

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

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

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

Tuesday, September 20, 2011 - 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  
Jennifer Liptak - Budget Director  
Jack Cambest - Solicitor

PRESIDENT BURN: Good afternoon and welcome to the regularly scheduled meeting of the Allegheny County Council scheduled for Tuesday, September 20th, 2011. I'd like to thank all those of you who are in attendance and my colleagues as well. We'll begin our meeting with the Pledge of Allegiance, followed by a moment of silent prayer and/or reflection.

(Pledge of Allegiance.)

(Moment of silent prayer and/or reflection.)

PRESIDENT BURN: Thank you. Please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Here.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Present.

MR. CATANESE: Mr. Kress?

(No response.)

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. Palmiere?

(No response.)

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Burn, President?

PRESIDENT BURN: Here.

MR. CATANESE: Thirteen (13) members present.

PRESIDENT BURN: Thank you, sir. It's my understanding on proclamations and certificates that 6514-11 is not yet with us here today. We'll jump to 6515-11.

MR. CATANESE: Proclamations congratulating the graduates of the Community College of Allegheny County FireVEST Scholarship Program. Sponsored by Council Members Futules, Martoni, Robinson, Burn, DeFazio, Kress, Danko, Drozd, Ellenbogen, Finnerty, Gastgeb, Green Hawkins, Macey, Palmiere, Rea and the Chief Executive.

PRESIDENT BURN: Mr. Futules?

MR. FUTULES: Good evening and thank you. First I'd like to introduce some of the graduates that are here this evening. I'd like for you to come on up with me. Josh Belk, come on up. Ed Bloomer, Orlando Burge and Michael Novogradac. That's a tough one. And we also have with us today Dr. Blocksidge. Would you like to come up, too, sir? Okay.

Ladies and gentlemen, this is a proud day for Allegheny County. We have new graduates here from CCAC, and they're volunteer firefighters. I'd like to go back in time just a little bit and explain to you just how this came about. Before I was a councilman, Mr. Jim Roddey brought to Allegheny County a program for the firefighters of Allegheny County. At the time when he had lost the election, it was not implemented. During my first three months in office, a man by the name of Gary Keane had called me, and he asked me if I could come to a meeting in Churchill Valley. And I asked him what it was for, and he said it was a retention meeting for firefighters. And he knew I just became the Chairman of the Parks and he asked me for something simple, like free passes to the parks' swimming, skiing, skating so that those volunteer firefighters would have something to have for being a firefighter.

So I called Andy Baechle and I asked the question, what do we have in the way of passes? He said, they don't exist. So what I had done is created a pass program for the volunteer firefighters, and it passed unanimously with our Council members. And thank you for that. But I talked to the Chief Executive after it had passed and I said, Dan --- I said, this is nice that we did this for the folks, but it isn't enough. Tell me, what can you do as the Chief Executive to help the volunteer firefighters in Allegheny County? And he simply said, I'll look into it, Nick, and he did. Not only did he step up to the plate, he hit a home run. He won the Super Bowl and he won the World Series as far as I'm concerned, because he has a two-year program for volunteer

firefighters, 100 percent scholarship. And all they have to do is join the fire company for five years. And it's a wonderful program. And it has helped the retention of firefighters not just here in Allegheny County. Other counties and other states are looking at this program, and it's now become a means for creating new volunteers. And tonight we're honoring four of our new graduates from the CCAC, and I'm proud of the fact that they're here tonight. And thank you, gentlemen. So I'd like to turn this over to Dr. Blocksidge right now.

DR. BLOCKSIDGE: Thank you.

MR. FUTULES: And we'll let you have a little talk. And I'll do the proclamation after it.

DR. BLOCKSIDGE: Well, as Councilman Futules has indicated, we have some history with the FireVEST program, and it goes back to --- really, we discussed this program back in 2008, implemented it in 2009. And we're very proud to announce today that we've had several graduates over that period of time. We currently have somewhere around 75 volunteer firemen enrolled in the program. It calls for a full scholarship, 65 credits, or an Associate degree over a five-year period of time. You'll be pleased to know that the FireVEST volunteer firemen that have enrolled in the program have been exceptional in terms of their academic achievement.

On behalf of Alex Johnson, our President, certainly, he extends his congratulations to these graduates, as well as gratitude to County Council for their support over the years of this program. The volunteer fire companies in this community really contribute, from an economic impact standpoint, approximately \$70,000,000. The FireVEST program has been successful in terms of retention as well as inducement for new volunteer firemen to join the program because of the scholarship that they receive. This program has been duplicated in other areas throughout the country. You'll be pleased to know that several counties, particularly in New York State, have adopted the program, emulating what we have here in Allegheny County.

Again, I want to extend my congratulations to the --- to those graduates that are here today and also my gratitude for the leadership of County Exec Dan Onorato and for the support that we've received over the years from County Council for continuing this program. However, this could not be done without the --- really, the

wonderful cooperation that we've had from the firefighting community, particularly those chiefs in the local communities in the over 200 volunteer fire companies that we have in Allegheny County. We also owe gratitude to the members of our Advisory Committee, which really is in close partnership with the firefighting community, the college and with the county government.

So I'd like to introduce the members of our Advisory Board that are here today. We have Sandy Bayer, who's an administrator with the Allegheny County Fire Academy, Al Wickline, a Chief Administrator for the Allegheny County Fire Academy, Alvin Henderson, the Acting Chief for the Allegheny County Department of Emergency Services, Dr. Allysen Todd, our Academic Dean, who provides the academic leadership for the committee, and of course, Joe Catanese, who is our liaison with county government and County Council. And the support and the input that he gives us is --- we cannot thank him enough for that.

So again, thank you, and I look forward to the resolution, which I will proudly take back to the college and to Dr. Johnson. And again, thanks to Councilman Futules and other members of County Council for their support.

MR. FUTULES: Okay. Well, what I want to do is read the bottom half of the proclamation for you gentlemen on your behalf. Once again, congratulations.

Now, therefore, be it resolved that Allegheny County Council, on behalf of the citizens of Allegheny County, does hereby congratulate the graduates of the Allegheny County Fire Volunteer Education Service and Training Scholarship Program. We commend you for your dedication, service and sacrifice in order to protect the lives and property of the citizens of Allegheny County. On behalf of the Council of Allegheny County, the sponsors were all of the members of Council and, of course, the Chief Executive and myself. And congratulations, gentlemen. Thank you.

(Applause.)

(Pictures taken.)

(Telephone call placed.)

PRESIDENT BURN: Please allow the record to reflect that Council Members Palmiere and Kress are now also present. Council Member Palmiere is here by phone. Good afternoon, Councilman. Thanks for joining us.

MR. PALMIERE: Good afternoon, Mr. President. Good to be here. Thank you.

PRESIDENT BURN: Yes, sir. 6514-11, I do not believe our honorees are here. If we could jump, Mr. Catanese, to 6516-11, please.

MR. CATANESE: Proclamation congratulating the North Hills Community Outreach for winning the 2011 Alfred W. Wishart, Jr. Award for Excellence in Nonprofit Management. Sponsored by Councilwoman Rea, Burn, Drozd, DeFazio and Kress.

PRESIDENT BURN: Councilwoman Rea, I understand you want me to do the presentation?

MS. REA: Yes.

PRESIDENT BURN: Okay. Yes, ma'am. I will do that. I see Fay Morgan, my good friend from the NHCO, is here and her team. Would you like to join me up here at the podium, please?

MS. MORGAN: We would love to.

PRESIDENT BURN: Great to see you again. Fay, it's always a pleasure to spend time with you and the NHCO. Our relationship goes back a long way. You came into the Borough of Millvale when I was campaigning to run for mayor. And our relationship was always a productive one. This faith-based group and your leadership and your volunteerism, not just in Millvale but in the entire North Hills, has been instrumental to not just the physical recovery but the spiritual recovery of many residents for many reasons.

We worked together, in 12 years that I served, on a lot of projects, for a lot of reasons. Some were manmade and some were not. But together we were a great partnership. This award --- and not just Millvale. In all the other communities that your organization has touched, you've made a positive difference in the lives of many. And this is truly an example of how faith-based programs, and with the right people and the right team, can do remarkable things.

With that, I'd like to read the proclamation into the record. I thought about your organization this past Saturday, the 17th of September, which was the seven-year anniversary of Ivan. But at the same time, it was also Millvale Community Days. And what we do every year in the borough, at the start of those Community Days, there's always a Millvale ministerial prayer service, and we always ask to be shown the true meaning of community.

I know I said this in your offices after the flood. That year, we were shown the true meaning of community, just in a way that we hadn't expected. Folks who, for whatever reason, for years didn't speak to each other for things that were just, quite simply, petty were cleaning out each other's basements, were helping each other to heal and to recover and to survive. And to walk through that town on Saturday and see the community spirit and the excitement and the fact that the town got through it and is moving forward again because of the community that it has and the strength that it has is attributable in large part to many folks and many organizations, yours being one of those significant organizations in that town's recovery, rebirth and growth. So Fay, it's an honor to spend time with you, as always. And you always have a partner and a friend with this Council.

Whereas, North Hills Community Outreach is an interfaith nonprofit organization that effectively and compassionately addresses the spiritual, emotional, physical and material needs of people in crisis, hardship and poverty.

And whereas, services for struggling families and individuals include two food pantries, emergency financial and utility assistance, employment and legal services, family savings accounts, community auto and low-income vehicle ownership programs and an organic community garden, among many other services.

And whereas, with offices in Hampton, Millvale, Bellevue, O'Hara and Pine, in 2009 and 2010, the NHCO served 4,915 families.

And whereas, the North Hills Community Outreach accomplishes their mission through their growing number of donors, a dedicated staff and more than 1,000 volunteers.

And whereas, North Hills Community Outreach is the 2011 recipient of the Alfred Wishart, Jr. Award, an award which recognizes a local nonprofit human service or community development organization that has demonstrated a sustained commitment to excellence in management and governance.

Now, therefore, be it resolved that the Allegheny County Council does hereby congratulate North Hills Community Outreach for winning the 2011 Alfred W. Wishart, Jr. Award for Excellence in Nonprofit Management. Presented by the Forbes Funds. We commend the management staff, management, volunteers and donors who make the

extra effort to ensure that our communities are a better place to live. On behalf of myself, Councilwoman Rea, our co-sponsors and our colleagues here, thank you for your great leadership. Congratulations.

(Applause.)

MS. MORGAN: Thank you, Councilman Burn. That proclamation, whoever wrote it, really --- it really encompasses all that we're about. We're here to be a safety net for people in, primarily, northern Allegheny County, who fall on hard times for whatever reason, whether it's fire, flood, divorce, death of a breadwinner, layoff. You know, whatever the reason, we are here to assist.

And this award that we received this year, I would say that the county plays a large part in our ability to be a strong organization and to serve. We have always enjoyed good support from our Council people and from the Department of Human Services and the Department of Economic Development. We have enjoyed funding, which is greatly appreciated.

So I'd like to introduce to you some of the Board members who are here today. We have a very strong, committed Board that represents the whole community, and they're recipients of the award for the great governance effort that they do. This is Wendy Newton. She is an attorney with Buchanan Ingersoll. She lives in Franklin Park. Briana Mihok, she works for the University of Pittsburgh and lives in McCandless. Lorna Andrew-Jaja is with PEI, Incorporated, and she lives in Hampton. Jackie Dixon, with Giant Eagle, from Fox Chapel. Mary Ciccone works for UPMC, and she lives in Shaler. Sister Betty Sundry of the Sisters of Divine Providence, from Bellevue. Rick McClure with --- I'm going to have to read this, because I can never remember the exact name --- Pennsylvania Commercial Management --- President of Pennsylvania Commercial Management, of Franklin Park. So thank you so much for honoring us in this way today.

(Applause.)

(Pictures taken.)

PRESIDENT BURN: My understanding is that the recipients of 6514-11 have not yet arrived. We won't read it into the record yet, just in the event they show up. If they do not, we'll talk to them about coming back at another scheduled meeting for this very important proclamation. So at this point, Mr. Catanese, other than

6514-11, the remaining proclamations and certificates shall be read into the record.

MR. CATANESE: 6517-11. Proclamation honoring the REALTORS Association of Metropolitan Pittsburgh upon its 100th anniversary. Sponsored by Councilman Gastgeb.

MR. DROZD: Please add me to that.

PRESIDENT BURN: Please add Mr. Drozd as a co-sponsor.

MR. CATANESE: 6518-11. Proclamation honoring the Reverend Archie D. Perrin, Jr.'s 22nd pastoral anniversary at Macedonia Baptist Church. Sponsored by Councilman Macey.

6519-11. Certificate of Achievement honoring Anthony M. Smith of Boy Scout Troop 99 for earning his Eagle Scout ranking. Sponsored by Councilman Macey.

6520-11. Certificate of Recognition honoring the 60th anniversary of Carl and Dorothy Amman. Sponsored by Councilman Macey.

6521-11. Certificate of Recognition honoring the 60th anniversary of Berlyn and Katherine Lewis. Sponsored by Councilman Macey.

6522-11. Certificate of Recognition honoring the 50th anniversary of Frank and Phyllis Koett. Sponsored by Councilman Macey.

PRESIDENT BURN: Public comment on agenda Items.

MR. CATANESE: We have none.

PRESIDENT BURN: Approval of minutes. 6523-11.

MR. CATANESE: Motion to approve the minutes of the August 22nd --- 23rd, 2011 and August 30th, 2011 regular meetings of Council.

MR. MACEY: So moved.

PRESIDENT BURN: Moved.

(Chorus of seconds.)

PRESIDENT BURN: Second. Any discussion? All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT BURN: Opposed? The minutes are approved. Presentation of appointments. 6524-11.

MR. CATANESE: Approving the appointment of James P. Hannan to serve as a member of the Council of Friends Organization, South Park, for a term to expire on September 20th, 2013. Sponsored by Councilman Gastgeb.

PRESIDENT BURN: Council Member Gastgeb? We'll come back to it. Unfinished business. Committee on Appointment Review, second reading. 6480-11.

MR. CATANESE: Approving the reappointment of Donald F. Smith, Jr. to serve as a member of the Redevelopment Authority of Allegheny County for a term to expire on May 23rd, 2016. Sponsored by the Chief Executive.

PRESIDENT BURN: Yes. Mr. DeFazio?

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

MR. KRESS: Second.

PRESIDENT BURN: The ayes and nays will be taken. All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT BURN: Opposed? The appointment is accepted. Let's jump back 6524-11. Can you read that again, Mr. Catanese?

MR. CATANESE: Sure. Approving the appointment of James P. Hannan to serve as a member of the Council of Friends Organization, South Park, for a term to expire on September 20th, 2013. Sponsored by Councilman Gastgeb.

PRESIDENT BURN: Mr. Gastgeb.

MR. GASTGEB: Thank you, President Burn. There's an opening on the Council of Friends for the South Park. At this point, I'd like to move James P. Hannan as a member to the Council of Friends for South Park.

(Chorus of seconds.)

PRESIDENT BURN: Any discussion? All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT BURN: Opposed? Mr. Hannan is approved. Now we'll jump down to 6481-11.

MR. CATANESE: Approving the appointment of Ellen C. Stewart, M.D. to serve as a member of the Allegheny County Board of Health for a term to expire on January 12th, 2014. Sponsored by the Chief Executive.

PRESIDENT BURN: Mr. DeFazio?

MR. DEFAZIO: Yes. At this time, I'd like to make a motion for this appointment.

MR. KRESS: Second.

PRESIDENT BURN: Moved, second. Any discussion? All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT BURN: Opposed? The appointment is approved. 6482-11.

MR. CATANESE: Approving the appointment of Judge Justin M. Johnson to serve as a member of the Human

Relations Commission for a term to expire on December 31st, 2014. Sponsored by the Chief Executive.

PRESIDENT BURN: Mr. DeFazio.

MR. DEFAZIO: Yes. At this time, I'd like to make a motion for the approval of this appointment.

(Chorus of seconds.)

PRESIDENT BURN: Moved and second. Any discussion? All those in favor, signify by saying aye.

(Chorus of ayes.)

PRESIDENT BURN: Opposed? The appointment is approved. Committee on Budget and Finance, second reading. 6487-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Operating Budget for 2011. Sponsored by the Chief Executive.

PRESIDENT BURN: Mr. Robinson.

MR. ROBINSON: Thank you, Mr. President and members of Council. I'd just like to, before I make a motion to approve, to alert members that 6487-11 is a bill that relates to the plan the Chief Executive shared with us as to how he would make sure the budget for 2011 was balanced. This particular piece of legislation is one that the Chief Executive felt that he should present to the Council. It's my understanding that there will not be any other legislation that he will be submitting to us relative to his plan. The Chair entertained a legal opinion from Mr. Wojcik, our County Solicitor, at the meeting where 6487-11 was discussed. Mr. Gastgeb, in a recessed meeting, which has not been reconvened, myself and Mr. Flynn discussed getting a legal opinion from Mr. Wojcik not only in reference to this particular bill, but other actions that the Chief Executive has taken pursuant to his plan.

That legal opinion has been made available to everyone who's a member of the Budget and Finance Committee, starting with Mr. Gastgeb. It also has been made available to every member of this Council so that you can be aware that the Budget and Finance Committee was diligent in anticipating some questions, some legal questions that you might have relative to the actions the Chief Executive said he would take. While that legal opinion was partially relevant to the bill before us, Mr. Finnerty and myself were concerned that perhaps this Council might want to challenge that legal opinion. Mr. Burn, myself and Mr. Cambest are going to review Mr.

Wojcik's legal opinion. And with your indulgence, we will get back to you with what we think might be a course of action if members feel that they want to challenge those actions that the Chief Executive has already taken outside of this legislation. Having said all of that, the committee approved 6487-11. And on their behalf, I make a motion for approval.

MR. MARTONI: Second.

PRESIDENT BURN: Moved and second. Any discussion?

MR. ELLENBOGEN: Mr. President?

PRESIDENT BURN: Yes, Mr. Ellenbogen.

MR. ELLENBOGEN: May I address the Budget Director?

PRESIDENT BURN: Yes, sir, you may.

MR. ELLENBOGEN: Mr. Robinson, the question I have is --- and I know this is a little unorthodox and I apologize for putting you out there like this, but it's been reported on various media outlets of hundreds of possible layoffs in Allegheny County. I don't know where those stories come from. All I know is that I'm getting various inquiries to myself about what's going on with this. I would ask you as the Chairman of the Budget Committee to at least find out if this is solvent and these are just stories before we have ten million people in here screaming that we should know, because I don't know anything about this. And I know I've spoken to many of the other Council members, who know nothing about it, also. And being that you're the Budget Chair, I would request that you would find out, you know, if this came from across the hall or it's just a story.

MR. ROBINSON: Let me answer that in two ways. One, the Chief Executive has not presented to this Council, nor discussed with me, any plans that he has to make personnel adjustments either this year or proposed for next year. It's my understanding that sometime in October, the Chief Executive will come over with his plan, his fiscal plan for 2011. It may or may not include proposed personnel cuts. It's within the Chief Executive's prerogative to make certain personnel adjustments with or without us. I would prefer they be done with us, as they were done several years ago when we had to lay off 500 or 600 employees.

Being that there is an election for chief executive, and there's a lot of speculation about how this

county should operate, I put what you heard, which you say you heard, into the category of political discussion, what people are viewing as one option to solve some of this county's very serious fiscal problems. But I certainly will work with Ms. Liptak to track that situation down to see what we can do to find out if the Administration might propose 600 additional layoffs.

One last comment. In attempting to balance the budget either this year or proposed for next year, personnel adjustments, personnel reductions are always a reality, always. The Council members should remember that the budget for the county, at the end of the day, is shaped by us, voted on by us. And hopefully, we can get the cooperation of the Administration. That does not mean that the Administration doesn't have significant influence in shaping a budget. But I would ask members to put those rumors and those corridor conversations into perspective. We are a month or so, plus a couple weeks away from selecting a new chief executive for this county, and I suspect you'll hear all kind of proposals from the parties who are running as to how they would address this county's fiscal problems. But Ms. Liptak and I, I guarantee, will be on this tomorrow. Thank you.

MR. ELLENBOGEN: Mr. Chairman?

PRESIDENT BURN: Yes, Mr. Ellenbogen.

MR. ELLENBOGEN: Just one final comment.

PRESIDENT BURN: Yes, sir.

MR. ELLENBOGEN: I will say this, and I won't speak for my brethren. This Councilman will not sit and vote on butchering hundreds of union workers and end up with a situation that we had in the mid '90s where we couldn't even cut the grass, without at least the kind of scrutiny that needs to be done and the information that we need to make accountability like that that affects people's lives. It just does. And I have all the confidence in you. I know you'll get to the bottom of that. Thank you.

PRESIDENT BURN: Any other discussion? Mr. Gastgeb?

MR. GASTGEB: Yeah. Just, if I piggyback on what Councilman Robinson has said, I believe when we were meeting in Budget and Finance, we were given a plan of \$15,000,000, of which I'll call it three components of \$5,000,000 each was given to us to look at. I guess right now just for clarity, Mr. Robinson, we're looking at one

of those \$5,000,000 avenues, the second being what you recognize as the Port Authority? And the third, another --- this is one of them?

MR. ROBINSON: 6487-11?

MR. GASTGEB: Yes.

MR. ROBINSON: Yes. The memo that the Chief Executive sent to us is consistent with what's contained in 6487-11. This is the only proposal that he felt that he was legally bound to present to this Council, and it's the only one that he has presented. It's my understanding that the other actions that he proposed, he has either already taken them or has indicated to his staff he wants those actions to be taken in the year 2011.

MR. GASTGEB: And the reason I bring this up is because this was presented to us as a \$15,000,000 plan to plug a hole. And at first, at least, I thought that we would be responsible for voting on the whole \$15,000,000. There was some debate on the hotel/motel side and whether a vote would be needed or something would be worked out with the Controller. When I asked that question, I was told that the Controller and the Executive Office would be working. At least at that time, they thought that the plan as put forth by the Administration would go through. So that would be --- if that's the case, that would be \$5,000,000.

The legal question that you're referring to is if we're allowed to deal with the Administration's proposing, because it's Port Authority funds and it goes back to the Judge's ruling. So my point is that, to me, it doesn't fill the hole, if you will, without \$15,000,000. So do we know if we vote for the \$5,000,000 tonight, that the entire \$15,000,000 will be part of the appropriation package that was explained to us originally?

MR. ROBINSON: If I might, Mr. President, Mr. Gastgeb, I said in committee that if the Chief Executive had asked me how he should approach this issue relative to Council's participation, I would have respectfully said to him, prepare legislation covering all of your proposals. Send them over to Council. Council can be very reasonable and very helpful. I think the discussion in Budget and Finance indicated that there was no hostility, no open hostility to what the Chief Executive was proposing. But several members, myself included, would have preferred --- we would have preferred that the Chief Executive prepared legislation to send over to us inasmuch as we did shape,

we did pass the budget. And therefore, if there's going to be a shortfall, I thought it would have been very prudent, in the spirit of cooperation, had the Chief Executive given us an opportunity to vote on his proposal. I believe that his proposal would have passed even though there might have been some serious questions. But I think the fact that the legal opinion confirms the approach he has taken has prompted some members to question whether or not the Chief Executive overstepped his bounds and whether or not we need to get clarification.

I believe that the actions that he has proposed outside of the bill before us have already been initiated. I'm not saying they can't be reversed, but I think the process would have been smoother had he worked with us and simply said, while I might not have to send it to you, since you passed the budget, since you shaped it, I'm sending it to you. He chose not to do that. But I think the other actions that he has taken, if you add up the amounts, you will come to the figure that he told us he needed, \$15,000,000, to close this year's 2011 budget gap.

PRESIDENT BURN: Mr. Finnerty?

MR. FINNERTY: Thank you. When I questioned this, I didn't question at all this part of it. The questioning was about the other two parts in regard to us not being involved and it bypassing us.

PRESIDENT BURN: For the record, Mr. Finnerty, just so that our observers and our court reporter can understand this, could you specify what those other two parts are?

MR. FINNERTY: I wish I could. I know there was \$5,000,000 that was coming from the hotel/motel tax and I believe there was \$5,000,000 from CCAC, if I'm not mistaken. Is that correct, Mr. Robinson?

MR. ROBINSON: No, sir. Only \$2,500,000 from the community college.

MR. FINNERTY: Okay.

MR. ROBINSON: But the total of the Chief Exec's proposal, it's \$15,000,000.

MR. FINNERTY: It is \$15,000,000.

MR. ROBINSON: It's \$15,000,000.

MR. FINNERTY: I was questioning the other two. We had an opinion there that said that we didn't have to be considered in that --- those last two events. And my question is, and it still is, if we're supposedly --- our main concern and our main function is budgetary in

Allegheny County, I think whenever the budget is being moved one way or another, I think that this body should be included in it, and it should be vented --- vetted through us just as well as the Chief Executive. Thank you.

PRESIDENT BURN: Mr. Chairman ---.

MR. ROBINSON: Mr. President, if I might?

PRESIDENT BURN: Yes, sir.

MR. ROBINSON: The other monies came from reductions in Human Services. As you know, the Commonwealth provides us with the overwhelming majority of money that we authorize for use in Human Services. Our contribution is pretty much administrative. So it's much easier for the Chief Executive, I think, to reduce in that area because the state said they weren't going to give us the money, than it was for him to address some of the other issues, because Human Services was the other area where the Chief Executive indicated that we would have to make an adjustment. The previous administration in Harrisburg was more helpful than the current administration in the area of providing us with adequate Human Services funding. Be that as it may and things are what they are, Human Services will not get the type of appropriations from the Commonwealth in 2011 or 2012 that it used to get under previous administrations.

PRESIDENT BURN: Mr. Gastgeb?

MR. GASTGEB: Yeah. Just for clarity then, 6487, as it's presented --- and I understand we have a legal opinion. But out of the \$5,000,000 area that Mr. Finnerty and myself and others are bringing up, what \$5,000,000 does that go to? Because I'm looking at --- it's departmental --- under departmental expenses, which I'm fine. But then in the legal opinion from Mr. Wojcik, it looks like the drink and car rental tax is being referred to 6487. Am I just making that inference incorrectly?

MR. ROBINSON: Whatever Mr. Wojcik had in his legal opinion, his references, is consistent with the questions that I asked of him, and his response is consistent. So whatever he references, that's the fund that we want him to give us an opinion on as to whether or not the actions of the Chief Executive were appropriate.

MR. GASTGEB: Okay. Thank you.

PRESIDENT BURN: Any other discussion? Mr. Drozd?

MR. DROZD: I'd like, just one more time, Mr. Robinson, if you could clarify specifically the amendments. Secondly, I wasn't part of that meeting that night --- that evening. And one of the things that I --- my assumptions were that the Chief Executive is looking for ways, without putting words into his mouth, to avoid going back to the taxpayers for those shortfalls in the budget, and looking for creative ways and innovative ways to avert that, which I concur.

The taxpayers and our constituents can't afford and can't bear additional --- more taxes placed upon them. So this is why I, you know, supported it initially that night. But what I did want to see, too, which I have yet to see, is I wanted to see not only in those areas that were cut in Human Resources services, but specifically a standards of operations of some sort, to see what our return on those investments are in those areas and where it's going and what the return is on those areas. And it was my understanding that they were to provide that to the Chair. I'd like to know, was that provided? And I'd like to have had that before this meeting tonight.

MR. ROBINSON: If I might, Mr. President and Mr. Drozd, the Chair does not have that information. The Chair remembers your request. And that information would have been very helpful to all members of Council prior to that meeting. With the leave of the President, I would ask Ms. Liptak to give us a technical explanation of 6487-11. But the material that you requested, Mr. Drozd, we'll see if we can get that for you. Mr. President?

PRESIDENT BURN: Councilman, you anticipated my request. Ms. Liptak?

MS. LIPTAK: Thank you, Mr. President and Chairman Robinson. The bill before you is a transfer of the Transit Support Fund. That fund consists of two revenue sources: the alcohol beverage tax, also known as the drink tax, and the car rental tax as well. As of 2010, via the Comprehensive Annual Financial Report, the CAFR, the fund balance in that support fund was \$5,158,730. As you see before you in that bill, \$5,000,000 is requested to be transferred for use in transit-related expenses consistent, as stated by Solicitor Wojcik, with the Opinion of Judge Olson regarding the use of that money. Essentially, the funds is going to interdepartmental transfers because it will be used for previous debt service related to capital bond

issues that this Council and the County have paid --- it may be before Council --- that the County has issued to pay for capital expenses for the Port Authority.

As members may know, we support the Port Authority in two ways. We provide operating match and we also provide capital money as well. Judge Olson's Opinion, in accordance with the Opinion from Mr. Wojcik, states that we're permitted to use such monies for multiple purposes, including paying debt service on capital-related debt that we have paid. The transfer before you, essentially, is an accounting method. They have to gross up one and then cross charge another. That's why it goes as an interdepartmental transfer, because that is interdepartmental because that's where debt service is paid from. Interdepartmental is a catch all. Health benefits are paid out of that, insurance, things of that matter. That's what interdepartmental is there for. So that is essentially why the money is being shown to be paid for in that department versus something that directly says Port Authority or transit. Okay?

PRESIDENT BURN: So it would be my understanding, Chairman Robinson, and thank you for yours and Ms. Liptak's explanation, is that in lieu of Olson --- Judge Olson's Decision and the requirement that any type of revenues generated from that tax or taxes must be used for transit-related services, this transfer is being used for exactly that, i.e., through these bond issues that you referenced, but still, in the opinion of the Solicitor, well within the parameters of the directives of Judge Olson's Decision and directives; is that correct?

MR. ROBINSON: Yes, sir.

PRESIDENT BURN: Any other questions? Mr. Gastgeb?

MR. GASTGEB: Yeah. And that's kind of what I thought, that, you know --- and Mr. Robinson, you're right. The legal opinion was asked. And it was asked specifically to what is now 6487. That was my question, just to confirm that. So that's one of the buckets of money, if you will. And that might be the most controversial bucket because that was the one that needed a legal opinion. So we have a legal opinion and we've had a chance to review it, and it is ruled in the affirmative. But my question will still come back that out of the \$15,000,000, the most controversial, if you will, looks to be satisfied. I guess it's up for us to decide when we

vote. But are we sure the whole \$15,000,000 --- I know you said initiated. Does that mean the \$15,000,000 will be in total? Because we're taking a controversial move, potentially, on Port Authority drink tax money, which, by the way, for the edification of the audience, was, quote, over collected over the duration of the drink tax. And to put ourselves out, not knowing if the whole \$15,000,000 is going to be resolved from other sources, I'd like to know that this is going to equal \$15,000,000, not equal \$10,000,000 if that makes sense.

MR. ROBINSON: Yes. And that's a good question. I think that's why myself and perhaps Mr. Finnerty felt that all the actions of the Chief Executive, the ones he proposed, should have been turned into legislation to give us some comfort, to put us in the loop, where we belong. Thus, your question comes up and is very relevant. I'm not authorized to tell you what actions the Chief Executive has already taken to accomplish what he felt or feels is the proper way to address a budget shortfall. I don't want to delve into what the rumor mill says, but let me cast it in these terms. If I was the Chief Executive and I felt I was well within my prerogative to address this issue, I would have --- on the day after I proposed to this Council a solution, I would have also sent a memo to the appropriate staff people to make sure they did exactly what I wanted them to do in a legal fashion.

I don't know if the Chief Executive has done that, but I would suspect that he probably is in the process of fulfilling the rest of his plan. We can always ask him if we're uncertain. Mr. Flynn is here. He may or may not know. But I don't think the Chief Executive would have given us such an elaborate plan without intention of calling somebody or e-mailing somebody right after he left here and saying to them, please do what I've asked you to do.

PRESIDENT BURN: At this point, perhaps our County Manager ---. Mr. Flynn, I think, with one or two questions, any issues or concerns we may have could probably be answered to the satisfaction of the body. Thanks for coming up. Good afternoon, sir.

MR. FLYNN: Good afternoon. First, let me bring something up, going --- referencing Mr. Ellenbogen. The County Executive has no intention of making any layoffs before the end of the year.

MR. ELLENBOGEN: Thank you.

PRESIDENT BURN: Thank you.

MR. FLYNN: I just wanted to clear that up.

PRESIDENT BURN: I think there was a press conference and, unfortunately, from the fact there was a press conference, it wasn't from your office, or we would have been notified. But I think someone may have had a press conference. We were not notified. We should have been. That's just poor protocol. But that's for another day. Thank you.

MR. FLYNN: What can I do to help you tonight?

PRESIDENT BURN: Well, I think somebody has a question for you up here, sir. Maybe one, maybe more.

MR. GASTGEB: Jim, thanks. And I think you'll recollect this is the same question I think we talked about in committee, which is why the legal opinion came forth. And the action we're taking tonight does, in fact, get us to the \$15,000,000 that you've requested through the Administration. We don't see it here because part of it's not here, maybe the part we were working with with the Controller. So if --- could just, you know, let us know that nothing's changed since we've had those committee meetings, that this does equal \$15,000,000, would be my question.

MR. FLYNN: There are four prongs to the \$15,000,000 response to the state reduction. The first prong was to utilize \$5,000,000 of the fund balance from the Transportation Fund that's restricted for Port Authority use. That's what you have before you tonight, Councilmen. The other prong is the use of hotel/motel tax, which is --- there's about \$5,000,000 in their fund balance, and that's used to promote regional tourism. We are working with the Controller's Office on that to identify the total cost, identifying and allocating those costs to the various events that are held, whether they be races or they be soccer games, football games, triathlons, things like that, that we use to bring people in. So that \$5,000,000 will come from there, and we're working on an allocation method with the Controller's Office on that.

There was a reduction in the appropriation for CCAC. That has been done via executive action. We've reduced the appropriation, the amount that CCAC can expect from the county, by \$2,500,000. Additionally, there was \$2,500,000 that were going to be used of Human Service funds to make sure that we cover the contracts for the inmates at the jail, for mental health, behavioral health

issues, drug and alcohol counseling. Those contracts are in process. There was an executive action that was approved to solidify that. So our --- all four prongs --- sorry. I couldn't speak there. All four prongs of that \$15,000,000 are in action right now, Councilman.

MR. GASTGEB: And that's definitely my understanding. I might have said three prongs, but the third one I was splitting with CCAC and HS, so --- but I guess what I'd like to hear is --- go back to prong two, which is the hotel/motel. You're working with the Controller. I guess it's different to me if we know that's going to be done or has been done, then the vote we're going to make would abut the \$5,000,000 with the \$10,000,000 and we're getting \$15,000,000, or are you saying that, you know, if we take the action tonight, then soon to follow would be the work with the Controller through your due diligence and make \$5,000,000 up or ---?

MR. FLYNN: Well, we're working with the Controller now. The Budget Department is currently gathering all of our costs for the parks, to include the police, the maintenance, the laborers, the park staff, the part-timers that we have that operate our facilities. We're pulling together right now a list of all the events. And I've had discussions with the Controller's Office as recently as today on how we're going to allocate this. So we are working through this.

MR. GASTGEB: I guess specifically my question would be, you don't see it not fostering to the point where you're going to get the \$5,000,000, because my fear would be --- since we're making this vote in advance of that, would be \$5,000,000 short? You see it working so that you'll be fully funded?

MR. FLYNN: Yes.

MR. GASTGEB: That was my question. Thank you.

PRESIDENT BURN: Any other questions? Mr.

Drozdz?

MR. DROZD: So you're going to cross charge and allocate those fund costs from each and every event that goes forth? It's never been done before; is that right? That's what I understand.

MR. FLYNN: It's been done on a limited basis, sir.

MR. DROZD: Limited. That's what I mean.

MR. FLYNN: We've done it for the Festival of Lights the last couple years, so there is precedent for this.

MR. DROZD: Right. And it's normal, practical in most corporate settings that they do cross charge services, interdepartmental costs that should be cross charged?

MR. FLYNN: Yes.

MR. DROZD: Thank you.

PRESIDENT BURN: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to thank you for clearing that up and the unnecessary stress that hundreds of families are going through right now after seeing an article like that. So I appreciate you, you know, candidly saying that. Thank you.

MR. FLYNN: And here's the genesis of that. I got a call from a reporter yesterday saying that there's going to be hundreds of layoffs in the courts. The courts are \$6,000,000 over budget. That's not a surprise. They were \$6,000,000 over budget last year, you know. And we have \$770,000,000, roughly, in our operating budget. And there are times where certain departments exceed their appropriation. And that's offset by departments that have surpluses in the budget. But the important thing to remember is over the last eight years, we've been able to, in total, make sure that everybody lived within the County appropriation, the total operating budget. So there is always going to be pluses and minuses. And we anticipate that this year, we'll be able to offset the courts' overage with surpluses in other areas.

MR. ELLENBOGEN: Well, I'm sure that your statement there has relieved a lot of stress for a lot of people, particularly with the holidays in the coming months. So thanks.

MR. FLYNN: It's important. Thank you.

PRESIDENT BURN: Thank you, Mr. Flynn. Any other questions for our manager? Thank you, sir. Mr. Drozd?

MR. DROZD: Yeah. I don't want to put you in a spot, but I'd like to see ---.

MR. FLYNN: I'm on the spot.

MR. DROZD: You are the spot. You know, I don't like to go just by your --- maybe you can have your staff send something to Council and do some projections where

the shortfalls may fall in the next five-year period. You know, I'd like to see that if we could.

MR. FLYNN: Okay. We'll try to address that with the comprehensive plan because that has a three-year lookout.

MR. DROZD: Right. Thank you, Mr. Flynn.

PRESIDENT BURN: Thank you, Mr. Flynn. Any other questions? Is there a motion?

MR. ROBINSON: Move for approval.

MR. MARTONI: Second.

PRESIDENT BURN: Moved and second. Is there any more discussion? Any more discussion? Any more discussion? Seeing none, please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Burn, President?

PRESIDENT BURN: Yes.

MR. CATANESE: Ayes 15, noes 0. The bill

passes.

PRESIDENT BURN: 6488-11.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2011, Submission 09-11. Sponsored by the Chief Executive.

PRESIDENT BURN: Chairman Robinson?

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

MR. MACEY: Second.

PRESIDENT BURN: Moved, second. Any discussion? Any discussion? Any discussion? Please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Burn, President?

PRESIDENT BURN: Yes.

MR. CATANESE: Ayes 15, noes 0. The bill passes.

PRESIDENT BURN: Committee on Economic Development and Housing, second reading. 6386-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Division 1 of the Allegheny County Code of Ordinances entitled, Administrative Code, Article 210, entitled, Assessment Standards and Practices, Section 5-210.02, entitled, Valuation; method of valuation, in order to provide for the uniform assessment of homes constructed within housing developments within Allegheny County. Sponsored by Council Members Finnerty, Martoni and Macey.

PRESIDENT BURN: Mr. Finnerty?

MR. FINNERTY: Thank you, Mr. President. 6386-11 would place a limit on the valuation method that could be employed for properties constructed within housing developments and defining that as an area in which single-family dwellings are constructed on five or more contiguous or adjoining parcels of property within Allegheny County. If approved, the new language contained within this bill would require that comparable properties within a housing development be assessed through identical valuation methodologies, regardless of whether the properties are sold to a private owner, leased to third parties or that remain vacant and are still owned by the entity who constructed it.

Also, the second part of the bill has to do with Certificate of Occupancy. It's stating that the developer, if he fails to file an occupancy permit with our assessment office within 14 days once the occupants have taken --- have moved in, that there would be a \$500 fine per day that --- for failure to file that. So there are two things.

And the reason for this is in Collier Township, one area that I represent, the people out there that own property in the Summit Ridge Development have been calling me and e-mailing me in regard to the valuation of their property. What is going on is that someone, one of the occupants, would buy the property. These condos or single-family homes are valued anywhere from \$196,000 to \$230,000 according to our Property Assessment Board, but the developer failed to sell some of them, so he rented them out. And in turn, he filed an appeal and had those properties that he owned reduced sometimes \$100,000. So what we have is, for example, that I'd be living in one of these single-family dwellings, and I would have bought the home outright, and I would be assessed \$210,000. Jimmy here lives in the one right next to me that's also an

exact same house as I have, but he didn't buy it. He rented it.

MR. ELLENBOGEN: I'm smarter than you.

MR. FINNERTY: That's right. And his assessment is somewhere between \$100,000 and \$96,000. So as you can see, the people out there that bought the house outright aren't too happy with the assessment process. And this bill is designed to alleviate that problem. So that's the general facts of the bill. If you have any questions, I'll attempt to answer them. Thank you.

PRESIDENT BURN: Mr. Ellenbogen?

MR. ELLENBOGEN: Yeah. Mike, I have two questions.

MR. FINNERTY: Certainly.

MR. ELLENBOGEN: One, is this something that --- like, for instance, if a new housing plan is constructed, that we're aware that they are, indeed, all the same? Because there's some housing plans that have different --- they look the same but they're not. And the other question I have is, the fine, who's responsible for writing the citations or --- you know, what department and how that would go. Thank you.

MR. FINNERTY: Okay. Thank you. The fines will come from the Assessment Office. In regard to your other question, if we're talking about a cookie cutter housing development, which Summit Ridge is, there are six different designs, and the floor plans are right there. You can see that. So there's new development, and every day new single-family dwellings are being built out there. So it's very easy to see what the square footage is, number of rooms, et cetera.

MR. ELLENBOGEN: Six rooms ---.

MR. FINNERTY: Right. The assessment --- you know, our Property Assessment Office, the people that went out and assessed it correctly. They assessed it properly. It's the appeal that we're talking about here that if somebody's going to appeal one of these properties, then the methodology should be the same because they are the same, those properties. And I mean, you can see that just from the floor plans that have been placed in their circulars. And our Property Assessment people went out and looked at it.

In regard to the \$500 fine, something has to be done here in regard to these people filing timely on the occupancy permits. We have people out there that have

been occupying --- renters who have been out there for a year, year and a half, and that property is not on our assessment records, and it's been verified. I went out there myself and looked at it. The people have e-mailed me with the addresses. And we're talking about whole roads, whole roads out there, that people are living in these houses, but they're not on our assessment website. So I think something has to be done in regard to that. Somewhere along the line, something's not being done right. And that's all I'm attempting to do, is make it fair for people out there and for our Assessment Office at the same time in regard to occupancy permits. Any other questions?

MR. ELLENBOGEN: I just want to say I think it's a great bill. Just when it comes to enforcement, sometimes people kind of --- you know, it kind of gets lost. And what good is having enforcement of a \$500 fine and no one is going to fine them?

MR. FINNERTY: Collect it.

MR. ELLENBOGEN: Right. Thank you. I appreciate it, Mr. Chairman.

PRESIDENT BURN: Good question. Mr. DeFazio, followed by Mr. Futules.

MR. DEFAZIO: Yeah. I'd like to make --- I don't think you made the motion yet. Under remarks, I'd like to make the comment. Did you make a motion?

PRESIDENT BURN: Is there a motion to approve?

MR. FINNERTY: No, I haven't made that motion yet, but I'll make that motion right now.

(Chorus of seconds.)

PRESIDENT BURN: Further discussion, Mr. DeFazio?

MR. DEFAZIO: Yeah. Under remarks, I mean, to me, this is one of the most ridiculous things I've ever heard. You have a \$200,000 home and another house, basically the same, \$100,000 less. I mean, it just doesn't make any sense. Same amount of rooms, same amount of bathrooms, same amount of everything, basically, the same house, and one is \$200,000-plus and one is \$100,000 or less. It just doesn't make any sense. You have to do --- I mean, we really have to do something about things like that. I agree with Mr. Finnerty 100 percent.

PRESIDENT BURN: Thank you, sir. Mr. Futules, followed by Mr. Drozd, followed by Ms. Danko.

MR. FUTULES: Mike, I recall the conversations in the committee that the people that were paying the higher rate of taxes, they did appeal and then they lost their appeals. Is this a fact or ---?

MR. FINNERTY: Yeah, that's a fact. I just have one of the appeals, but the appeal was made for an assessment of \$212,000, and the house right next to this person was assessed at \$100,000 --- or \$129,000. I'm sorry. And she appealed --- the husband and wife appealed, and they were denied because they didn't have sufficient documentation in regard to it. And it's just that, you know, the person that --- Nernberg, the developer, had 20 pages worth of documents to get his. But we're talking about comparables now, too. I mean, they were right next to each other. They're exactly the same house.

MR. FUTULES: They used the house next to them as a comparable?

MR. FINNERTY: Yeah, exactly the same property.

MR. FUTULES: I see. I'd like to be added as a co-sponsor.

PRESIDENT BURN: Please add Mr. Futules as a co-sponsor. Please add Mr. DeFazio. Please add Mr. Ellenbogen. Please add Mr. Robinson, Ms. Green Hawkins --- very good --- Mr. Gastgeb. Mr. Drozd, do you have any more comments? Do you want to be added as well?

MR. DROZD: Sure.

PRESIDENT BURN: Please add Mr. Drozd. Mr. Drozd is up, followed by Ms. Danko.

MR. PALMIERE: Mr. President?

PRESIDENT BURN: Yes, Mr. Palmiere?

MR. PALMIERE: I'd like to be added, too, please.

PRESIDENT BURN: Please add Mr. Palmiere. Please add Mr. Kress. Please add Ms. Rea. Anybody not on it yet? Please add Ms. Danko. Oh, you don't want on it?

MS. DANKO: I have a question.

PRESIDENT BURN: Okay. Mr. Drozd, followed by Ms. Danko.

MR. DROZD: Real quick point. I believe it was approximately maybe even two years ago that Councilman Finnerty brought this to our attention. My concern is that we haven't followed up. It should have been annotated appropriately and we should have followed up and did something about this. I believe it was approximately

two years ago, as I recall, him bringing this to our attention and the concerns, and yet here we are now just addressing this issue. So I'm just saying for us, you know, all our cases out there with our people, we've got to be more --- due diligence to follow up on these issues and follow up to make sure they're corrected and fairness is done throughout Allegheny County.

PRESIDENT BURN: Mr. Finnerty, I have a --- because there was something directed to the sponsor, I'll allow him to respond.

MR. FINNERTY: That is true. It was a year and a half ago, actually. But I've been working on it the whole time, and ---.

MR. DROZD: I'm not talking to you, Mr. Finnerty.

MR. FINNERTY: I've been working --- I've been talking to people. I've been trying to straighten it out, and this isn't --- this is my last resort to straighten it out. I've tried every other way. It hasn't worked. We went out there and they found a number of houses out there that weren't on the rolls. And they checked their water bill, and that's when the occupancy occurred. So things have been done. It's just a matter of --- I guess you could say the last meeting got my Irish up a little bit and I said, I can't --- I'm not getting anywhere. Let's put it out in the public. All right?

PRESIDENT BURN: It's a year and a half of due diligence and hard work, the culmination in a good piece of legislation. Ms. Danko?

MS. DANKO: Yes. I completely agree with the intent of the bill, and I can get my Irish up, too. But my concern --- the Solicitor for the PAR Board was at the meeting, and he had serious concerns about going forward with this legislation at this time because there's a court case that's currently at some level. And I was --- I wanted to ask our Solicitor if he saw any problem with us going forward with this piece of legislation tonight. Thank you.

MR. CAMBEST: I don't know what case you're referring to, Ms. Danko. It may be the reassessment case that has been ongoing. That's a possibility. The legislation itself, there's not a legal problem with it, although I know I've talked to Mr. Finnerty. I'm sure he brought this up about a year ago. Unfortunately, when you look at residential versus commercial, ownership versus

leasing, sometimes the assessment used for a commercial, if they're designated as a commercial with a lease, they look at the income that that property generates. So if the gentleman --- let's make it absurd --- is renting the property for \$10 a month, then the total income minus the expenses times the factors looked at to determine the assessed value, even though the property next door is owned and was purchased at \$220,000, that's the assessed value for that. That's the unfortunate issue of how they evaluate.

PRESIDENT BURN: Any other --- yes, sir. Mr. DeFazio?

MR. DEFAZIO: Yeah. I mean, we have to try to do something. You could blindfold someone, tell them that we're going to assess it, and you couldn't make this kind of a mistake. \$100,000 difference for a \$200,000 house is crazy.

PRESIDENT BURN: You might. You might. Any other questions or comments? Any other questions? Mr. Gastgeb?

MR. GASTGEB: For those of us who were here the first time the assessments happened, we did have situations where a home had two chimneys where they only had one, or five bedrooms, they have three. And it's frustrating because there's more than you probably think would happen. So one of the things that was just mind-boggling, and I'll agree with Mr. DeFazio, is when you have a townhouse complex. And Joe's laughing because, you know, in South Hills there's a lot. And for the same exact model, there's nothing different to them, maybe the decorations maybe or some of the internal things, and they were all different. And Mr. Finnerty's right. When you go to an appeal, that could happen. You know, we had 200,000 appeals out of 600,000 parcels. So a third of the county goes to an appeal. Seventy-five (75) percent of them won. So you're going to have a hodgepodge.

But even before the appeals, they weren't done right. So you know, how's this round going to look? I don't know, but I have no comfort they're going to look any better. So this legislation probably is going to be the most elementary to say that, boy, if there's going to be mistakes and structures are exactly the same square feet and blueprint, then if they can't get it right on that, it's going to be a pretty big harbinger that you have a whole bunch of problems come up. So I just know

the first time around, this was really an easy one to fix. It really was. So Mr. Finnerty, you did a good job with your perseverance, and you were right on. Thank you.

PRESIDENT BURN: Any other discussion? Any other discussion? It looks like we're about to fix a glitch in a system that still remains broken. Please call the roll.

MR. CATANESE: Ms. Danko?  
MS. DANKO: Aye.  
MR. CATANESE: Mr. DeFazio?  
MR. DEFAZIO: Yes.  
MR. CATANESE: Mr. Drozd?  
MR. DROZD: Aye.  
MR. CATANESE: Mr. Ellenbogen?  
MR. ELLENBOGEN: Aye.  
MR. CATANESE: Mr. Finnerty?  
MR. FINNERTY: Yes.  
MR. CATANESE: Mr. Futules?  
MR. FUTULES: Yes.  
MR. CATANESE: Mr. Gastgeb?  
MR. GASTGEB: Yes.  
MR. CATANESE: Ms. Green Hawkins?  
MS. GREEN HAWKINS: Aye.  
MR. CATANESE: Mr. Kress?  
MR. KRESS: Yes.  
MR. CATANESE: Mr. Macey?  
MR. MACEY: Yes.  
MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Burn, President?  
PRESIDENT BURN: Yes.  
MR. CATANESE: Ayes 15, noes 0. The bill

passes.

PRESIDENT BURN: Committee on Public Works, second reading. 6496-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the donation of personal property by the Allegheny County

Medical Examiner's Office. Sponsored by the Chief Executive.

PRESIDENT BURN: Councilman Macey?

MR. MACEY: Thank you, Mr. President and members of Council. The Allegheny County Medical Examiner's Office had no further use for a particular freezer, and the Allegheny County Community College did have a use for it. So on Wednesday, September 14th, the committee met. And with affirmative recommendation, we thought it would be a good idea for the Medical Examiner to give the college the freezer. So I move to pass.

MR. FINNERTY: Second.

PRESIDENT BURN: Moved and second. Any discussion?

MR. ELLENBOGEN: Well, I'm dying to ask you what they want to keep in that freezer and what was in it before.

PRESIDENT BURN: He couldn't help himself.

MR. MACEY: I'm not quite sure.

MR. FINNERTY: They're both keeping meat in the freezer. That's why.

MR. ELLENBOGEN: As long as we both get a part of it.

PRESIDENT BURN: Any other questions? Any other questions? Please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?  
MR. MARTONI: Yes.  
MR. CATANESE: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. Burn, President?  
PRESIDENT BURN: Yes.  
MR. CATANESE: Ayes 15, noes 0. The bill

passes.

PRESIDENT BURN: 6506-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing acceptance of 20 grave sites at Allegheny County Memorial Park, 1600 Duncan Avenue, Allison Park, Pennsylvania, for use by veterans of Allegheny County. Sponsored by the Chief Executive.

PRESIDENT BURN: Council Member Macey?

MR. MACEY: Thank you, Mr. President. Again, we met on September 14th, and there was an affirmative recommendation for the county to accept these grave sites on behalf of the veterans. I move for this to be passed.

(Chorus of seconds.)

PRESIDENT BURN: Moved, second. Any discussion?  
Mr. Drozd?

MR. DROZD: One quick question. During this time, you know, I was with a major university. We also got these offers, and this is great that, you know, it would go for the veterans. But we did due diligence in having our engineers check out those sites to make sure that there was no --- wherever they lie within that park, that there might have been hazardous waste or anything like that. And it could happen, even in a memorial park. Was that done?

MR. MACEY: I would have to check with the manager. I think that was. You don't know? Okay. Well, we'll have it checked, then.

PRESIDENT BURN: Sure. I see no reason to hold up the bill, however.

MR. DROZD: Can we base it upon it being cleared on that?

PRESIDENT BURN: No. Well, look, there would have to be an amendment. But there's been a motion and a

second on the bill as released from committee, so that is what's on the floor right now. So there's a motion and a second. We're discussing the motion as it presently appears.

MR. DROZD: One more question?

PRESIDENT BURN: Yes, please.

MR. DROZD: Where exactly is this site --- those sites located? Are they on the hills, or are they on the bottom? It says --- what I'm saying is, where within the park; do we know?

PRESIDENT BURN: Mr. Flynn, please come up.  
Yes, sir.

MR. DROZD: Because there's a flow and a wash off.

PRESIDENT BURN: Let's wait for Mr. Flynn to come up. Then Mr. Drozd, please ask your question. Thank you very much.

MR. FLYNN: No, Councilman, I don't know exactly where they are in the park. I think if there are issues with the park --- you know, we don't have to maintain them. We don't have to clean them. It's owned by the park. These grave sites are dedicated strictly for the use of honorably discharged veterans.

MR. DROZD: So they're all owned by the park, maintained by the park?

MR. FLYNN: It's in the park, yes.

MR. DROZD: Thank you. Thank you.

PRESIDENT BURN: I would just suggest once we've done this allocation that there's certain protocols and there's regulations that must be followed for interment which would be followed by any cemetery. So I think that's really not our jurisdiction. That's theirs.

MR. FLYNN: Yes.

PRESIDENT BURN: Thank you, Mr. Flynn.

MR. ELLENBOGEN: Mr. President?

PRESIDENT BURN: Mr. Ellenbogen?

MR. ELLENBOGEN: If the grave sites are adjoining the park, you know, it's pretty routine, wouldn't you think ---?

PRESIDENT BURN: Yes, sir.

MR. FLYNN: Pretty obvious.

PRESIDENT BURN: Absolutely. It's a presumption.

MR. ELLENBOGEN: They're not, like, half a mile away ---?

PRESIDENT BURN: No, Mr. Ellenbogen. I think it's a presumption.

MR. ELLENBOGEN: Yeah.

PRESIDENT BURN: I think it's an absolute presumption. Any other questions? Any other questions? Please call the roll.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Burn, President?

PRESIDENT BURN: Yes.

MR. CATANESE: Ayes 15, noes 0. The bill passes.

PRESIDENT BURN: Liaison reports. Do we have any liaison reports? Mr. Futules, followed by Mr. Drozd, please.

MR. FUTULES: Mr. President, I would like to ask to write a letter to the --- Dr. Bruce Dixon of the Health Board. Just recently they had dropped the grading system for the Health Board's Restaurants Association, and I'd

like to be updated as to why that occurred. I don't believe County Council was informed of the process and why it was eliminated.

PRESIDENT BURN: Point well taken. Mr. Councilman, would you like us --- would you like me to write the letter inviting him to come to the next meeting to answer some questions?

MR. FUTULES: Or to the Health and Human Service Committee, to appear before them and ask them questions.

MR. PALMIERE: Yes.

PRESIDENT BURN: Mr. Palmiere, that's your committee.

MR. PALMIERE: Yes, Mr. President. As a matter of fact, that was one of the issues I was going to bring up. I'd like to --- I would like to invite Dr. Dixon and his staff in at some point in time to find out exactly what's going on concerning the restaurants.

PRESIDENT BURN: Well, Mr. Futules, if I may suggest then, in lieu of a letter, Chairman Palmiere of the Health and Human Services will coordinate his calendar with our staff and Mr. Dixon's office of a date and time where you, too, sir, can be available to answer --- or to ask these very good questions. So we'll work it through the committee of Mr. Palmiere ASAP.

MR. FUTULES: Thank you.

MR. PALMIERE: That's fine, Mr. President.  
Thank you.

PRESIDENT BURN: Thank you. Any other reports? Mr. Drozd, Mr. Ellenbogen, Mr. Gastgeb.

MR. DROZD: Yeah. I attended, along with Councilman Finnerty, a panel discussion --- the Chief Executive was there --- in Moon. And there were approximately two state legislators, addressed many issues. One of the points that was said by the state legislators is this isn't going to be getting any better as far as the lack of funds or those allocations coming from the state. It could get worse. We may not have seen the worst. Secondly, I was really happy to hear that the Chief Executive was going to look at those resources, the Marcellus Shale gas that now lies within the airport and how we can do that. And I can't help from thinking that we need to move, as a body, as an administration to protect those resources because what lies under that ground belongs to the taxpayers.

Just to give you one case in point --- although some of them were urban in nature, rather than rural. But many are rural, some of our parks. They border other farm areas. There could be allocations. And it was pointed out by one of our legal people on staff, you know, you can fight later about whether we own that gas or another --- or we don't own it as they usurp it. But just to give you an example, I know someone that has a 1,000-acre site within a bordering county that just accepted \$2,000,000 just for the right to drill. That doesn't include the MCF per the drilling. Now, you multiply that times one of our sites, that's five times 5,000 acres. Just one. That's \$10,000,000 right up front before you take one MCF out of there. And we're always looking for ways to alleviate the tax burden on our taxpayers, and at the same time, look for other sources of revenues. We need to really take a look and take inventory of our resources within all our parks, as well as the airport, to make sure we protect those.

And let me add one thing. So do the school districts out there because a lot of our school districts that are always --- that's where the biggest part of the tax is. Guess what they're sitting on a lot of? A lot of land. So we need to really look at this very, very hard, not only within Allegheny County, within our --- what we own in our assets, but a lot of these districts out there and government municipalities that own those lands. Thank you very much.

PRESIDENT BURN: Thank you, sir. Who else was up? Mr. Ellenbogen, followed by Mr. Gastgeb.

MR. ELLENBOGEN: Mr. Chairman, I regretfully, with deep sadness have to report to you the loss of Ms. Karen Waight, who was a member of your 19th Ward Committee. Karen, affectionately known as Cuz to the people in Beechview, was a stalwart in the community for many, many years. And you know, it breaks my heart, and I know the people of Beechview will miss someone who was just such an anchor in that community. You lost a good committee person, too. Thank you, Mr. Chairman.

PRESIDENT BURN: Thank you. And our condolences are not only to her family and her friends, but to the good men and women of the 19th Ward and the committee and to the Chairman, Mr. Wagner. Thank you very much for bringing that up. Mr. Gastgeb?

MR. GASTGEB: Thank you. Just briefly, on September 4th, the J.R. Taylor Memorial Bridge opened up with a ribbon cutting. And it's a Montour Trail walking bridge, a foot bridge that spans Clifton Road and Bethel Park. There were over 500 people that attended the event. Allegheny County owns the bridge. Allegheny County will do the maintenance on the bridge. But it was a combined effort between the state, the county and the local municipalities there. So there is a newest bridge that is up, and it looks fabulous the way it spans the Montour Trail. It's esthetic looking, and everything was just picture perfect. And I want to publicly thank Jim Flynn and Dan Onorato's administration for helping with, I think Director Davin said about a six-year effort to get there. And there was a lot of pro bono work done by companies here, private companies, corporations, trade unions. Everybody had a soft spot to get this project done. So hopefully, it shows that once in a while, government can work really well. Thank you.

PRESIDENT BURN: Thank you, Mr. Gastgeb. Mr. Drozd?

MR. DROZD: Yeah, real quick. I would be remiss not to mention that Ross Township is holding its Community Days coming up the week of the 20-whatever this coming week, I believe. Check Ross Township. And those are the things we have to add on our website, community days in our municipalities, because that's what we're about, communities and supporting those constituents. We ought to look at that. Thank you.

PRESIDENT BURN: Great point, sir. Thank you. Any other liaison reports? Any other liaison reports? Mr. Macey?

MR. MACEY: Yeah. I'd be remiss not to report that the City of Duquesne is going to have its Community Day next weekend.

PRESIDENT BURN: Thank you, sir. Anything else for the good of the order under liaison reports? New business, ordinances and resolutions. 6525-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing County policy for tracking police and emergency medical service calls to any room, house, building, boat, vehicle, structure or place, except a private home, where liquor, alcohol or malt or brewed beverages are manufactured, possessed, sold, transported, offered for sale, bartered

or furnished, or stored in bond, or stored for hire, and forwarding records of such calls to the Allegheny County District Attorney in order to facilitate the identification and investigation of nuisance bars. Sponsored by Councilman Kress.

PRESIDENT BURN: Refer to the Committee on Government Reform. Mr. Kress?

MR. KRESS: Yeah. I just have a couple words. Nuisance bars are a problem in our communities and the quality of life. And we have a call center that keeps track of all this information. And that information could be sent over to the District Attorney's Office. The District Attorney's Office has a Nuisance Bar Task Force. And if this information is sent over to the DA's Office, they can help track these nuisance bars. I've spoken to the District Attorney's Office. They are in favor of this. I've spoken to some community groups, too. They like this idea because if you're repeatedly getting a lot of calls at a bar, night club, is that --- is there potential that's a nuisance bar? So this is something that we have. We have the ability to do this. And I actually spoke to some of the local community groups. They said they've actually been keeping track of these calls themselves. So why shouldn't we be sending this information over to the District Attorney's Office? I think it's a good thing to help target problem bars in our area, and I would like to see this bill eventually passed. Thank you.

PRESIDENT BURN: Thank you, Mr. Kress. 6526-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, setting forth county policy with regard to natural gas drilling on property owned by Allegheny County and leased to the Allegheny County Airport Authority. Sponsored by Councilman Kress.

PRESIDENT BURN: Mr. Kress?

MR. KRESS: This has to do with our airport. I'd like to give a little history lesson. On August 29th, 1859, the first oil well was drilled in the United States of America in Titusville, Pennsylvania. Pennsylvania became the center of the world's oil production. At one time, Pennsylvania was responsible for one half of the world's production of oil and to the East Texas oil boom in 1901. Similarly, this region is becoming a center of another energy boom, but instead of oil, it's natural gas

in the Marcellus and Utica Shale formations. We have one of the richest shale deposits in the area underneath the Greater Pittsburgh International Airport.

The reason why I introduced this ordinance tonight is to make sure that the county residents share in this wealth. We all know that infrastructure throughout the county needs to be repaired, upgraded and maintained. Jobs need to be created throughout the region in repairing this infrastructure. My hope is that the resources of Marcellus and Utica be a driving force to improving the infrastructure and the quality of life in this region. As a Council body, we need to make sure that all these resources are not wasted or go to the benefit of a small group of people. The members of this Council body are here to improve the lives of the people in this county, and these natural gas deposits could help improve the quality of Allegheny County residents for generations to come. Thank you.

PRESIDENT BURN: Thank you, Mr. Kress. 6527-11.

MR. CATANESE: Councilman, I think you have to refer that to a committee.

PRESIDENT BURN: I thought I referred it to the Committee on Government Reform. If I did not, I apologize.

MR. DEFAZIO: Not on this one. You did on the first one.

PRESIDENT BURN: I apologize, gentlemen and ladies. Government Reform Committee the bill will be referred to. 6526-11 will be referred to Government Reform. My apologies. 6527-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an independent audit of the Allegheny County Port Authority Police preceding the consolidation of the existing County and Port Authority Police forces into a single law enforcement entity. Sponsored by Councilman Kress.

PRESIDENT BURN: Refer to the Committee on Government Reform. Mr. Kress?

MR. KRESS: Yes. I'd like to say one thing. I think that we need to look at --- explore any potential for improving public safety in Allegheny County, but also assisting the taxpayers. I think this is something we need to take a look at. Is it beneficial? But we at least need to have a conversation about it, and I think we

need to start an audit of the Port Authority Police to see if we can work this out.

PRESIDENT BURN: 6528-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending and supplementing the Allegheny County Code of Ordinances, Division 2, entitled, County Government Operations, by the creation of a new Chapter 280 entitled, Allegheny County Police Department, and authorizing the consolidation of the existing County and Port Authority police forces into a single law enforcement entity. Sponsored by Councilman Kress.

PRESIDENT BURN: Refer to the Committee on Government Reform. Mr. Kress?

MR. KRESS: Again, I think a potential merger between the Port Authority and County Police might be the best thing for the people of this county, and that we need to take a look at it. So I don't think anything should be off the table. Thank you.

PRESIDENT BURN: Yes, sir. 6529-11.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the use of county property by the Western Pennsylvania Police Athletic League, Drum and Bugle Corps, known as Mon Valley Express Drum and Bugle Corps. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Public Works. 6530-11.

MR. CATANESE: A resolution of the County of Allegheny amending the 2010 Capital Budget for Allegheny County. Sponsored by the Chief Executive.

PRESIDENT BURN: Refer to the Committee on Budget and Finance. New business, motions. 6531-11.

MR. CATANESE: Motion of the Council of Allegheny County providing for the creation of a working group comprised of members of Council and the Allegheny County Airport Authority Board of Directors to study the appropriate use of County property located on the grounds of Pittsburgh International Airport with such study to include, but not limited to, exploring the possibility of selling mineral rights owned by the County to private parties. Sponsored by Council Members Gastgeb, DeFazio and Martoni.

PRESIDENT BURN: Council Member Gastgeb? Refer to the Committee on Government Reform. Mr. Gastgeb.

MR. GASTGEB: Thank you, President Burn. Just if you'll indulge me, we've talked about this tonight, and I would think you'd have to not know that there is a whole lot of Marcellus Shale activity going on. The state, notwithstanding, is also involved. And as Council Member Kress and others have mentioned, the airport has one of the richest deposits of Marcellus Shale. And in my opinion, it's going nowhere fast. We have an Airport Authority who has, by a transfer agreement, control of the leased land. In my opinion, the leased land that was transferred over to them by the former commissioners is big enough for two airports, but yet we're declaring that block and lot number and all those parcels as airport property. So I think we have to figure out what really is airport property. How far does it go? They define it by an outer ring, if you will. To me, it seems expansive.

So what I'm proposing is --- and this would be different than a committee meeting. We've had committee meetings, Mr. Burn, and we've done a good job. But we have to continue a working environment between the two groups, the Airport Authority and this Council, I believe. And under the powers you have as president, whether you want to call it a special committee or working group, in our own committee, we could determine the pleasure is of our membership, how to move forward.

But I think we have to do two things with this working group: study the appropriate use of the ground or the land and what is appropriate and how many acres should an airport consist of, and the second thing is --- and this is going to be controversial a bit. You know, Allegheny County owns the mineral rights. So you know, when the Airport Authority puts out an RFP, the reason why nobody responds is because we own the mineral rights. So companies know this, and they're not going to respond, because legally, it's not sound to do so. So in my estimation, the county is holding the deck of cards, because we own the mineral rights. So if nothing's going to happen, nothing's going to preclude us from selling the mineral rights if we want. And then whoever owns the mineral rights would have the headache of trying to figure out what's going to happen. But I'm sure there's people out there that would look at maybe owning the mineral rights for a pretty tidy sum.

So if you want to go that far, I don't know. But we have to start shaking the tree a little bit. And

you know, being that possession is nine-tenths of the law and we own the mineral rights, I think we really have to start looking at a collective approach. And by collective, I mean, there's the county, the Airport Authority and the FAA. The Airport Authority and the FAA are not elected. We are the only elected entity involved in this process, just one, and it's Allegheny County Council.

We're not promulgating rules and regulations like the FAA has for other areas of the country, through other administrations. Whether you like this administration or the past administration, the United States Congress or whatever, you know, they're making laws collectively for the United States, not locally. So I think it's time to get moving on this and just try a better collective approach. And hopefully, by us merging our forces with some of the Airport Authority members, we could get this off the ball a little bit. Thank you.

MR. DROZD: Please add me, Mr. President.

PRESIDENT BURN: Please also add Council Member Drozd --- as a co-sponsor?

MR. DROZD: Yes.

MR. ELLENBOGEN: I'd like to be added as a co-sponsor.

PRESIDENT BURN: Please add Council Member Ellenbogen.

MR. PALMIERE: Mr. President, me, too, please.

PRESIDENT BURN: Please add Council Member Palmiere. Please add Council Member Kress. And the bill is in the Committee on Government Reform. Thank you. Notification of contracts.

MR. CATANESE: None.

PRESIDENT BURN: Before we get to public comment, I want to jump back to liaison just briefly. With respect to the Government Reform Committee, I've asked Jennifer to look at some available dates. There are a lot of bills in that committee, many in the last several months since I've become president and chaired the committee, many from before I got there. As we're coming to the end of the term here, these bills will sunset in December. So what we're going to do is, we're going to put on the calendar dates for the Government Reform Committee, about six that we're looking at right now, from now through the first week of December.

We are then, by --- in order of who sponsored the bills, make a list of the bills in Government Reform Committee. And then what I'm going to do is take it on first-come, first-served. If you want your bill to have some vetting in committee, get ahold of us. Pick some of those dates that are available for you. And we will get your bills into the committee and have discussion and give them all the due diligence that they deserve. But we have to move fast, because again, it's crowded in there, and they will all sunset if not acted upon by the end of the year. So Jen will work on that, and we'll get the e-mail and the list of the bills out to you, all of you, ASAP. Public comment on general items.

MR. CATANESE: We have one.

PRESIDENT BURN: One speaker, Ronald Lynn Miller.

DR. MILLER: Dr. Ronald Lynn Miller, 40 Beltzhoover Avenue, Pittsburgh, Pennsylvania, founder, Center for Global Studies International Interdisciplinary in 1998, and the Pittsburgh, Pennsylvania Democratization Initiative, 2010. I'm a member of the American Society for Microbiology and the Genetic Society of America. I urge County Council to pass law on the status of imitative, globally identitive carbon-based human life, i.e., human clones to establish the biological and genetic boundaries for the Human Organismic Foundation of Counties, like Allegheny. A number of advances are taking place in the discipline of biological genetic studies that existing laws do not cover. Even as legislative bodies like this Council seem unwilling to deal with them, it is necessary that you do. We need to put legally grounded protocols in place to protect local innovation in biogenetics and to protect Allegheny residents, especially our children, from potentially catastrophic consequences of these advances.

The ever-larger presence of UPMC in Allegheny may be understood as a biological genetic medical defense system with a centralized bureaucratic structure more able to cope with crises like the organismic breakouts of natural or artificial microbes from research laboratories. I think that there are four advances needing Council's immediate attention, advance one requiring a legally drawn protocol, the construction of genomes for making synthetic microbes, not merely identifying old microbes or new naturally-mutated ones, but microbes artificially created

by humans. This is not science fiction. It is fact.  
Merci, Craig Venter.

Advance two requiring a legal protocol for the development of bacteriophages, viruses to kill bacteria, especially in increasingly lethal antibiotic-resistant bacteria, such as MRSA. Advance three requiring a protocol, the discovery of anti-biofilm organisms and their products, like the use of an enzyme derived from *Streptococcus salivarius*, to attack the dental biofilms made up of more than 700 bacterial species in the human mouth. Advance four, the deployment of bioremediation strategies using microbial scavengers for reducing levels of xenobiotics in the environment.

These advances are among the current research at the University of Pittsburgh and Carnegie Mellon University. Think of it. University of Pittsburgh biogenetic research accelerates and alters microbial evolution with potentially positive and negative outcomes. University of Pittsburgh Medical Center, UPMC, an extension of Pitt, is there to try positive outcomes on patients and, if necessary, neutralize negative ones.

PRESIDENT BURN: Thank you. Motion to adjourn?

(Chorus of motions.)

(Chorus of seconds.)

PRESIDENT BURN: All those in favor?

(Chorus of ayes.)

MEETING ADJOURNED AT 6:36 P.M.

CERTIFICATE

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

A handwritten signature in cursive script, appearing to read "Danielle Okun", written over a horizontal line.

Court Reporter