

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

| | | |
|--------------------------|---|-----------------------------|
| John P. DeFazio | - | President, Council-At-Large |
| Nicholas Futules | - | Vice President, District 7 |
| Heather S. Heidelbaugh | - | Council-At-Large |
| Tim Baker | - | District 1 |
| Jan Rea | - | District 2 |
| Ed Kress | - | District 3 |
| Michael J. Finnerty | - | District 4 |
| Sue Means | - | District 5 |
| John F. Palmiere | - | District 6 |
| Dr. Charles J. Martoni | - | District 8 |
| Robert J. Macey | - | District 9 |
| William Russell Robinson | - | District 10 |
| Barbara Daly Danko | - | District 11 |
| James Ellenbogen | - | District 12 |
| Amanda Green Hawkins | - | District 13 |

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

Thursday, January 2, 2014 - 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:

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

MR. DEFAZIO: Okay. The meeting will come to order. All please rise for the Pledge of Allegiance to the flag. I'll start it and remain standing for the prayer or silent reflection.

(Pledge of Allegiance.)

MR. DEFAZIO: Thank you. We have now Certificates of Elections, Oaths of Office. 7909-14.

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certification of Election certifying that in the election that was held on the 5th day of November 2013, Tom Baker was duly elected to the office of Member of Council, District 1, in the County of Allegheny, Commonwealth of Pennsylvania.

SUPERIOR COURT JUSTICE BOWES: Raise your right hand? Repeat after me. I, Tom Baker, ---

MR. BAKER: I, Tom Baker, ---

SUPERIOR COURT JUSTICE BOWES: --- do solemnly swear ---

MR. BAKER: --- do solemnly swear ---

SUPERIOR COURT JUSTICE BOWES: --- that I will faithfully execute the office ---

MR. BAKER: --- that I will faithfully execute the office ---

SUPERIOR COURT JUSTICE BOWES: --- of Member of Council ---

MR. BAKER: --- of Member of Council ---

SUPERIOR COURT JUSTICE BOWES: --- of the County of Allegheny.

MR. BAKER: --- of the County of Allegheny.

SUPERIOR COURT JUSTICE BOWES: And will to the best of my ability ---

MR. BAKER: And will to the best of my ability ---

SUPERIOR COURT JUSTICE BOWES: --- preserve ---

MR. BAKER: --- preserve ---

SUPERIOR COURT JUSTICE BOWES: --- protect ---

MR. BAKER: --- protect ---

SUPERIOR COURT JUSTICE BOWES: --- defend ---

MR. BAKER: --- defend ---

SUPERIOR COURT JUSTICE BOWES: --- and obey the Constitution of the United States ---

MR. BAKER: --- and obey the Constitution of the United States ---

SUPERIOR COURT JUSTICE BOWES: --- and the Constitution and laws of the Commonwealth of Pennsylvania.

MR. BAKER: --- and the Constitution and laws of the Commonwealth of Pennsylvania.

SUPERIOR COURT JUSTICE BOWES: Congratulations.

MR. BAKER: Thank you, Judge.

(Applause.)

MR. BAKER: Thank you very much. Thank you very much, Superior Court Justice Bowes for being here tonight. It was a real honor to have you up here to swear me in. I really appreciate it. This little group here is a lot of my friends, so I've got a good crowd here tonight. I just want to thank everyone for making 2013 a special year. We're now in 2014, of course. But 2013, we had to work very hard in the primary and general election, and now we get to legislate, we get to govern. And this is what I was really hoping for all along. So I just want to say a big thank you to everyone that made it possible. To my new '14 colleagues, I really do look forward to working with you.

I think that our former school board president from the North Hills, Tim Burnett, is here, and I think he can attest to the fact that I'm somebody who likes to work with Republicans, Democrats, everyone, just to get things done in the interests of our students and now in the interests of our residents in Allegheny County. I do want to send a special thanks to the two main people in my life and the two main women in my life that are both here tonight. Got to start with your mom always; right? So my mom, Patty Verosko (phonetic), is here.

(Applause.)

MR. BAKER: Thank you. My dad passed away when I was really young, when I was 12 years old, and I don't know if there is a handbook on how to raise a single --- be a single mom with a son, a teenage boy. And my mom probably could pen that book because we had a good time together and we did --- never very fast at running alternates, cross country, but she came to every race with a cherry slush puppy and always cheered me on --- thank you, Councilman Finnerty --- and always said that all that mattered is you gave it your best. And that's what we did last year through this race.

I want to thank, of course, my beautiful, lovely wife of ten years, as well, Erin Baker, who's here with us tonight.

(Applause).

MR. BAKER: So thanks to Erin. To any young leaders that watch council meetings, if you marry your student body president in college, there is a chance they will run for office some day. That's what Erin ran into when she --- she met me in college. But we have a great life. We love Ross Township. We love being involved in the community. So I just want to thank my great mom and my wife, and all of our friends since high school, grade school, college. They're all represented here tonight, and who really worked hard to win both elections last year. So I want to thank them very much.

Now, let's get into governing. I look forward to working with our County Executive, Rich Fitzgerald. Thank you to him for being here tonight. I want to get things done for our county. I think that he works very hard. And I really want to work with you, work with everyone, to really accomplish a lot of things here in Allegheny County. District 1 is a great district, and I just look forward to the next four years and working as diligently as possible to provide good opportunities to everyone in District 1 and throughout Allegheny County. So thanks, again, and I'm really looking forward to the next four years with everyone. So thank you.

(Applause.)

MR. DEFAZIO: 7910-14.

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certification of Election certifying that at the election held on the 5th day of November 2013, James Ellenbogen was duly elected to the office of Member of Council, District 12 in the County of Allegheny, Commonwealth of Pennsylvania.

JUDGE MANNING: Repeat after me. I, James Ellenbogen, ---

MR. ELLENBOGEN: I, James Ellenbogen, ---

JUDGE MANNING: --- do solemnly swear ---

MR. BAKER: --- do solemnly swear ---

JUDGE MANNING: --- that I will support, obey and defend the Constitution of the United States ---

MR. ELLENBOGEN: --- that I will support, obey and defend the Constitution of the United States ---

JUDGE MANNING: --- and the Constitution and the laws of the Commonwealth of Pennsylvania ---

MR. ELLENBOGEN: --- and the Constitution and laws of the Commonwealth of Pennsylvania ---

JUDGE MANNING: --- and that I will discharge the duties of my office ---

MR. ELLENBOGEN: --- and that I will discharge the duties of my office ---

JUDGE MANNING: --- as a Member of Council for Allegheny County ---

MR. ELLENBOGEN: --- as a Member of Council for Allegheny County ---

JUDGE MANNING: --- with fidelity ---

MR. ELLENBOGEN: --- with fidelity ---

JUDGE MANNING: --- so help me God.

MR. ELLENBOGEN: --- so help me God.

JUDGE MANNING: Congratulations.

MR. ELLENBOGEN: Thank you, Judge.

(Applause.)

MR. DEFAZIO: Say a few words?

MR. ELLENBOGEN: A couple; right? I'd like to first thank my daughter for coming down. I'm sorry my other daughter had to work, but ---. I'd like to thank my colleagues for the time that I've spent here. This is my third time being sworn in and there's still a lot of work to be done. And I feel like we have a really good team to achieve what we need to achieve. I'd like to thank the people of my district for supporting me again and putting me back into office. And I would like to thank the new President Judge, Jeff Manning, who is --- in the courts, he's like the Peyton Manning of like the courts --- I couldn't pass that up, Judge, my old friend, for taking the time in his new appointment to come down and swear me in. And thank you everybody and I hope to live up to what everybody expects of me. Thank you.

(Applause.)

MR. DEFAZIO: 7911-14

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certificate of Election certifying that at the election held on the 5th day of November 2013, Michael Finnerty, was duly elected to the office of Member of Council, District 4, County of Allegheny, Commonwealth of Pennsylvania.

JUDGE CASHMAN: I, Michael Finnerty ---

MR. FINNERTY: I, Michael Finnerty ---

JUDGE CASHMAN: --- do solemnly swear ---

MR. FINNERTY: --- do solemnly swear ---

JUDGE CASHMAN: --- that I will faithfully execute the office ---

MR. FINNERTY: --- that I will faithfully
execute the office ---
JUDGE CASHMAN: --- of Member of Council of the
County of Allegheny ---
MR. FINNERTY: --- of Member of Council of the
County of Allegheny ---
JUDGE CASHMAN: --- and will to the best of my
ability ---
MR. FINNERTY: --- and will to the best of my
ability ---
JUDGE CASHMAN: --- preserve, ---
MR. FINNERTY: --- preserve, ---
JUDGE CASHMAN: --- protect, ---
MR. FINNERTY: --- protect, ---
JUDGE CASHMAN: --- defend ---
MR. FINNERTY: --- defend ---
JUDGE CASHMAN: --- and obey ---
MR. FINNERTY: --- and obey ---
JUDGE CASHMAN: --- the Constitution of the
United States ---
MR. FINNERTY: --- the Constitution of the
United States ---
JUDGE CASHMAN: --- and the Constitution and
laws of the Commonwealth of Pennsylvania ---
MR. FINNERTY: --- and the Constitution and laws
of the Commonwealth of Pennsylvania ---
JUDGE CASHMAN: --- so help me God.
MR. FINNERTY: --- so help me God.
JUDGE CASHMAN: Congratulations.
(Applause.)
MR. FINNERTY: Okay. Thank you. Appreciate it.
MR. DEFAZIO: Okay. 7912-14.
MR. FINNERTY: Excuse me.
MR. DEFAZIO: Mike.
MR. FINNERTY: I understand, I understand.
MR. DEFAZIO: Hey, Mike.
MR. FINNERTY: I perfectly understand, John. I,
first of all, would like to congratulate all of my fellow
council people who were re-elected this time around, and
the new people that were elected for their first round.
And I look forward very much to working with you and my
fellow council people. I'd also like to thank my wife,
Sherry, who has gone back to her seat. And Kelli and
Alyson --- I think most people in this courthouse know
Alyson. She's been here for seven years off and on with

me. My son Michael and his three children, Emma, Connor and Owen, couldn't be here, and Lynne, my other daughter, and her husband Steve also couldn't be here.

I look forward to working together to achieve government that is efficient and is set for the people of Allegheny County so that we can go forward, as we have been, to bigger and better things for all the people of Allegheny County. And I hope we can cooperate, both Republicans and Democrats --- and I guess we might have independents here --- to move forward with also the cooperation of the executive branch and Rich Fitzgerald's people who --- Rich has, to me, has been doing a great job, and we hope to continue to partner in different types of legislation that move the county forward and bring economic development and jobs to Allegheny County. Thank you.

(Applause.)

MR. DEFAZIO: 7912-14.

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certificate of Election certifying that at an election held on the 5th day of November 2013, Ed Kress was duly elected to the office of Member of Council, District 3, County of Allegheny, Commonwealth of Pennsylvania.

JUDGE DZVONICK: Good evening, everyone. I'm Judge Robert Dzvonic and I have the honor of swearing in Ed Kress.

MR. KRESS: Again.

JUDGE DZVONICK: DeFazio three times, Eddie --- Burns three or four times, and Eddie, this is the second time, so let's get this on here. Oh, give me --- he's worried I'm going to go fast. Watch this. Raise your --- put your left --- yeah, there you go. I, Ed Kress, ---

MR. KRESS: I, Ed Kress, ---

JUDGE DZVONICK: --- do solemnly swear ---

MR. KRESS: --- do solemnly swear ---

JUDGE DZVONICK: --- that I will faithfully execute ---

MR. KRESS: --- that I will faithfully execute ---

JUDGE DZVONICK: --- the office of ---

MR. KRESS: --- the office of ---

JUDGE DZVONICK: --- Member of Council ---

MR. KRESS: --- Member of Council ---

JUDGE DZVONICK: --- of the County of Allegheny

MR. KRESS: --- of the County of Allegheny ---
JUDGE DZVONICK: --- and will to the best ---
MR. KRESS: --- and will to the best ---
JUDGE DZVONICK: --- of my ability ---
MR. KRESS: --- of my ability ---
JUDGE DZVONICK: --- preserve, ---
MR. KRESS: --- preserve, ---
JUDGE DZVONICK: --- protect, ---
MR. KRESS: --- protect, ---
JUDGE DZVONICK: --- defend ---
MR. KRESS: --- defend ---
JUDGE DZVONICK: --- and obey ---
MR. KRESS: --- and obey ---
JUDGE DZVONICK: --- the Constitution of the
United States ---
MR. KRESS: --- the Constitution of the United
States ---
JUDGE DZVONICK: --- and the Constitution ---
MR. KRESS: --- and the Constitution ---
JUDGE DZVONICK: --- and the laws ---
MR. KRESS: --- and the laws ---
JUDGE DZVONICK: --- of the Commonwealth of
Pennsylvania ---
MR. KRESS: --- of the Commonwealth of
Pennsylvania ---
JUDGE DZVONICK: --- so help me God.
MR. KRESS: --- so help me God.
JUDGE DZVONICK: Congratulations.
(Applause.)
MR. KRESS: Well, I'm back. Third time is the
charm, huh? The funny thing is I normally get sworn in in
spring. The weather is a lot better, so --- I wish I
could have brought the same weather with me. The last
time I was here, 2011, I actually accomplished a lot. And
that's the thing. I mean, people always talk about
Republicans and Democrats. And when I campaigned in 2011
--- or excuse me, this past year, in 2013, it wasn't about
being a Republican or Democrat. It's about what you can
do for the people in this county. And I think people get
tired of that. You saw what happened down in Washington
D.C. It's about bringing people together. And a lot of
times, people that utter these words --- and they say a
lot of things, but I truly believe that action means more

than words. And that's what I want to do. I want to be able to accomplish much here, and I've already done a lot already in 2011. And that's because I was able to form good relationships with people on council here. And I hope to continue my good work from 2011, and that's why I'm here. If I truly believe if I didn't do good work, I wouldn't be here. And that's the reason why I ran for office again and I'm back. So I'd like to thank all the good people of Allegheny County and the people of my district who supported me, and also Judge Dzvonic. And he's a great guy, and I really was honored to have him here today so --- but thank you very much.

(Applause.)

MR. DEFAZIO: 7913-14.

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certificate of Election certifying that at the election held on the 5th day of November 2013, Robert Macey was duly elected to the office of Member of Council, District 9 in the County of Allegheny of the Commonwealth of Pennsylvania.

MR. DEFAZIO: Mr. Macey is going to say a few words.

MR. MACEY: I've had the pleasure of being sworn in on more than one occasion, and it's an honor and a privilege to represent the people of Allegheny County. Equally as important is to represent the Mon Valley which I believe is ready and poised for good, better and great things. You don't see a judge up here today because I took the liberty of being sworn in in my own community at a Christmas event, which, quite honestly, was --- was a lot of fun. And I was sworn in by one judge, but I had six other judges there as witnesses, one of them being Susan Evashavik DiLucente. So not only did I have magistrates, but I had the Allegheny Common Pleas Court there to witness my swearing in.

It's certainly an honor to be here. I certainly look forward to working with the administration again. I think that there are a lot of things that are going on in this county that we can all be proud of. And working close with the state with the transportation bill, I can see nothing but great things for the county in transportation, in roads and bridges, and also public transportation, which is the core of any community where you have growth and you want to bring young people here. I want to be thankful and appreciative of my colleagues.

It hasn't been easy all the time, but I think all of us have one thing in mind, we want to do the right thing for all the right reasons. And whether you're a Republican or Democrat, whatever election we have, once the dust settles, we're all in this together. Thank you.

(Applause.)

MR. DEFAZIO:: Next is 7914-14.

MR. CATANESE: Communication for the Return Board of Allegheny County submitting a Certificate of Election certifying that at an election held on the 5th day of November 2013, Charles Martoni was duly elected to the office of Member of Council, District 8, the County of Allegheny, Commonwealth of Pennsylvania.

MR. MARTONI: Thank you. Judge Tom Caulfield is going to swear me in and say something,.

JUDGE CAULFIELD: I, Charles Martoni ---

MR. MARTONI: I, Charles Martoni ---

JUDGE CAULFIELD: --- do solemnly swear ---

MR. MARTONI: --- do solemnly swear ---

JUDGE CAULFIELD: --- that I will faithfully execute the office ---

MR. MARTONI: --- that I will faithfully execute the office ---

JUDGE CAULFIELD: --- of Member of Council ---

MR. MARTONI: --- of Member of Council ---

JUDGE CAULFIELD: --- for the County of Allegheny ---

MR. MARTONI: --- for the County of Allegheny --

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JUDGE CAULFIELD: --- and will to the best of my ability ---

MR. MARTONI: --- and will to the best of my ability ---

JUDGE CAULFIELD: --- preserve, protect, defend and obey ---

MR. MARTONI: --- preserve, protect, defend and obey ---

JUDGE CAULFIELD: --- the Constitution of the United States ---

MR. MARTONI: --- the Constitution of the United States ---

JUDGE CAULFIELD: --- and the Constitution and laws ---

MR. MARTONI: --- and the Constitution and laws ---

JUDGE CAULFIELD: --- of the Commonwealth of Pennsylvania ---

MR. MARTONI: --- of the Commonwealth of Pennsylvania ---

JUDGE CAULFIELD: --- so help me God.

MR. MARTONI: --- so help me God.

(Applause.)

MR. MARTONI: Thank you. You can go, Mary Ann. I have a hell of a time getting rid of her so ---. Anyway, I'm happy to be here. I'm happy to have another term with my wonderful colleagues up here and it's a --- I'm happy to work with Rich and his staff and everyone else here. And I'm also --- I think this is the 14th year I've been here; okay? I've lost count, to tell you the truth. It's been a long time since the very beginning. And I've grown very attached to this room, to this place, and every member of Council and every past member of Council. We have a great group of people. Every now and then it's hard to recognize that because sometimes we go after each other here. But it's all in good government; okay? They're all wonderful, good people and thank you again. Okay?

(Applause.)

MR. DEFAZIO: 7915-14.

MR. CATANESE: Communication from the Return Board of Allegheny County submitting a Certification of Election certifying that at the election held on the 5th day of November 2013, Sue Means was duly elected to the office Member of Council, District 5, County of Allegheny, Commonwealth of Pennsylvania.

MS. MEANS: May I just speak from here?

MR. DEFAZIO: You could if you want.

MS. MEANS: Well, I'm just --- I was sworn in on December the 1st by my long-time friend, Judge Patty McCullough, in a private ceremony. And I just wanted to say how honored and grateful I am to all my friends and relatives and who supported me and helped me win my election. I'm also very honored that the people in the 5th District have placed their trust in me. And I made a promise to the voters that I would look out after the money as if it was coming out of my own pocket. And I plan to deliver on that promise. And I am just really honored to serve with these fine people and look forward to governing and protecting our constitutional rights and our freedoms. Thank you very much.

(Applause.)

MR. DEFAZIO: Okay. At this time, we're going to have the roll call of all the Council people and all the new ones all together here.

MR. CATANESE: Mr. Baker?

MR. BAKER: Here.

MR. CATANESE: Ms. Danko?

MS. DANKO: Here.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Present.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Here.

MR. CATANESE: Mr. Kress?

MR. KRESS: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Ms. Means?

MS. MEANS: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Fifteen (15) members present.

MR. DEFAZIO: Okay. At this time we're going to have the organization of council. We now have nominations for president of Council. Nick Futules?

MR. FUTULES: Mr. DeFazio, I would like to take this opportunity to nominate a person on this council that have been here since the beginning, for the last 14 years.

MR. DEFAZIO: May I stop you?

MR. FUTULES: Yes.

MR. DEFAZIO: Okay. What I told another ---.

MR. FUTULES: Can I just make the nomination?

MR. DEFAZIO: Yeah, just make the nomination ---
MR. FUTULES: Okay.
MR. DEFAZIO: --- because I said we didn't want
no speeches ---.
MR. FUTULES: I'll skip the speech.
MR. DEFAZIO: Okay. All right.
MR. ROBINSON: Mr. President --- or I should say
---.
MR. FUTULES: Excuse me. I think I have the
floor, sir.
MR. DEFAZIO: Yeah, he has the floor.
MR. FUTULES: I'd like to nominate John DeFazio

MR. DEFAZIO: Okay.
MR. FUTULES: --- as our next president.
MR. DEFAZIO: Okay. Nominations are open if you
have a ---.
MR. ROBINSON: Mr. DeFazio?
MR. DEFAZIO: What's your point?
MR. ROBINSON: I would like to nominate somebody
if I'm allowed to do so?
MR. DEFAZIO: Oh, yeah, you're allowed like
everybody else.
MR. ROBINSON: Thank you very much. I would
like to nominate the Honorable Heather Heidelbaugh.
MR. DEFAZIO: Okay. Is there any other
nominations? Is there any other nominations? Is there
any other nominations? Seeing no more, nominations will
be closed for John DeFazio and Heather Heidelbaugh. So
would you, Clerk, would you please call the Council
people?
MS. HEIDELBAUGH: Point of order, please?
MR. DEFAZIO: What's your point?
MS. HEIDELBAUGH: I have prepared a speech, and
I would like to be able to give it to Council on why I
want to be president.
MR. DEFAZIO: No. There's nothing in the rules
that says you're supposed to make speeches here. Our
practice has been you either accept or reject, and which I
have to also do that at this moment before we start. You
have a four-page speech you gave to everyone, so I think
that'd be sufficient.
MS. HEIDELBAUGH: So are you saying that I
cannot give a ---?

MR. DEFAZIO: Yeah, you already gave it to us. You gave us --- a four page to every council person.

MS. HEIDELBAUGH: May I give it to the clerk so it can be put into the record?

MR. DEFAZIO: You can give it to him if you want. Do what you want.

MS. HEIDELBAUGH: And it can be put into the record?

MR. DEFAZIO: Why don't you just give it to him? And before we do that --- hold it, Heather. First of all, I accept the nomination. Heather?

MS. HEIDELBAUGH: I accept as well.

MR. DEFAZIO: Okay. Do you want to take the roll?

MR. CATANESE: Mr. Baker?

MR. BAKER: Council Member Heidelbaugh.

MR. CATANESE: Ms. Danko?

MS. DANKO: Council Member DeFazio.

MR. CATANESE: Mr. DeFazio.

MR. DEFAZIO: Mr. DeFazio votes for Mr. DeFazio.

Mr. Ellenbogen?

MR. FUTULES: Mr. John DeFazio.

MR. CATANESE: Mr. Finnerty?

MR. FUTULES: Mr. DeFazio.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Mr. DeFazio.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: John DeFazio.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Heather Heidelbaugh.

MR. CATANESE: Mr. Kress?

MR. KRESS: Councilman DeFazio.

MR. CATANESE: Mr. Macey?

MR. MACEY: Councilman DeFazio.

MR. CATANESE: Ms. Means?

MS. MEANS: Councilwoman Heather Heidelbaugh.

MR. CATANESE: Mr. Martoni?

PRESIDENT DEFAZIO: Mr. DeFazio.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Mr. DeFazio.

MR. CATANESE: Ms. Rea?

MS. REA: Councilman DeFazio.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: The Honorable Heather Heidelbaugh.

MR. CATANESE: Councilman DeFazio has 11 votes. Councilman Heidelbaugh has four. Mr. DeFazio wins the election.

(Applause.)

PRESIDENT DEFAZIO: Okay. I'd like to thank everyone who voted either for or against me. We all have to work together like we all promised, so that's what we're going to have to do. Thank you very much. And now, let's see, we really don't have any more business. We do have public comment, though.

MR. ELLENBOGEN: Liaison reports?

PRESIDENT DEFAZIO: Okay. Well, ---.

MR. ELLENBOGEN: Approval of minutes?

PRESIDENT DEFAZIO: Do we have any?

MR. CATANESE: We have none.

PRESIDENT DEFAZIO: We have none. We have no minutes. Does someone have a liaison report? We could take it. Go ahead.

MS. DANKO: This will just take a minute. I just want to make sure that everyone is aware that the Pennsylvania Supreme Court ruled on Act 13 on December 19th, just two days after our last meeting. The Supreme Court declared major portions of Act 13, particularly the sections which overrode local zoning control, unconstitutional. Perhaps even more significant was the basis of the decision. Pennsylvania's environmental rights constitutional amendment. Rather than go into the details of the decision, I will simply say that at the very least this decision should give us pause as we as a body consider proposals to drill under our parks. There will be significant legal hurdles. I've made copies of an op-ed by Bruce Ledewitz, a law professor at Duquesne, which appeared recently in the PG, and I've asked the clerk to please pass the article out for everybody. Thank you.

PRESIDENT DEFAZIO: Mike, you're next.

MR. FINNERTY: Okay. Thank you, Mr. President. I'd just like to remind everybody --- I think I mentioned it at the last meeting, but I did want to mention it again. South Fayette's football team won the WPIAL AA title and also won the state AA title. And they did it smashingly with a 41 to 9 score at the state level. And I believe we're going to be honoring them at the next meeting, if I'm not mistaken. So if you could all be here

to honor them, they have a great team. Thank you very much, Mr. President.

PRESIDENT DEFAZIO: Okay. Bob?

MR. MACEY: Thank you, Mr. President and members of Council. One of the things I'd continue to mention, and I continue to do it because it's a very great --- a very good program. It's called, FireVEST. That's volunteer emergency services training. A young person, and people in their 30s and 40s could actually get a free college education. All they have --- at the community college. All they have to do is sign on with an emergency service first responder organization, most notably the volunteer fire companies and some of the emergency medical services groups. And you know, with this program you have an opportunity to not only learn something and get a degree in your discipline, but you also learn firefighting and learn what it's like to serve your community and be a first responder. So if anybody would like to be part of the FireVEST program, please call our good friend Joe Catanese at 412-350-6492. That's 412-350-6492. He sits on the Board. He has that responsibility. Thank you.

PRESIDENT DEFAZIO: Okay. Go ahead, Nick.

MR. FUTULES: Now, I'm not sure if it comes under liaison, but I'd like to take this opportunity to thank Dr. Martoni for the two years being the president and having faith in me as your vice president. And over the last two years he's never missed a meeting. I don't think everybody knew that. He was under the weather quite a bit, but he managed to make every single meeting. He's feeling much better now, but I just want to take this opportunity to thank you, Dr. Martoni, for the two years of being our president.

(Applause.)

MS. HEIDELBAUGH: I would also like to say something about Dr. Martoni. When I first came here, it was very difficult to be a member of the minority party. And I truly feel, Dr. Martoni, that you personally went out of your way to make me feel comfortable. I think you personally went out of your way to ensure that people that I represent had a voice, and you didn't have to do that. And you've also been enormously personally kind to me. I think you are a wonderful man, and I really have appreciated your leadership.

PRESIDENT DEFAZIO: Well, I agree with everything everyone's said. And I'd like to say a few

things, also, that Chuck has been --- I think he's been decent with everybody, and been a good guy I've known for a long time. I just want to agree with everybody. Thank you.

PRESIDENT DEFAZIO: Okay. Let's move on to --- there's no new business. Public comment on general items, we have ten speakers?

MR. FUTULES: Ten speakers.

PRESIDENT DEFAZIO: Okay. Do you want to --- the first name is, what, Lester Ludwig.

MR. LUDWIG: My name is Les Ludwig. I live at 6589 Rosemoor Street in Squirrel Hill. Good to see you again. I want to take you back a little bit to try and place what I'm going to tell you. It's many years ago, and the UN had had its first meeting concerning what we were doing with the world. Pollution, to be exact. And we're still talking about it today. And I had extensive notes, but I didn't get a chance to dig them ---. Listen to this one. President Nixon had to go ahead and raise heck with an oil company because they were pumping water where? Down into oil wells to push oil along. Doesn't that sound familiar, like --- almost like fracking? What year was it? It was 1972.

And all this time that's gone by in the interim. What are we doing? If you look in the New York Times from that period, oil spill after oil spill. Gasoline after gasoline. Poison going into our water supply. And we've only got --- what did I say here so many times, that I actually got a phone call from a former member of this body raising hell with me why I attacked him on the subject of one water? We've only got one water, and we're poisoning it.

So what are we going to do? We're going to let them drill under the park. I'm the guy who came forward and said, what is it, what is it? It's a wall, but it's also a surface. And if that surface faces the public and belongs to the government, why not lease it? And Dr. Martoni picked up the idea and said, hey, we ought to do something about it. And I submitted to Mr. Szymanski today a joint proposal for the City of Pittsburgh and the County of Allegheny to do what? Make money. It's there. It's waiting for us. Why do we have to blame poison? The one thing that we need, we have to protect ourselves. We have to protect our children. And I call upon each and

every one of you to stop and think, how many Valdez's do we have to have before we end up paying the price?

I'm already buying water at Whole Foods because why? Because I'm a food technologist, and I know that when you go and put it through the purifying system that they're putting it through, that at least I'm doing what I can to keep my household well. Think about it before you vote.

PRESIDENT DEFAZIO: Thank you. Next is Aaron Booz or Booz (changes pronunciation).

AUDIENCE MEMBER: I don't believe he made it tonight.

PRESIDENT DEFAZIO: Okay. Joni Rabinowitz.

MS. RABINOWITZ: I'm Joni Rabinowitz, and I live in the 11th Council district. Good evening. I hope you all had a pleasant holiday season and you're ready to take on the great challenges of 2014. I welcome Ed Kress and Tom Baker, and of course, Sue Means, who joined you recently. And I look forward to working with all of you on the critical issue of protecting our air, water and soil for future generations. I hope you will join with an increasing number of Allegheny County residents who oppose Marcellus fracking, Mr. Finnerty, in our --- in or under our county parks.

As you probably know, Allegheny County has one of the worst air qualities in the country. A recent study by the Pitt Graduate School of Public Health found that we ranked in the top two percent of counties in the US for cancer risk from hazardous air pollutants. Among the major air quality challenges facing the region were diesel emissions and pollution from unconventional natural gas drilling operations, which also includes diesel emissions. This means that the Marcellus shale industry is making us one of the most polluted areas in the nation.

Justice Ronald Castille in the Pennsylvania Supreme Court recent landmark Decision that Councilwoman Danko just referred to, which ruled sections of Action 13 --- Act 13 unconstitutional, stated, quote, by any responsible account, the exploitation of the Marcellus shale formation will produce a detrimental affect on the environment, on the people, their children and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction, unquote.

Now, fortunately for you, you won't be asked to vote on the constitutionality of Marcellus fracking, although you all have pledged to uphold the Constitution. But Rich Fitzgerald will ask you soon to vote to allow Range Resources, a company with a lousy safety record, to drill under Deer Lakes Parks and to vote soon. Now, I don't know if you have used the county parks, but these beautiful parks are one of the amenities that people mention when they decide to relocate here. The county parks are a selling point, fracking isn't. Duquesne University and the League of Women Voters had similar symposiums in November on the subject, and all the presenters were respected expert scientists, researchers and academics.

Mr. Palmiere and Dr. Martoni attended some of the sessions and spoke to some of the people that were presenting there who have offered to come and give a program for you on the subject of fracking. As you go through this process, study and learn as much as you can, and I hope it will be a deliberative process. I hope you will take the opportunity to review the videos from testimonies every Tuesday since September before this body. Last year when Fitzgerald pushed through the resolution for drilling in the airport, he held a last-minute hearing in a place which wasn't big enough and he loaded the first hour with people who had nothing to do with Allegheny County. I hope you will hold hearings throughout the county to hear from your constituents and that you will decide we don't know enough for you to make this decision. We're the guinea pigs for this industry and the millions of dollars coming in are not worth sacrificing future generations to our mistakes.

PRESIDENT DEFAZIO: Thank you.

(Applause.)

PRESIDENT DEFAZIO: John Detwiler.

AUDIENCE MEMBER: He asked to be put in at the end.

PRESIDENT DEFAZIO: Okay.

AUDIENCE MEMBER: Thank you.

PRESIDENT DEFAZIO: Let's go with Thaddeus Popovich.

AUDIENCE MEMBER: He was not able to make it in.

PRESIDENT DEFAZIO: Okay. Mel Packer? Are you here, Mel?

MR. PACKER: Yes. I feel like I know you. I was coming to your house tonight. You're not timing me on this; are you? Okay. Mel Packer, 623 Kirtland Street, Pittsburgh. A few meetings ago when the fracking moratorium bill sponsored by Councilwoman Danko was introduced for a vote, we were surprised to find that 4 of the 15 council members either abstained or recused themselves from the voting. For the record, let me state the difference. To abstain, and I'm sure you all know this, is simply to say, I'm not going to vote. You don't have to state a reason. To recuse is to recognize you have a possible ethical conflict there, and you must recuse yourself from that vote.

We were a little bit puzzled by that, we being Protect Our Parks, so we began to search the Allegheny County statutes and documents for some sort of guidance and explanation. Since the last meeting, especially when Allegheny County Executive Rich Fitzgerald gave his quarterly report, and at the conclusion pressed mightily for those council members to participate fully in discussion, and urged those members not to recuse themselves in the future, we have become even more interested. Lo and behold, after a simple internet search, we were able to locate a document entitled Accountability, Conduct and Ethics Code in Allegheny County, which gave us great enlightenment as to the ethical conflicts confronting all three of those council members who recused themselves.

We are pleased to report that in our opinion, and it's just our opinion, it's not a legal opinion, ex-Councilman Burn and current Councilwomen Heidelbaugh and Green Hawkins have apparently acted with the highest ethical standards by acknowledging clear ethical conflicts around then and presumably future legislation regarding fracking in our county. For that, we applaud you for adhering to those standards and presume that you'll continue to do so as you act in the interests of Allegheny County residents.

For the record, I want to read in a couple of paragraphs from the Accountability, Conduct and Ethics Code of Allegheny County as it applies to all Allegheny County employees and elected officials. Section 103.04, Standards of Conduct, subsection F, paragraph three. No covered person, that means all elected officials, shall attempt to influence the course of proposed county council

legislation in which he, she or a family member, or a business associate has a present or potential conflict of interest or private interest, either direct or indirect. Subsection one, paragraph one. Every covered person shall publicly disclose any direct or indirect financial or other private interest in any proposed legislation on which he or she is required to vote. Covered persons would be required to vote on the matter. The covered persons who, in the discharge of their duties, will be required to vote on that matter, that result in a conflict of interest shall abstain from voting, and prior to the vote being taken, publicly announce and disclose the nature of the interest as a public record. That is the Code in writing. You can read it yourselves. But the Code then goes on for many pages, and at its conclusion lists possible penalties for violations of the Code, including suspension from office, among other possible punishments.

And so again, for the record, we at Protect Our Parks wish to commend Councilwomen Heidelbaugh and Green Hawkins for their extremely ethical behavior in decisions at past meetings. And we trust that such behavior will continue on the part of all council members who may not yet have realized that he or she may also be forced to recuse or abstain oneself should such similar conflict become apparent. Such timely recognition would be commendable on the part of any council member, and could even prevent actions un hoped by all of us, such as the filing of formal ethics complaints with the appropriate county commission. Thank you.

(Applause.)

PRESIDENT DEFAZIO: Okay. Peter Wray. I don't see him here. Not here. Terri Supowitz.

MS. SUPOWITZ: Good evening. I'm Terri Supowitz. I live, breathe and garden at 310 Hay Street in Wilkinsburg. Happy and Healthy New Year to all of you, and a warm welcome to the new council members. Your decision to frack or not to frack in the county parks is the most important decision any of you will make in your lifetime. This decision will affect ---.

(Cell phone rings.)

MS. SUPOWITZ: Please shut that off. Will affect Allegheny County, Western Pennsylvania, the State of Pennsylvania, the United States and every nation of the country throughout the world. In fact, the whole world is

watching you, whether you believe it or not. They are. Pittsburgh is in Allegheny County. They're watching all of us. And they're asking the question, how far will Allegheny County go? Will they let the oil and gas companies frack in the parks?

Since it is the beginning of the new year, I want to give you my wish list about fracking. My deepest hope is that you ban fracking in Allegheny County. It would take a huge amount of courage for all of you to do that, and I'm aware of it. Come up with your own proposal. You will be coming down on the right side of history. And the people of the country and the world will applaud you. Short of that, here are the rest of my suggestions for making this proposal of fracking in the parks open, transparent and fair. Have a town meeting, first of all, in every district, giving at least two weeks notice and advertising in the newspapers, TV and on the radio.

New members of council need to be given sufficient time to educate themselves about the issue. We have been coming since August, four months. New members need at least three months to catch up. Invite a panel of experts at least for one full day. We are happy to advise you to present scientific information and answer your questions. Do your due diligence. Remember the Mon Expressway? There was a two year impact study. The Mon Expressway was not going to pollute our drinking water, pollute the air we breathe and pollute our soil, making food unfit to grow there. Certainly Marcellus shale drilling deserves at least a two year impact study.

As you know, Act 13 was ruled unconstitutional on the grounds that it violates the environmental rights amendment to the Pennsylvania Constitution. And that amendment says, the people, all of us, have a right to clean air, pure water and to the preservation of the natural scenic, historic and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee, all of you, of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people. Thank you.

(Applause.)

PRESIDENT DEFAZIO: Carrie White.

AUDIENCE MEMBER: John Detwiler has arrived now.

PRESIDENT DEFAZIO: Okay. Well, come on up. Where's he at? Come on up.

MR. DETWILER: Thanks for your consideration. I spent 45 minutes getting the last half a mile over the Old ---. I'm John Detwiler, 5723 Solway Street, Pittsburgh. I'm a volunteer with Protect our Parks. And I want to wish everybody a Happy New Year, and congratulations to everybody who is taking a higher office this term. So like Mr. Fitzgerald, I got an engineering degree at Carnegie Mellon, and there, a new term often meant a brief quiz to get us up to speed on the subject. So grab a sheet of paper, see how you do on a few questions about fracking.

Number one, the average Marcellus gas well falls to less than half of its initial production in how many weeks? Two. Explain the affects of endocrine disrupters, chemicals released into the air at fracking sites, on developmental diseases in children, birth defects and spontaneous abortions. Three, the State of Pennsylvania estimated the cost of highway repairs due to fracking at three and a half billion dollars. How much has been collected in natural gas impact fees to address all social and infrastructure costs of fracking? Four, how much money did the County Executive receive from the natural gas industry for his election campaign? Five, on an average weekday, how many school buses travel the narrow roads around Deer Lakes Park? Six, what is actually carried in tanker trucks that leave well pads labeled residual waste. And with no placards on these trucks, how does a first responder know how to deal with the spill? Seven, how large an area will have to be evacuated around a well fire or a pipeline fire?

And finally, can you match the following quotations with their sources? The sources are, the Bible, the Pennsylvania Supreme Court, the Allegheny Code of Ethics --- Allegheny County Code of Ethics and your mother. Here are the quotes. Number one, the exploitation of the Marcellus shale will produce a detrimental effect on the environment, on the people, their children and future generations, and potentially on the public purse. Quote number two, no covered person shall attempt to influence the course of a proposed county council legislation issue in which he or she or a family member or business associate has a present and potential conflict of interest. Quote number three, I brought you

into a fertile land to eat its fruit and rich produce. But you came and defiled my land and made my inheritance detestable. Is it not enough for you to feed on the good pasture? Must you also trample the rest of the pasture with your feet? Is it not enough for you to drink clear water? Must you also muddy the rest with your feet? And the last quote, I don't care what everybody else is doing. We're talking about right and wrong, and we're talking about you. Thank you.

(Applause.)

PRESIDENT DEFAZIO: Thank you. Nancy Hall.

MS. HALL: Hello. My name is Nancy Hall, and I live at 29 Simon Road, West Deer Township. My topic is fracking.

AUDIENCE MEMBER: Could you turn on your mic?

MS. HALL: Yeah. I'm sorry. Don't take my time. I have been reading the paper for years on Marcellus shale in New York and Pennsylvania. The more I read, the more frightened I became. When I read in the paper that our County Executive wanted to frack in our county parks, I thought, why? The parks belong to all of us, each of us individually and collectively. I never thought anyone would allow this. Truly, I never did. I was surprised at the requested proposal to frack at Deer Lake Park went out before Council. Even voted on whether we would frack in our county parks. Why is this being pushed like this? What's this all about?

Fortunately, we received information on a public info meeting in Natrona Heights. It was very informative. We became more concerned about fracking in our public parks, and we started coming to these county council meetings to find out really what was going on. This has been a real education for us. And --- but we're not finding any transparency on what is going on with this vote. Like some others who have spoken to you, I don't know what it will make for you --- for us to say things to you that make an impact on you, that we do not want fracking in county parks.

My family and I approached approximately 183 people with a petition against fracking in the county parks. I'm sorry. I'm shaking. Of the 183 people, 153 signed the petition against fracking in our county parks. That's 84 percent against fracking in our county parks. Including in the approximate 183 people were 115 who I personally went to their doors and knocked on their doors

and asked them, you know, if they're agreeing if they would sign my petition. Of the 115, 98 people signed those petitions. Eighty six (86) percent against fracking in our county parks. If you haven't already taken the opportunity, I urge you that before you make this extremely important decision on whether to frack in our county parks, that you go into an area of your district where your friends and peers don't live, or your regional county park and do a random survey to get a feel of how your constituents really feel about fracking in county parks.

More importantly, go into West Deer and Frasier neighborhoods and do the same thing, as Deer Lakes Park is on the fracking fast track by the County Executive. Also, I ask you to take off your political hats, and to put yourself in your neighborhood, in your yard, in your local community park. If you would not want a Marcellus shale gas well within 500 feet of your home or in your local community park, then don't vote to put fracking in our county parks. Decisions that our political leaders make can reverse the hard work that past leaders and visionaries have made in making us proud of where we live and where we recreate. Long after the money is gone and the gas is diminished, we are left with the spoils. County parks were painstakingly set aside for the health and welfare of these residents. People all over Western Pennsylvania enjoy the natural offerings of our parks. Our parks are for recreation and not a source of revenue. Don't allow this to happen. Thank you all for listening.

(Applause.)

PRESIDENT DEFAZIO: Okay. That ends the public comment. Does someone want to make a motion to adjourn?

MR. ROBINSON: So moved.

PRESIDENT DEFAZIO: Second?

MR. ELLENBOGEN: Second.

PRESIDENT DEFAZIO: All those in favor signify by saying aye.

(All say aye.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Thank you very much. This meeting is adjourned.

MEETING CONCLUDED AT 5:55 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.



Court Reporter