

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio	-	President
Nicholas Futules	-	Vice President, District 7
Heather S. Heidelbaugh	-	Council-At-Large
Thomas Baker	-	District 1
Jan Rea	-	District 2
Edward 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

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

Tuesday, July 1, 2014 - 5:01 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 - Council Solicitor
Andrew F. Szefi - County Solicitor

PRESIDENT DEFAZIO: Will you all rise for the Pledge of Allegiance to the Flag, and remain standing for silent prayer or reflection; after me ---.

(Pledge of Allegiance to the Flag.)

(Silent prayer or reflection.)

PRESIDENT DEFAZIO: Thank you. We'll have a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Here.

MR. CATANESE: Ms. Danko?

MS. DANKO: 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?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Here.

MR. CATANESE: Mr. Kress?

MR. KRESS: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Ms. Means?

MS. MEANS: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Here.

MR. CATANESE: Fourteen (14) members currently present.

PRESIDENT DEFAZIO: Proclamations and Certificates will all be read into the record, starting with 8353-14.

MR. CATANESE: Yeah. 8352-14 is going to be held. 8353-14. Certificate of Achievement awarded to the West Allegheny High School Baseball Team for winning the

2014 WPIAL Class AAA Baseball Championship. Sponsored by Council members Baker and Finnerty.

8354-14. Certificate of Achievement awarded to the Quaker Valley High School Boys' Lacrosse Team for winning the 2014 WPIAL Division II Boys' Lacrosse Championship. Sponsored by Council members Baker and Rea.

8355-14. Certificate of Achievement awarded to the South Fayette Girls' Track Team for winning the 2014 WPIAL Class AA Girls' Track Team Championship. Sponsored by Councilman Finnerty.

8356-14. Certificate of Achievement awarded to the Shaler Area High School Softball Team for winning the 2014 WPIAL Quad A Softball Championship. Sponsored by Council member Kress.

8357-14. Certificate of Achievement awarded to the Shaler Area School --- High School Girls' Lacrosse Team for winning the 2014 WPIAL Division II Girls' Lacrosse Championship. Sponsored by Council member Kress.

8358-14. Certificate of Achievement awarded to Shady Side Academy Boys' Lacrosse Team for winning the 2014 WPIAL Division I Boys' Lacrosse Championship. Sponsored by Council member Kress.

8359-14. Certificate of Achievement awarded to Mt. Lebanon High School Girls' Lacrosse Team for winning the 2014 WPIAL Division I Girls' Lacrosse Championship. Sponsored by Council members Means and Heidelbaugh.

8360-14. Certificate of Achievement awarded to Thomas Jefferson High School Softball Team for winning the 2014 WPIAL Class AAA Softball Championship. Sponsored by Council member Palmiere.

8361-14. Certificate of Achievement awarded to the North Allegheny Senior High School Boys' Track Team for winning the 2014 WPIAL Class AAA Boys' Track --- Team Track Championship. Sponsored by Council member Rea.

8362-14. Certificate of Achievement awarded to the North Allegheny Senior High School Boys' Volleyball Team for winning the 2014 WPIAL Class AAA Boys' Volleyball Championship. Sponsored by Council member Rea.

8363-14. Proclamation honoring Mr. Clifford W. Flegal, Sr. for his efforts over the past 45 years as the Chair of the City of McKeesport's Flag Day Ceremony. Sponsored by Council member Macey.

8364-14. Certificate of Achievement awarded to Mr. Justin Welch of Boy Scout Troop 85 upon earning the rank of Eagle Scout. Sponsored by Council member Macey.

8365-14. Certificate of Recognition congratulating Ms. Margaret Bixler upon the occasion of her 100th birthday. Sponsored by Council member Macey.

8366-14. Certificate of Recognition awarded to Mr. and Mrs. Melvyn and Norma Achtzehn upon the occasion of their 65th wedding anniversary. Sponsored by Council member Macey.

8367-14. Certificate of Recognition awarded to Mr. and Mrs. Frank and Dolores Chandler upon the occasion of their 65th wedding anniversary. Sponsored by Council member Macey.

8368-14. Certificate of Recognition awarded to Mr. and Mrs. Nick and Loretta Dabruzzo upon the occasion of their 50th wedding anniversary. Sponsored by Council member Macey.

8369-14. Certificate of Recognition awarded to Mr. and Mrs. Dino and Carol DiFelice upon the occasion of their 50th wedding anniversary. Sponsored by Council member Macey.

8370-14. Certificate of Achievement awarded to Mr. Matt Bernadowski of Elizabeth Forward High School for being named the 2014 Daily News Boys' Athlete of the Year. Sponsored by Council member Macey.

8371-14. Certificate of Achievement awarded to Ms. Alyssa Cairns of West Mifflin High School for being named the 2014 Daily News Girls' Athlete of the Year. Sponsored by Council member Macey.

8372-14. Certificate of Achievement awarded to the 2014 Allegheny County Marbles Tournament Champions, King Eli Murphy, Runner-up Bobby Narr, Queen Kelsey Baran, Runner-up Ava Miller and recognizing Ms. Kelsey Baran for being named runner-up in the Girls' Division of the 91st National Marbles Tournament, held in Wildwood, New Jersey on June 19, 2014. Sponsored by Council members ---.

MR. FINNERTY: I'd like to co-sponsor that, please.

MR. PALMIERE: Likewise, Joe, please.

MS. MEANS: (Indicating).

MR. BAKER: (Indicating).

MR. CATANESE: Sponsored by Council members Danko, Green Hawkins, Rea, Finnerty, Palmiere and Means.

8373-14. Proclamation recognizing the 10th Annual Jazz on the Hillside concert, a fundraiser event for the Schenley Heights Community Development Program and

declaring June 27, 2014 to be Jazz on the Hill Day in Allegheny County. Sponsored by Council member Robinson.

MR. FINNERTY: I'd like to co-sponsor that, if it's all right with you. Good job, Joe. Is she getting a drink of water?

PRESIDENT DEFAZIO: Okay. We'll have the Public Comment. Edward Chute?

MR. CHUTE: Ed Chute, 904 Valleyview Road. As usual, they call me Nobody. I attended the Council's Parks Committee meeting for the executives, proposed ordinance concerning the land swap at Deer Lakes Park. A couple of Council members in attendance raised a number of quite significant issues at the Parks Committee meeting, which were never adequately responded to and definitely not answered. Why does the Council even want to do this land swap with the Gulicks? What is the purpose for the county acquiring this land from the Gulicks? What does the county intend to do with the acquired parcel? What are the Range --- I'm sorry.

What are the Gulicks and Range planning to do with the county's parcel to be swapped? Why is Range Resources even involved? Is the county and this council receiving a fair and actual value for our public land, especially considering the as-yet-unsigned-by-Range-Resources lease the County Executive has already signed for the extraction of natural gas from underneath Deer Lakes Park? What about the already executed lease controlled on this parcel --- controlled by the Gulicks? What is the relationship of that previous lease involved in this current ordinance to the recently approved ordinance for the entire Deer Lakes Park? Can and shouldn't this Council and this additional ordinance amend the Gulicks' older lease with Huntley and Huntley to prohibit surface activity on this new parcel, especially since this was the County Executive's major selling point and rationale for his previous lease at Deer Lakes Park already approved by Council.

Rather than answers, I heard assertions, such as Councilman Finnerty said it is, quote, a really good deal to make the swap. If the swap is such a good deal, then just what's good about it? For whom is the deal good? What does the good deal consist of? Another rationale for the swap was that Range Resources was looking for a possible driveway for access to an as yet unrevealed possible drilling pad placement somewhere on the western

edge of Gulicks' property. What does some possible imagined need or desire or want on the part of Range Resources have to do with Rich Fitzgerald's ordinance? Put another way, is it even proper for County Council to be swapping publicly owned land for the supposed convenience of a private and profit-making corporation, without receiving substantial and significant compensation and guarantees in return that will benefit Deer Lakes Park and the residents of Allegheny County? It seems to me that even the minimal and faux attempts that I have watched County Council perform at due diligence, demand that at least all of these 15 or so unanswered questions I have just noted for you require adequate investigation taken by Council and media prior to your improving the ordinance authorizing the land swap at Deer Lakes Park. In short, this deal and ordinance do not pass the cui bono test.

PRESIDENT DEFAZIO: Okay. We have Aaron Booz.

MR. BOOZ: 3181 Bel Air Drive, Whitehall. I didn't attend the Parks Committee meeting last week, but from what I understand, there was a long conversation about parking on the grass, during which all aspects were thoroughly discussed. But then there was a relatively quick approval of this land swap deal, without explaining what the benefit would be to the county or its residents. I read in the paper that Range says they would like to have, but would not absolutely need, the county's triangular property in order to clear a road for the fracking operations. If you're a person who's enthusiastic about the idea of drilling next to that park, I guess I can see why you would want Range to have somewhat easier access.

But why does Range want the county to trade for this rectangular piece on the other side of the road, which already has a lease for deep Marcellus Shale fracking on it? I don't think the County needs any more tiny parcels of land, certainly not ones with leases on them. So maybe it would be better if the other party just kept their \$700. It's hardly worth the paperwork, isn't it? I mean, for the county and appraiser to divide that tax parcel, change the deeds, just for \$700, and then the county would hold a quarter-acre parcel that's already leased, on different terms than the 1,180 acres in Deer Lakes Park and needing to reconcile those differences sometime in the future, so why bother?

Wouldn't it make sense to just give away that triangle as a favor to Range Resources; or is there something more complicated going on here that the county solicitor either hasn't looked into or just hasn't said? I understand that this government has made a deal with Range Resources, but it doesn't have to act every time Range would like to make something somewhat easier for them. You represent the citizens of this county, not a privately-held Texas-based corporation, despite the actions of the County Executive. Also, the spirit, if not the law of open government is in question if you're going to take a vote on this and approve it without explaining to the public and the media just what it is you're setting the stage for. So I'm asking that all Council members demand and receive a clear explanation of exactly what are the implications of this land deal before voting to approve it?

PRESIDENT DEFAZIO: Okay. Renee Cox?

MS. COX: Hello. Renee Cox, 323 South Winebiddle, 15224. Thank you for allowing me the opportunity to address Council today. I'm going to be speaking on the needle exchange location restriction contained within the regulations. Needle exchange is a public health service that aims to reduce the spread of HIV, hepatitis and other blood-borne diseases among individuals struggling with addictions; specifically, injection drug users, and it's also part of our mission to reduce overdose fatalities. Overwhelming scientific research has demonstrated that needle exchange reduces the spread of disease, does not increase drug use and also serves as an important bridge to treatment. Actually, within the past several years, we've gotten 20 to 25 percent of our client population into drug treatment and last year I think we got 130.

While people can recover from addiction, there is no cure for HIV. Hepatitis is a life-threatening disease, and no recovery is possible after a fatal accidental overdose. So what our services essentially aim to do is keep people as healthy as possible and alive while they're in a very vulnerable state, a period of active addiction. There are an estimated nearly 12,000 injection drug users in the Pittsburgh Metropolitan statistical area. Drug use is the third leading cause of HIV in southwestern Pennsylvania and overdose is ---

actually, overdose fatalities are higher than traffic accidents and homicides combined.

So it's a real public health crisis. Within the regulations, it states that no new needle exchange can be established within 1,500 feet of a drug treatment program, a school or daycare. And I would just like to stress that wipes out the entire City of Pittsburgh. There's really no place to establish or expand to any new sites, despite public health need, and we've discovered this through Google Earth research. But there are important strict safeguards in place which require that any provider that wants to establish a new outreach site must get the address approved by the municipality and the Board of Health, as well; and also, most importantly, must get the support within the neighborhood where they're trying to establish their services. So not only does the 1,500 foot rule completely --- is prohibitive of these services, but it's also necessary. So we urge County Council to please vote yes on the amendment.

PRESIDENT DEFAZIO: Okay. Stuart Fisk?

MR. FISK: Good evening and thank you. I'm speaking on the same matter as Renee Cox. My name is Stuart Fisk. I live at 6840 Meade Street, 15208. I'm currently --- well, I've been involved in HIV prevention, research and treatment for over 30 years. I currently am a nurse practitioner and run the HIV clinic at Allegheny General Hospital and have done so for the last 15 years. I've also spent a number --- seven years on the County Drug and Alcohol Council, and I've served as Chair of that body.

I'm currently the President of the Board of Prevention Point Pittsburgh, and what I'd like to do is just briefly speak to the efficacy of needle exchange in preventing public health epidemics among injection drug users. If you look at national and statewide data over the last 20 to 25 years, what we can see is that the only group of people who have been able to reduce the incidence of new infections of HIV have been injection drug users. Now, when I started doing this work 30 years ago, I would not have predicted that that would be the case. But in fact, in every other major risk group, including men who have sex with men and heterosexual infections, which are the other two leading risk groups, injection drug users are the only group that had consistent declines over the past decade in their incidence.

And that is because of the availability of sterile injection equipment through needle exchange programs and legal access to syringes. So I think there's been over, probably, 15 federally funded studies that have shown this to be the case. So I think that those gains have to be protected, because if you're looking at an infectious epidemic disease, it just takes stopping prevention or limiting prevention and access to prevention technology to re-ignite an epidemic in a population. If we don't expand access for needle exchange in the midst of an expanding epidemic of injection drug use, we're most likely going to see a turnaround in those --- in those numbers. And we're going to see increasing rates of HIV infection among injection drug users. The epidemic of Hepatitis C among injection drug use is much more serious. It is much more difficult to contain the spread of Hepatitis C. Prevention efforts have to be, really, re-doubled and expanded among injection drug users, because they are the ones that are experiencing the highest incidence of Hepatitis C infection in this country.

So from a public health perspective, needle exchange is quite inexpensive. No federal tax dollars go to support needle exchange programs, because there's currently a Congressional ban on that. However, we are preventing diseases that federal taxpayers will have to pay for exorbitantly through the cost of treating HIV and Hepatitis C infections in the future. So I would urge Council to support lifting the 1,500 foot ban and allowing us to have greater access points for our services. Thank you.

PRESIDENT DEFAZIO: Okay. Mel Packer?

MR. PACKER: 623 Kirtland Street, 15208.

There's an old song written about 1963 by Stephen Stills, known either as For What It's Worth or Something's Happening Here. The first few lines are pretty applicable to the legislation regarding the land swap, Number 8224-14. The first two lines --- and I won't sing them, don't worry. They go like this: there's something happening here, what it is ain't exactly clear. And I can't think of what's more appropriate for this legislation. What we have is a proposal from Rich Fitzgerald to swap a piece of county-owned non-park land with a piece of land owned by the Gulicks, who have

already leased their land for fracking to Range and Huntley.

Why the swap is proposed, as the song goes, ain't exactly clear. Further, the process by which this legislation has gone forward complicates the mystery even further. Let's back up. After much debate, this Council voted to allow Range/Huntley, major contributors to Rich Fitzgerald's election campaign, to frack under the publicly owned Deer Lakes Park, from well pads on land owned by the Gulicks. That shameful piece of legislation was shepherded through Council partially by Nick Futules, who also has a business relationship with Range/Huntley that's currently being investigated by the State Ethics Commission. Whether we agree with that legislation or not, it was appropriately assigned to the Parks Committee, as it had to do with parks land. And Fitzgerald could be assured that Futules could make sure no possible evidence as to the possible adverse effects of fracking would be heard, which evidence Futules proudly and arrogantly disallowed. Now we have a mysterious piece of legislation that has, on its face, nothing to do with the parks, is not a part of Deer Lakes Park, cannot in any way be seen as related to our parks, yet is improperly and perhaps illegally assigned by John DeFazio to the Parks Committee, presumably at the direction of Rich Fitzgerald.

We have to ask, why? If we were to sell the county courthouse, would he go to the Parks Committee? If we decided to sell part of the airport, would that go through the Parks Committee? The answer is, obviously, no. Why? Because the properties mentioned are not part of any park, yet we've seen this legislation dealing with non-park land, referred improperly, and again, perhaps, illegally to the Parks Committee, which duties are to solely to debate and consider issues related to parks, not transfers of non-park land. Why? Well, we can guess; can't we? Rich Fitzgerald, the wholly-owned subsidiary of the fracking industry, and particularly Huntley/Range, needs to make sure this mysterious legislation would not go through the proper committees such as Economic Development or Budget and Finance. Instead, he needed to make sure that Mr. Futules would get it through without significant debate, without having to reveal the reason behind the land swap.

We don't need to be geniuses to read between the lines and realize that this land swap is clearly part of

Rich Fitzgerald paying his political debt to the fracking industry. The fact that one document notes that it was prepared from Range should make that obvious. But no further information will be provided as to the real reason, because that would have been embarrassing or perhaps even unveil the corruption that we can see unraveling before our very eyes. As I said at the beginning, there's something happening here. And you, as a council, have a responsibility to the residents of Allegheny County to stand up, demand explanations, to further demand that this legislation be handled properly through the proper committees, with proper and full explanations as to why we're giving this land to the fracking industry and what the frackers are going to do with it. Thank you.

PRESIDENT DEFAZIO: Audrey Glickman?

MS. GLICKMAN: Audrey Glickman, 3548 Beechwood Boulevard, in Greenfield. Regarding In God We Trust, why do we need this? What public good is being served? I see only one intention behind it, an attempt to impose some citizens' religion on others. Representative Saccone pushed his bill through the state, and now all the counties are jumping on the bandwagon. Can't Allegheny County be a leader, rather than sailing headlong to join the retrograde? As a Jew, I'm offended. Many Jews interpret the Commandment against taking God's name in vain to include prohibiting writing God's name except for use in prayer and other religious applications.

We don't even write out the word God. We generally put a dash instead of an O as a part of the mandate for reverence. Writing that motto on the wall is a distinct affront to Jews and others who believe that God has no place in civic ephemera. One's beliefs must remain separate from one's civic engagement, if we are to retain a civic society. If we are believers, we honor God by doing the people's business in an honest and civil manner. We honor each other the same. We could well write we are trusting in each other on the wall. Our national motto is E Pluribus Unum. Dating to 1782 rather than 1956, it's a much more appropriate motto, and it's still on the books. It reflects our multi-cultural society coming together here to do good works.

This other thing is an alternate motto, which did not originate in Pennsylvania. It was Salmon Chase, who was from New Hampshire, who wrote the line and ordered

it for coins. A former Pennsylvania governor happened to be director of the mint at the time. Teddy Roosevelt, by the way, later notably objected to its use on coins. And you're considering placing it above the Bill of Rights, the very document which says that the government shall not establish a religion. This is in no regard a patriotic motto. When doing the people's business, there is no place for religion. So many came to this country for freedom of and from religion.

Plastering one religion on our public spaces is a form of bullying and cannot be tolerated, and it is just one religion, Christianity. Maybe you are all Christian. I can respect you and honor your beliefs, whatever. I expect the same in return. The real American thing to do is to welcome everyone. The majority of your constituents are Americans. In religion, majority gets no priority. That would be oppression. Look at it this way. What if a certain other majority asked us to write, Women Rule? Thank you.

PRESIDENT DEFAZIO: Alice Bell?

MS. BELL: Hello. My name is Alice Bell. I live at 230 South Aiken Avenue in Pittsburgh. And I'm here to speak in favor of the amendment to the Health Department regulations on needle exchange. I'm the coordinator of the Overdose Prevention Project for Prevention Point. Since 2002, we have provided education and training on overdose prevention and response at Prevention Point's Oakland Needle Exchange, in the county jail and in numerous other settings throughout the county.

In 2005, we started our Naloxone prescription Program. Naloxone is also known as Narcan. It's a safe, effective medication used in hospitals and by paramedics to quickly reverse opioid overdose. And our program makes it available to people at risk of overdose themselves. In the past five years, Allegheny County, like the rest of the United States, has seen a dramatic shift from prescription opioid abuse to heroin use.

In 2008, in Allegheny County, we've had 62 heroin overdose deaths and 158 deaths from prescription pain medication overdose. As we've been successful here and throughout the U.S. in reducing diversion and misuse of prescription opioid pain medication, we've seen a dramatic increase in heroin use.

Across the U.S., we've seen a doubling in heroin use in recent years. And last year in Allegheny County,

prescription opioid deaths dropped to 112 and we had 158 heroin overdose deaths. While the hope is that in the long-term --- the reduction of availability of prescription opioids for abuse will reduce the dependence that has come rather easily, in the short term, we are going to have to deal with a real public health emergency as a result of this increase in heroin use. As of December, our program, Overdose Prevention Program, documented over 1,000 overdose reversals, using Naloxone obtained from our program.

People come to the needle exchange to get sterile injection equipment, but once they're there, they stay for overdose prevention training, HIV and Hepatitis C counseling and testing, and often end up getting into drug treatment programs and getting the tools and education to prevent fatal overdose. Allegheny County has been on the cutting edge of prevention efforts, first starting a needle exchange program all the way back in 1995, which has helped keep injection-related HIV rates low in this city, compared to other similar cities. We need to continue to be on the cutting edge as we see this increasing epidemic of heroin use in the future and be able to expand our overdose and other prevention efforts.

PRESIDENT DEFAZIO: Thank you. Thaddeus Popovich?

AUDIENCE MEMBER: Not here.

PRESIDENT DEFAZIO: Not here? Okay. We will go to Approval of the Minutes. 8375-14.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council held on May 6th, 2014.

MR. MACEY: So moved.

MR. PALMIERE: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Presentation of Appointments. 8344-14.

MR. CATANESE: Approving the appointment of Debi Nuttall to serve as a member of the Council of Friends Organization (Harrison Hills Park), for a term to expire on July 1st, 2016. Sponsored by Councilman Futules.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: I'd like to move for approval.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8345-14.

MR. CATANESE: Approving the appointment of Joseph Oliphant, to serve as a member of the Council of Friends Organization (South Park), for a term to expire on July 1st, 2016. Sponsored by Councilman Palmiere.

PRESIDENT DEFAZIO: Mr. Palmiere?

MR. PALMIERE: Move for approval, Mr. President.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8346-14.

MR. CATANESE: Approving the reappointment of Rick Self, to serve as a member of the Council of Friends (South Park), for a term to expire on July 1st, 2016. Sponsored by Councilman Palmiere.

PRESIDENT DEFAZIO: Councilman Palmiere?

MR. PALMIERE: Move for approval, Mr. President.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8374-14.

MR. CATANESE: Approving the appointment of Anne M. Oyler, to serve as a member of the Council of Friends Organization (South Park), for a term to expire on July 1st, 2016. Sponsored by Council member Heidelbaugh.

PRESIDENT DEFAZIO: Council member Heidelbaugh?

MS. HEIDELBAUGH: Move for approval.

MR. KRESS: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
Unfinished Business. Committee on Appointment Review, Second Reading. 8308-14.

MR. CATANESE: Approving the appointment of Dina Clark, to serve as a member of the Allegheny County

Juvenile Detention Board of Advisors, for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Council member Rea?

MS. REA: Thank you, Mr. President. The Appointment Review Committee met and recommended that the council approve Dina Clark to serve on the Allegheny County Juvenile Detention Board of Advisors.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8308 --- that's 9, 8-9.

MR. CATANESE: It's 9; you're right.

PRESIDENT DEFAZIO: All right.

MR. CATANESE: Approving the appointment of Floreda Taylor, to serve as a member of the Allegheny County Juvenile Detention Board of Advisors, for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Council member Rea.

MS. REA: Thank you. The Appointment Review Committee met and recommended that Floreda Taylor be appointed to the Allegheny County Juvenile Detention Board, and I make a motion to appoint her.

(Chorus of seconds.)

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8319-14.

MR. CATANESE: Approving the reappointment of Amy R. Schrempf, to serve as a member of the Property Assessment Appeals and Review Board, for a three-year term to expire on September 23rd, 2017. Sponsored by Council member Macey.

PRESIDENT DEFAZIO: Council member Rea.

MS. REA: Yes. The Appointment Review Committee met and interviewed Ms. Schrempf and recommended her reappointment to the Property Assessment Appeals and Review Board, and I make a motion to appoint her.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in favor signify by saying aye.

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
Committee on Budget and Finance, Second Reading. 8339-14.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2014 (Submission 09-14). Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Council member Finnerty?

MR. FINNERTY: Thank you. Yes, we met and discussed this and released it, and I make a motion that we approve.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, all those in --- wait a minute. That's a resolution. We have a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Aye.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: 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. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 14, noes, 0. The bill passes.

PRESIDENT DEFAZIO: 8340-14.

MR. CATANESE: A resolution ratifying certain year-end transfers, pursuant to Section 805.03 of the Administrative Code. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Council member Finnerty?

MR. FINNERTY: Thank you. Again, we met and discussed this and we released it. And I would like to make a motion to approve.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing no remarks, all --- I have a roll call on that.

MR. CATANESE: Mr. Baker?

MR. BAKER: Aye.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: 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. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 14, noes, 0. The bill passes.

PRESIDENT DEFAZIO: Committee on Parks, Second Reading. 8224-14.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, granting authority to the County of Allegheny to transfer a parcel of property to Kenneth and Christine Gulick in Frazer Township, in exchange for Kenneth and Christine Gulick's transferring a parcel of property of equal or greater value in Frazer Township, adjoining Deer Lakes Park to the County of Allegheny. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: On June 25th the Parks Committee met, and it left the committee with affirmative recommendation to the full council. I move for approval.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks?

MS. MEANS: Yes, I have several remarks I'd like to make. First ---.

PRESIDENT DEFAZIO: Okay. Go ahead.

MS. MEANS: Thank you, Mr. Chairman. I would like to make a motion that we send this back to committee, because there's so many questions that haven't been answered.

MS. HEIDELBAUGH: Second.

PRESIDENT DEFAZIO: Well, first of all, you can't have another motion when there's a motion on the floor.

MS. MEANS: I can't do that?

PRESIDENT DEFAZIO: Well, you said you wanted to make a motion.

MR. SZEFI: She wanted to amend.

PRESIDENT DEFAZIO: If you want to amend something, it's different.

MS. MEANS: How can you amend it to send it back to committee?

PRESIDENT DEFAZIO: Well, first of all, you should have something in writing here; right?

MR. SZEFI: I think we may be talking about two separate things. Ms. Means does have an amendment in writing, but I believe currently she's trying to make a motion to refer the entire bill back to committee; I think.

MS. MEANS: I'll table it then.

PRESIDENT DEFAZIO: No. Do you want to send it back?

MR. FINNERTY: Yeah. Go ahead. You don't want to table it.

PRESIDENT DEFAZIO: Do you want to send it back?

MS. MEANS: Yes, I want to send it back.

PRESIDENT DEFAZIO: Does someone want to second it? Someone did second it. Okay. to make a second to follow this second

MR. FINNERTY: Second.

MS. MEANS: Yes.

PRESIDENT DEFAZIO: Okay. Other remarks?

MS. MEANS: I wanted to --- may I say why?

PRESIDENT DEFAZIO: Pardon me?

MS. MEANS: Am I allowed to discuss why I would like to send it back to committee, sir?

PRESIDENT DEFAZIO: Well, yeah. Just make it brief. We're not going to go --- you know, just why you want to send it back.

MS. MEANS: Well, I think the biggest reason why is we haven't been given a reason why they want to swap the property. We haven't heard from the Gulicks. They haven't been here to present. But the biggest reason why is the rectangular piece that we're receiving from the Gulicks has a Huntley and Huntley lease upon it, and we have not seen the lease. It's a gas and oil lease and it --- because it precedes or has more weight than --- I mean, we could say whatever we want, and we could say no surface activity or blah, blah, blah. But we --- it's almost like buying a house that has a lien on it, and we haven't seen the lien. So we really, really need to see the lease and see the wording of the lease, see who owns the lease, the terms of the lease, before we take on this piece of property.

PRESIDENT DEFAZIO: Okay. Any other comments?

MR. FINNERTY: No. Let's vote.

PRESIDENT DEFAZIO: All right. Let's --- we might as well have a roll call vote on it.

MR. CATANESE: Is this to send it back to committee?

PRESIDENT DEFAZIO: Yeah.

MR. CATANESE: Mr. Baker?

MR. BAKER: No.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Ms. Heidelbaugh?
MS. HEIDELBAUGH: Yes.
MR. CATANESE: Mr. Kress?
MR. KRESS: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Ms. Means?
MS. MEANS: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: No.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: No.
MR. CATANESE: Ayes are 4; noes are 10. It

fails.

PRESIDENT DEFAZIO: Okay. On the main --- go ahead.

MR. FINNERTY: Can I speak?

PRESIDENT DEFAZIO: Yes.

MR. FINNERTY: We're talking about the main bill now, which is the swapping of the land; is that correct?

PRESIDENT DEFAZIO: Yeah.

MR. FINNERTY: Okay. Thank you. If --- and I think after the committee meeting, everybody got a sheet that showed exactly where the pieces of land were. And if you can see from this --- and I'm sure you can't see back there, but there's a rectangled piece of land right here (indicating). It's on this side of the road. This side right here is Deer Lakes Park. This triangle piece of land right here that's on the other side of the road, this side of the road is Gulicks' land, and that's exactly what we're doing. It's nothing but a land swap for adjacent --- adjacentness of land. That's what's going on.

And if we talk about the value --- excuse me, the value of our triangle piece is \$725. And all this was explained in full detail. This rectangle piece of land

that we're getting is worth \$760. So that's what we're looking at, right at this. This is assemblage with adjacent parcel. We don't want this piece of land right here to be occupied by the Gulicks, which means --- well, it's not in the park right now --- which means that they could possibly do some drilling on it. We don't want that to happen. That's why we're making this law. That's important. And number two, that's just the beginning.

Number two, this is --- has nothing to do with Range. What was seen by the ---.

MR. FUTULES: Turn the mic on.

MR. FINNERTY: I did.

MR. FUTULES: You've got it.

MR. FINNERTY: Okay. What was seen when they did the land survey in detail was that they saw that there was a parcel sitting here that belonged to the Gulicks. And there was a parcel sitting here that belonged to Allegheny County. We didn't know we owned that land, and I don't think the Gulicks knew we owned that land. So they requested the swap. It actually has nothing to do with people applying this to Range Resources and drilling. It won't matter one bit if we don't make the swap. It doesn't matter. So to compare that and say --- assume, let's say assume, that it has something to do with the drilling, is not correct. This is our triangle piece of land. This is the road. It can't be used for anything. It's what it is. It's worth \$726. So that's all that's going on.

This isn't the first time in the history since I've been here, that we swapped land. We've done it quite a number of times. And it's usually because of adjacentness that we do it or to help PennDOT out. So this is what we're looking at. And I just want to make sure that everybody understands that, and I don't know why, personally --- and I say that personally, that this was ever put into the same context as drilling, because it has nothing to do with it at all. Thank you very much.

PRESIDENT DEFAZIO: Sue?

MS. MEANS: I do have an amendment, Mr. Chairman, but first I want to address some of the things that Mr. Finnerty just said. I disagree that the lands are of equal worth. I'd say land is what the buyer will pay. And if Range Resources' name is on the record here of assessing the property, their name is on it. The other thing is, we could have just sold the triangle to the

Gulicks. Why couldn't we just sell it to them? But then if Range Resources really needs it for activity, it might be worth more, like, \$20,000, not \$700. Plus, if you go to the county website and you look at the assessed value of that triangle --- the rectangle that we're getting, the land itself is worth \$30,000 and we're getting, like, a third of it. So it's worth \$10,000, not \$700.

So you can figure however you want. So they're not equal, and it does have everything to do with drilling. So that's why I have an amendment that I'd like you to look at, because first of all, I want to say again, we are getting land with a lease on it. We have to see that lease and, really, that lease should be amended. But I would like everyone to look at my amendment now. Is that proper at this time?

PRESIDENT DEFAZIO: Well, he has a question.

MR. FINNERTY: Well, I think you've made some statements there that are very assuming assumptions. Now these --- this land has gone through the law office and has been estimated its value. You have just assumed that because that lot is worth \$30,000, this rectangle piece is worth \$10,000. You also assumed that the triangle piece is worth whatever you say, whatever this person would buy it for. It's useless land. It's totally useless land. If you look at the drawing and see that, it's a little wee bit of land, because everyone that owns a house, that owns property, and it's next to a road, owns half of the road. And that's what this is. That property is half of that road, half of that bend.

So I don't know how you're coming up with whatever you're going to get for it, but we know what the estimates are, and the estimates have been made by people that do this for a living. They're not assuming something. Thank you very much.

PRESIDENT DEFAZIO: Nick Futules and --- wait a minute.

MR. FUTULES: Sue, I want to remind you here, you talked about selling the property. It's in the agreement, when people donate property to the parks, we're not really permitted to sell off county property, so --- but we are permitted to swap instead. That was the purpose of the swap itself, so yeah, it sounded like a great idea, but quite frankly, that's something that we don't do. We don't sell off county property based on the fact that when they made this agreement, it's illegal for

us to actually do that, as far as I know. Now for us, the county, to discover our property is on the wrong side of the road, which happened probably in the early 1900s when they built this road, when the people owned it before they donated it to the park, we never surveyed it.

So it makes sense for us to take property that's no longer connected to our park and to put it to the connection that is in our park. And I believe the question with the lease agreements with Huntley, that will be straightened out once this is done. Once Allegheny County acquires this property, then I'm sure that some new agreements will be made to make --- or it may be the same, because we're losing it over here, but we're going to gain it over here. So the --- I guess the agreement probably would be basically the same. We're not losing any property, because that was part of the agreement, I guess, at one point. So I mean, it makes sense for us to take our property off the road. And the way I see it, it --- I'm not a lawyer, but when I see the fact that the county owns half that road, in the event of someone having an accident, that's on county property. And that could be a liability to us, and this loses our liability by getting rid of that piece of property and putting us in the woods where the park belongs. So just in my perspective, whether I'm right or wrong ---. I'm not a --- like I said, I don't have a degree in law, but I certainly wouldn't want to own property on the road, for in the event if someone would have an accident and they find out, oh, do you own that? So you become liable. And in that respect, I think, you'd be better off not to own that piece of property. So that's all I have.

PRESIDENT DEFAZIO: Council member Ellenbogen?

MR. ELLENBOGEN: Okay. I don't profess to know about land values, but I do, as you well know, know about construction and I do know about roads. Now I'm gathering here, folks, if you can kind of see the way this slope is (indicating), there ---. Let's just say that somebody wants to use this for egress, we'll say, to put their trucks on, whatever. Do you realize that this slope is of such a way that there's not --- it would cost you an astronomical amount of money to try to build any kind of a road on this slope. And let's just say you were even willing to invest that kind of money. There's not a snowball's chance in double sticks that the law is that

you cannot build an egress on a bend of a road, particularly a bend of a road with this kind of slope.

Now can you imagine if there was an egress here, with that slope there and somebody coming around the bend? It's against the law. It's against PennDOT's rules. It's against County rules. It's against any municipality's rules. So you know, if they want that piece of property, the only thing that makes any sense to me from a construction point of view, is they want to make their property whole, in the sense if they would sell it or whatever and that little piece is left. But you cannot legally or metaphysically do anything with this piece of road. Do you realize what it would take? Even if you could put a dump truck of that size up the slope of that thing, it would go like this (indicating), backwards.

So you know what? If we're getting a little piece of the area of the back to join the park, it makes good sense to me, unless somebody can show me different than what I have just said, you know. And again, let me repeat, look at the bend of this road. There's no way they can alter that bend there, either. So you know --- like I said, prove me wrong and I'll consider, you know, voting a different way. But in my experience, it isn't happening. Thank you.

PRESIDENT DEFAZIO: Okay. Sue? Well, let me get her. She hasn't spoken yet, though.

MS. HEIDELBAUGH: You're going to get me?

PRESIDENT DEFAZIO: No, we're going to get you now.

MS. HEIDELBAUGH: Well, the comments that I've heard so far are pretty interesting. It's curious to me that we're going to acquire a piece of property that the Gulicks own that has a lease on it. And for some reason, the folks who are about to vote on this don't believe that we're going to own subject to the lease, because that would be a contravention of all real estate I've ever learned. So you know, I think if we vote this thing through, it will be quite an interesting political argument, because the County Executive promised us that there would no drilling on the surface. And when you guys vote yes for this, there's a lease for drilling on the surface. So I mean, you know, there's a funny line in the movie, vote away. Number --- that's number one.

Number two. Jimmy, I would not doubt you on construction for anything, but I will tell you that we

were told at the Parks Committee that that is exactly what that piece of property is going to be used for, is ingress and egress, and that's why Range Resources wants it so ---.

(Outbursts to statement.)

MS. HEIDELBAUGH: Let me just finish. Mr. Futules, I think you just said we lose our liability when we give that portion of the road away. And we gain land with a surface lease on it. I don't think we're losing any liability. We may be gaining a bunch, though. So the question, I think, was best said by Mr. Packer who I wish would have said to us today --- is why. The lease hasn't been signed yet. Range Resources needs this piece of land for ingress and egress, as has been told to us. We're going to annex a piece of land with a lease on it that we cannot --- unless we haven't been told everything --- we cannot get rid of.

So most of what I've heard today, I don't believe to be legally true and/or factually true. But you know, it will pass.

PRESIDENT DEFAZIO: Sue, before I give you ---.

MR. ELLENBOGEN: Actually, one question.

PRESIDENT DEFAZIO: Well, okay. Go ahead.

Thanks.

MR. ELLENBOGEN: There is no way on the face of this earth that this can be egressed on this bend unless the county gives them the road. It is metaphysically impossible to egress this slope without taking the road. You can't do it. They tried to do it over at Walmart down in Ben Avon, and the whole hill fell down. Remember? So that's all I have to say about that.

PRESIDENT DEFAZIO: All right. But wait a minute. Let me get Sue, then I'll come back to you.

MS. MEANS: I just wanted to thank Mr. Ellenbogen for pointing that out, that you can't use that for egress or regress. I want to thank you. And Heather brought up a lot of my points, but I do want to offer my amendment, but I do want to hear what Councilwoman Danko has to say; so thank you.

PRESIDENT DEFAZIO: Go ahead, Councilwoman.

MS. DANKO: Well, I have a couple of questions. And I was at that Parks Committee meeting and I thought the county solicitor said that this was going to be used for ingress and egress, or that was his expectation; and perhaps we should call the county solicitor up.

PRESIDENT DEFAZIO: All right. Would you like to come up, Andy?

MR. SZEFI: I would.

PRESIDENT DEFAZIO: Okay.

MR. SZEFI: All right. Thank you. Yeah. I tried to make clear is this --- I didn't do a very good job. Let me state first off, like I said at the meeting, if no one had ever heard of Marcellus Shale and we never had a lease and none of this ever happened, we would be proposing this land swap with the Gulicks. It is, as you can see on that picture, a piece of a parcel that makes up part of the park, about a three acre piece of park, 1363-G-296. That's the parcel ID number. When Fairfield Road was put in, a one tenth of an acre triangle got stranded on the other side of Fairfield Road. The West side of Fairfield Road became Deer Lakes Park.

Now that parcel, as you've seen from those pictures and have confirmed with the Parks people, has no value to the county. It cannot be used as a park. It's never been used as a park. We did not know we owned it. It was brought to our attention by Mr. Gulick when he was in negotiations for the leasing of his land, because he has historically used a corner of that triangle as a driveway to get back to his farm. Okay? So it's been used, not up where Mr. Ellenbogen was pointing to, not up in the steep part, but if you look at the triangle in that picture, it has sort of an oblong shape to it and the narrow, long end, there's a driveway. They use this to access his --- his farm. Always been used.

And what I said, just to clarify some misconceptions, yes, at some point, Range is going to have to access the pad that they are going to put on the Gulicks' property. Their preferred method of access is along Fairfield Road. That should likewise be our preferred method of access, I explained at the meeting. It is the South on Fairfield Road, South on --- then Baileys Run Road after it becomes ---. That's the direct shot to 28. That's the shortest route to a highway. That is the way you keep trucks off of local roads --- you keep them on local roads for the shortest period of time. The local roads that they'll be on going that way are mostly county, which is another reason we want it, because we have the most protections in our lease for county roads, to re-pave them to our satisfaction.

But rather than forcing that burden upon local municipalities, if they didn't come onto Fairfield Road, they'd have to go to the East to Days Run Road. It makes the trip back to 28 at least twice as long. So the route down South on Fairfield Road is the best one. Now there's hundreds and hundreds of feet of Gulick property that border, that front Fairfield Road. Somewhere on those hundreds of feet, they have to put a driveway. One of the options, like I said before, that they would consider is that low corner where Mr. Gulick already has his --- uses a driveway; really, it's for, I guess, ATV, four-wheeler access. You couldn't drive a car on it.

That is definitely one of the things they would look at. They do not know where their driveway would be. I don't know where, exactly, it would be, either, except I know they want to come to Fairfield Road; so we'll dispense with the fiction that it can no way ever be used as access to that pad, because it could. The lease that is on the Gulick property that we'll be getting, that back triangular --- rectangle of that property will be released from whatever lease it's on. There's no intention, whatsoever --- that's a quarter of an acre there. There's no intention whatsoever --- and nor will it ever be used for drilling activity --- it's a quarter of an acre. You couldn't drill on it. You couldn't put a pad on it. You couldn't put a compressor station on it. And it's about 100 feet from the Gulicks' house, on top of that. So what has to happen first, though, is it has to be divided off. It is then released from the Huntley and Huntley lease that's on it now, which Huntley and Huntley has already released or agreed to do. We could take it subject to it, but we said we don't want to do that because we're going to make this little quarter acre --- it's going to be considered part of the park.

We then add that quarter acre into our lease. It is subject to all the terms and conditions of our current lease, because it becomes part of the park. And yes, there is liability associated with that road. It is an un-maintained bend in the road that we didn't even know we owned and we didn't maintain. So unloading that is a benefit to the county. So when this swap was proposed, property for property, like we have done in many property swaps before, we went and got an appraisal, which we were required by the Code to do. That appraisal came out at almost the exact same value. We did not tailor the

rectangle to achieve any certain amount of money. Mr. Gulick said this property abuts the park. It is, for all intents and purposes, pretty much surrounded by park. Why don't you gain the benefit of that and we unload this?

We thought it was a good idea. We thought we would get value with it. This notion that Range would pay thousands and thousands of dollars for this triangle is not true. They would find a different route along Fairfield Road or go to the East. Number one, the notion that if you --- that third of that property must be worth \$10,000 if the land is worth \$30,000 is not true. It's not how property valuation works. If you take one parcel and divide it into little pieces, the sum doesn't --- the sum of the value of those pieces don't always equal the whole. That's why we went and got it appraised.

So I hope that --- that's everything. That's everything I said at the committee meeting, and that's where we are. Again, this is a piece of land that we did not know we owned, Mr. Gulick did not know we owned. He thought it was his. We thought it was his. It's a proposal that would be made if there was no shale. The fact that is there --- is there the possibility that it could include a corner of the driveway that will eventually go to that pad, there is. There absolutely is. So there it is laid out. That's what we're proposing. We think it's a good idea.

PRESIDENT DEFAZIO: Okay. Go ahead, Councilwoman.

MS. DANKO: I have a couple other questions that I thought of after the meeting. You said that this parcel, the rectangular parcel that we're getting, the county's getting, and they would never drill or do anything on that because it's 100 feet from a house ---.

MR. SZEFI: Well, that's not the only reason. It's .25 acres. You couldn't ---.

MS. DANKO: Okay. But there's nothing that says the Gulicks or the Wisniewskis, who own the property next door, couldn't sell their property?

MR. SZEFI: That's true. The Gulicks and the Wisniewskis ---.

MS. DANKO: And then they'd have a few acres right there.

MR. SZEFI: And we couldn't stop them from doing whatever they wanted to do on their few acres. Whatever they got a permit to do on their few acres ---

MS. DANKO: Uh-huh (yes).

MR. SZEFI: --- they could do, whether we owned this rectangle or not.

MS. DANKO: Okay; another question. In our research or Range Resources' research, where it became evident that the Gulicks did not own the triangle portion, did we find out if there are any other parcels adjacent to the park that belong to Allegheny County?

MR. SZEFI: There weren't --- none that we could see. This was --- this was --- if you look at the road ---. The reason we, you know, the county was unaware for I don't know how long Fairfield Road has been there, decades --- Fairfield Road, largely --- like most roads do, largely traces property lines.

MS. DANKO: Uh-huh (yes).

MR. SZEFI: Usually, when properties are certified, the roads --- it's laid out so that the center lines of properties on either side of the road go to the center of that road, and it's all planned. This doesn't appear to have been the case when the road was laid in, and they couldn't --- generally, tracing this --- the property line. But this little triangular strip, again, was stranded. They probably put in that road --- I would assume for engineering reasons, they put it where it needed to go. And this triangle was stranded on the other --- on the other side. I don't know the reason that that happened. No, we are not aware of any other parcels that extend onto the other side of Fairfield Road, no parcels that would otherwise be part of the park that extend out into the other side of Fairfield Road.

MS. DANKO: The ordinance that was proposed by the County Executive does not say that this land would become part of the park?

MR. SZEFI: No, it doesn't.

MS. DANKO: I wanted to offer, after Ms. Means does her thing, a friendly amendment that would put in language that says this parcel that we're gaining has to become part of the park and subject to the same lease.

MR. SZEFI: I think that's a good idea.

MS. DANKO: Thank you.

PRESIDENT DEFAZIO: Seeing no other ---.

MR. ELLENBOGEN: I just want to ---.

PRESIDENT DEFAZIO: Go ahead.

MR. ELLENBOGEN: Andy?

MR. SZEFI: Yes, sir.

MR. ELLENBOGEN: I can't control what they do anywhere along that, but are you in agreement with me that whatever they do, they're not doing it on this piece (indicating)?

MR. SZEFI: Well, that's, you know, a two-dimensional picture of a three-dimensional reality, right; so you're looking down a road. And we asked our mapping people to put that red shading in there, as a way to sort of --- again, like I explained last week, those are sort of estimates. Those are just to create a depiction of what you might see if you could see that parcel as you drove down the road. So that's not --- you shouldn't construe that as --- I know you work in the medium, but you shouldn't construe that as, like, some, you know, perfectly accurate depiction of what that parcel would like that. I couldn't tell you exactly what ---.

MR. ELLENBOGEN: It's sloped all the way over here, and the reason these are sloped here is so they don't cave down on the road. I can see that from when the road was built how long ---.

MR. SZEFI: Councilman, I couldn't tell you. I'm not an engineer, either. I can just tell you that there is a portion of that, that Mr. Gulick has apparently for many years --- he's thought he's owned this property since 2003. The Vedros (phonetic) owned it before that. They used this little driveway up to the farm, apparently, for the same purpose. It's not for vehicular traffic, cars, but ATVs, this kind of thing, that he uses to drive up to his farm. You couldn't turn your car up it and drive up it.

MR. ELLENBOGEN: How much of that --- of this property is on that path that they, you know, use?

MR. SZEFI: I don't know. The whole triangle is .1 acres, so it's --- you know, .1 acres is --- quick, somebody help me with the math --- 4,000 square feet, a tenth of an acre. So you're talking about an area --- someone, what's the square root of --- 140-some feet or something like that, 140 feet. It's not --- I couldn't tell you what portion of that or percentage of that is his driveway. I'm sorry. I don't know.

PRESIDENT DEFAZIO: Okay.

MR. FINNERTY: I think Sue.

MS. HEIDELBAUGH. I think Sue.

PRESIDENT DEFAZIO: Is Sue next?

MS. MEANS: I have my amendment. I can wait, however.

PRESIDENT DEFAZIO: Do you want to wait?

MS. MEANS: Yeah.

PRESIDENT DEFAZIO: Heather?

MS. HEIDELBAUGH: This is the part I don't understand, Andy. If we're accepting a swap of a piece of land with a lease on it ---

MR. SZEFI: Uh-huh (yes).

MS. HEIDELBAUGH: --- how is it that any ordinance that we have written trumps --- let's use the ---.

MR. SZEFI: You have to get to the ---.

MS. HEIDELBAUGH: Let me just finish the question ---

MR. SZEFI: Sure.

MS. HEIDELBAUGH: --- so the public knows what I'm asking.

MR. SZEFI: Okay.

MS. HEIDELBAUGH: How is it that any ordinance that we pass trumps a pre-existing lease hold interest?

MR. SZEFI: It doesn't.

MS. HEIDELBAUGH: Okay.

MR. SZEFI: You have to have it released from the lease, which Huntley has agreed to do.

MS. HEIDELBAUGH: Okay. So in order to have it released from this portion, this parcel, this rectangle, we've all been referring to as released --- why is it that the administration chose not to make the release or a letter agreement or something that would assuage the concerns? Why was that not provided?

MR. SZEFI: It was --- you know, perhaps, I would take blame for that, because it was something --- we were talking about a quarter acre, and the thought of a concern about someone putting a pad on that quarter acre is a physical impossibility and probably a metaphysical one, so it's --- you can't do it, so it wasn't something we were too concerned about addressing.

MS. HEIDELBAUGH: And I understand that in terms of logic, your thought --- and I'm not blaming you. But I think that the problem with a large sector of the community, even though this bill passed, was --- there was widespread opposition to this. It was a contested issue. And I think that there's a trust problem, and so --- not in terms of you, personally, but in terms of the

administration. So I would be willing to re-think this, if it went back to committee, and the administration were to provide us with a letter agreement, a binding letter agreement from Huntley and Huntley and Range, that said they were taking out this rectangle from the lease and they agree there would be no surface drilling, because it will be part of a park. And our ordinance does not legally trump it, as you've just admitted. Then it's clearly just a swap of land. But as it presently stands, I think that there's distrust.

MR. SZEFI: Okay. Just a couple things that I do want to address. I don't think that's necessary. It will be released. I will represent that to you today on record. It's not something that is contentious or anyone was trying to hide. In fact, we met with multiple --- and even members of Council, going back a year, probably, who would meet with us when we first --- when this lease proposition was going forward. And we discussed the swap and that this swap of land would have to happen, including with yourself. I was at the meeting.

MS. HEIDELBAUGH: This land?

MR. SZEFI: That's correct. The swap --- we discussed it. You were in the room, in the county manager's conference room with me, the County Manager, the County Executive and the Chief of Staff and other members of Council. We had the same meeting and discussion.

MS. HEIDELBAUGH: Well, I met with you one time, and I have no recollection specific to this particular parcel. I'm not going to say it didn't happen, but I have no recollection of it.

MR. SZEFI: Okay. I mean, it wasn't --- at the time, you were potentially conflicted out. You raised that topic at that meeting. I have a very specific recollection of it. I know you have many meetings. So do I, but it was discussed with --- and many other members of Council could verify we had the same exact discussion with anyone who would meet with us. This swap was ---.

MS. HEIDELBAUGH: Okay. Well, then if that's true, which I didn't recollect and I still don't recollect, even though you're trying to refresh my recollection, why was it that this was not part and parcel of the original ordinance?

MR. SZEFI: Because it wasn't --- first of all, that would be two-subject ordinance to swap land. It can't be in the same one. Second of all, there had to be

surveys done, and that whole process had to run its course.

MS. HEIDELBAUGH: Well, that wasn't discussed publicly. It's never been discussed publicly.

MR. SZEFI: Well, that's why we have an ordinance process, and we have to put an ordinance out and publish it and have readings and talk about it at meetings.

MS. HEIDELBAUGH: That was a poor decision.

PRESIDENT DEFAZIO: Sue, do you want to ---?

MS. MEANS: I have a question for Mr. Szefi. Do you know how much land it takes to drill a shallow well?

MR. SZEFI: Nope, I don't.

MS. MEANS: And Huntley and Huntley drill shallow wells.

MR. SZEFI: They do.

MS. MEANS: And that is a Huntley and Huntley lease on that ---.

MR. SZEFI: That's correct.

MS. MEANS: So they could --- even though you are saying --- so activity could take place on that land where you just said it ---.

MR. SZEFI: Yes.

MS. MEANS: I know they couldn't put a Marcellus Shale well pad out there, but they could drill a shallow well?

MR. SZEFI: No, I'm not saying that they can. I'm saying I don't know how much it takes. I know that -- - I will say this. I could state with a reasonable degree of confidence that it takes more than a quarter acre. Now on the rest of the Gulicks' property and the Wisniewski property next door, could they drill a shallow well? I suppose they could. They can do that, could lease their land for whatever purpose is permitted and for whatever purpose --- someone could get a permit from the DEP. We have no control over that. So that could happen, I suppose. I'm not --- I don't think anyone has any plans to do that, especially since there are going to be laterals already coming from the Gulick farm under the park. It would be a waste of time and money to drill a vertical well, in my opinion. I'm not an engineer, though, so I don't know.

MS. MEANS: I'd like to offer my amendment.

PRESIDENT DEFAZIO: All right.

MS. MEANS: And may I speak to the amendment?

MR. FINNERTY: Thank you, Andy.

MS. MEANS: Thank you. If everyone just wants to read it first --- yeah, okay.

PRESIDENT DEFAZIO: Okay. We all have them.

MS. MEANS: I just wanted to speak and say, you can see that I've added section three and four. This is the authorization. It's contingent upon the annexation of the rectangular parcel to Deer Lakes Park as county park property. So these are the things that need to happen to coincide with this swap, if this is --- if this becomes park property. And any existing lease of gas --- of oil and gas rights that apply to the rectangular parcel must be re-negotiated to include the same terms of the Deer Lakes Park lease prior to the finalization of the transfer.

And again, this is really detrimental that this gas and oil lease with this goes in inherently with this rectangular piece. It needs amended before we get that property, because that lease supersedes any words we put on any piece of paper, any words.

MS. HEIDELBAUGH: Point of order?

PRESIDENT DEFAZIO: What's your point?

MS. HEIDELBAUGH: I want to know from Mr. Cambest the procedural mechanism by which I can offer, if possible a friendly amendment to Ms. Means' amendment.

MR. CAMBEST: Well, I mean, you have a motion on the floor for the amendment, and I don't think you can amend an amendment. I was trying to think. If she withdrew her amendment and you attempted to incorporate that into her amendment after she withdraws it, I guess that you could try to then propose both your friendly and her amendment at one time. But I don't think you can amend the amendment.

PRESIDENT DEFAZIO: To make it official, I'm saying the same thing. You can't do that, so Sue, do you want to say something real quick? We're going to ---.

MS. DANKO: Could I ask a question?

PRESIDENT DEFAZIO: Go ahead.

MS. DANKO: Could we have Mr. Szefi comment on this, because Section Four --- it sounds like it's already the intent to do that, but ---.

MR. SZEFI: I don't have an issue with this at all. The only --- the wording of it, I think, is a little --- could be a little better. This authorization is contingent upon the annexation of the rectangular parcel

to Deer Lakes Park as county park property. That's fine. That's absolutely the intent. It's Section Four that I think is --- any existing lease of oil and gas rights that applies to the rectangular parcel must be re-negotiated to include the same terms of the Deer Lakes Park lease prior to the finalization of the transfer. I think what it should say, any existing oil and gas rights that applies to the rectangular parcel ---. I would just say, the rectangular parcel must be subject to the terms and conditions of the Deer Lakes Park lease. I think it would be a clear way of saying what you're trying to say. Yes?

MS. HEIDELBAUGH: Okay. I like the language that you proposed before, which is what you intended to obtain from them, which was --- you indicated you were going to get --- you didn't say waiver, but ---.

MR. SZEFI: Well, it would be a release of that parcel, my comment. But I think it's saying --- I think it's less ---.

MS. HEIDELBAUGH: Can't you just say that Section Four --- draft some language here as we wait that says that you will --- prior to us accepting the annexation, there has to be a recordable release. It has to be recorded in the --- well, it's not good enough it's not recorded ---.

MR. SZEFI: It can be --- I mean, a release of a lease can be recorded. That's fine. I think what --- to say --- it covers everything to say that the rectangular parcel must be subject to the terms and conditions of the county's Deer Lakes Park lease. I mean, that, to me, ---.

MS. HEIDELBAUGH: I don't think that does it. I think they have to say --- they have to release that right from their lease.

MR. SZEFI: To be subject to the terms and conditions of our lease, that is something that would have to happen, is what I'm saying. So without having to walk through each individual step here, you just say this rectangular parcel --- and this is contingent upon the rectangular parcel being subject to the terms and conditions of the county's lease. And there are a number of things that have to happen to make that happen. It has to be sub-divided for one. It has to be released from Huntley and Huntley's lease, for two. So instead of marching through those things, I would suggest --- it's nice and clean just to say the rectangular parcel must be subject to the terms and conditions of the county's Deer

Lakes Park lease prior to finalization of the transfer is fine.

Actually, that's not that good either, because it has to be transferred to be subject to our lease. So it can't be subject to our lease prior to transfer.

PRESIDENT DEFAZIO: Okay. Sue?

MR. SZEFI: Upon transfer would be fine, yeah. Prior is just kind of an issue, because ---.

PRESIDENT DEFAZIO: Go ahead, Mike.

MR. FINNERTY: I'd like to vote on this as it sits. We have somebody else that has an amendment, and I think that we should also consider that amendment.

PRESIDENT DEFAZIO: Well, actually, there was a motion, and this was her amendment. We have to vote it down and you want to go with the next one?

MR. FINNERTY: Yeah. I want to vote.

MR. ELLENBOGEN: Was there a second on this amendment?

PRESIDENT DEFAZIO: Yeah. I think Heather.

MS. HEIDELBAUGH: I did not second it.

MR. FUTULES: No, there was never a second.

MR. FINNERTY: There was no second. It's done.

MS. MEANS: We have a second.

MR. FINNERTY: Okay. Good. Let's vote.

MR. CATANESE: I didn't hear it.

PRESIDENT DEFAZIO: All right. Let's take a vote --- I mean, a roll call vote.

MR. BAKER: Can we just go over briefly what we're voting on again?

MR. CAMBEST: We're voting on the second amendment.

MS. DANKO: As it is originally on the table?

MR. FUTULES: In its original state.

MR. CATANESE: The amendment as originally stated.

MR. FUTULES: We know there's another one coming.

MR. BAKER: Right. Okay. Gotcha.

MR. CATANESE: Mr. Baker?

MR. BAKER: No.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. FINNERTY: No, also.

MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: No.
MR. CATANESE: Mr. Futules?
MR. FUTULES: No.
MR. CATANESE: Ms. Heidelbaugh?
MS. HEIDELBAUGH: No.
MR. CATANESE: Mr. Kress?
MR. KRESS: No.
MR. CATANESE: Mr. Macey?
MR. MACEY: No.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: No.
MR. CATANESE: Ms. Means?
MS. MEANS: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: No.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: No.
MR. CATANESE: Ayes, 3, noes, 11. The amendment

fails.

MS. DANKO: Can I ---?

PRESIDENT DEFAZIO: Yeah.

MS. DANKO: Mr. Szefi, do you want to write that language and we can --- oh, we have it, the new language that he just said?

MR. CAMBEST: We have one copy written of the new language that Mr. Szefi and I discussed.

MS. DANKO: Then I can read it, and that would be good enough?

PRESIDENT DEFAZIO: You might have to pass it down.

MR. BARKER: Well, hold on.

MR. CAMBEST: We might have to make copies.

PRESIDENT DEFAZIO: We always make copies, but I mean, you know, do you want to ---?

MR. FINNERTY: No, I don't.

PRESIDENT DEFAZIO: No?

MR. FINNERTY: I want it in writing.

MR. CAMBEST: We need to get somebody to copy it.

MR. FINNERTY: That's right, but I want to see it in front of me, so I'll wait for a copy.

PRESIDENT DEFAZIO: Yeah. Okay. The only way we're going to do it is people want to see it in writing. We'll have a five-minute recess while he goes and makes copies for everybody.

(Short break taken.)

PRESIDENT DEFAZIO: We're passing out Councilwoman Danko's amendment.

MS. DANKO: Mr. President, shall I go now?

PRESIDENT DEFAZIO: Yeah. Well, wait one second.

MS. DANKO: Okay.

MR. FINNERTY: We have a motion. Is there a second to the motion?

MR. ROBINSON: Second.

MS. DANKO: Mr. Robinson seconded.

MR. CATANESE: Mr. Robinson seconded?

MR. ROBINSON: Yes.

MS. DANKO: All right. As we've been discussing --- and I do want to say that I agree with Council member Heidelbaugh, that a part of this concern or --- has to do with the level of distrust that's come with this process. And I have it written on the top of my notes here, caveat emptor, which is, you know, let the buyer beware. So anytime anything comes up on this, there will be a lot of questions. But for purposes of the amendment, Section Three, this authorization is contingent upon the annexation of the rectangular parcel to Deer Lakes Park as county park property. Section Four, the rectangular parcel must be subject to the terms of the Deer Lakes Park lease upon finalization of the transfer. And that is the sum total of the amendment. I wanted to make sure that this parcel was not county property that could be used for any other purpose. And this amendment satisfies that concern of mine.

PRESIDENT DEFAZIO: Okay. It was properly seconded. Any questions? Yes?

MS. HEIDELBAUGH: Just for the record, while I think the --- agree with the intent, I don't think the language is strong enough.

PRESIDENT DEFAZIO: Any other comments? Seeing none --- let's take a roll call, because there is maybe a little conflict here.

MR. CATANESE: This is on Council member Danko's amendment to Bill 8224-14.

PRESIDENT DEFAZIO: Go ahead.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes, sir.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: No.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 12, noes, 2. The amendment passes.

PRESIDENT DEFAZIO: All right. Now 8224-14. Was the motion made and properly seconded?

MR. FINNERTY: Yes, already, on the bill itself, yes.

PRESIDENT DEFAZIO: Okay. Now as is amended ---.

MR. CATANESE: As amended.

PRESIDENT DEFAZIO: So ---?

MR. FINNERTY: Do we have to make another motion?

PRESIDENT DEFAZIO: Yeah.

MR. FINNERTY: As amended. I make a motion as amended.

MR. MACEY: Second.

MR. FINNERTY: For approval.

PRESIDENT DEFAZIO: Other remarks?

MR. FINNERTY: Go ahead.

PRESIDENT DEFAZIO: Other remarks? Seeing none, let's take the roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: No.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 12, noes, 2. The bill passes.

PRESIDENT DEFAZIO: Okay.

MR. FINNERTY: As amended.

MR. CATANESE: As amended.

PRESIDENT DEFAZIO: 8312-14.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Chapter 650 of the County Code of Ordinances entitled, Park Rules

and Regulations, to restate the prohibited activities in the parks involving motor vehicles, and to change and provide for specific penalties for violations of prohibited activities in the parks involving motor vehicles. Sponsored by Council members Futules, Martoni, Ellenbogen and Palmiere.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: Okay. Also on June the 25th, the Parks Committee had discussed this, and we came to the consensus that \$50 was adequate for the parking fines on grass. And actually, I have an amendment; don't I? I certainly do. But not yet; not yet. So it was left to committee with an affirmative recommendation, and I'd like to move for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Do you have an amendment to that?

MR. FUTULES: I actually do, yes.

PRESIDENT DEFAZIO: Do we have it?

MR. FUTULES: But I need a --- do we need a second on it?

MS. HEIDELBAUGH: Point of Privilege.

PRESIDENT DEFAZIO: What's your point?

MS. HEIDELBAUGH: Can a primary sponsor amend his own bill?

MR. FUTULES: Sure. It's not a big amendment, quite frankly. It's a simple amendment, but ---.

MS. HEIDELBAUGH: Oh, it can be amended if it's small, but not ---?

MR. FINNERTY: He can amend whatever it is.

MR. FUTULES: That's a yes or no question; right? Can I have my amendment?

PRESIDENT DEFAZIO: Mr. Futules, would you like to comment on your ---?

MR. FUTULES: Yes, of course. It's on, let me see --- page one, two --- three, third page. I actually attempted to do this at the committee meeting, but the bottom half of the amendment was all disarrayed. So basically, what I wanted to do is, on --- is it 6A, Motor Vehicles, Number 3, I wanted to remove cleaning and polishing, only because the parks have a lot of car cruises and car shows. And I don't think somebody would want to come under any violation, actually, waxing their car or wiping their fender. But I wanted to make sure we left in washing, greasing, lubricating or repairing,

because Mr. Finnerty had brought up that people pull their cars down to a stream and wash it. And we certainly wouldn't want them to do that. And on the Number 4 --- it says landing of any aircraft for any non-emergency purpose. In the event of an emergency, I'm sure that somebody may. Just for the --- I just wanted to clarify it and that's basically all I had.

PRESIDENT DEFAZIO: Are you making a motion on that?

MR. FUTULES: I make a motion ---
(Chorus of seconds.)

PRESIDENT DEFAZIO: Second.

MR. FUTULES: --- a motion to approve the amendment.

PRESIDENT DEFAZIO: Second. Other remarks? Go ahead, Sue.

MS. MEANS: I think it's a great idea. I really like the improvements. I did have another amendment that would strike another word out, but ---.

PRESIDENT DEFAZIO: Well, you have to wait until we clear this.

MS. MEANS: Yeah, just thought I'd mention it, but I do think it's a really good idea, because --- anyway, I don't want to punish the people coming in for a car show that are waxing and polishing their cars. I don't want them to get a ticket. Good idea.

PRESIDENT DEFAZIO: Okay. Let's have a --- let's try a voice vote on that. We're going to try it.

MS. HEIDELBAUGH: On the amendment?

PRESIDENT DEFAZIO: On the amendment.

MR. FUTULES: On the amendment.

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

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? Okay. That's passed. Now let's go ---.

MR. FINNERTY: I'd like to make a motion ---

PRESIDENT DEFAZIO: Go ahead.

MR. FINNERTY: --- to approve the bill as amended.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks?

MS. MEANS: I had an amendment, but ---.

PRESIDENT DEFAZIO: Okay. Let's see your amendment.

(Copies distributed.)

PRESIDENT DEFAZIO: Sue, do you want to ---?

MS. MEANS: Well, I just wanted to say it's very similar to Mr. Futules'. There's two words --- or three words different. And of course, I didn't add things. But I really felt that Number One is --- it conflicts --- specifically, it conflicts with Number Five, because driving --- the word driving and/or should be removed because if you drive your car, it's more like --- it shouldn't be \$50 to drive your car on the grass; I mean, and that's covered under point five. And I don't want to fine people for washing their car, but ---. So it's similar, so I don't know what to do about that, having it be similar. I don't know what the procedure is for accepting part of it, but not all of it, so ---.

PRESIDENT DEFAZIO: What we have to do is vote on it. You made a motion.

MR. ROBINSON: Second.

PRESIDENT DEFAZIO: And second. Okay. Under remarks? Go ahead.

MR. FINNERTY: I think --- I think definitely we ought to keep washing in there. I could just tell you that you don't want people washing their car in the park, just from my experience from --- you know, when I was a teenager and we used to do that.

MS. HEIDELBAUGH: Did they have parks?

MR. FINNERTY: And they did have parks. And they had the fair, et cetera, out there at that time, and you could always pull your car up to the stream and use water to wash your car and everything. And I don't think it's a good idea to let people do that. And I think it should stay where it is. Thank you.

PRESIDENT DEFAZIO: Go ahead.

MR. ELLENBOGEN: I just wanted to say that other than, you know, Mr. McKain's people giving people water, the only other alternative to washing your car would be using the stream. And if they're going to dump the water and whatnot that has chemicals in it back into the stream and there's wildlife in the stream, then they shouldn't be able to do that.

PRESIDENT DEFAZIO: Nick?

MR. FUTULES: Yeah. That's actually the reason I didn't take the washing part out. Quite frankly, as Sue had mentioned, when people come to a car show, their car is basically clean. But sometimes it will get dirty on

the way there, hit a little mud puddle, and they wipe off their fenders or something. You know, I'm a car cruise guy, so I know what I'm talking --- when I say that part. Your car could be clean on the way there, but you got a little dirt on your fender so they want to clean it. It's a technicality, but as far as the driving on number one we took out, that's in there because people driving their cars across a field is not permissible and that's why that's on there. So you say parking on grass areas or trails, but people are actually driving their vehicle and turfing their vehicle; you know, spinning their tires. That was the purpose of that. I understand your point as far as --- I see your reasoning for wanting to take it out, because it's contradictive of the second part, parking. So when you pull up on the grass like they did at North Park --- we'll use that as an example --- it's different from somebody going on a soccer field and driving their vehicle and spinning their tires in the middle of the night, basically trashing our county parks. And that's been done, so that's where that comes in. That's all I have.

PRESIDENT DEFAZIO: Go ahead, Sue.

MS. MEANS: Well, is she ---?

PRESIDENT DEFAZIO: Wait a minute.

MS. DANKO: Go ahead. She can go.

MS. MEANS: I just want to say, you know, it's --- like Number Five deals with driving and turfing up the grass because it's motorized convenience, so that really is --- includes cars where one and two were supposed to be just parking violations. So those are \$50 fines, where if you're driving on the grass, that could be between \$100 and \$300. And in committee, Chief Moffatt had said that he thought we were just dealing with parking. And that was one of his comments that he made, is that he wanted the tickets just to deal with --- the parking tickets to deal with parking.

PRESIDENT DEFAZIO: Okay. Seeing no more questions, let's have a roll call vote on the amendment. What's --- do you have a question?

MS. DANKO: Can I just add a comment? I do think that Council Member Means is correct that Chief Moffatt had said that. I don't know if Nick and Sue want to work this out.

MR. FUTULES: Maybe we could clarify it with Chief Moffatt. He's here. Is he here? Oh, there he is.

Yeah. I mean, this isn't between Sue and I. This is all 15 members of Council.

PRESIDENT DEFAZIO: Go ahead.

CHIEF MOFFATT: I'm a little confused on what you're asking.

PRESIDENT DEFAZIO: Join the group.

MS. DANKO: All right. It's on the parking fine issue, and we agreed that the reduction in the fine would go to \$50 and that was strictly for parking?

CHIEF MOFFATT: That's correct. That's a ---.

MS. DANKO: Okay. And I think the language in this says Numbers One and Two are \$50 or maybe I'm ---.

MS. MEANS: That's correct.

MS. DANKO: So maybe we need to strike driving, or, in Number One and let the driving part be part of Number Five. That's my understanding.

CHIEF MOFFATT: Well, you have to be very careful because the park, you have to drive onto the grass. So I know, I understand what you're saying about the driving. We don't want somebody going out there and driving around doing wheelies with the ATVs and things of this --- and digging up the grass. So there's a fine line there, you know, but I can live with whatever you decide, Council.

MS. DANKO: Could I just ---? Do you think the language, driving or parking on grass or trails, is going to be problematic or your staff? You'll instruct them that this is just for parking related offenses so that if there is the driving, that that falls under Number Five?

CHIEF MOFFATT: If I'm going to instruct them to separate the driving from the parking, I would just as soon the driving not be in the ordinance.

PRESIDENT DEFAZIO: Go ahead.

MR. KRESS: You know, part of your concern was that if a traffic ticket --- like a parking ticket was issued under sub-section one, somebody who was driving on the grass ---

CHIEF MOFFATT: Right.

MR. KRESS: --- you said they paid that ticket and he said you maybe charge him with careless driving. And they paid that underlying ticket. That other --- the higher charge would be waived; is that not correct, what you said in committee?

CHIEF MOFFATT: No. I said you couldn't do that. Careless driving is, say, if you're on a roadway

and you're driving in a reckless manner, to put yourself or somebody else or property in danger. But it wouldn't apply to somebody on a grassy area, you could get them for criminal mischief or something. And that's why, you know, you got to take it away from ---.

MR. KRESS: Okay. But I just wanted to make sure I understood what you said at the committee meeting --

CHIEF MOFFATT: Sure.

MR. KRESS: --- because you said you have a --- this charge under sub-section one for driving on the grass or a trail, but then you charge them with something else like criminal mischief ---

CHIEF MOFFATT: Yes.

MR. KRESS: --- and they paid the \$50 fine, they mailed it in, that other charge would be dismissed; is that ---?

CHIEF MOFFATT: That's my understanding.

MR. KRESS: Okay. So that's the reason why you wanted driving omitted, struck from sub-section one?

CHIEF MOFFATT: I'm not asking you ---.

MR. KRESS: No, I know, but that was your recommendation. That's all.

CHIEF MOFFATT: That's correct.

MR. KRESS: Okay. Thank you.

PRESIDENT DEFAZIO: Nick?

MR. FUTULES: Yeah. This confusion had gone on during the committee process, too. But I understand the spirit of your amendment, Sue. But I want Council members to notice that landing any aircraft has been taken out. It says non-emergency. That no longer exists now on this amendment, so ---.

MS. MEANS: Yeah.

MR. FUTULES: One the other one --- so if you changed more than you should have, maybe?

MS. MEANS: Well, I would like some advice. I'm willing to pull my amendment and maybe just take the word driving out at a later time, at another committee meeting or ---?

MR. FUTULES: That's always possible. You can always amend ordinances.

MS. MEANS: I think --- because it's really just the word driving and I do want that emergency language put in there, so ---.

PRESIDENT DEFAZIO: All right. Let's drop that for now, and where we're at is on as Nick's amendment to this for a roll call vote now.

MR. CATANESE: Ready?

PRESIDENT DEFAZIO: Yeah.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: 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. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 14, noes, 0. The bill passes as amended.

PRESIDENT DEFAZIO: 8337-14.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending Ordinance Numbers 07-06 and 31-08, the existing schedule of facility and recreational rates and fees for the use of County recreational and park facilities. Sponsored by Councilmembers Futules, Palmiere and Ellenbogen.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: Okay. So on June 25th it was a very busy day passing these three ordinances. We had

discussed the fees and the reconciliation as to why we were doing it. The consensus was we were trying to get closer to the break-even point even though we still lose money. And that's typical of our County parks. We had purchased new equipment. We purchased new --- well, equipment, guns, ski equipment, new tubes. We have increased costs of operations. And to bring these fees up to standard with below the standard of other ski slopes in the surrounding Tri-State area, the committee let --- released this with an affirmative recommendation. And I move for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Other remarks? Sue?

MS. MEANS: I would like to defer to Councilwoman Heidelbaugh to go first; is that all right?

PRESIDENT DEFAZIO: Yes. Go ahead, Councilmember, Heather.

MS. HEIDELBAUGH: Thank you, Mr. President. My concern is that this is inadvertently a bill that passes a tax. And the reason why that's my concern is because contrary to the statements that have been issued by Mr. Futules, the research that I had done is that we receive approximately \$17 million from the regional asset district and we spend approximately \$16 million. So we are not spending the full amount of money that RAD gives us for the parks. Therefore, these are not user fees. This is an attempt to get additional money. So despite the fact that Mr. Futules issued some documents lately that add additional cost to the parks, he and I are having a disagreement as to what, in fact, the parks actually cost us. We have --- we make public policy decisions by how we decide to appropriate money. It's been my opinion for quite some time that Allegheny County government has grossly underfunded our parks. We have made decisions to spend money elsewhere to fail to eliminate waste. I've seen it repeatedly. We don't charge appropriate user fees in other areas.

I feel very strongly that the parks are a resource for all of us, but most importantly, for those of us who are of very limited means and the middle class. When we compare Boyce Park to Seven Springs we do ourselves a great disservice. Boyce Park is never going to be Seven Springs. So I would like to move in a direction completely opposite from this. I would like to move in a direction in which we get our parks to be almost

free. Where we upgrade our parks, we devote more resources to them. And we are in a position to make them world class facilities for all of our citizens. The suggestion that we just don't have any money is false. We choose where to spend our money and we have chosen decade after decade to neglect our parks. So for all of those reasons, I'm going to be voting no on this ordinance because we're going in the exact wrong direction.

PRESIDENT DEFAZIO: Sue?

MS. MEANS: I also am going to vote against this because I haven't got enough information. I would like to see information on, you know, what it costs us to run a ski slope. I just --- if we were a business we would see more what it's costing us specifically to run the slope and what --- the fees are needed to cover it as I am concerned that if we --- we can't use skiing as a revenue source. It can only be used --- the fees to cover the cost of what we're offering. And I wasn't given enough information to determine if that is the case. Also, it's really hard to determine what the price should be that we charge people for skiing and the price for a pass is really going --- a season's pass, really high. Maybe there aren't other --- I don't believe there are other counties that offer skiing so maybe there's a state park that has skiing and they subcontract out the whole event, the whole venue to, you know, private industry to have the skiing in a park, in a state park.

So I question if we even should be in the skiing business. It's great that we --- that this year we lost less, which I believe we lost \$300,000 and in previous years we lost \$500,000. You know, it's great that we have somebody making snow 24/7, but does that mean we have to have --- you know, of course, that means we have to have staff more than we did before. And it is disconcerting that we're using city water to make our snow. Most places that --- I think everyplace that I know of that makes snow has a lake or some spring or some source of water. So I don't know if we should be in the ski slope business at all. But basically I'm voting no because I just didn't have the documentation I needed to see if this was cost effective for us and if the fees will be covering the costs of the whole skiing. That's all I have.

PRESIDENT DEFAZIO: Mr. Ellenbogen?

MR. ELLENBOGEN: I just wanted to say in terms of skiing in parks, there's a lot of collateral money

that's spent. For instance, Mr. Moffatt has to have police a lot of times working overtime and different shifts, because you know, you have to have emergency personnel in case people get hurt. There's an inordinate amount of money that's spent for public works. When I was chief of operations back in the day, most --- when we would have very bad snow events, a lot of the park roads in North Park and other areas, we would close those roads so that I could pull the park drivers out to do a lot of the main roads. You don't have that luxury in Boyce Park because people are going there during a snow event because they want to ski. So you have the added costs of salting it and more labors and more teamsters working.

And then you have the garbage. You've got --- labor is going in there and they have to empty it, and you have facilities management people that have to clean it and have to --- you know how groups of people are. Just in the courthouse alone, trying to keep the bathrooms clean is bad enough. So you have all these associated costs that, you know, unfortunately, they cost money. And then the big thing is, too, people just think it's a winter event. But what do you think happens like during the spring and the summer and the fall? You know, they got to cut the grass, they got to buy mowers to cut the grass, they got to put people up there because it's --- you know, things are decorated. You have to have extra laborers because they have to be able to cut the trim. Because it's not just --- you can't just use big bat wings and go right through it. So there's also the cost of keeping it nice and the leaves in the fall and whatnot. So it's an all-year drain on the public works' resources because you have to realize that it's the public works' maintenance people who do the work in the parks and not just on the roads themselves. So thank you. So I just wanted everybody to give that some thought. Thank you.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: Sure. I understand everybody's concerns. And Heather, I would love to give everything in the park free. I think that would be wonderful. But I just don't know if this County could afford to raise taxes another five mill to cover that. Because that's exactly what probably would happen. User fees are for people that use. To say it's free would be difficult but I'd love to say it, you know, we have \$100 million in deferred maintenance. By not keeping up with the cost of

operations in our parks we're getting deeper in the hole. And to use an example, we're tearing down these buildings in South Park. Where do you think the money is coming from? It's coming from fees in our County capital budget which all come together. And Sue, you talk about we shouldn't be in the ski business. Well, maybe we shouldn't be in the swimming business either or ice skating or anything that we do in these parks, but this is part of the service that we provide for our County residents, which they pay their one percent sales tax which supports these important things for the public. And our County parks have become a destination because of our work in the County parks with the administration over the past few years. And I'm not real excited about raising fees, but it's a necessary evil when you're a person that is in business and your costs go up, you have to try to keep up with those costs. That's important. Because if you don't, you eventually go out of business. That's a fact. So if we don't continue to move forward with these fees, that's a possibility. We could hurt ourselves in the long run with the parks in general. Thank you.

PRESIDENT DEFAZIO: Go ahead.

MS. DANKO: Just it's kind of a question, kind of a comment. The fees that are recommended, these were the fees that were recommended by the County Executive?

MR. FUTULES: No.

MS. DANKO: No?

MR. FUTULES: No.

MS. DANKO: How ---?

MR. FUTULES: Parks Department.

MS. DANKO: The Parks Department?

MR. FUTULES: Mr. Baechle and his staff and myself sat down and had discussions over quite a long time, not just in the past few months, but over the years about how to keep up with fees. And it was the Parks Department coalition saying how we're going to --- I mean, they knew how much we lost. At Boyce Park, I'll give you an example, last year it was like \$250,000 to \$300,000 and the costs have gone up. Even though we had a record-breaking year we still lost that much money. So they're trying --- it's the Parks Department trying to get closer to the breaking point. I have nothing else to say. That's it. It was not the Chief Executive. I guess you could say in the end run, everybody reports to the Chief

Executive and to the County Manager but quite frankly, this project was the Director of Parks and his staff.

MS. DANKO: Okay. And they were meeting with you?

MR. FUTULES: Correct.

MS. DANKO: Thank you.

PRESIDENT DEFAZIO: Seeing no more, let's have a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Aye.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: No.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Nay.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 11, noes, 3. The bill passes.

PRESIDENT DEFAZIO: All right. 8315-14.

MR. CATANESE: A resolution of the County of Allegheny approving a project for the benefit of Chatham University to be financed by the Allegheny County Higher Education Building Authority by the issuance of Authority revenue obligations to be issued in aggregate principal amounts not to exceed \$18 million providing that the

taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the obligations and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Barbara?

MS. DANKO: I served as the Acting Chair of this meeting when Councilmember Green-Hawkins couldn't be there. This project has to do with the Eden Hall Campus of Chatham University. I make an affirmative recommendation.

(Chorus of seconds.)

PRESIDENT DEFAZIO: Other remarks? Go ahead.

MS. HEIDELBAUGH: For the record, I am recusing because I serve on one of the Boards at Chatham University.

PRESIDENT DEFAZIO: Okay. We'll have a roll call.

MR. CATANESE:	Mr. Baker?
MR. BAKER:	Yes.
MR. CATANESE:	Ms. Danko?
MS. DANKO:	Aye.
MR. CATANESE:	Mr. Ellenbogen?
MR. ELLENBOGEN:	Aye.
MR. CATANESE:	Mr. Finnerty?
MR. FINNERTY:	Yes.
MR. CATANESE:	Mr. Futules?
MR. FUTULES:	Yes.
MR. CATANESE:	Ms. Heidelbaugh?
MS. HEIDELBAUGH:	Abstain.
MR. CATANESE:	Mr. Kress?
MR. KRESS:	Yes.
MR. CATANESE:	Mr. Macey?
MR. MACEY:	Yes.
MR. CATANESE:	Mr. Martoni?
MR. MARTONI:	Yes.
MR. CATANESE:	Ms. Means?
MS. MEANS:	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. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 13, noes, 0, one
abstention. The bill passes.

PRESIDENT DEFAZIO: 8314-14.

MR. CATANESE: An ordinance of Council of the
County of Allegheny ratifying amendments to the Allegheny
County Health Department Rules and Regulations pursuant to
Section 12011 of the Local Health Administration Law,
16P.S. Section 12001 et seq. sponsored by the Chief
Executive.

PRESIDENT DEFAZIO: Councilmember Palmiere?

MR. PALMIERE: Thank you, Mr. President. I
asked Doctor Hacker to come up this evening. And bless
her heart, she's here, she's waited all this time. I'd
like her to come. Doctor Hacker, if you would, please,
come up and if any of my colleagues have any questions
pertaining to this, I'd like you to be able to answer
them.

PRESIDENT DEFAZIO: Make a motion?

MR. PALMIERE: That's right. This also met with
an affirmative vote to bring it up at full Council and I'd
move for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? We want to
hear ---.

MR. PALMIERE: Doctor Hacker, can you just
elaborate a little bit on why this is a good idea and why
we brought this up in the first place.

DR. HACKER: Sure. So you heard from many of the
speakers in the very beginning where they were talking
about what some of the challenges were. First of all, we
know that unfortunately, the amount of heroin use in our
county has actually been going up over the past years.
Right now, we have a really intense limitation on the
various sites where we can actually do needle exchange,
where the Prevention Point Pittsburgh can do those things.
And the limitation has to do with this 1,500-foot rule.
They've actually done some great maps to show that if they
use that 1,500 foot rule throughout all of Pittsburgh,
literally the only places that they could do these kinds
of things would be in parks, literally, or in the river, I
suppose. There just is no place that would allow
expansion.

The other thing I do want to mention, and this has to do with overdoses, is right now Prevention Point Pittsburgh is one of the few places that is actually making the Narcan that was spoken about available. That is the drug that is available to help reverse overdoses from opioids. There is currently a number of Bills that are moving through our state legislature that will make hopefully Narcan more available, even potentially to first responders. And we clearly want to be prepared to be able to administer those types of things throughout the county. Now, it turns out that most of the deaths that we had --- for example, in January of this year --- actually unfortunately it occurred in the Pittsburgh area. So that is really the reason that we're asking for this release of the 1,500-foot rule just in the Pittsburgh area.

PRESIDENT DEFAZIO: Any questions, Mike?

MR. FINNERTY: Yeah, I do. This is just going to apply --- the only difference between this and the regular amendment that we passed years ago is on --- well, I don't know what page you could say it is, but it's D-I 2, which is except in the City of Pittsburgh.

DR. HACKER: Correct.

MR. FINNERTY: Correct. So all of this still applies for municipalities.

DR. HACKER: Absolutely. Every municipality would have to vote. Their legislative body would have to vote on whether or not they want to expand and the exact space in which they would be expanding to. In addition to that, the community that might be affected would have to be on board before it even went to that legislative body.

MR. FINNERTY: Right. But just to clarify that, I don't believe according to this that a municipality could vote to go inside the 1,500 feet.

DR. HACKER: Correct. At this point in time, that's an additional barrier beyond checks and balances.

MR. FINNERTY: The only place that they could do that is Pittsburgh.

DR. HACKER: Assuming that you approve the ---.

MR. FINNERTY: Right. And they would have to still vote on it.

DR. HACKER: Correct.

MR. FINNERTY: I mean, the Council and so on.

DR. HACKER: Yes.

MR. FINNERTY: Thank you very much. I think it's very good.

DR. HACKER: Thank you.

PRESIDENT DEFAZIO: Go ahead.

MR. ELLENBOGEN: I just wanted to make a comment to the importance, because when people hear the stories about, you know, giving people needles, right away their minds go ---. And I think it was Mr. Fisk and Ms. Bell and Ms. Cox who articulated it very well. I personally am very close with someone who, when they were in their teens, became a heroin addict. And unfortunately they didn't have the needle exchange. People in those days shared needles. This person, once they got them --- the person's been clean for 40 years, has made significant contributions in the medical field and now because of that suffers from Hepatitis C for the last 40 years, and now is receiving treatments that are in excess of what he told me was over \$50,000. So you know, for every action there's a reaction. So I'm very familiar with what they said and I appreciate the fact that those folks have come and spoke about it because that's what people have to take away from this, you know. If someone --- you know, if it's your kid or whatnot, you know, do you throw them away because what happens is you get them off drugs and now they have AIDS, now they have Hep C or some other God --- whatever disease, you know. So I applaud you again for once again thinking out of the box and I thank those folks for giving their time and speaking to the issue which is very valid. So I'd like the public to think about those kinds of things that, you know, you get them clean now and then these things rear their ugly head down the road. Thank you.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: Yeah. I think I missed this during the committee process but we talked about needle exchange. Does the person that you give the needle to, they must have to bring the other ones back?

DR. HACKER: Yes.

MR. FUTULES: The same amount, numbers?

DR. HACKER: That's my understanding, and I can ask.

MR. FUTULES: I assume that to be true.

DR. HACKER: Yeah.

MR. FUTULES: That's all I need. Because I assumed that. Okay. That's all. And quite frankly, when we first started talking about it, I probably shouldn't say it, but it was odd for me to think to myself that here

we are trying to provide clean needles for people to --- accidentally overdose themselves. And that's a sad situation. But after listening to testimony, trying to save other people from different diseases, it started to make sense to me. But the whole thing is just sad to me. It's difficult.

DR. HACKER: There's no question that these are challenge scenarios. And we call this harm reduction. But at the same time it gives people the opportunity to at least make use of potential treatment, and we do have pretty good evidence to suggest that these kinds of programs help people enter into treatment. I believe that we have actually a fairly high rate here in our programs of getting people into treatment. And I always say, you know, ultimately, you know, overdose kills, and at least if you can wake somebody up from the overdose, they have a chance to change their behaviors.

MR. FUTULES: Thank you. I certainly --- with your advice, I'm more comfortable voting for this. Thank you.

PRESIDENT DEFAZIO: Seeing no more ---.

MR. PALMIERE: Let's call the question, please.

PRESIDENT DEFAZIO: That's where I'm going. Go ahead with the roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: 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. DeFazio, President?
PRESIDENT DEFAZIO: Yes.
MR. CATANESE: Ayes, 14, noes, 0. The bill

passes.

PRESIDENT DEFAZIO: Thank you very much.
Liaison Report. Anybody have anything? Go ahead, Mike.

MR. FINNERTY: I'm sorry, I thought I wasn't going to say anything but yesterday was Crafton Borough's Parade for the 4th of July. And they have, it's called Crafton Celebrates, which goes for the whole week until they set the fireworks off on the 4th. So it's quite a big thing. It's down by their pool and if you get a chance you should stop there. Thank you.

PRESIDENT DEFAZIO: Thank you. Sue?

MS. MEANS: 4th of July is Mount Lebanon's Community Day. It starts at noon and goes to five with fireworks in the night. So come on down and check out their new pool. It's lovely.

PRESIDENT DEFAZIO: Mr. Palmiere?

MR. PALMIERE: And if you don't go to Mount Lebanon, you want to come to a real party, come up to Brentwood. We have the largest parade in Allegheny County aside from Monroeville. And everyone's welcome. The parade starts at ten o'clock. And we have plenty of candy for everybody. So please, if you feel like you want to come up and view a parade, come on up. And one other thing, Mr. President. I wanted to mention, too, on Saturday night last I had the pleasure of coming downtown. And I want to tell you, the town looked like New York City. It was absolutely just wonderful, all the people down here. And one of the things that attracted me down there was the fact that they did a wonderful tribute to Marvin Hamlish on Saturday night at Heinz Hall. It was one of the finest shows and it was a real pleasure to have an opportunity to be down there. And it makes you really proud of this area, the fact that you hear that orchestra week after week during the pop series and to see all the wonderful accolades that Mr. Hamlish received from his colleagues. And his wife was there also. I had the pleasure of meeting her. It was just a wonderful evening

and I just wanted to put it on the record, Mr. President. Thank you.

MR. FINNERTY: One other thing, Scott Township also has community days on the 4th. So if you're out that way, stop by. Thank you.

PRESIDENT DEFAZIO: Okay. We'll go on to New Business, Ordinances and Resolutions, 8376-14.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, supporting the display of the National Motto In God We Trust to be displayed above a replication of the Bill of Rights and to be hung in a prominent location in the Gold Room of the Allegheny County Courthouse. Sponsored by Councilmembers Means, Martoni, Palmiere, Kress, Heidelbaugh and Baker.

PRESIDENT DEFAZIO: That's going into Government Reform. And we will, I'll tell you --- don't laugh, Heather. Before the month of August is over we'll hold a committee meeting.

MS. HEIDELBAUGH: Hold my breath?

PRESIDENT DEFAZIO: Hold your breath and there will be a meeting. Put it in writing.

MS. HEIDELBAUGH: Will you get to my bills?

PRESIDENT DEFAZIO: We're going to get to all of them. Cosponsor? Mr. Robinson. Anybody else?

MS. MEANS: May I speak on the resolution?

PRESIDENT DEFAZIO: Yes.

MS. MEANS: The National Motto, In God We Trust, is a matter of history. History unites us. And it's our common thread. I chose the 4th of July as a time to reflect on our proud United States history. We memorialize many days, Memorial Day, Veteran's Day, Flag Day, the 4th of July being the --- remember the Declaration of Independence, too, which was signed on July 4, 1776. And we're memorializing our National Motto. Again, it's a time to cherish and reflect on our freedoms, the freedoms that our forefathers fought for and died for, some of them gave that ultimate sacrifice. Honoring our National Motto is a positive. It unites us. The Bill of Rights --- can I finish?

PRESIDENT DEFAZIO: Yeah. It's going to committee. We were supposed to have a brief thing.

MS. MEANS: Okay.

PRESIDENT DEFAZIO: You can bring it all up in --- later.

MS. MEANS: All right. Thank you.

PRESIDENT DEFAZIO: Thanks. Appreciate it. Public Comment on the --- non Agenda but the first person has been granted by myself five minutes. So is Mark Kelly here? Go ahead.

MR. KELLY: My name is Mark Kelly. And I'm an employee of Allegheny County. And I'm also a probation supervisor with the Court of Common Pleas of Allegheny County under the Fifth Judicial District. I'm also the President of Allegheny County Association of Court Supervisors. There are approximately 80 association members who are supervisors and are employed within the Fifth Judicial District. As supervisors we supervise adult probation officers, juvenile probation officers, domestic relation officers and municipal court employees. We also handle payroll and information management. I believe all of the direct reports to the supervisors are unionized. I became the President of the Association in 2008 and we established a memorandum of understanding with Allegheny County setting forth wages and benefits for 2009, 2010 and 2011.

In September of 2011, we initiated contact with Allegheny County to establish a memorandum of understanding for 2012, 2013 and 2014. The meet and discuss sessions were infrequent. The last meet and discuss session was in December of 2013. In addition, we did not resolve issues related to the 2009 to 2011 memorandum of understanding. The Association members, we have not received a salary increase since 2011 and there remain salary compression issues. The Court Administration has taken the position that because we are an association, they're deferring matters to Allegheny County. We are being treated as a union without the entitlement of union protections. The reason why I'm here today is to request your support in addressing salary compression concerns and to support the option of interest arbitration between Allegheny County Association of Court Supervisors and Allegheny County.

PRESIDENT DEFAZIO: Thank you. Lester Ludwig, I don't see. Annette Kroll?

MS. KROLL: Good evening. My name is Annette Kroll, Bank Street, Bridgeville, 15017. I'm here today to ask you guys to join me in asking the Public Utility Commission to back off of social transportation companies, the ride sharing companies Uber and Lyft. These are private companies who are providing jobs and also

providing services for people who may need a lift somewhere and don't have the means. Public transportation doesn't always go everywhere you need to. Cabs don't always show up, and their business model is to provide friendly, affordable transportation means for people. Despite the real unemployment rate which is near the UE6 number, I believe, double digits, despite the lowest labor participation force in over 30-some years, once again government --- not only in Pennsylvania --- want to attack the innovators of the private sector and take away from the private economy, creating jobs for people that need them.

The last time I spoke here, probably three years ago, was regarding public transportation. Because unlike most people here, I've never had the opportunity to have the privilege of driving. This would give me another tool in the toolbox to get around Allegheny County, all parts of Allegheny County. I'm still a strong supporter of public transportation and I will continue to work with them to improve the system, but I would also like other options as well, including if anybody can hook me up, getting me on the list for the Google automated car. I'm for all options, but I really don't think we should be attacking companies in the private sector. I don't believe the jitney drivers were ambushed like the Lyft and Uber drivers were. So if it's such a safety thing, why not find ways to improve it, why not use the apps and see how well they work. I mean, it's a lot safer to download something on your phone, you see your driver, you pay him with your phone. There's a mechanism in place for safety. Thank you.

PRESIDENT DEFAZIO: Thank you. Donna Hanlon?

MS. HANLON: Hello, Council, my name is Donna Hanlon. I'm one of the 80 supervisors that Mark Kelly talked about when he was up here speaking. I just wanted to let --- I just wanted to give you some information regarding my situation with the Association. In 2003, I was hired as a domestic relations officer. At that time I was hired with another gentleman. We started on the very same day. We went through HR together. We swore in with the courts that we would uphold the laws and rules of the Pennsylvania Rules of Civil Procedure and the United States. We went through training. Three years later, there was a supervisor position available. We were both --- both me and the other person that I started with

applied for that supervisor position. He did not get it. I got it. I got the position. At that time I did get a bump in my salary. That was 2003. As of this year, that same gentleman who is not a supervisor, does not have the responsibilities and the things that go along with supervisor, makes \$6,000 more a year than me.

I am not coming to the Council --- or coming to the administration or coming to the County requesting millions of dollars. I understand that I am a civil servant. I understand that I work for taxpayer dollars, but I also understand that I am under the obligation and I've sworn in that I will protect the families that I serve in Allegheny County and treat them fairly and justly. And I expect that same respect from my employers. I also expect that at least they can communicate and talk to me regarding these issues. I understand that Mark Kelly is helping us to get in that direction. But I don't understand why there's so many loopholes to just have someone tell me why are the people that are underneath me making more money than me? Every once in a while someone will say, why don't you just leave, what's so big about being a supervisor in Allegheny County, don't you get perks. Oh, yeah, I get wonderful perks. I get to come in an hour earlier and open up the doors and I get to leave an hour later and make sure everybody's on their way. Whenever there's a client in a courts that has a problem or has to go down to the jail, I'm the one that escorts them down there, not the staff that I supervise.

Whenever there's changes in laws with Allegheny County and with the Rules of Civil Procedure in Pennsylvania, I have to read through those laws, interpret them and train my staff on how to follow those. I'm the one that has my neck on the chopping block whenever those things aren't followed. But yet my staff are making more money than me. So that is really all I just wanted to say. And hopefully I'll talk to you in a couple weeks. Thank you.

PRESIDENT DEFAZIO: Thank you. We have one more speaker that was supposed to be on the agenda. He got here a little bit late, there was a mix-up in traffic, so I said wait until the end, when he's here. Thaddeus Popovich.

MR. POPOVICH: Thank you for letting me speak. I can't remember when the Pirates play at all any more, so ---. I come from the north borough and there's --- the

Roberto Clemente Bridge is closed again. So there I am. Thank you. Again, my name is Thaddeus Popovich and I live in the Borough of Ben Avon, 6606 Virginia Avenue, Pittsburgh, PA, 15202. And I thought I could get over this but it's been stewing so long, I have to say what I was going to say tonight. You've heard of the movie, The Good, The Bad and The Ugly, that 1966 Italian spaghetti western that had Clint Eastwood and Eli Wallach in it? Well, when I was in the corporate world I worked under a no nonsense general manager who wanted monthly reports using the three categories of good, bad and ugly. So tonight I'm giving you a good/bad/ugly report of my concept of the Deer Lakes Park issue.

The good. The formation of the no nonsense minority caucus of Barbara Daly Danko, Heather Heidelbaugh, Jan Rea, Sue Means and William Robinson. They truly represented their constituents when they voted no to the fracking lease under Deer Lakes Park

Two, the tenacious questioning of the land swap deal at the recent parks committee meeting by Councilmembers Heidelbaugh and Means. So what was that all about? I guess we learned more tonight.

An ordinance by Barbara Daly Danko for a three-year moratorium on drilling in County parks to have more time for discovery. Keeping parkland pristine should be a top priority. What a novel idea.

An informational County Council meeting called by Sue Means to expand the range of views offered in earlier meetings. Those earlier meetings were dominated by representatives of the gas industry.

How about the bad? The yes votes are the white male majority caucus in favor of the fracking lease under Deer Lakes Park. Please note that I am a white male and an old one at that.

Machine politics at its finest: the organized rote testimony of economic benefits and jobs by union heads, the Heinz History Center, the Allegheny Conference and others who owe allegiance to the County Executive. So if jobs are being created, why did U.S. Steel just announce an indefinite idling of its McKeesport Tubular Products Plant?

The ugly. The utter contempt and disregard of many Councilmembers for the views of constituents and citizens in general. After the Deer Lakes Park vote, I watched in amazement as Councilmembers Futules, Martoni

and Palmiere erupted into rage when confronted with remarks.

Finally, Nick Futules said it all when he yelled out, F-you to a fellow citizen. When he said it a second time, it was meant for all of us. Thank you.

PRESIDENT DEFAZIO: Thank you. All right. Does someone want to make a motion to adjourn?

MR. FINNERTY: Yes.

PRESIDENT DEFAZIO: Does someone want to second?
(Chorus of seconds).

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

(Chorus of ayes).

PRESIDENT DEFAZIO: Opposed? The ayes have it.

MEETING CONCLUDED AT 7:26 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