how far do we go and  
20 what can we do. Just to call your attention, when we look  
21 at Article 309.01 and it talks about your power to have a  
22 Council investigation. I think the last words in that  
23 paragraph are very important words. It says, in aide of

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1 its legislative powers. So we have to determine, I think,  
2 what are our legislative powers before we get involved in  
3 councilmanic investigations.  
4 For instance, if we have no legislative power  
5 over the District Attorney, I don't think you can have a  
6 councilmanic investigation into that. Now, Mr. Robinson  
7 raises a good question, that you can always in your  
8 budgetary process, call the District Attorney in, for  
9 instance, and ask, the monies that are appropriated for  
10 you, are there any monies for a special prosecutor you've  
11 been talking about, are there any monies for independent  
12 investigations of complaints filed by citizens. I think  
13 that's entirely proper in this case. Those types of  
14 questions --- and I think that's what Mr. Robinson was  
15 suggesting, that we've done that in the past, even with  
16 other independent elected officials at that point in time  
17 that have changed since our consolidation of row offices  
18 here in Allegheny County. We've had discussions in the  
19 budget sense with other elected officials at that point in  
20 time.  
21 So I think we need to look at that. We need to  
22 look at what I consider are very important words, what  
23 legislative power do we have. And we know that one of the

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1 few powers that County Council has is budgetary in nature.  
2 So let's look at that, let's look at what we can do and  
3 then go forward from there. But there's nothing wrong  
4 with tonight saying we're going to send this proposed  
5 resolution to Public Safety. Then we need to take a look  
6 at what we may actually do in the committee.  
7 PRESIDENT MARTONI: That's what we're going to  
8 do. That ended that. Thank you.  
9 MR. FUTULES: We're still on new business.  
10 PRESIDENT MARTONI: Matt, you had something?  
11 MR. DROZD: Yes, I have new business. Mr.  
12 Barker is distributing a motion which supports Congressman  
13 Murphy's initiative in Congress to prohibit the Secretary  
14 of the Air Force from planning and executing a relocation  
15 of the 911th, those aircraft from the 911th. And this has  
16 been a bipartisan initiative on both parties' parts, both  
17 Congressman Murphy and Senator Casey. Several on both  
18 sides have been in support of the 911th, in keeping the  
19 911th here. And Congressman Doyle has been very active in  
20 this, too.  
21 And I'd like to point out that there's something  
22 beyond even that, probably more so important to Council.

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1 We talked here about issues that concern public safety.  
2 And that's what this is about.  
3 As you know my background, I did readiness  
4 issues. And there's something far more here reaching than  
5 just the monetary issue of relocation of this base. It  
6 involves the very national security and national defense  
7 of our region, which includes and encompasses our county  
8 and this northern --- entire Northeastern Seaboard of the  
9 United States as well as other components and other parts  
10 of the United States. And I'd like this to go in  
11 committee and I will present a very, very strong case why  
12 this base should not be moved. And if --- if ---. I want  
13 it to go in committee and I want it discussed in more  
14 depth. It needs to be scrubbed, and as they say in old  
15 terms, because there's a lot of issues, and I will present  
16 a case in committee why this base if it is closed will  
17 pose a national threat to not only our region, but  
18 Northeastern United States and many of our cities it  
19 encompasses as well as the Pittsburgh area. And I very,  
20 very strongly want this to go in committee so we can  
21 discuss it. And it should go to Public Safety Committee.  
22 Because, you know, when we discuss anything  
23 within our region when it comes down to dollar figures

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1 within our county, Public Safety is for the public safety  
2 safeguarding our constituents. That comes first over any  
3 money that may be spent or wherever it may be spent. And  
4 the Air Force, in this instance, has two missions. The  
5 one mission is what they do logistically, but the other  
6 mission which is public safety, national defense and  
7 national security, which converts over. And this base is  
8 far more important than any dollar figures to anyone,  
9 including the Air Force and DOD and that --- the  
10 Department of Defense can place on this base. So this has  
11 to be discussed and I will make that case in statistics as  
12 well as other forms, why that case should not be closed  
13 off. And if it's closed off, the Air Force and DOD,  
14 Department of Defense and the President and Congress,  
15 whoever is involved in moving and closing that case and  
16 base closures, will put masses of people in jeopardy, in  
17 harm's way. And I'll show that. Thank you, Mr.  
18 President.  
19 PRESIDENT MARTONI: Matt, you said Public ---.  
20 MR. DROZD: I'd like this to go to Public  
21 Safety, yes, sir.  
22 PRESIDENT MARTONI: It's going to Public Safety.  
23 Thank you. Notification of Contracts.

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1 MR. CATANESE: None  
2 PRESIDENT MARTONI: We have no public comment.  
3 MR. CATANESE: We have one.  
4 PRESIDENT MARTONI: Oh, I'm sorry.  
5 MR. CATANESE: We have one.  
6 PRESIDENT MARTONI: Mr. Ludwig, he's not here.  
7 MR. FINNERTY: Move for adjournment ---.  
8 MR. BARN: I think there was a discrepancy in  
9 the procedure for registering to sign up to speak. I  
10 dialed what I think is the county number of a former  
11 council staff member.  
12 PRESIDENT MARTONI: Why don't you just speak?  
13 MR. BARN: Thank you very much. I'll be very  
14 brief. Good evening. My name is Jim Barn, 200 Frankford  
15 Avenue, Westboro. I am an officer of the Constitution  
16 Party and a potential candidate. I have the access to the  
17 CDs for voter registration. My comment from my IT guy  
18 said that the Microsoft access for Excel are the most  
19 widely used databases by far. So my question is why don't  
20 they, the Department of Elections, provide the CD for one  
21 of those programs. I just wanted to leave you with that  
22 thought. It's a non-user-friendly CD that they passed  
23 out.

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1 PRESIDENT MARTONI: Could you answer that?  
2 MS. HEIDELBAUGH: Please come talk to me and  
3 we'll work on this together.  
4 PRESIDENT MARTONI: Motion for adjournment?  
5 (Chorus of motions.)  
6 (Chorus of seconds.)  
7

8 MEETING CONCLUDED AT 6:25 P.M.  
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1 CERTIFICATE  
2

3 I hereby certify, as the stenographic  
4 reporter, that the foregoing proceedings were taken  
5 stenographically by me, and thereafter reduced to  
6 typewriting by me or under my direction; and that  
7 this transcript is a true and accurate record to  
8 the best of my ability.  
9

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15 *Valerie Gregory*  
16



17  
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