

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

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BEFORE:

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

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

Wednesday, November 5, 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:

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

PRESIDENT DEFAZIO: The meeting will come to order. Will you all rise for the Pledge of Allegiance of the Flag. I'll lead it and remain standing for silent prayer or reflection.

(Pledge of Allegiance recited)

(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.

(Via telephone)

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?

DR. 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?

MR. DEFAZIO: Here.

MR. CATANESE: 14 members currently

present.

PRESIDENT DEFAZIO: 8586-14,

MR. CATANESE: A Proclamation honoring Deputy Attorney General Anthony Marmo for his outstanding work in the Pennsylvania Office of the Attorney General's Western

Regional Child Predator Section and declaring Wednesday, November 5th, 2014, to be Anthony Marmo Day in Allegheny County. Sponsored by Councilmember Baker.

MR. BAKER: Thank you, Mr. President. We got Tony Marmo here, Deputy Attorney General. Thanks for all of your great work in the community. Councilman Kress is going to ask to co-present this with me tonight but Deputy Attorney General Marmo lives in my district. He lives in Ross Township so we're very proud of all the great work he's been doing. As many of you know --- and Mr. Finnerty sometimes makes fun of me for talking about it too much, but I work at Big Brothers, Big Sisters and our absolute number one goal is obviously to keep children safe. That's why, in talking to Chris Patronen (phonetic) and some of Tony Marmo's colleagues, I thought it would be really nice to recognize him here tonight at our meeting, a great young professional in our community. The City of Pittsburgh got to it a little bit quicker. There was an Anthony Marmo Day in the City of Pittsburgh first, but I'm very happy to support and really recognize you for all the amazing work you've done in the Attorney General's Office since 2007, so through two different Attorney Generals, serving in your role. I do have some of his family here as well, including Judge Marmo. We're glad to have you joining us here tonight. And with that we'll get to the proclamation and I know Ed has a couple words to say as well, but we'll do the proclamation first and then we'll say a couple words.

So the proclamation reads Whereas Mr. Anthony Marmo is the Deputy Attorney General in Pennsylvania, Office of the Attorney General's Western Region Child Predator Section.

And Whereas, a graduate of Duquesne University School of Law, Mr. Marmo has been with the Pennsylvania Office of Attorney General since 2007 where he's practiced in both civil and criminal law. And Whereas in his capacity as a prosecutor with the Office of the Attorney General's Child Predator Section, Mr. Marmo, a certified forensic computer examiner, specialized in the investigation, prevention and prosecution of child exploitation crimes.

And Whereas, Mr. Marmo has prosecuted more than 100 child predators in Western Pennsylvania with the expanded child predator unit in 2013.

Whereas the Child Predator Section has executed a 100 percent conviction rate, which is incredible. Now, Therefore, Be It Resolved, that Allegheny County Council does hereby recognize and honor the very important work of Ross Township's own Anthony Marmo and the Western Region's Child Predator Section for serving as a national leader in the prevention and prosecution of crimes against children. Furthermore, this Council does hereby declare Wednesday, November 5th, 2014, to be Anthony Marmo day in Allegheny County. So congratulations to Tony Marmo.

(Applause)

MR. KRESS: I just want to say a couple quick words. I mean, I know the family. I don't know if you know Anthony's father, Judge Marmo, one of the great legal minds in Allegheny County. So he comes from a good pedigree. Also, I know the City of Pittsburgh, they're giving him a day. How about if County Council gives him a month? Can we do Anthony Marmo Month? And also, too, I just want to say some good things about Anthony. He's a local guy. I mean, we're always saying hey about local people who have stayed here. I mean, he's a person who went to school here at Duquesne and Pitt. We talk about bringing vibrancy here to Allegheny County. We have a lot of good people here in Allegheny County and he's an example. I mean, this is vibrant Pittsburgh right here. So I wanted to say thank you for all the good work you've done for the people in this area.

DEPUTY GENERAL MARMO: First of all, thank you to County Council and Tom and Ed for those kind words. I really appreciate you bringing me up. And Chris, of course, for nominating me for this prestigious award. As you know, we're doing some important work across the street right here in the Manor Building. The Child Predator Section is vigorously going after some of the worst offenders in this Commonwealth. And I'd like you to know that almost half of these arrests are occurring right here in Allegheny County. So usually I'm right down the hallway in these courtrooms. I haven't had the good fortune to come here to this nice Gold Room yet but this is my first time thankfully. But I really do appreciate this award and your fine remarks and everything you guys are doing to support us and our group. So thank you so much.

(Photograph taken)

JUDGE MARMO: Can I just say one thing? I know all these folks and a lot of the people in the audience and I get no respect. Somebody said to me, Judge, how old are you? I said I'm 60 years old. Well, how come there's no days named after you? I said, but you know what? There's a beautiful outhouse in Ohio Township that's named after me. But I want to thank you for my son and my wife and my family. But there was three people that said that to me and I had to say something, John. Thank you so much.

PRESIDENT DEFAZIO: 8587-14.

MR. CATANESE: Proclamation recognizing ten Pittsburgh Taylor Allderdice High School students and the Center of Life Organization for creating a documentary about food scarcity in the Community of Hazelwood entitled Not Finished Yet. Sponsored by Councilwoman Danko.

MS. DANKO: This is a great honor for me. I love when we get students that are already interested in public policy at an early age and this came to my attention. These students from Taylor Allderdice did a film. As some of you may know, we've talked about transit scarcity in the last few weeks. Well, there's also the issue of food scarcity. And Just Harvest through the Heinz Foundation had done a study on food scarcity and one of the areas in the county is Hazelwood. So these students that are here tonight, they all live in Hazelwood. And we have two people from the Center of Life who helped them produce a film on the food scarcity issue in Hazelwood. So I will read the proclamation and then I'll introduce everyone. And a couple of them might have something to say.

Whereas, Not Finished Yet, Hazelwood's perseverance in the face of food scarcity, a film produced by Center of Life and ten Pittsburgh Taylor Allderdice High School students who reside in Hazelwood, premiered on October 29, 2014 at the Kresge Theatre of Carnegie Mellon University.

And Whereas, Not Finished Yet was funded by the Heinz Endowments and produced by Center of Life, a faith-based community organization that grew out of Keystone Church in Hazelwood.

And Whereas, during the 2013-14 school year, the students worked on the documentary, deciding who should be interviewed and conducting interviews, compiling data and

research, assembling lighting and mastering the editing software.

And Whereas, Not Finished Yet is centered around the food heritage of Hazelwood including areas of abundance during the steel industry's heyday and during periods of food scarcity demonstrating the remarkable resilience of the community.

Now Therefore, Be It Resolved, that Allegheny County Council does hereby recognize and thank the Center of Life and the ten Taylor Allderdice high school students for creating Not Finished Yet. And for sharing the story of a community proud of its heritage and determined to rebuild and revitalize the rich neighborhood of Hazelwood. Sponsored by Allegheny County Councilmember Danko and presented this 5th day of November 2014.

So I'm going to invite up Mr. Doug Heckman. He's the media technical director of the Center of Life to say a few words.

MR. HECKMAN: I just want to say thank you for this. It's a great honor for the project being recognized and for the students' efforts. They've put in a lot of work, so it's great for them to be able to come down here and see this. As she said, food scarcity is a big issue in Hazelwood and films like this and your involvement and your helping us get the word out on this is going to help us to move Hazelwood into a community that's Not Finished Yet. So thank you very much.

(Applause)

MS. DANKO: And I would like to have Jourdan Hicks, the media assistant, come up and say a few words as well.

MR. HICKS: First, I would like to thank the board members of Council for this honorable resolution. It was a great joy and passion of all of ours to work on this program, this project, specifically. But I would like to say it was more of a twofold program project outside of the film. Of course, there was a lot of dedication and time and effort that has to be done in researching and filming and interviewing and learning the techniques behind making the film. But also, I thought it was a great opportunity for all of the students to learn the importance of civic engagement and what it really is to be a member of a community. Through this program they were introduced to the Hazelwood initiative which is the one of the organizations that's in the forefront of

opening the conversation of what's going on in the community, how you can get involved, the responsibility that all of us have in being great influences and members of our community. So thank you for this opportunity and hopefully this won't be the last that you hear of Center for Life or any of these students. Thank you.

(Applause)

MS. DANKO: Well, I want to make sure that I do recognize that we have --- and you can raise your hands, this is on film, Talicia Herriot, Nire Walker and Skylar Woodall. And congratulations to all of them. Good work.

(Applause)

(Photograph taken)

PRESIDENT DEFAZIO: 8588-14. And the rest of the proclamations will be read into the record.

MR. CATANESE: Proclamation congratulating Amizade Global Service Learning upon the occasion of its 20th anniversary. Sponsored by councilmember Baker.

8589-14, Certificate of Achievement awarded to Mr. Tory Laquatra of Boy Scout Troop 368 upon earning the rank of Eagle Scout. Sponsored by Councilmember Baker.

8590-14, Proclamation recognizing the 70th anniversary of the historic December 31st, 1944 Piggyback Flight during the Battle of the Bulge in World War II. Sponsored by Councilmember Macey.

8591-14, Certificate of Recognition awarded to Charles D. Reichenbach, Thomas E. Douglass, John M. Kerr and Robert P. Murphy for their 25-plus years of dedicated service to the Vigilant Hose Company No. 1. Sponsored by Councilmember Macey.

8592-14, Certificate of Recognition presented to Mount Carmel Baptist Church upon the occasion of its 90th anniversary. Sponsored by Councilmember Macey.

8593-14, Certificate of Recognition awarded to Mr. and Mrs. Joseph and Rosetta May Zurovcik upon the occasion of their 60th wedding anniversary. Sponsored by Councilmember Macey.

8594-14, Certificate of Recognition awarded to Mr. and Mrs. Rick and Judy Elster upon the occasion of their 50th wedding anniversary. Sponsored by Councilmember Macey.

8595-14, Proclamation recognizing the Lund Family of Upper St. Clair for sharing their story in the documentary entitled Family Next Door and for raising awareness of autism. Sponsored by Councilmember Means.

8596-14, Certificate of Achievement awarded to Mr. Nicholas George Spak of Boy Scout Troop 28 upon earning the rank of Eagle Scout. Sponsored by Council members Means and Finnerty.

8597-14, Proclamation congratulating St. Anne Catholic Church in Castle Shannon upon the occasion of its 125th anniversary. Sponsored by Councilmember Palmiere.

PRESIDENT DEFAZIO: We'll now have public comment. The first speaker is Mike Suley.

MR. SULEY: Thank you, President DeFazio and Council. I'm here to speak for three minutes, hopefully keep it within the three minutes, to talk about the appointments of two board members' reappointments to the Board of Property Assessment, Appeals and Review. Just a reminder, when the reassessment process started a couple years ago, most of you went around the county with the County Executive and talked to people about how to prepare for the appeals. And that's what most people did. They presented the evidence, they won, they lost on the evidence they presented. Then in late in 2012 it was found out --- there was a front page story in the Post Gazette that the Appeal Board had cut a deal with the school districts and the high-end business owners, the people who own the high-rises downtown, multi-million dollar properties and that those people did not have to present any evidence. And again, no one knew about it until it was printed in the newspaper.

And I'm here just to explain my displeasure with the process that the Appeals Board did at that time. The Chairman of the Board is one of the reappointees, was the chairman at that time. I understand that they met with subcommittee last week and gave explanations. I don't know what it was but --- I don't know if this topic came up. But my only point is I served on the Appeals Board in the '90s. I had a guiding principle each day I went in there, treat everyone the same. That did not happen in this process. There are still people with assessments that were negotiated with the County Appeals Board in 2012 and 2013. Those assessments are still where they are. I don't know if they're low, high or what. They were negotiated without presenting any evidence at all.

If those people got tax breaks, the rest of us are paying the taxes on those results. I don't believe that it was fair to have a system where you have people negotiating behind closed doors, and you had people

appealing, presenting evidence, winning and losing on the merits. Remember that tonight when you vote on these reappointments. You're bringing the same people in. Thank you very much.

PRESIDENT DEFAZIO: Okay. Thank you. Mel Packer?

MR. PACKER: Mel Packer, 623 Kirkland Street, 15208. Yesterday, the town of Denton, Texas, with 123,000 residents situated in the middle of the Barnett Shale Formation and one of the most heavily fracked areas of the nation banned fracking by an overwhelming popular vote. Despite the industry putting up \$700,000 to fight the ban, the residents raising only \$75,000, they were outspent ten to one, but they were still victorious because those residents are sick of being sick from the effects of fracking.

Athens, Ohio, banned it yesterday along with another county in California and three more in Colorado. On October 14, 2014, a new study was published in the Environmental Health Journal and National Geographic, not a questionable news source. David Carpenter, the study's lead author and Director of the University of Albany's Institute for Health and Environment, said in reference to fracking, the implications for health effects are just enormous. Extensive air monitoring was done in five states, Arkansas, Colorado, Ohio, Wyoming and Pennsylvania. In 40 percent of the samples taken, levels of known carcinogens, cancer-causing chemicals, including benzene and formaldehyde, were far above the levels considered safe for even brief exposure.

In other studies recently done, Colorado, mothers with gas wells within ten miles of their homes were 30 percent more likely to have newborns with congenital heart defects. West Virginia, four of seven wells were found to expose nearby residents to unsafe levels of benzene, a known carcinogen. In Pavilion, Wyoming, 12,000 times the safe level of benzene were found in air samples. Susquehanna County, PA, high and unsafe levels of formaldehyde were found in air samples. The just-published and alarming report from the UN's Intergovernmental Panel on Climate Change, IPCC, written by the world's top scientists, concludes that the fate of the world is at stake. If the amount of airborne pollution from fossil fuels is not curtailed, there will

be, quote, severe, pervasive and irreversible impacts for people and ecosystems.

This is science, not rumor, not propaganda, not the ravings of lunatic conspiracy theorists, but science. Science is fact. It's not fiction. It cannot be disputed nor dismissed because you don't believe it or because Rich Fitzgerald is on the most favored donor list of the fracking companies has promised you favors in return for your votes. You will soon to permit fracking on the County Airport land, land that will bring frack pads much closer. Those frack pads will cause deleterious health effects to county residents, if not immediately, then eventually. Who will be responsible when those class action lawsuits are eventually filed for damages and deaths? You and me, that's who. The taxpayers of Allegheny County will have to defend it and pay out. No one on this Council will be able to claim, gee, I just didn't know, as you've been told over and over by us of the deleterious effects of fracking. You will be held responsible. Beyond that, who is morally responsible for endangering the health of the county residents? Not me. Not the others who've come here begging you to exercise restraint, to not sell the health of our fellow residents for a new restaurant at the County Airport. Is that all my children's health is worth to you? How about your children's health? How can you claim to honestly care for the health of children if you're willing to endanger their health for the frackers' money and Rich Fitzgerald's political future.

How can you look at your own children every morning and honestly say, I love you, I care about you, I will always protect you from harm, if you vote to increase fracking. Make a choice, the children's health or the frackers' money, you can't have both.

PRESIDENT DEFAZIO: Valessa Souter-Kline? How about Edward Chute? Oh, I'm sorry. You're here.

MS. SOUTER-KLINE: I'm here. Speaking to the open-burning regulations, my name is Valessa Souter-Kline. I live at 115 South Fairmount Street, Pittsburgh, Pennsylvania. I get it. No one wants to relinquish the warm cozy feeling of a campfire, and that, to be perfectly clear, is not what these regulations are about. Just as we have all come to understand that cigarette smoke has harmful health effects, and that while individuals are free to smoke, it makes sense, it makes logical sense, to

control passive exposures to the extent that is possible. It's important to recognize that unhealthy air filled with particulate matter and volatile organic compounds released from burning wood is not something we or our children should be forced to breathe. Open burning releases pollution, period. That said, there are ways to reduce the amount of pollution produced, and that is what these regulations are about. We live in a densely populated county and on top of that, wood burning, both indoor and out, is on the rise.

In Southwest Pennsylvania where air routinely receives a failing grade from the American Lung Association and our kids suffer from higher than average rates of asthma, burning wood or even worse, illegally burning trash, exacerbates that problem. It makes sense to take a reasonable measure to keep harmful smoke out of our neighbors' windows and to limit the amount produced. As they are currently written, the regulations allow for only clean, dry wood to be burned which will help cut down on smoke and particulate matter, but it won't eliminate the problem altogether. These regulations are an important step in the direction of protecting public health, and furthermore, they will help raise awareness county wide of the fact that burning anything; wood, leaves, garbage, produces air pollution making it harder for people with respiratory conditions and asthma to simply breathe.

As we work together to clean up big polluters, let's not ignore the air in our own backyards. I urge you to pass this regulation which is a good step for improving our air in Allegheny County. Thank you.

PRESIDENT DEFAZIO: Edward Chute?

MR. CHUTE: Ed Chute, 904 Valley View Road, Mount Lebanon. As usual, you may call me nobody. When I last commented at Council, I urged you to practice more than mere lip service to due diligence concerning the proposed ordinance to allow natural gas extraction at the County Airport in West Mifflin. Specifically, I asked you to think seriously about adding to the already poor air quality in Allegheny County, particularly around the County Airport. West Mifflin, Clairton, Munhall, McKeesport, Pleasant Hills, Jefferson Hills, et alia, about ten percent of Allegheny County's population.

Last week, I attended one the Allegheny County Health Department's informational meetings which was held

in the Mount Lebanon Library. It was quite well attended and clearly, the poor air quality in Allegheny County was a central issue raised by several different residents. As I understand the data presented by the Health Department, the three leading causes of death within the county are heart, cancer and respiratory related, all serious health concerns, and all of which can relate to poor air quality, one of the residual effects often associated with and linked to the hydraulic fracking industry. Moreover, several other residents commented about the tremendously high and outlier incidence rate in Allegheny County of asthma that they noted within the Health Department's data as presented.

During my last comment to you, I strongly suggested that continuous air monitoring is a necessary component for your ordinance and must be required mainly because the DEP clearly is negligent and you, our Allegheny Council members, may be the only protectors of the air quality we citizens breathe. Based on our own Allegheny County Health Department's data, I now believe that approving the ordinance to permit fracking at the County Airport under any circumstances is not justified. Because you members of the Council will no longer simply be bystanders or observers to the fact of the poor quality of the air we breathe, you will now be negligent accomplices and the cause of making the already poor air quality in Allegheny County even worse, thereby ensuring increasing health risks and rates of death to our residents which already are unacceptable.

CHAIR DEFAZIO: Jamin Bogi?

MR. BOGI: Good evening. I'm Jamin Bogi. I'm with the Group Against Smog and Pollution or GASP, a nonprofit that has worked for 46 years to improve air quality in Southwestern Pennsylvania and beyond. We support the proposed changes to the open-burning regulation written by the Allegheny County Health Department or the ACHD. GASP consistently receives wood smoke complaints. Offensive odors from nearby fires force people indoors and often even closed windows don't keep the odors out since this microscopic pollution penetrates the smallest of cracks. Residents usually tell us they've spoken to their neighbors. They've called their fire department. They've worked with their local officials but the smoke and odors continue.

We direct them to ACHD but often that does not result in resolution because of the current, loosely written regulation. The proposed changes strengthen the ability of inspectors to reduce or prohibit open burning nuisances. Over 20 percent of the complaints received by ACHD in 2012 and '13 were related to open burning, which is a very high percentage considering the wide variety and high numbers of pollution sources in the county. These complaints have spurred ACHD to propose these changes so that they might respond more effectively to their constituents.

And while malodors are annoying, wood smoke's real danger comes from its harm to human health. Our region's air quality has dramatically improved in the last few decades, but we still struggle to meet federal health-based standards for ozone and particulate matter. Wood smoke contains ozone precursors, and the particulate matter in wood smoke can cause asthma attacks, heart attacks and strokes, even premature death. Wood smoke contains many carcinogenic compounds such as benzene and formaldehyde. It is considered to be at least as toxic as cigarette smoke.

The science on the dangers posed by wood smoke has become clear in recent years and these changes provide a balanced update that recognizes this clear science. While wood smoke can remain dangerous at great distances, changing the setback for open burning from 10 feet currently used in guidance documents to 15 feet provides a minimum level of fire safety and air pollution protection that should be afforded to all county residents. Some municipalities will say these changes don't go far enough. I encourage them to create their own regulations that go beyond this minimum, and we hope many do so and we're ready to work with them to make that happen. So while these changes give inspectors the strength and ability to stop nuisance burning, the changes won't prevent all wood smoke exposure but will reduce it in some very dense areas. Please pass these proposed changes. Thank you.

PRESIDENT DEFAZIO: Briget Shields?

MS. SHIELDS: Hello. Briget Shields, Pittsburgh, PA. Here we are once again, and I'm just going to read you a report that came out last week about oil and gas and hydrofracking. Oil and gas wells across the country are spewing dangerous cancer-causing chemicals into the air according to the new study that further

corroborates reports of health problems around hydraulic fracturing sites. It's a significant public health risk, said David Carpenter, Director of the Institute for a healthy Environment at the University of Albany in New York. He is the lead author of the study which was published last Thursday in the Journal of Environmental Health. Cancer has a long latency. So you're not seeing an elevation in cancer in these communities, but 10, 15 years from now is when we're really going to start seeing it. Eight poisonous chemicals were found near wells and fracking sites in Colorado, Pennsylvania, Ohio and Wyoming at levels that far exceed recommended federal limits.

Benzene, a carcinogen, was most common and formaldehyde was the other. I was amazed, Carpenter said, five orders of magnitude over federal limits for benzene at one site. That's just incredible. You could light a match. It's an indication of how leaky these systems are. The way fracking is being done in these five states is not being done safely. So I don't know what makes you think that it's going to be done safely here. And it is up to you to make that decision on whether or not we go forward with this. And I was looked straight in the eye by Mr. Fitzgerald when he was running for office. He said, don't worry, Briget, we're never going to frack near communities. Well, the County Airport is in my backyard. And I don't want to move, but I also don't want to live next to the fracking site and I'll keep coming up here until the due diligence is done to prevent you from passing any more fracking rules. Thank you.

PRESIDENT DEFAZIO: Okay. Cassi Steenblok?

MS. STEENBLOK: Hi. Thank you. My name is Cassi Steenblok. I'm a resident of 223 42nd Street, Pittsburgh, PA. And I am also here representing clean water action and our 10,000 members throughout Allegheny County to discuss deregulation on open burning. Over the years, our office has fielded many complaints from citizens regarding open burning. As my colleagues and residents here have expressed, not only is it a nuisance but it leads to tremendous health concerns and environmental concerns relating to air quality which we know Allegheny County has some of the poorest air quality here in the country.

When I moved here from Providence, Rhode Island, I noticed a clear difference in the air quality. And we continue to see these problems persist. We have high

cancer rates, high asthma rates and even a most recent study that shows the connection from air pollution to autism in young people. We have seen that these regulations are needed to address the situation. All they do is clarify what the Health Department is able to do. To be clear, this is not an issue of the government telling people what they can and can't do on their private property. Rather, this is about acting to protect all property owners to ensure they are able to fully enjoy their own private property no matter what their neighbors are doing.

Children with asthma, senior citizens that depend on oxygen should not be forced indoors or worse, to the emergency room because some people in their neighborhoods choose to ignore common sense when it comes to outdoor fires. ACHD has proposed a revision to open burning. It's a small but needed step in reducing dangerous air pollution here in Allegheny County. And I call on the Council to please approve this plan.

PRESIDENT DEFAZIO: The Honorable Dan Davis.

COUNCILMAN DAVIS: Dan Davis, 127 Parkside Drive, West Mifflin, PA. I'm on Council, West Mifflin Council. Again, we're here to support Bill, I think it's 8567-14m for the fracking. And it's really not fracking. It's just really the allowance of drilling on the County Airport. We as a borough and municipality are the ones who will be major impacted by this. Plus, as I stated previous, our borough building is less than a quarter mile from this facility. But we are fully supportive of this because what we have around here is a large industrial facility in the area of the County Airport where this is looking at. And part of this really with the amendment of this bill is really to get the \$2.8 million freed so we can get improvements to the County Airport that are really needed.

Like I said with the terminal building, some runway improvements, hangar improvements. Because what we have there at the County Airport, we have a viable airport that is very important to Allegheny County. We have Medivac helicopters that are at the airport that play an important role for all the hospitals here in Allegheny County. And we have the Pennsylvania Institute of Aeronautics that is teaching people there at the airport that is a major impact on our borough. We see this is a benefit to have improvements to this County Airport and

improvement to job opportunities within West Mifflin which are badly needed in the Mon Valley area. And we just want to see this approved. You have the regulations and controls already set for the county for Greater Pitt Airport. All you're doing is amending this for the county. And we are strongly hoping that you will approve this measure.

We have the backing of Bill Kortz on this and other business people around our area that strongly support this. We're one of the peoples that really --- communities are really for this. So I would just like again to thank and show our support for West Mifflin Council, the community that will be impacted by this, and we are for it. Thank you members of Council.

PRESIDENT DEFAZIO: The Honorable Mike Moses.

COUNCILMAN MOSES: Thank you. Michael Moses, 469 Satinwood Drive, West Mifflin, Pennsylvania, President, West Mifflin Borough Council. My colleague, Dan, here laid the story out pretty well. We have presented this body with a signed dated letter, signed by all of our Council members, as well as our mayor. You've also received notification from our State Representative, Bill Kortz. We've had the support of your State Senate. We come to you asking you to go ahead and allow this mineral rights portion of this contract that's already been ratified by this group to be passed so that the funds will be freed for the infrastructure that Mr. Davis spoke of and for the benefit of not only West Mifflin, but all of Allegheny County and the region. The County Airport is far too valuable of an asset to allow to decay, not just for West Mifflin, not for Allegheny County, but for all of Southwestern Pennsylvania. And we'd like to see that money freed, the infrastructure improvements made, and we'd like to move forward with this. We would like this body to pass this tonight. Thank you.

PRESIDENT DEFAZIO: Thank you. Loretta Weir?

MS. WEIR: Hi. Loretta Weir, 4544 Homeridge Drive, Pittsburgh, Pennsylvania. Welcome to the alternate reality of Dan and whoever that guy just was from West Mifflin, that's going to speak for people. I live a mile from the Airport. I live in Pittsburgh. So I don't know where they think this money is coming from, but I don't really that West Mifflin is going to benefit millions of dollars and it will be too late before they find out that that really didn't happen. But long story short, I was

sitting here thinking how Anthony Marmo got honored and you know, his father is a judge. My father was an immigrant from Italy. And I get all that. But I think that, you know, I think that any time if you would like to proclaim a Loretta Weir Day, you could just give me a heads up and I can get here early.

I specialize in the exploitation of taxpayers and in protecting our children and grandchildren from the toxic effects of fracking and the direct impact this will impose on their quality of life, their air quality and their water quality. I am committed to protect our community, and in particular our children from these predators. You know, he was awarded for this predator thing. These are predators that invite these toxic industries into our neighborhoods for the benefit of a few, okay, for the sacrifice of the many, for the benefit of a few, whether it be in the form of cold hard cash or Rich's political future, this is what it's about, okay. We are committed to one another, okay. I don't want to get religious on anybody, I know everyone has different belief systems. I believe we're accountable. I believe we all have a soul. I believe we can lose our soul if we try hard enough. I think we are committed to one another.

In Camp Lejeune, it was military base from 1953 to 1987, okay, there was tetrachlorethylene, trichlorethylene, and particularly, benzene in the water supply. Since then, more than 85, almost 100 men have developed breast cancer. There's a direct link between benzene and breast cancer. You all know my daughter in law just went through that. I lost my mother to breast cancer. Now I see billboards with bald people. I never saw this in my life. We are supposed to accept this as a day in the life of our life. We are not going to connect what we are doing in our environments to what we are doing to our bodies. This just isn't bright. It's just not smart. I am not here --- I want everyone to come together. I think we're committed to one another. I really think we need to start to take care of one another and not Rich Fitzgerald's political future. Thank you.

PRESIDENT DEFAZIO: Kenneth Weir?

MR. WEIR: I'm Kenneth Weir, Lincoln Place, and that's the 31st Ward. And I'm the Dishonorable Kenneth Weir, not the Honorable. There's something I'm not understanding here. All the communities that surround West Mifflin are supposed to bow down because West Mifflin

wants this money from the Airport. But what does Baldwin do, Brentwood, Lincoln Place, Hayes? What's the residual for them, the pollution? Pollution has no boundaries. It's toxic trespass. But we're supposed to vote for this because West Mifflin wants the money which they're not going to get. It's going to go to the Airport.

There's something that doesn't sound right to me. But now since they've narrowed this down that they want to do this on that slag heap behind the borough building, there's a neat little thing on Google. If you go on Google Maps and you go on the Earth view, you can sky up above the airport. Well, you can take the right cursor and you can put it on a dot. And if you put it in the center of that slag heap and draw it to anywhere on that map, it'll show you how far these residences and businesses are from that position where they want to put this drill rig.

Irwin Road is 3,000 feet. Mifflin Elementary is one mile. McDonald's is a mile. These are just some of the early ones I was getting from the internet. And I still don't understand, they have the support, they claim, from Bill Kortz and their Senators. I have an email here from Senator Jay Costa and it's dated 11/4. I'll read it to you. Dear Mr. Weir, thank you for your response to my recent email. I stay in touch with the Senator. I am aware that the County Council has legislation before it on the issue of drilling at the County Airport. I am conscious of the time frame that is applicable in this situation. I assure you once again that I am following this issue, and I continue to be in conversation with the County officials about this matter. County Executive Rich Fitzgerald has been clear --- clear about his opposition to drilling at the County Airport and I trust his assurances.

Now, something is not right here. If Rich Fitzgerald is telling Jay Costa that he doesn't want this drilling, then what are we doing? Why are we going after it? And I think this motion needs to be tabled and I think the committee on the Public Works that pushed this forward needs to go onto Google and look and see what you're asking them to do. This is a highly residential area. It's not at the International Airport. Seriously, you need to table this tonight and take another look at it. Thank you.

PRESIDENT DEFAZIO: Paula Lynn? That is

L-Y-N-N?

MS. LIM: L-I-M as in Mary. I'm Paula Lim, 309 Southvue Drive, Whitehall, Pittsburgh, 15236. It saddens me to be back at County Council fighting for another infringement upon our right to clean air, water and a healthy environment. But I fear that as often our commercial states, this is only the beginning. I have worked in the oncology field for 30 years. I can tell you that 25 years ago benzene, formaldehyde was taken out of the lab. We're no longer allowed to have any contact with it unless under a vent. But these businesses are allowed to spew into our air totally unfettered --- and not only that, cheat, because they know the DEP does not have enough workers to check them all the time to do their inspections, to cheat on their chemical contamination. I cannot understand the infatuation of lawmakers with this industry when we have yet to clean up from coal.

Take a ride down 88 and look at the mess on 88 that's left from the coal. It's a mess. Clean that up first and then start with your next mess if that's necessary. I've perused through West Mifflin's Council minutes. I find no notes, no mention where everybody is really into this so I'm not sure about that. I subscribe to Sky Truth Alerts which alerts you to the drilling industry. Every day there's alerts about spills, damage to the air, the water. Not only that, there's 25 to 50 permits given to the drilling in this state every day. Do we really need West Mifflin to be drilled when the rest of the state looks like a checkerboard? If you fly over the State of Pennsylvania, you see just big gaps in our tree cover. Fly over New England. It's a solid canopy. They have ruined Pennsylvania, which was once called God's Country. Now the total amount of property that is being drilled in this state equals the entire --- larger than the entire State of Delaware.

I also was going to mention that in Denton, Texas, they finally banned fracking because they were promised they would stay on the outskirts of town. But where are they now? They're next to the hospitals, the schools and peoples' homes where they say they would never be. But now we've let these drilling companies get their foot in the door in Allegheny County, and where will they be next? I have to quote from Senator Elizabeth Warren, the game is rigged. I would go so far as to say that our so-called democracy is no longer because we have citizens

united and a compromised corporate media, Range Resources, for example. The peoples' voices are not being heard and I think they should be. Thank you.

PRESIDENT DEFAZIO: Suzanne Seppi?

MS. SEPPI: Hello. My name is Suzanne Seppi. I live at 140 Oakhurst Road, Howard Township, Allegheny County. I'd like to make some comments on the open burning proposed revisions. Traditional experiences being so familiar feel comfortable and safe. But sometimes it's good to acknowledge that just because we have done something many times does not make it the best choice for ourselves or our family. For example, standing on the corner near busy or idling truck traffic does not seem particularly risky, but exposure to diesel particulate matter was identified as the number one ambient air toxic emission associated with cancer risk in Pittsburgh in a 2009 report in Allegheny County by Carnegie Mellon investigators. Similarly, outdoor burning such as campfire seem harmless, but wood smoke includes over 40 different air toxics, including formaldehyde, benzene and toluene which was just spoken about.

Wood smoke contributes to fine particulate air pollution in our region and can exacerbate any respiratory or cardiovascular ailment including asthma. Many of the same toxic chemicals found in cigarettes are found in wood smoke. Wood smoke particles generally are under one micrometer in size making them largely ultra fine, able to bypass nasal defenses and reach into the lungs and bloodstream. These fine particles will be in wood smoke even if burning well-seasoned and dry wood. The proposed outdoor burning revision to Allegheny County in Article 21, Section 2101.5, is a modest proposal. It gives more specificity and health considerations to existing open burning regulations. Even in a situation where open burning is not meeting the regulations or might be causing a nuisance, some adjustments such as relocating the burning location or changing to propane or natural gas could accommodate the problem.

The Allegheny Health Department's job is to protect public health and neighborhoods need a ground floor set of protections from outdoor burning air emissions. Most residents want to be a good neighbor and not complain about neighborhood outdoor burning, but they nevertheless can be forced indoors silently. The terrain in Pittsburgh can have houses both very close and in

valley situations where smoke can be directed or redirected at nearby housing or trapped by frequent inversions. GASP, where I am on staff, has had numerous folks calling looking for advice and relief over the years and some of them have been truly desperate and have actually moved because of smoke considerations. I also live near the top of a ravine situation and had to go inside on many otherwise pleasant evenings because of the irritating smoke from outdoor burning at the bottom of the ravine. I hope you will support this revision to the open burning requirements allowed in Allegheny County. Thank you.

PRESIDENT DEFAZIO: Thank you. Peri Unligil? You can pronounce that one.

MS. UNLIGIL: My name is Peri Unligil. I live at 210 Sunridge Road, Pittsburgh, PA in Mr. Kress' district. I'd like to make another quick comment in support of the proposed amended open burn regulation. As a physician specializing in internal medicine who's been working in this county for 14 years, I see county residents who are short of breath for a variety of reasons every day. While enjoyed by some, open burning may be toxic to the neighbor who deserves recourse and protection of the right to breathable air from the county health department. By defining appropriate burning materials and increasing the required setback to 15 feet, these amended regulations increase the chance county residents will be able to get the help they need from inspectors when faced with burning that is harming them physically. These regulations deserve our County Council's full support with your affirmative vote today. Thank you.

PRESIDENT DEFAZIO: Michelle Naccarati-Chapkis?

MS. NACCARATI-CHAPKIS: Good evening. My name is Michelle Naccarati-Chapkis. I'm Executive Director of Women for a Healthy Environment located at 1405 Shady Avenue, 15217. I'm also a resident of Plum Borough. Our organization's mission is to educate the public about environmental health exposures and to advocate for policy solutions that protect the human health and the environment. I'm here to talk about the open burning regulation, 8500-14. Over the years there have been many reports, statistics and additional research released documenting the poor air quality in our region, including the University of Pittsburgh's Pittsburgh Regional Environmental Threat Analysis, the PRETA reports, the

American Lung Association's State of the Air Report and the Highlands and Dominance (phonetic) Clearing the Haze Report.

Our region's health isn't rich. Although a ban on wood smoke would be the strongest measure Council could and should take to protect public health, I am here to urge you to support the passage of the open burning regulation before you. Wood smoke contains fine particulate matter, carbon monoxide, formaldehyde, benzene, methane, sulfur dioxide and various irritant gases such as nitrogen oxide that can scar the lungs. The particles of wood described are extremely small fine particulate matter and therefore, are not filtered out by the nose and the upper respiratory system. Instead, these fine small particles end up deep in the lungs, increasing the risk of heart disease and stroke. Wood smoke exposure can depress the immune system and damage layers of cells in the lungs that protect and cleanse the airways. As you know, the residents of this county enjoy countless hours around the bonfire on a cool evening roasting marshmallows and cooking hotdogs. However, we've all seen the trash and material that get tossed into the bonfire as well. The vast majority of these items are emitting harmful toxins and hazardous air pollutants when they are burned.

There are many vulnerable populations impacted by open burning, including our most vulnerable populations, children, expectant mothers, older populations, older adults, people with lung disease, including asthma and COPD and people with heart disease. According to the Pennsylvania Department of Health our state has seen an increase from 2004 to 2008 in the hospitalization rate of people with asthma. We must have regulations in place to protect these individuals. A study by the University of Washington in Seattle showed that 50 to 70 percent of the outdoor levels of wood smoke entering homes were from those not burning wood. Therefore, the setback rule, the additional increase is necessary.

I suspect that the vast majority of county residents are unaware of the harmful effects of such activity. That is until their loved ones, a friend, a neighbor experiences an asthma attack, a coughing fit, a headache or a wheezing episode. I know that and can speak to that, not only as the director of an environmental health organization, but also as a mom, a mom who has had

to give her daughter a rescue inhaler because of the impact she has had from a neighborhood bonfire. We need to pass this regulation to protect the health of all residents in Allegheny County. This isn't taking away anyone's rights to enjoy themselves, but placing necessary protections in place to protect the residents of the county. Thank you.

PRESIDENT DEFAZIO: Kevin Stewart?

MR. STEWART: Mr. President, members of council, citizens, my name is Kevin Stewart. I serve on the American Lung Association in Pennsylvania as Director of Environmental Health. I work in our Camp Hill Office. We thank President DeFazio for the opportunity to offer testimony on agenda item 8500-14 pertaining to the subject of open burning. And I am here this evening to represent the populations in Allegheny County at increased risk for adverse health consequences from exposure to emissions from open burning. In addition to over 400,000 youth and seniors, these include on the order of 100,000 adults and 25,000 children with asthma, 65,000 adults with COPD, 90,000 persons with heart disease and others taken together amounting to on the order of half the population, many of whom have come to believe that a neighbor's open burning activity affecting their health is simply something they have to try to live with.

For decades, the American Lung Association has made it clear that wood smoke contains many of the same irritants, toxins and carcinogens that secondhand tobacco smoke does. Frankly, lungs don't care. They will respond in the same way to the same assault. When the proposed amendments were in the early stages of their development before the Allegheny County Health Department, we called for a ban on most forms of open burning as the only way to be truly protective of public health. The proposal before you is clearly weaker than what we sought. But it was crafted in a deliberative process that considered diverse use. And we have appreciated its many substantial improvements. The amendments are a step in the right direction to provide the Health Department with the tools it needs to protect public health.

Objections have been raised about what the proposal would mean, what people can do on their own land. We respectfully remind Council that the problem we're concerned about is rather what people can do to their neighbors' air and hence to their neighbors' health. The

exact same principle that limits smoking behavior when it affects others is at work here. Your County Health Department is already recognizing not only that the number and proportion of open burning related complaints are increasing, but also that more aggravated health effects are expected to result as well.

Failure to deal with this health problem now is just kicking the can down the road. The problem is likely to become more difficult to deal with in the future. And today's measure is Council's best opportunity to face up to it. In our view, the proposal before you is the minimum that should be done. There are protections in place against tobacco smoke, against industrial emissions and against vehicle exhaust. It is past time for us to recognize that the same is needed against air pollution from open burning. The Lung Association strongly urges your vote to ratify the proposed amendments. Thank you.

PRESIDENT DEFAZIO: Now we have the approval of minutes, 8519-14.

MR. CATANESE: A motion to approve the minutes of the regular meeting of Allegheny County Council held on September 23rd, 2014.

MR. MACEY: So moved.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under 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, 8493-14.

MR. CATANESE: Approving the appointment of Doctor Robert Gallen to serve as a member of the Children, Youth and Families Advisory Committee for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan, do you ---?

MS. REA: Sorry, Mr. President. The Committee met and would like to move Doctor Gallen to the full Council for his appointment to the Children, Youth and Families Advisory Committee.

MR. KRESS: Second.

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

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. 8494-14.

MR. CATANESE: Approving the appointment of Rebecca Mercatoris to serve as a member of the Children, Youth and Families Advisory Committee for a term to expire on December 31st, 2016. sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan?

MS. REA: Thank you, Mr. President. The Committee met and recommends that Rebecca Mercatoris be appointed to the Children, Youth and Families Advisory Committee.

PRESIDENT DEFAZIO: Second?

MR. FINNERTY: Second.

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

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8531-14.

MR. CATANESE: Approving the reappointment Phillis D. Lavelle to serve as a member of the Property Assessment Appeals Review Board for a three-year term to expire on December 31st, 2017. Sponsored by Councilmember Green-Hawkins and Councilmember Robinson.

PRESIDENT DEFAZIO: Jan?

MS. REA: Thank you. The Committee met and recommended Phillis Lavelle be reappointed to the Property Assessment Appeals and Review Board for a three-year term to expire December 31st, 2017.

PRESIDENT DEFAZIO: Is there a second?

MR. MACEY: Second.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Go ahead,
Sue.

MS. MEANS: I have served on County Council now for 11 months and today is the first time a citizen has come to the microphone to question and ask that one of our reappointments not be reappointed. And this citizen sent us an email as well. It's the first time. And this citizen, Mr. Michael Suley, is a famous person, a person of great honor. Because of him and his efforts, our assessments were put on the website so that anybody can go and look up the value of their home and the value of their neighbors' homes. And Mr. Suley came and he questioned what happened with the assessments two years ago? There was a dual system that he mentioned. And when we had our appointment review committee on October 23rd, I questioned Ms. Lavelle about the process of the dual system that went

on. And she did not take any responsibility and she said they did nothing wrong.

Now, we don't have any oversight over Assessment Board. Our only oversight is to say something wasn't acceptable that happened when she was chairwoman and still is chairwoman of the Board. And this is our opportunity to say it was not acceptable. All citizens must be treated alike. And so I am voting no on this reappointment, and I hope you will join me as well. And I know that each of you also received a letter from me regarding this matter. Thank you for allowing me to speak.

PRESIDENT DEFAZIO: Any other remarks?

MR. ELLENBOGEN: Yes, I have one.

PRESIDENT DEFAZIO: Go ahead.

MR. ELLENBOGEN: Everyone remembers two years ago this Assessment Board tried a bill that was sent over to Council which would have denied citizens the opportunity to defend other citizens or themselves or maybe not themselves, but other people, that you had to be an attorney. Well, when I spoke up to that, this Council agreed with me, the media applauded it, that everyone has a right to pick whoever they want to defend them in an assessment hearing. And you know, when I sat through this hearing, I heard nothing that would tell me that this Board or these individuals would not try to do this again. So because of that, you know, I'm not comfortable voting so I'm going to abstain on this until I see some confidence that they're not going to try to pull a move like this again. Thank you.

PRESIDENT DEFAZIO: Any other remarks? Seeing none, based on --- this should be a voice vote but we'll take a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO:
(no response)

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Abstain.

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?
DR. 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, 10, noes, 2 with one
abstention, reaffirmed, reappointed.
PRESIDENT DEFAZIO: 8546-14.
MR. CATANESE: Approving the reappointment of Ed
Sperling to serve as a member of the Property Assessment
Appeals and Review Board for a three-year term to expire
December 31st, 2017. Sponsored by Councilmember Means.
PRESIDENT DEFAZIO: Anybody have any questions?
MS. REA: No. I have to make a ---.
PRESIDENT DEFAZIO: I'm sorry. Go ahead.
MS. REA: Thank you, Mr. President. The
Committee met and recommends the reappointment of Mr.
Sperling to the Property Assessment Appeals and Review
Board.
MR. MACEY: I'll second.
PRESIDENT DEFAZIO: Okay. Under remarks? Sue?
MS. MEANS: I would just like to say that Mr.
Sperling also attended --- was present at the Appointment
Review Committee. When I asked him about the dual
process, he said it was --- he firmly said it was wrong.
And I was satisfied with his answer and that's why I
support his reappointment to the Assessment Board. Thank
you.
PRESIDENT DEFAZIO: Any other remarks? Seeing
none, all those in favor signify by saying aye.
(Chorus of ayes.)
PRESIDENT DEFAZIO: Opposed? The ayes have it.
MS. HEIDELBAUGH: I'm opposed.

PRESIDENT DEFAZIO: Okay. We have one. Okay. That brings us down to Committee on Parks, Second Reading, 8569-14.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an agreement with the Western Pennsylvania Police Athletic League known as the Mon Valley Express Drum and Bugle Corps for the use of Exhibit Building Number 7 near the fairgrounds in South Park. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Mr. Futules, do you want to ---?

MR. FUTULES: Yes. Thank you. On Tuesday, October 28th, a Parks meeting had occurred and we had left this with an affirmative recommendation for approval. I make a motion to approve.

MR. MACEY: Second.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Go ahead.

MS. HEIDELBAUGH: I have a question. I didn't attend the meeting, so can someone just explain to me why we have to have an ordinance for them to use the building? Is there rent associated with this?

MR. FUTULES: Yes. It's a new policy that things are no longer free, that we can charge a minimal charge and they had to change it.

MS. HEIDELBAUGH: So what are we charging these folks?

MR. FUTULES: I believe it's \$200 a --- for this? I'm not sure. Andy, is it \$200 a year for this one or \$200 a month?

MR. SZEFI: \$200 a year.

MR. FUTULES: \$200 a year.

MS. HEIDELBAUGH: May I ask another question?

PRESIDENT DEFAZIO: Yeah, go ahead.

MS. HEIDELBAUGH: Andy, so will we be getting ordinances then from everybody who want to use similar type properties?

PRESIDENT DEFAZIO: Andy, do you want to come up?

MR. SZEFI: This is 8569-14?

PRESIDENT DEFAZIO: Yes.

MR. SZEFI: This is the Drum and Bugle Corps at the fairgrounds. They've been paying for some time. We've given them three to five-year leases but when that

five-year lease comes up, we usually come to Council because it's a lease of land.

MS. HEIDELBAUGH: So ---.

PRESIDENT DEFAZIO: Pardon me. You said that was for a year. That's for a month for them.

MR. SZEFI: That's why I clarified. I thought we --- the next two are the boxing and they are \$200 a year, but this one is the Drum and Bugle and it's \$200 a month.

PRESIDENT DEFAZIO: Yeah.

MS. HEIDELBAUGH: So every time someone leases, which is not leasing a piece of land, I mean, they're renting something from us; right?

MR. SZEFI: This is a long-term lease and they have, more or less, exclusive use of that building. It's one of the exhibit buildings in the fairgrounds. There's eight of these small buildings that sat empty for many years. So the Drum and Bugle Corps have been there for many years. It's a nonprofit. It's a public good and that's the rent, along with they have to take care of the building.

MS. HEIDELBAUGH: So it's about \$2,000 a year, \$2,400?

MR. SZEFI: Correct. And they've been very good about making their payments.

PRESIDENT DEFAZIO: Any other questions? Go ahead, Sue.

MS. MEANS: I just want to comment that I did attend the meeting and they do general maintenance on the building and they do --- and the reason why they have an exclusive contract is because I believe they store their equipment there.

MR. SZEFI: They're the only ones that use that building.

MS. MEANS: Pardon me?

MR. SZEFI: They're the only ones that use that building.

MS. MEANS: Uh-huh (yes). So they do pay \$200 a month and it is a two-year lease; is that correct? I believe that's what we voted on, two years.

MR. SZEFI: That's what the two boxings were. I have it right here. It's a three-year lease expiring August 2017.

Mr. FUTULES: I think we amended it.

PRESIDENT DEFAZIO: Andy, I think she's right.

MS. MEANS: I think we amended it.

PRESIDENT DEFAZIO: We amended it to two years.

MS. MEANS: Yeah.

MR. FINNERTY: Yeah, we did. We amended it
for ---.

PRESIDENT DEFAZIO: We amended it to two years.
She's right on that.

MR. SZEFI: My recollection was you amended the
two boxing ones to two years, but whatever, it's up to
you.

MR. FINNERTY: Yeah, you were right.

PRESIDENT DEFAZIO: Okay. Well, it was two, so
maybe we're confused.

MR. FUTULES: Yeah, you are right.

MR. FINNERTY: Mr. President?

PRESIDENT DEFAZIO: Go ahead.

MR. FINNERTY: It doesn't matter if we're
charging rent or not. If somebody is using county
property, it has to come before Council. It's part of the
rules that any time somebody is using County property ---
and we've done this, gosh, since I've been on here. Any
time we're renting or giving, letting somebody use a field
or whatever, it comes before County Council.

MR. SZEFI: If it is not just a one-day rental
or something like that.

MR. FINNERTY: Yeah. Right.

MR. SZEFI: This is a long-term contract.

MR. FINNERTY: Right.

PRESIDENT DEFAZIO: Sue, do you have any --- was
that it?

MS. MEANS: Oh, no, you're right. It's three
years.

PRESIDENT DEFAZIO: Okay.

MR. FINNERTY: Yeah.

PRESIDENT DEFAZIO: Go ahead.

MR. KRESS: Mr. Director, can you come back for
a second? I just had one question for a point of
clarification. You're talking about long-term, okay, say
I wanted to rent a picnic ground (phonetic) for a week.
They don't have to come up, okay, when do you have to come
for approval?

MR. SZEFI: You would rent that in five one-day
increments. As you stand in line, anybody who's first in
line can rent ---.

MR. KRESS: Right. I just want to make sure I understand. When do you have to come before Council? You just talked about long-term agreement. What's the definition of long-term agreement to come before Council? I just want some clarification on that.

MR. SZEFI: I don't know if I can define it, but I'll say our leases are usually three to five years, no longer.

MR. KRESS: Saying like if I want to come in, say I had like a six month, I mean, you do like three-month lease or just that's what the usual is for a lease then? I just want to make sure I understand this.

MR. SZEFI: I've not had a --- I can't remember anyone who has ever come in my 11 years that wanted something for three months.

MR. KRESS: Okay.

MR. SZEFI: It's normally a day or a couple of days for a special event. They have an event for a couple of days and there's some time before it's set up, some time after to clean up. Or there's a scenario where there's a building that sits empty. We find a public cause that seems like a good fit and we rent it.

MR. KRESS: Okay. Thank you very much.

PRESIDENT DEFAZIO: Okay. We'll 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: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. 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, Bill passes.
PRESIDENT DEFAZIO: 8570-14.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an agreement with the Western Pennsylvania Police Athletic League, Incorporated for the use of the maintenance barn on Center Road in Boyce Park. Sponsored by the Chief Executive.

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

MR. FUTULES: Okay. On the same evening, of October 28th, we had discussed this ordinance as well. This is the one that --- it's in Boyce Park. It's in the basement of the maintenance barn. And I believe that they did not pay any rent. With the new policy, now they are paying the \$200 a year so they are paying something. That's what the committee had decided, to send this to the full Council with affirmative recommendation. And I move for approval.

MR. KRESS: Second.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll take 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: Yes.

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
DR. 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, bill passes.
PRESIDENT DEFAZIO: 8571-14.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing an agreement with South Park Boxing, Incorporated for the use of the boxing barn on 100 Acre Drive near the fairgrounds in South Park. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Nick?

MR. FUTULES: Same thing. This left the committee with an affirmative recommendation. I move for approval.

MR. FINNERTY: Second.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll take the 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: Yes.
MR. CATANESE: Mr. Kress?
MR. KRESS: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?

DR. 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, bill passes
PRESIDENT DEFAZIO: Committee on Public Works,
Second Reading, 8567-14.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the lease of minerals underlying real property on which the Allegheny County Airport is situated to the Allegheny County Airport Authority and permit drilling and other necessary operations to abstract oil, gas, natural gas liquids and other minerals underlying the Allegheny County Airport. Sponsored by Councilmember Macey.

PRESIDENT DEFAZIO: Mr. Macey?

MR. MACEY: Thank you, Mr. President, and members of Council. The committee met on October 21st and sent this ordinance to full Council with an affirmative recommendation. I make that motion.

MS. REA: I'll second it.

PRESIDENT DEFAZIO: Any remarks? Sue?

MS. MEANS: I have a lot of concerns about this. The first one is we haven't had any public hearings on the issue. I believe that the people of Munhall, West Mifflin and Lincoln Place and the surrounding communities should have the same due diligence done on drilling at the County Airport that was done at Deer Lakes and at the International Airport. We also don't know the who, what and where. This lease can be assigned to someone else. We all assume that Consol Coal does best practices. They're a great company but they could assign the lease to someone else. I think the people deserve to have this vetted and it's very disconcerting that this is --- they're not getting an opportunity as the people at Deer Lakes Park did.

The lease is also not defined. We are relinquishing our control over this without even knowing

what it is. There's not been any --- there's no definition of the lease or what they're going to do. All the things that we saw with Deer Lakes, we don't have --- we are not given that opportunity. We also were not given --- there's been no seismic testing, no air flow testing. Again, it's really --- we're saying yes to a project and we don't know the details and we're giving up all control to the Airport Authority, not that they're bad people or unqualified people, but this is a big decision to make. So I wish that we would take time and do due diligence. So if we vote tonight, I will be a no vote because we haven't done our due diligence. Thank you for allowing me to speak.

(Applause)

PRESIDENT DEFAZIO: Okay. Barbara Danko?

MS. DANKO: I haven't had time to talk to my colleagues about this. This has come up so quickly. I have a lot of concerns as well. We, as a body, not all of us, voted to allow drilling at the Pittsburgh International Airport in February of 2013. As some of you might remember, in the fall of 2012, I had asked for a three-year moratorium or hold on drilling because I felt there were a lot of outstanding issues, one of them being a court case, one an election, federal regulations, state regulations. Last December, the State Supreme Court came down with the Robinson Township Decision and in that Decision they basically put some additional stipulations on what governments need to do when they are dealing with natural resources that are held in trust by those governments. Specifically, the governments need to weigh both sides, to do that kind of due diligence. I mean, to some degree, and I give Chairman Futules some credit, when we did the parks, at Deer Lakes Park, while it wasn't the due diligence I would have hoped for, there were three committee meetings. There was a public hearing. There were 11 hours of committee proceedings.

We heard from the Allegheny County Health Department. We heard from Range Resources. We had a representative of DEP, Huntley and Huntley. There was --- a geologist came who was retained by the County. At another meeting the County Solicitor, Mr. Szefi, and Mr. Cambest, were there to provide testimony. At another meeting we had Dennis Davin, the Director of Economic Development for the county. In addition, several Council members took the opportunity to get separate legal

opinions. For this airport --- and part of my district is very, very close to this airport and I've heard from a lot of those people --- we've had one meeting. We had two employees of the Allegheny County Airport Authority and one West Mifflin councilmember who also works for a firm that does business with the county.

I don't think we've done our due diligence, and I would respectfully ask our Solicitor, Mr. Cambest, what his thoughts are on how we're proceeding in relation to the Robinson Township Decision.

PRESIDENT DEFAZIO: Let me ask Mr. Cambest. Would you like to come up and ---?

MR. CAMBEST: If you're going to ask me to give an opinion on the Robinson Township case, ---.

MS. DANKO: My question is not to give an opinion on Robinson Township. Since that is the sort of guiding principles that we're operating under right now, if we agree that that is, or if we don't, are we doing what is required under those guidelines?

MR. CAMBEST: Well, I mean, I guess we can take a look at it. And you adequately stated what this County Council went through in regard to drilling at Deer Lakes State Park. If you're asking my opinion on --- would any of those discussions and issues and information that was raised during those meetings, public hearings, be applicable to the Allegheny County Airport, I think my answer would have to be yes. Now, obviously, there are some issues that would be germane to the airport location of the drilling site. I think I heard this evening where it's supposed to be located on the slag heap. I don't know if, in our committee hearing previously that those issues were and information was brought forth on drilling sites, geological issues, those types of things. I wasn't present at that so I can't tell you that.

But I think it would be fair to say that the public comments we've heard up here for seven or eight months, all the meetings and hearings that we went through concerning drilling at Deer Lakes State Park, a lot of that is --- if you're going to incorporate that into your decision to permit drilling at others in Allegheny County would probably be applicable. Other than the specific site location, the actual drilling, any geological issues, those sorts of things, pollution, effects on water, air quality, I don't see how that would be any different in Deer Lakes Park than the County Airport. So if you say to

me, well, do you think that's enough? In looking at the Robinson Township Supreme Court Decision, do you think Allegheny County Council has looked at that balancing effect as the information they received to be able to adequately vote on that? I would have to say that in a lot of those instances, we probably did get a lot of that information. Now, in regard to this specific site location, I can't tell you that. I wasn't at the meeting. I don't know how much input was made into that issue itself, the actual site.

If you're going to ask me what the ramifications of the Supreme Court Decision in Robinson Township and the ability of local municipalities to enact ordinances and weigh those issues out, I can't tell you. I can tell you that Robinson Township, in light of that case, has gone back and amended their ordinance in regard to drawing Marcellus Shale. There's been objectors who have raised that issue. So that's out there. And I think that's going to work its way back up through the Supreme Court who's ultimately going to have to make a decision of what it really is in regard to how do you apply that to the Pennsylvania Constitution and the rights of residents of Pennsylvania to protect air, water, et cetera. I don't know what that answer is.

PRESIDENT DEFAZIO: Any other ---?

MS. DANKO: Can I finish?

PRESIDENT DEFAZIO: Go ahead.

MS. DANKO: I would want to say that we have had, as several people have mentioned, and I mentioned at the committee meeting where I was the lone no vote, I would suggest that this is a different area other than the airport. There are lots of homes in close proximity. And we have done no health impact study related to this specific site. We've done no geological testing that would indicate how this would play out. I don't think we've done our due diligence and I will be voting no if it comes to a vote.

PRESIDENT DEFAZIO: Any other --- go ahead, Sue.

MS. MEANS: I was going to hire a gas and oil attorney to look at the lease, but there isn't one. The lease for the International Airport segregated out the County Airport. So how can we vote on something blind? That's what we're doing, we're voting on something blind. We're giving away our rights to the gas and oil underneath the county for as long as it produces oil. Thank you.

PRESIDENT DEFAZIO: Okay. Bob Macey?

MR. MACEY: Thank you, Mr. Chairman, members of Council. We have spent hours and hours and hours at hearings. The topography, the area around our communities, are not that different. As far as the contract, I think that there's being some misinformation given here. And I certainly want to ask Andy Szeffi to step up and try to get as much information here as possible. We have an environmental engineer from the West Mifflin Council. He's a councilman. His partner is the president of council. They both --- they've sent letters to this Council requesting that we permit drilling at the Airport. Yes. We did have two people from the Allegheny County Airport Authority, Vince Gastgeb and Randy Forister. This is the truth. They said there probably won't be any drilling there. All right. As far as the close proximity, if you draw a one-mile radius around the well pad there's not one house in that.

AUDIENCE MEMBER: That's not true.

MR. MACEY: Well, I don't know where --- you're driving differently than me, I guess. This is aerial (indicating), okay? So I just want to let people know that due diligence has been done. Yes, it has.

OUTBURSTS FROM AUDIENCE

PRESIDENT DEFAZIO: All right. All right.

Mr. MACEY: And I understand the naysayers are going to continue to say that because you're arguing your position. I'm arguing in the in the position of a community that I live in and a community that asked me to do this. And I think it's my job to move forward.

AUDIENCE MEMBER: It's flaring up in our ---.

PRESIDENT DEFAZIO: Hold it, hold it, hold it.

MR. MACEY: Flaring goes on at Urbanworks (phonetic) all the time, so that's ---.

AUDIENCE MEMBER: So it's a good thing?

PRESIDENT DEFAZIO: Hold it. Hold it. Wait. Wait. Before we go any further, we have to make sure we're doing things right here. Do you want Mr. Andy ---?

MR. MACEY: I certainly would like Andy Szeffi to come up and answer a few questions.

MR. SZEFFI: Just let me do a couple clarifications here. Councilwoman Means is incorrect. There is a lease. The lease that was signed by the Airport covered both airports, okay, so it is --- all the

terms and conditions of that lease cover both airports. So that is the lease. This is the process that started somewhere back in 2008. So the process of vetting that went through in 2012 with the public hearings was the same lease. These leases, these airport leases, for what it's worth, just for Council, as we went through in 2012, it was two years ago. I will say these are, as far as surface leases go, probably the most scrutinized regulated leases you can get.

It's on an airport. They are subject to FAA regulations. They are subject to EPA regulations. They are subject to DEP regulations. Of course, they're in Pennsylvania, they're subject to the local zoning laws obviously. And the same environmental assessment that was required out at the airport, if any drilling --- and there's no reason to believe there's any plans for this, but if any drilling is done at the County Airport, it'll have to go through the exact same process that the Pittsburgh International Airport went through in terms of all of the environmental assessments and all of the testaments and all of the testing that was done out there for it to happen. It's the same lease. So that is the lease that was, you know, signed for the Pittsburgh International. It is the same lease. This is 456 acres of that lease. And in terms of what Mr. Cambest said, I really don't have much to add or anything to add.

MS. MEANS: May I?

PRESIDENT DEFAZIO: Go ahead.

MS. MEANS: So you're saying, Mr. Szefi, that there has been a public hearing regarding drilling at the County Airport? The one that happened --- I'm not trying to be disrespectful, but the one you had before regarded the International Airport and I'm sure all the questions were directed to that. And it was my understanding that that County Airport was segregated out from --- well, I am being corrected, but I was under the impression that it was segregated out from --- it's different. It's a different place. But as you said, you're saying that they will do due diligence, they will test the environment, they will do seismic testing. And then when people say, well, they probably won't drill there, all they have to do is obtain some more acreage, and it is an industrial site if you go, you know, certain directions from the airport, they could gain more acreage or technology in advance so that 450 acres is enough to drill on. But there has not

been public hearings regarding this community and the drilling on that airport.

MR. SZEFI: I guess I would disagree respectfully, Councilwoman, with that. This lease covers both airports and it went through the public process in 2012. You're free to disagree. I understand you do and you will vote no and that's fine. But this lease covers both airports. And that was --- and yes, you are correct, that whatever processes in terms of environmental assessments and meeting all FAA and EPA regulations will have to be done at this airport as well.

MS. MEANS: And one more question. We have until February when to make this decision? We really don't have to rush it. We could have public hearings and vote, when did you say in February?

MR. SZEFI: I believe it's either the 21st of 22nd of February. That's correct.

MS. MEANS: Thank you.

PRESIDENT DEFAZIO: Any other questions? Seeing none ---.

MR. FUTULES: No, no, there is. Mr. Szefi, stay up there. I just want to clarify something that ---. We already voted on the lease itself for the County Airport, both County Airports. This is strictly land use at this point, to release the money that's in escrow.

MR. SZEFI: What Council voted on in 2012 was to approve the leasing of the County's rights to the Airport Authority. Okay? And at the request of Councilwoman Danko and a few others, the 456 acres of the County Airport was withheld. So there was a provision written in the lease that the county had two years to approve the use of that acreage. And that the money that was essentially bonus payment for that acreage, some \$2.2 million, would be held in escrow until such time as the County Council and County Executive, passed an ordinance, enacted an ordinance, that permitted drilling at the County Airport. So if it is not approved by February whatever the date is, 22nd, that \$2 million goes back to Consol. If it's approved, the Airport Authority keeps that money.

MR. FUTULES: Thank you.

MR. SZEFI: Certainly.

PRESIDENT DEFAZIO: Okay. Seeing no more questions ---.

MS. DANKO: I'd just make one more comment. I wonder --- we've heard from the Council members from West

Mifflin. We had a public hearing in Moon at Robert Morris University. The people that live out there were allowed to come, talk to Consol. We haven't even heard from Consol about what their plans were for that airport. So we're saying that was good enough for them but it's not good enough for these people that live near the County Airport. I think there's something wrong with that.

AUDIENCE MEMBER: Thank you.

PRESIDENT DEFAZIO: Any other comments? Seeing none, call the roll.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: No.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

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?

DR. 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?

(No response.)

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Yeses, 9, noes, 3, with 1 abstention, it passes.

PRESIDENT DEFAZIO: 8572-14.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing Real Heaven, Incorporated, to use certain county-owned real

personal property in connection with filming a motion picture. Sponsored by the Chief Executive.

MR. MACEY: Thank you, Mr. President, members of Council. This was vetted on October 21st and it was moved to the full Council with an affirmative recommendation. Therefore, I make a motion.

MR. PALMIERE: Second.

PRESIDENT DEFAZIO: Under remarks?

MS. HEIDELBAUGH: I have a question.

PRESIDENT DEFAZIO: Go ahead.

MS. HEIDELBAUGH: Are we receiving any money for this?

MR. MACEY: Yes. we're going to receive monies for expenses as well as guards and any police that need to be paid for.

MS. HEIDELBAUGH: How much?

MR. MACEY: I don't have those figures and those figures weren't available at the meeting because they're --- that's a moving target.

MS. HEIDELBAUGH: Well, I don't understand why we're charging the Drum and Bugle Corps but we're not charging a Hollywood production. Do we have any explanation for that?

MS. MEANS: May I speak?

PRESIDENT DEFAZIO: Wait a minute.

MS. MEANS: Okay.

PRESIDENT DEFAZIO: Bobby?

MR. MACEY: I'm good. I'll let Mr. Szefi speak.

PRESIDENT DEFAZIO: Okay. Go ahead.

MR. SZEFI: What they do is they repay all of the costs and expenses, security, police and whatever sort of ancillary costs are incurred by the county in connection with it. It's correct and maybe the County Manager can speak to this if I don't do it right, but no, there is no ---.

MS. HEIDELBAUGH: I feel like you're not going to do it right because he's already up there.

MR. SZEFI: Okay.

MR. MCKAIN: When we went in front of the committee, we had recommended that all out-of-pocket expenditures would be paid for, and both Councilman Macey and Andy had talked about that; building guards, custodians, those types of things. It was asked during the committee are we charging a fee above and beyond that? And the recommendation from us was that there's a lot of

residual financial benefits that occur when they do this because they're filming in our region, they stay at our hotels, eat in our restaurants, pay the drink tax and those types of things. You know, it promotes a capital asset, and that's what was discussed at the committee meeting. To answer your question, they're not getting charged, just --- except reimbursed expenses.

MS. HEIDELBAUGH: Well, I understand that, but how can we charge the Drum and Bugle Corps \$200 a month and not charge Will Smith for the use of all of our property and, you know, it's nice, I'm glad he's here and God bless him and you know, it's good. But at the same time, I mean, shouldn't we be making --- you know, shouldn't we at least be fair?

MR. MCKAIN: The Drum and Bugle Corps was part of a fee ordinance that we brought to Council as deliberated in the ---.

MS. HEIDELBAUGH: That's not the point.

MR. MCKAIN: And this philosophical thing, I told you respectfully, we recommend not to charge them and that's what we presented to the committee who voted it unanimously out.

PRESIDENT DEFAZIO: Any other questions? Seeing none, take the roll.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Yes.

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?

DR. 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?
(No response.)
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: Yes.
MR. CATANESE: Ayes, 12, noes, 1, bill passes.
PRESIDENT DEFAZIO: 8424-14.

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

PRESIDENT DEFAZIO: Mr. Palmiere?

MR. PALMIERE: Thank you, Mr. President. This was affirmatively recommended and I'd move for approval.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Other remarks? Seeing none, let's have a roll call.

MS. HEIDELBAUGH: I think I might have my hand up.

PRESIDENT DEFAZIO: Okay, I didn't see it. Go ahead.

MS. HEIDELBAUGH: This is the bill on the burning; right?

MS. MEANS: No.

MS. HEIDELBAUGH: Oh, then I don't have a remark.

PRESIDENT DEFAZIO: I didn't think you had one, but I'm sorry. Okay. Let's take the vote then.

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: Aye.
MR. CATANESE: Mr. Martoni?
DR. 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?

(No response.)

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: 13, yes, no, 0, bill passes.

PRESIDENT DEFAZIO: 8500-14.

MR. CATANESE: An Ordinance of the 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, 15 P.S., Section 12001, et seq. sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Mr. Palmiere?

MR. PALMIERE: Mr. President, this one here was returned without recommendation and I'd asked Ms. Jamie Graham and Jim to come up here and explain to the Council for their education what this is all about, please.

MR. FINNERTY: Did you make a motion to ---?

PRESIDENT DEFAZIO: Did you make a motion?

MR. PALMIERE: I'm sorry?

PRESIDENT DEFAZIO: Did you make a motion?

MR. PALMIERE: Yeah. I made a motion, but it came without ---.

PRESIDENT DEFAZIO: That's okay. That's all we need. You made a motion.

MR. PALMIERE: I made a motion.

PRESIDENT DEFAZIO: We need a second.

DR. MARTONI: (Indicating).

PRESIDENT DEFAZIO: Okay. We got a second.

Under remarks?

MR. PALMIERE: Sorry, Mr. President.

PRESIDENT DEFAZIO: You asked for permission to bring them up?

Mr. PALMIERE: Yes.

PRESIDENT DEFAZIO: Okay. Go ahead.

MR. PALMIERE: Yes. I asked for permission, yes.

PRESIDENT DEFAZIO: The reason why we have to do it the right way is because they're going to bone me later, saying I only take care of certain people.

MR. PALMIERE: I understand.

MR. FUTULES: Just stand 15 feet away from someone else.

MS. GRAHAM: Yes. Make sure burning is done properly, yes. The over-burning regulation has been in existence for decades. It's one of our --- it's noted as a nuisance regulation but it's also a public health regulation. Dealing with the health of the neighbor is what's happening. And we've always had this regulation but as was said earlier, this is a small but needed step --- these revisions, small but needed steps to allow the Health Department to better enforce these regulations. The existing regulations didn't have quite enough teeth for the number of complaints that we came in with.

And so our enforcement people actually asked and said can we put more shape around these regulations to make it a little bit easier for our enforcement people when they receive a complaint, to put in a size of a fire, you know, a certain size, to put in what fuels can be used. We never really specified that it had to be clean wood if it's a wood fireplace. There's no restrictions for like propane or natural gas pits or any of that kind and thing, and for charcoal grilling, but for wood fire which is really growing enormously. If you notice that six, seven years ago you couldn't find wood in Allegheny County to burn. You had to go outside the county and get it. Now it's in every grocery store. Now it's in every Sheetz. Now it's in every gas station. There is an increase and we're seeing more and more complaints.

So this is a way to better manage the issue, make sure that you're not putting your fire right at the edge of the property and hitting someone else's --- you know, your neighbor without being a part of the whole thing. So there was a number of things that we put in here. We used to also restrict burning, that those that required permits, they could not put it on --- air quality, it's in the permit, it's not in the regulation. It's put in the regulation and expanded to anyone because that's when it's worse. When the air is stagnant, it's

already loaded with pollutants. So to add, other than, again, charcoal cooking or natural gas cooking, you can still cook outside. It's wood-fired burning. We're talking about dozens and dozens of toxic chemicals hitting neighbors. This is what we're hearing. We're get the same complaints --- you know, than the environmental groups and we want to be able to manage it.

PRESIDENT DEFAZIO: Okay. Any remarks? Seeing none, --- oh, Sue, go ahead.

MS. MEANS: I looked at the ordinance and --- or your regulations and you have --- what happens when someone has invested thousands of dollars in their barbecue pit or their outdoor space, and it happens to be 12 feet instead of 15 feet off the property line? There is --- I guess what I wanted to say is I'd like to see a no vote tonight from my colleagues because this is from the public health. We can't say amended. We can't. We can only say yes or no. And the reason it needs amended is because it doesn't have a variance and it doesn't have any grandfathering in to those people that already have these expenses, fireplace --- you know, outdoor fireplace, grilling area, that they've invested a lot of money in. That's why I'd like to see it go back. The other thing I'd like to send it back to the Public Health Department is because it doesn't define the fine.

Now, I have the section on fees and fines, but the fine is not defined in the ordinance or in your regulation. So if we go to the county fees and penalties, it says the director may assess a civil penalty against any person for a violation of any Allegheny Health Department article as proven herein. The director may assess a civil penalty against such person whether or not the violation is willful. The penalty so assessed shall not exceed \$10,000, plus up to \$2,500 for each day of the repeated violation. I mean, I attended the committee meeting. You said you were going to send a letter, blah, blah, blah, and then didn't know, maybe later there would be a fine. But how you're going to proceed is not defined. So I'm not comfortable with the wording of the regulation. I think you need to define the penalty.

The other comment I would like to make --- and you know, I'm a nurse and I have a daughter with health issues. So I know what it's like to like with very difficult health issues and try to live in an environment that protects your child from adverse conditions. But I

don't see the magic in the 15 feet. I don't see --- I can still burn wood in my fireplace, and my house is more than 30 or probably more like 50 feet from my neighbor's house. And there is still --- the wood is still burning. So when we enact something we need to fix it. We need to fix the problem. And I'm not --- I mean, I think defining the size of the wood, that it has to be clean wood, that it's not painted wood or Wolmanized wood, those are all good things. But I don't see this as a fix. I wish you would take it back and fix the penalties, define the penalties and grandfather in those people that already have residences that are, you know, violating your 15 feet. Thank you.

PRESIDENT DEFAZIO: Heather?

MS. HEIDELBAUGH: Yeah. I just want to follow up with Councilwoman Means' question. So what will the Health Department do? Let's suppose the facts are such that there is a structure that has been built that is 14 feet within the property line and/or the neighbor and there's a fire pit, so they cannot use that; right?

MS. GRAHAM: If the fire pit --- it's a wood burning fire pit --- make it clear that the regulation does allow, you know, if you have charcoal grilling, ---

MS. HEIDELBAUGH: That's ---.

MS. GRAHAM: --- the wood burning fire pit. It would be enforcement discretion. If all things were --- you know, realizing that we're dealing with this as a complaint issue, this is a nuisance regulation, we deal with the complaint. If, yes, if they are smoking up the neighborhood, then we have a problem because we would not be ---. We would use enforcement discretion if it's a clean pure burn.

MS. HEIDELBAUGH: Right. But Ms. Means is a nurse, not a lawyer. So pursuant to this law, if you have a structure that you've spent \$50,000 or \$60,000 to build and it's violative of this law, you're in violation of the law, period. Whether you choose to prosecute it or not doesn't mean you're not in violation of law.

MR. THOMPSON: Yes, and the 15 feet came from a number of sources. First of all, if you do have something that close to the property line, you're in violation of the NFPA Fire Code so probably you did get the proper building permit when you did that. Secondly, we did do dispersion monitoring of a typical fire under very ideal conditions. And we looked at toxins such as benzene to

determined the concentration that was there. Actually, 15 feet is really the bare minimum that you would want to have in order, from a toxic standpoint of what's coming from the fire.

PRESIDENT DEFAZIO: Go ahead, Barb.

MS. DANKO: I'm generally in favor of this. I am a firm believer that, you know, change happens incrementally. And this is to some degree a baby step in the right direction. So I would be supportive of this. But I find it incredibly ironic that we're dealing with this Health Department Air Quality Reg at the very same meeting where we just approved drilling in a highly populated area. Thank you.

PRESIDENT DEFAZIO: Any other questions?

Mr. KRESS: I do.

PRESIDENT DEFAZIO: Okay.

MR. KRESS: You just mentioned, what is it, the NFPA? Are you saying that all municipalities in Allegheny County follow that? So if I wanted to construct like, say, an ornate fire pit, that they would have gone to ---?

MR. THOMPSON: Not all municipalities have adopted the NFPA, but those that do enforce from a Fire Code standpoint use the NFPA model code.

MR. KRESS: I'm just wondering if --- the reason why I'm bringing this up --- I don't know if there's any potential ex post facto problems or maybe even back to these clauses or you're saying, hey, I've put all this money into a fire pit. I spent, you know, \$30,000, \$40,000 and now I can't use it. That's the question that's been presented and that's been the concern. And you're saying that under NFPA, that's not going to be a problem?

MS. HEIDELBAUGH: No. That's not what he said.

MR. KRESS: Okay. I just want to make sure I understood. So what are you --- okay.

MR. THOMPSON: And as Ms. Graham said, certainly there is enforcement discretion that we typically don't like to invoke but is available to us. Assuming that this particular case, hypothetical case, was not causing a problem, if you had --- for instance, if you're less than 15 feet and there was a deep ravine in front of you so that there was absolutely no nuisance causing --- nuisance from that standpoint, certainly enforcement discretion would be invoked when appropriate.

MR. KRESS: And then one other question, too. It says clean wood. What exactly is clean wood that's defined in there? I mean, I see you have, you know, clean wood, I mean, fire logs, but I just want to know, what would be the definition of ---?

MS. GRAHAM: Clean wood? There's a common definition of clean wood and it is dry wood that's been properly seasoned and dried. But primarily it has no paint on it and has no creosote, has not been treated for outdoor --- because that adds additional toxins. Old wood that's been painted, it can have lead in it and things like that. So clean wood is wood that was cut down and let to dry or it was --- you know, it's just it has no treatment on it, has no paint on it and has been properly dried.

MR. KRESS: Okay. Thank you very much.

PRESIDENT DEFAZIO: Go ahead, Sue.

MS. MEANS: So local municipalities could enact their own burning regulation; correct? They could.

MR. THOMPSON: Yes, they could.

MS. MEANS: They could and they have.

MR. THOMPSON: And also under this provision, local municipalities can enforce this particular ordinance as well. So this sets the floor.

MS. MEANS: Again, I just want to encourage my Council members to realize that the penalty is not defined and that should give everyone pause to think. And again, if this person that has this expensive fire pit and there's a ravine, I mean, there should be an easy way to be grandfathered or to get a variance, and there's no provision in this regulation. Thank you very much.

PRESIDENT DEFAZIO: Seeing no other comments, let's take the vote.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?

MS. DANKO: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Yes.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: No.

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?
DR. MARTONI: Yes.
MR. CATANESE: Ms. Means?
MS. MEANS: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Yes.
MR. CATANESE: Ms. Rea?
MS. REA: No.
MR. CATANESE: Mr. Robinson?

(No response.)

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Yeses, 9, nos, 4, it passes.

PRESIDENT DEFAZIO: Liaison Reports.

MR. FINNERTY: I have one.

PRESIDENT DEFAZIO: Go ahead, Mike.

MR. FINNERTY: I'd just like to remind everybody that the Veterans' Parade is this Saturday at ten o'clock. They are moving it from Veteran's Day to the weekend so that they can get more people out, and people don't have to go to work that day. Also, that on November the 15th it's the Cannonball, which is out at Soldiers and Sailors. It's for --- obviously, it's for soldiers and sailors and it's to honor our service people. Thank you.

PRESIDENT DEFAZIO: Any other liaison reports? Seeing none, we'll move to New Business, Ordinances and Resolutions, 8599-14.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2014. Submission 16-14. sponsored by the Chief Executive.

PRESIDENT DEFAZIO: We'll put that in Budget and Finance.

MS. MEANS: I have a motion.

PRESIDENT DEFAZIO: All right. We can take a motion after this last one. Where are we at here? We have 8600-14.

MR. CATANESE: Resolution approving a project for the benefit of Environmental Charter School at Frick Park, the Borrower, to be financed by the Authority for Improvements in Municipalities, the Authority, by the

issuance of authority's tax-exempt note to be issued in one or more series in a principal amount not expected to exceed \$6 million, the Note, providing that the taxing power, the County of Allegheny, Pennsylvania, the County, shall not be obligated in any way with respect to the Note and declaring the financing of such project as desirable for the health, safety and welfare of the people in the County. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: We'll put that in Economic Development Committee. Sue, you had a ---.

MR. FINNERTY: Could I make a comment first because I messed up there?

PRESIDENT DEFAZIO: Go ahead.

MR. FINNERTY: Tomorrow's Budget and Finance Meeting will have the millage on it for 2015. And it's 4.73, the same as last year. Thank you.

PRESIDENT DEFAZIO: Sue?

MS. MEANS: Yes. I have a motion that needs passed out.

PRESIDENT DEFAZIO: Go ahead. Sue, do you want to say your motion or do you ---?

MS. HEIDELBAUGH: I'll second it.

MS. MEANS: I have a first and a second. Am I allowed to speak on that?

PRESIDENT DEFAZIO: Go ahead. You can just say something quick on it.

MS. MEANS: Well, you know, am I allowed to talk about the memorandum we got in the committee meeting today? Yes. Today we received a memorandum from the County, Mr. Szefi, Solicitor. And he said that they --- well, let me back up a little bit. Two weeks ago I had this similar motion because I'm concerned because the state statute says that we have to vote on public health ordinances within 30 days. Tomorrow the 30-day limit will expire and we haven't voted up or down on the issue. Now that gives me great concern because we would be very amiss if we allowed the 30-day period to pass and then the ordinance became law. Two weeks ago Mr. Szefi stood before us. He didn't promise but he did indicate that there was a possibility that the administration of the County Health Department would withdraw the restaurant grading bill and then reintroduce it. So I want to read this memorandum that we received in the committee today of Health and Human Services.

As we discussed last Friday, the administration will not be withdrawing the bill concerning the restaurant grading system currently pending before Council. And as the bill is currently pending, you're able to hold whatever committee meetings or public hearings that you prefer while the bill is still pending. But the timing --- I'm sorry, I'll keep reading this. Regardless of whether they are housed within 30 days of the submission of the grading system from the Board of Health. When your committee's consideration of the bill is complete, a determination will be made regarding whether to reintroduce the legislation prior to Council's final vote on the bill. Should you have any other --- so that's from Mr. Szefi to us and --- from Mr. Szefi to John Palmiere, the Chairman of our committee.

Now, again, he hasn't made a commitment to reintroduce. And again, when you stand in front of the judge you have no idea how he's going to rule. There is no case law to say whether this will be after 30 days what happens to the bill. Does it become law, does it go away? So that's why I had the motion brought here again before Council. Thank you for allowing me to speak.

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

MR. FUTULES: I suggest we bring up the Solicitor.

MR. SZEFI: I don't know what the motion is. I have very little to add to my memorandum, though. It is what is it, it says what it says and that is the determination. Council can hold --- Councilman Palmiere, we talked and he asked me is he permitted at Council to hold these meetings and hearings while a bill is pending before Council. The answer to that question is yes. It's a bill pending before Council. And that's going to be an extended period of time so that it can be thoroughly vetted and examined by Council and its committee in public. And at the end of that process we will see where things stand and a determination will be made as to whether it will be reintroduced. The one thing I take issue with, I do have a very good idea of what would happen in front of a judge and it would not be deemed approved. Absent legislative language that says it is a deemed approval, it's not. So I disagree with your statement. I don't know where you got it, but there is no law out there to that effect. So I have a pretty good

idea that, yes, that would not happen. So again, nothing to add to it. That memo is my position on it.

MS. MEANS: Well, I respectfully disagree with you.

MR. SZEFI: Fair enough.

MS. MEANS: But I also --- you don't know what a judge will say or do. And since this is an unknown, can you speak for the County Executive and tell me what his rationale is? Why wouldn't we be more safe than sorry? Why can't we just withdraw it and reintroduce it? It doesn't make sense. And I want to thoroughly vet it. And Mr. Palmiere in committee said that it won't probably be voting until January. Thank you.

PRESIDENT DEFAZIO: Okay. Any other questions? There's a motion.

MS. HEIDELBAUGH: Do we have to put it on the agenda?

PRESIDENT DEFAZIO: Yeah, I guess you do.

MS. HEIDELBAUGH: I second it.

PRESIDENT DEFAZIO: She seconded putting it on the agenda. All those in favor signify by saying aye.

MS. MEANS: I'd like a Board vote. I want a Board vote.

PRESIDENT DEFAZIO: Do you mean a roll call?

MS. MEANS: I'm sorry, yes. We need ten votes, right, to pull it?

PRESIDENT DEFAZIO: We're putting it on the agenda.

MR. CAMBEST: First of all, it's been our practice, I think, and correct me if I'm wrong, that they asked that the motion be put on the agenda and I think a person has the right to put it on the agenda. And that would be a full --- whether or not we're going to pull it.

PRESIDENT DEFAZIO: Yea; okay. We're putting it on the agenda.

MS. DANKO: You're putting the motion on the agenda or the bill?

PRESIDENT DEFAZIO: I think she said --- she put the motion on, Heather seconded it.

MR. CAMBEST: She wants to add a motion to pull the bill, which is the legislation. So we need to place the motion on the agenda in order to vote to pull it out.

PRESIDENT DEFAZIO: Yeah. I thought we needed -- she made a motion to put it on the agenda.

MR. CAMBEST: Yeah, but I think she was making the motion thinking you're voting to pull it. And that's not the case.

MS. MEANS: You're right. You're correct. We're voting to put the motion on the agenda.

PRESIDENT DEFAZIO: Do you second that, Heather?

MS. HEIDELBAUGH: Yes.

PRESIDENT DEFAZIO: There's a second. Under remarks? No remarks?

MR. CAMBEST: Let's have a voice vote to put it on the agenda.

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

(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed?

MR. CAMBEST: All right. Now that we have it on the agenda, we have a motion to pull the bill which needs a two-thirds majority since it's under 60 days.

PRESIDENT DEFAZIO: Sue?

MS. MEANS: I'd like to make a motion.

MS. HEIDELBAUGH: Second.

MR. CATANESE: Can I just read the caption before we ---?

PRESIDENT DEFAZIO: Go ahead.

MR. CATANESE: Okay. It's pulling Bill Number 8525-14, An Ordinance of the Council of the County of Allegheny ratifying amendments to Allegheny County Health Department Rules and Regulations for the purposes of establishing a food grading system pursuant to Section 12011 of the Local Health Administration Law, 16 P.S., Section 12001, et seq, from committee for an immediate and final vote.

PRESIDENT DEFAZIO: The motion made, properly seconded. Under remarks?

MS. DANKO: I just want to be clear on what I'm voting on her. I am still voting on the motion to pull? I'm not voting on Food and Drug?

PRESIDENT DEFAZIO: No, just to pull.

MS. DANKO: Okay. I got it.

MR. CATANESE: This is for the motion to pull the bill from committee.

PRESIDENT DEFAZIO: Yeah. Okay. Let's take a roll call vote.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Ms. Danko?
MS. DANKO: No.
MR. CATANESE: Mr. Ellenbogen?
(no response)
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?
DR. MARTONI: No.
MR. CATANESE: Ms. Means?
MS. MEANS: Yes.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: No.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
(no response)
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: No.
MR. CATANESE: Yeses to pull is 4 and nos are 8.

It fails.

PRESIDENT DEFAZIO: Let's go down to Public Comments. We have two on the list. Let's see here. Is David Adams here? No. And Lester Ludwig? No, not here. Does someone want to make a motion to adjourn?

MR. MACEY: I'd so move.

PRESIDENT DEFAZIO: Motion to adjourn. Does someone second?

MR. FINNERTY: Second.

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

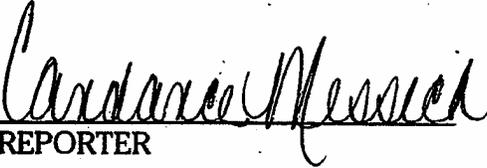
(Chorus of ayes.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Meeting adjourned.

MEETING ADJOURNED AT 7:08 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.


REPORTER