

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

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

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

Tuesday, May 5, 2015 - 5:05 p.m.

SARGENT'S COURT REPORTING SERVICE, INC.
429 Forbes Avenue, Suite 1300
Pittsburgh, PA 15219
(412) 232-3882 FAX (412) 471-8733

IN ATTENDANCE:

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

PRESIDENT DEFAZIO: Please rise for the Pledge of Allegiance to the flag and remain standing for silent prayer or reflection. After me with the Pledge of Allegiance.

(Pledge of Allegiance.)

(Moment of Silent Reflection.)

PRESIDENT DEFAZIO: Thank you. Roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Here.

MR. CATANESE: Ms. Danko?

(No Response.)

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

(No Response.)

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Present.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Here.

MR. CATANESE: Mr. Kress?

MR. KRESS: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Here.

MR. CATANESE: Ms. Means?

MS. MEANS: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rae?

MS. RAE: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Here

MR. CATANESE: 13 members currently present.

PRESIDENT DEFAZIO: We'll have the Proclamations and Certificates. 8927-15.

MR. CATANESE: Proclamation declaring the month of May 2015 as Motorcycle Safety & Awareness Month in Allegheny County. Sponsored by Council members Ellenbogen, Baker, DeFazio, Finnerty, Futules, Green

Hawkins, Kress, Macey, Martoni, Means, Palmiere, Rae and Robinson.

MR. ELLENBOGEN: Thank you, Mr. President. I'd like to ask Bill Foley, President of the North Pittsburgh Chapter of ABATE of PA, Debra Foley, Secretary of the North Pittsburgh Chapter of ABATE of PA, Daniel Olszewski, United Riders Club of Pittsburgh, Hal Deily, President of the Greater Pittsburgh Motorcycle Safety Club ---. Before I get started --- before I forget, I'd like to mention that on Sunday, May 10th, the Third Annual Homerun for Motorcycle Safety Day at PNC Park with the Pittsburgh Pirates, so if anyone is interested ---.

WHEREAS, the safety of all Pennsylvania motorists is an issue of the highest consequence, all highway users should unite in the safe sharing of roadways throughout Allegheny County and the Commonwealth of Pennsylvania; and

WHEREAS, motorcycles riding is a popular form of recreation and transportation for 806,000 licensed motorcyclists across the Commonwealth; and

WHEREAS, the Pennsylvania Department of Transportation reports that in 2013 there were 3,427 motorcycle crashes with 181 resulting in fatal crashes, and 3,322 people sustained injuries in Pennsylvania; and

WHEREAS, in efforts to reduce the number of motorcycles crashes and fatalities, PennDOT encourages all motorcyclists to take advantage of free training courses through Pennsylvania's Motorcycle Safety Program and pledge to be one less crash statistic by visiting www.livefreeridealive.com; and

WHEREAS, it is especially important that the citizens of Allegheny County and the Commonwealth be aware of motorcycles on the streets and highways and recognize the importance of staying alert, practicing safe driving techniques and promoting motorcycle safety; and

WHEREAS, during the month of May, the Pennsylvania Department of Transportation, the Alliance of Bikers Aimed Toward Education of Pennsylvania, ABATE, and the Pennsylvania Dealers Association will continue their advocacy of motorcycle safety.

NOW, THEREFORE, BE IT RESOLVED the Allegheny County Council does hereby proclaim May 2015 as Motorcycle Safety and Awareness Month, and we encourage all motorcyclists to continue their efforts to promote safety and motorcycle awareness, and all drivers to share the

road and respect the unique safety needs of motorcyclists. Sponsored by myself this 5th day of May 2015. Submitted to you, Council and Mr. President. Thank you.

PRESIDENT DEFAZIO: Thank you.

MR. ELLENBOGEN: I really applaud these folks for doing what they're doing and promoting motorcycle safety. I can't tell you the friends that I have lost to motorcycle accidents in my lifetime. I think it's wonderful that these folks are promoting it. People need to be aware. You know, I've always said in my life that, you know, concrete and steel beat, you know, bones and flesh every time. So folks, you need to be aware. Respect the road, respect these folks, and it should be safe for everyone, including bicyclists. Thank you. Mr. Foley, do you want to say a few words?

MR. FOLEY: We're starting to head out on the road this time of year. You haven't seen us out there for a couple of months, kind of got use to not seeing us. I'd appreciate it if you kind of watch for us because there's more and more of us out there every day now. And please, please, don't run us over any more.

(Applause.)

MR. ELLENBOGEN: You don't want to say nothing? No? Hal?

MR. DEILY: Oh, we'd like to say we appreciate the Council taking the time to declare this. It is National Motorcycle Safety Awareness Month. And we encourage everybody, the great work of ABATE and the Pennsylvania Motorcycle Safety Program. We're one of only two states left in the nation that offer that training free to the public, so we encourage everyone to make use of it. And that's our number one tip, is to get some training, to ride sober and ride alert. If you go to PGHRideSafe.com that's our council website. We have a pledge. It's not only for motorcyclists, but for motorists as well, to wait, watch and wave. When you see a motorcycle approaching, wait 'til it comes to you, watch it go by, and then give it a little wave. And if we can get everyone to do that, that will eliminate the number one cause of motorcycle accidents which is vehicles pulling out in front of us out there on the road. And this time of the season when we first start getting back is when we're most vulnerable. So if you have an opportunity to join us this Sunday for the 3rd Annual Homerun for Motorcycle Safety Day at PNC Park, feel free

to come down and meet some of the people behind ABATE, behind the Council, and behind a lot of good people out there doing a great deal of work to keep us all safe out there. Thank you.

(Applause.)

MR. ELLENBOGEN: It's great stuff, folks. You know, be aware, be safe. Appreciate all the work you guys and gals are doing, you know, to keep people safe on their bikes. Thank you, again. Appreciate it. We're going to do pictures.

PRESIDENT DEFAZIO: Come up front.

(Pictures taken.)

PRESIDENT DEFAZIO: 8928-15.

MR. CATANESE: Let the record show that Councilman Finnerty is present. Certificate of Recognition awarded to Sergeant Carl A. Funtal upon the occasion of his retirement from the Shaler Township Police Department after 25 years of dedicated service. Sponsored by Council members Kress, DeFazio and Macey.

MR. KRESS: This is a great honor, first of all. We're going to be segueing into a --- with the motorcycles into somebody who was an officer, motorcycle police officer, in Shaler Township. He was an icon in Shaler on his motorcycle. And now we're not going to have him anymore. He's retired. And he did a lot of good things for the people in our community as a police officer.

And I'll read this in the proclamation, however, I also want to say, too, he's actually become an entrepreneur. He's opened up a restaurant. He's actually giving back to the community still, by hiring people, creating jobs and paying for the services through taxes that he used to do, perform. And that's a great thing. When you own a small business, you're giving back to the community by paying taxes, hiring people. And that's what's so great about him. He's served the public in one capacity. Now he's serving us again. And I really want to thank you for your service and what you're doing for the community still. Thank you. Go ahead.

PRESIDENT DEFAZIO: Yes. I'd like to repeat the same things that Ed said, but add a few more. I go way back with his wife's family. We lived like right near each other, and so I knew her for a long time, and now he was with the Shaler Police force up there. He did a good job and I'm glad he's being honored today. Thank you.

MR. KRESS: I'm going to read the proclamation. Allegheny County is proud to present this Certificate of Recognition to Sergeant Carl Funtal upon the occasion of his retirement from the Shaler Township Police Department March 7th, 2015 after 25 years of dedicated service. Shortly after being hired in 1990, Officer Funtal began working in the traffic division. In 2009, he was promoted to the rank of sergeant. Sergeant Funtal, a certified accident reconstruction expert, was one of the founding members of the modern Shaler Township Motorcycle Officers program. In 2001, he created the Tickets and Stuff Safety Program. Tickets and Stuff was the first program that rewarded safe driving exhibited by young drivers while allowing individuals who had been cited for infractions the opportunity to have the citation dismissed.

Sergeant Funtal has instilled the importance of safe driving to countless young drivers through his boot camp. Sergeant Funtal has been involved with any school programs in the Shaler Area School District including 9-1-1 training for all the district's kindergarten children. Sergeant Funtal's long and distinguished service with the Shaler Township Police Department deserves the accolades of our citizenry.

This Council wishes Sergeant Funtal happiness and health in his retirement, and we join with this family and friends in celebrating this momentous occasion. So thank you very much, Sergeant.

SGT. FUNTAL: May I say something?

MR. KRESS: Yeah. Go ahead.

SGT. FUNTAL: This is where you're going to cover your ears, huh? I'd just like to say I was honored to serve for 25 years and I'm humbled to be receiving this today. Thank you all.

(Applause.)

(Pictures taken.)

MS. HEIDELBAUGH: Thank you for your years of service.

SGT. FUNTAL: Thank you.

PRESIDENT DEFAZIO: You can read the rest into the record.

MR. FUTULES: Go ahead, 8929-15, and the rest of them.

MR. CATANESE: Proclamation declaring the month of May 2015 as Southwest Airlines 10th Anniversary Month in Allegheny County. Sponsored by Council members Baker,

Defazio, Ellenbogen, Finnerty, Futules, Kress, Macey, Martoni, Means, Palmiere, Rea and Robinson.

8930-15. Proclamation recognizing Mason Sheets and Lili McGrath for being named the 2015 Boy & Girl of the Year for the Leukemia & Lymphoma Society. Sponsored by Council member Baker.

8931-15. Proclamation declaring Saturday, May 2, 2015 as Dancing Classrooms Pittsburgh Day in Allegheny County. Sponsored by Council member Baker.

8932-15. Proclamation recognizing The Midwife Center for Birth and Women's Health and declaring Saturday, April 25, 2015 as Let Them Eat Cake Day in Allegheny County. Sponsored by Council member Baker.

8933-15. Certificate of Achievement declaring Thursday, May 7, 2015 as North Hills Middle School; Schools to Watch Day in Allegheny County. Sponsored by Council member Baker.

8934-15. Certificate of Achievement awarded to Mr. Peter T. Jackson of Boy Scout Troop 905 for earning the rank of Eagle Scout. Sponsored by Council member Baker.

8935-15. Proclamation congratulating The Honorable Debra Todd for receiving the Judge Robert E. Dauer Award for Judicial Leadership and excellence from Amen Corner during the group's 55th Annual Judicial Reception. Sponsored by Council Members DeFazio, Danko, Ellenbogen, Finnerty, Green Hawkins, Kress, Macey, Martoni, Palmiere, Rea, Robinson and Means.

8936-15. Proclamation congratulating Mary Sue Ramsden, Esquire for receiving the Judge James R. McGregor Award from Amen Corner during the group's 55th Annual Judicial Reception. Sponsored by Council Members DeFazio, Danko, Ellenbogen, Finnerty, Green Hawkins, Kress, Macey, Martoni, Palmiere, Rea, Robinson and Means.

8937-15. Proclamation thanking the Engineers' Society of Western Pennsylvania for hosting the 32nd Annual International Bridge Conference at the David L. Lawrence Convention Center from June 7-11, 2015. Sponsored by Council Member Macey.

8938-15. Certificate of Achievement awarded to South Allegheny Middle School in honor of the school's re-designation as a Pennsylvania Don Eichhorn Schools; Schools to Watch. Sponsored by Council Member Macey.

8939-15. Certificate of Achievement awarded to Mr. Raymond Jarusinski for this 54 years of creating

polka music and for his induction into the International Polka Association Hall of Fame. Sponsored by Council Member Macey.

8940-15. Certificate of Achievement awarded to Mr. Hayden Novosel of Boy Scout Troop 1111 for earning the rank of Eagle Scout. Sponsored by Council Member Macey.

8941-15. Certificate of Recognition presented to Ms. Helen Holko upon the occasion of her 90th birthday. Sponsored by Council Member Macey.

8942-15. Certificate of Recognition presented to Mr. David Nobbs upon the occasion of his 91st birthday. Sponsored by Council Member Palmiere.

8943-15. Certificate of Achievement awarded to Mr. Kyle David Klauscher of Boy Scout Troop 905 for earning the rank of Eagle Scout. Sponsored by Council Member Rea.

8944-15. Proclamation honoring pioneer and soul singer Mr. Chuck Jackson, who began his professional music career in Pittsburgh, Pennsylvania, and naming Tuesday, May 12, 2015 as Chuck Jackson Day in Allegheny County. Sponsored by Council member Robinson.

8945-15. Certificate of Recognition presented to Mr. Raymond T. Book upon the occasion of his 90th birthday. Sponsored by Council Member Palmiere.

PRESIDENT DEFAZIO: Public Comments on Agenda Items. The first speaker is Jeff Cohen.

MR. COHEN: Good evening. My name is Jeff Cohen. I live in --- at 2935 Beechwood Boulevard. I own Weiss Provision. It is a local meat purveying company. Also, I own two restaurants, Smallsmen's Street Deli, one in Squirrel Hill, one in the Strip. I also am the Chairman of the Board of the state Restaurant and Lodging Association.

A couple of points. Number one, I applaud the Council. It's been a long, drawn-out process and you've been very attentive, listened to all the facts. And I'm sure a lot of them have been repetitive facts, but we feel very confident in the way that you understand the issues here, and you've listened very fairly.

Point number two, this entire agenda was pushed on by the Post Gazette. It's been going on for six years. If I had every dollar for every article or editorial that the Post Gazette wrote in that six-year period, I could retire and probably you could retire, too. I mean, they had a free press to have an agenda item that really they

had no expertise on. Zero. They knew nothing about our industry, nothing about our business, and they decided to make it an agenda item to have grades, which --- the last thing we want to do is we want our newspapers running our county. I'd rather have our county council people running our county.

The third is talk about grades. The Health Department, in general, they've done a good job. I think they work really well with the budget they have, the people they have. It's a tough job. In our opinion, they under-pay them. They have a lot of turnover due to the fact that people just don't stay there a long time. And we feel that over the past, you know, like 15 years I've been part of it, we've always been partners. We've worked together to make sure things are right. When this grading system happens, all of a sudden it's an adversarial relationship, which we think will be very bad for our business.

The fourth thing, you know, which is critical, is food safety is the number one issue in our business. Without food safety, we don't have a business. And trust me, in my business, my mother and dad eat at my restaurant. And trust me, if it's not safe for my mother and dad, I wouldn't want them eating there. So all our friends eat there, people we know. Our whole livelihood depends on the food being safe. And that's what we do. And you talk about it, and this whole conversation, it's never been about education or training. It's always been about grades. I mean, if you look at my grades in high school and college, I'd be in big trouble. Let me tell you, I wouldn't be standing here today, because they weren't ---.

PRESIDENT DEFAZIO: Jeff, you're going to have to wrap it up.

MR. COHEN: Okay. In 38 seconds. Sorry, John.

PRESIDENT DEFAZIO: Red button, come on.

MR. COHEN: The last thing I would say ---.

PRESIDENT DEFAZIO: No. I'm sorry.

MR. COHEN: The one thing I learned ---.

PRESIDENT DEFAZIO: You're all right.

MR. COHEN: Are you sure?

PRESIDENT DEFAZIO: Yeah.

MR. COHEN: The one thing I learned was at our NRA meeting, which is the National Restaurant Association, a couple of weeks ago. And I learned one thing that I

thought was critical. Apple, for every employee they have, they make \$480,000 per employee. The restaurant business, they make about \$6,000 per employee in net profit which tells you the difference. It's a very tough business. And most companies today struggle. If you look at McDonalds today, they're taking a \$300 million write off or they're going to have to cut expenses to try to make more money. It's very tough out there. So we appreciate this and thank you very much.

(Applause.)

PRESIDENT DEFAZIO: Thank you. Kevin Joyce.

MR. JOYCE: My name is Kevin Joyce. I'm the owner of The Carlton Restaurant located right next door. Been there for 31 years. And I'm currently chairman of the Government Affairs Committee for the Pennsylvania Restaurant and Lodging Association. There is nothing more important to food service professionals than serving safe food in a clean environment. That is our number one goal. We know that this proposal does not advance this goal. This discussion is not about increasing the knowledge and training of food service workers. Rather, it is about catching, punishing and embarrassing. Our industry is 100 percent unified in our opposition to the new matrix and the scores on doors proposal. We could have brought 50 people here tonight from each of your districts to express unified opposition. With respect to your time and the lengthy process that has preceded tonight, only a few of us will make comments.

I would like to thank the members of the Health and Human Services Subcommittee, many of whom have expressed their reservations or opposition on the record. That takes real guts in light of the tons of ink that the Post Gazette has devoted to this issue over the past several years. Make no mistake, absent the PG's relentless focus, we would not be discussing this issue again in front of you. Not one person in the entire county sought to testify in favor of this proposal at any of the public hearings held this year or a few years back. I doubt many of you have received much pressure from folks that are passionately in favor about this proposed system.

The Allegheny County Health Department has had difficulty for years getting their inspections done on time. This has been well documented. Our inspectors are overworked and underpaid. There is a high amount of turnover. This has been a fact over much of the past 20

years, many of which I've personally participated in, in industry and Health Department-related advisory committees.

This system, if implemented, will double or even triple their workload. In New York, there were 63 inspectors when the grading proposal began four years ago. Today there are 189, 189. They have tripled their inspection force over the last four years. They needed to do this and they are still way behind on reinspections and administrative hearings resulting in many lawsuits.

We ask the undecided members of this Council to join their declared colleagues and vote no on this proposal. We thank each member of Council for their careful consideration of this issue. Thank you very much.

(Applause.)

PRESIDENT DEFAZIO: Thank you. Mike Mitcham.

MR. MITCHAM: Good afternoon. My name is Mike Mitcham. I'm with Primanti Brothers Restaurants. We have many restaurants in the Pittsburgh area. Many reside in your districts. Every single one of you maybe, more than likely. We are currently growing our brand outside of the Pittsburgh market with restaurants recently opening in the State College area, Erie, Pennsylvania, Wheeling, West Virginia and from a week and a half from now in York, Pennsylvania as well.

In order to be able to grow restaurants like this, we need to gain capital. To do this relies on the success of our existing restaurants. Keep that in mind. We, at Primanti Brothers, have an extraordinary social media following. We have over 320,000 people that have liked us on Facebook, over 22,000 that have liked us or that follow us on Twitter. Traditional media seems to gravitate towards us as well for local stories. We're very lucky to be in a position such as this, and I firmly believe that if one of my restaurants receives a grade lower than an A that it will not simply affect that particular restaurant, but it will affect our entire brand. Whereas food safety and cleanliness standards are a top priority in our restaurants, there are events that could occur which would result in a grade posted on the door of less than an A.

I'd be willing to bet that this would be shared overarching on social media and I'd be willing to bet that a local television station and/or reporter would show up

at one of our restaurants and this would spread like wildfire after that.

Public perception then would be that all --- not just that particular restaurant, but all of our restaurants in our brand are either dirty or serving unsafe food. That's public perception. And I think again, that will be all of our restaurants, not just that particular restaurant. This, in turn, would compromise the growth that Primanti Brothers specifically is trying to do within Pennsylvania, and as well in Ohio, West Virginia, Maryland and beyond. Thank you.

(Applause.)

PRESIDENT DEFAZIO: Pamela Cohen.

MS. COHEN: Hi. My name is Pam Cohen, and I have Pamela's Restaurants. And I've been in business way long time, so I wanted to discuss the grading system and my concerns. I've been in business long enough that I was in business when we had the grading system before we got rid of the grading system. My concern right now with it is not as much as the grading system because --- pass, fail, A, B, C, I think that most of us believe in having an A restaurant. My biggest concern was that after a year there was not going to be any reinspections. They come in, they do the inspection and then the grade goes up immediately. I don't think --- and then you can get a reinspection, but in the meantime, you've got that grade up there and with so ---. It's not just the newspapers. It's not the Post Gazette anymore. It's not just Post Gazette or the TV, but social media, Facebook. You know, people are taking --- will be taking pictures of the grade on the window, and it can really destroy a small business or a large business. So you know, my biggest concern is I think we all are trying to cooperate. However, we all have --- I think the Health Department is also under staffed and undertrained just like we are in our industry. And you know, mistakes are made. We're all human. So I really feel that this is dangerous for our business right now. I think most other departments that have inspections --- I know, my family is in the pharmacy business. You know, the state comes in, they do the inspection, they say this, this and this is wrong. They used to be in the nursing homes as well. You know, you need to --- these are the certain things that need to be corrected. And then they come back and do a reinspection. I don't

understand, you know, this type of procedure. So that's it. Somebody else can have my minute.

(Applause.)

PRESIDENT DEFAZIO: Audrey Glickman.

MS. GLICKMAN: Audrey Glickman, 3548 Beechwood Boulevard in Greenfield. I do not own a restaurant, but I am talking about Bill 8886-15. And bringing forward what I said at the committee hearing on this bill back in December, I repeat that I think this legislation would effectively post the scores of pop quizzes on restaurant doors, would make redress difficult, thus taking the emphasis off fixing the problem, and would therefore, put restaurateurs on the defensive and cost them extra time and money.

It contains some interesting changes in the legislation such as mixing imminent danger with nuisance, and it would replace something that's already working at possibly much greater cost to the County. We love our Health Department. We appreciate all the work they've done on this proposed system and on its presentation at the hearings. But we really don't need or want this system. If we're going to increase the Health Department's workload, please consider concentrating on the other bills on the agenda today and additional environmental and other health issues. The purview of the Health Department is so broad and worldwide health concerns so pressing it seems imprudent to push forward with such a heavy, unnecessary change.

We already have the signs on the doors and concerned citizens can already follow what they mean. Playing gotcha now, pay me, with restaurant owners who then have to wait for a reinspection is not a good way to gain compliance. And I don't want my favorite restaurants to close down. Surprise tests are not better than planned tests. If a restaurant crew knows how to pass a planned inspection, they know how to keep the public safe. The system in place now works. It provides real information to consumers and protects both the restaurateurs and the patrons. Please don't pass 8886-15. Thank you.

(Applause.)

PRESIDENT DEFAZIO: Thank you. John Graf.

MR. GRAF: Sorry. The only reason I was a little late --- sorry. It's John Graf, 6933 Church Avenue, Ben Avon, Pennsylvania. I'm the owner of the Priory Hotel, Grand Hall at the Priory, and I'm also

vice-chair of the statewide Pennsylvania Restaurant and Lodging Association. The reason I was late was I was at the dentist having a cracked tooth put back together, so this side of my mouth is numb. So anyway, if I'm something less than my, you know, normal, eloquent self, you'll understand why.

Anyway, I'm going to keep this very brief. I think the other speakers have stated their positions very, very well and I concur with them. I do first want to make note that, you know, the Health Department, Dr. Hacker and Ms. Sharding (phonetic) and Dr. Harrison, have --- you know, in trying to create what they created, you know, they did engage the industry and we appreciate that. I think the unfortunate thing that ultimately what we have is an unworkable system, something that's not really going to communicate any useful information to patrons of restaurants, and something that could do a lot of harm economically towards small business owners. The other problem, of course, is that it's a system of fraught with subjectivity. You know, how deep should a cut on a cutting board be? You know, is that little micro --- they don't have a micrometer. They look it and say it's too deep or it's not. And that changes from inspector to inspector. So it's just --- it's a system that's fraught with subjectivity that's really not going to communicate any useful information to patrons.

And we have a system that really works. I mean, could there be some tweaking to take on some recidivists? Yeah, I agree. And we would wholeheartedly endorse and work with the Department doing that. I mean, if there's bad operators out there, we don't want them operating either, and we want them appropriately punished. But by and large, I think, you know, many of you know restaurateurs and you have one among your group up there who, you know, know that they take pride in having a clean place. And they want to make sure that their patrons are happy and that they are healthy.

So anyway, I urge you to vote against the restaurant grading proposal. And I thank you for your time, and also thank Council for all their hard work on this. This has taken a lot of time.

(Applause.)

PRESIDENT DEFAZIO: Robert Storms.

MR. STORMS: Good evening, Council. Thanks for letting me speak here tonight. I'm not much of a public

speaker and I'm a little nervous tonight, but I'm glad I'm following a bunch of people that were much more eloquent in their speech and they've covered basically everything I would say and a lot better.

One thing they didn't say was that how scared --- I'm scared to death of this, and I think people like the Apollo Café, Zorba's, small family businesses like myself, who mortgaged their houses or family members mortgaged their houses are scared that a B opposed to an A could possibly run them out of business. A lot of the buildings downtown, there's a lot of stuff to work with. You know, if you ever read about me in the paper, that's the first thing they talk about. You know, I don't have the money to remodel my restaurant and there's wires hanging in certain places and stuff like that. But I do know from spending my entire adolescent and adult life in a commercial kitchen that, you know, time and temperature, abuse of food and cleanliness and that sort of safety is the most important thing.

And you know, I'm just worried that, you know, something little that isn't concerning the health --- you know, peeling paint or something, would drop me from an A to B and, you know, it could hurt my business greatly. And I guess that's it. Thanks.

(Applause.)

PRESIDENT DEFAZIO: Thank you. Michael Plaskon.

MR. PLASKON: Michael Plaskon, 738 Greenleaf Drive, Monorville. I am the executive vice president of the National Association of Letter Carriers, Branch 84 here in Pittsburgh. I'm also a member of the Allegheny County Labor Council and a member of the Western Pennsylvania Postal Workers Solidarity Committee. I'm here to speak on behalf of the motion 8952-15. I want to first thank County Council for the opportunity to speak on behalf of this resolution. I want to thank Council members DeFazio and Martoni for sponsoring this resolution and publicly thank the Pittsburgh City Council for unanimously adopting this resolution. This resolution supports a public postal service that strengthens and expands needed services by the United States Post Office in a new economy. A public post office is a necessity to the residents of Allegheny County. Allegheny County has one of the most senior populations in America. Our residents rely and trust the uniformed men and women of the United States Postal Service. Cutting services such

as reducing window hours and closing post offices and shipping those services to untrained, underpaid, part-time employees to the private sector such as Staples is a mistake. Staples employees are not employed by the federal government and do not have a vested interest to provide the security to safeguard the sanctity of the mail.

Eliminating a day of mail service or door-to-door delivery service is a disservice to the American public and the residents of Allegheny County. Any additional closings of mail processing plants will continue to slow mail delivery and undermine the most efficient and cost effective postal network in the world. Since October of 2013 until March of this year, the Postal Service made an operational profit of \$2.775 billion. These planned service reductions and a shift to privatization is unwise and unnecessary. The Western Pennsylvania Postal Workers Solidarity Committee will continue to oppose these measures and call on Council to support our struggle. The Postal Service is a natural treasure and a value to the American public.

The residents of Allegheny County deserve a public post office now and well into the future. All residents deserve universal pricing and services provided by the USPS. It is important that Council supports the efforts of this coalition and the hard-working men and women in the United States Post Office that reside in Allegheny County. The residents of this County depend on a public postal service now, and I sincerely request your support for this resolution. Thank you.

PRESIDENT DEFAZIO: Thank you. Kelly Dickey.

MS. DICKEY: Hi, I'm Kelly Dickey. I too, back Mike up, and he pretty much covered everything that we wanted to say. I am the current president of the National Postal Mail Handlers Union, Local 322 and also part of the Western PA Solidarity Committee. The Postal Service has decided to contract Staples and use Staples in lieu of post offices. It's come to the point where they have canceled or shortened the actual post service --- postal service office hours, and they'll hang up a sign in their door that says please go to your nearest Staples store. This is a step towards privatization of the Postal Service and the implications of this are numerous. A brief scenario is I've worked at the post office for almost 17 years. Countless times, I have witnessed postal workers

see money on the floor and step right over it, whether it was a dime or a wad of cash. And why do they do that? Because it doesn't belong to them? They have too much? They value their job? They value the security? They're not willing to pick up a quarter to lose their job? Or another --- like a package or an envelope will break open and there will be valuables easily seen inside. The first thing they do is throw their hands up, call their supervisor over, say --- and the supervisor comes and gets it, gets it resealed, makes sure it gets on its proper way.

Are we sure that a Staples' worker would have that same kind of dedication and security with the mail? And again, privatization of the postal service will kill our economy. Thousands of people are employed by the service and make a decent living wage. They're able to support their families. And as City Councilwoman Kail-Smith had stated when the City of Pittsburgh unanimously decided to set this same resolution, the postal service is one of the biggest employers of our veterans. And if they go to privatization, all that will be gone.

Now, I could continue with many other reasons, but I sure you can draw your own conclusions. Please, help us in our fight and accept this proposed resolution. Thank you.

PRESIDENT DEFAZIO: Okay. We have someone from Harrisburg, out of town, come in, and I granted him the right to speak and unless it's voted down here, if it's okay with the rest of Council? Is there a problem with anybody? Seeing no objection, we'll have, what is that, John Longstreet? Okay.

MR. LONGSTREET: Thank you, Council, for agreeing to allow me to speak. I am John Longstreet from 1077 Country Club Road in Camp Hill, Pennsylvania. I'm also the President and CEO of the Pennsylvania Lodging and Restaurant Association. It serves restaurants and hotels throughout the Commonwealth, and obviously many here in Allegheny County. The first priority for us as it relates to 8886-15 is food safety. However, restaurant grading as proposed by Allegheny County has no evidence that shows that it actually improves food safety. In fact, in a study of 167,000 restaurants by the Center for Disease Control, there was no difference between food-borne outbreaks in restaurants that had grading systems or did

not have grading systems. There's been a lot of talk about New York City because that's the most widely publicized system similar to Allegheny County. It was put in place in about 2010 and for over five years they've been trying to show a correlation between their relatively new system and food safety, and they've been unable to do so. They were issuing semiannual reports until they had an increase in salmonella outbreaks following a decrease in the period before. At that point in time, they said they needed to keep working on trying to find a correlation. They recently released a report that was quoted in an op-ed in the Pittsburgh Post Gazette yesterday. It was written by Health Department officials and published in the American Journal of Public Health. But even that report failed to show a correlation between grading and food safety. It only showed that there's been grade inflation since the program was put in place. In other words, inspectors are giving out higher grades, not surprisingly, because of the pressure of getting an A on your door.

In fact, there's three times as many grades in New York given with 13 points taken off versus 14 points taken off, the difference between an A and a B. And we heard about this, the cost of the New York program, three times as many inspectors. We estimate if you use the same formula in Allegheny County, it will cost Allegheny County \$1.4 million.

Now, Allegheny County does have an excellent health record. It's been cited and won national awards for its Health Department. And if there was \$1.4 million to spend on a program, we would encourage the hiring of more inspectors, increasing the number of inspections, and our members are very much agreed with that, because that actually would improve public safety versus putting in a program, as New York has proven, which is purely about optics and doesn't actually improve public health. Thanks again for the good work. I've been with the Health and Human Services Committee. Everyone has studied a lot of information, a lot of facts and we appreciate the work that you, as a Council, have done to really understand this issue. Thank you.

PRESIDENT DEFAZIO: Next we have 8946-15.

MR. CATANESE: Motion to approve the minutes of the Regular Meeting of the Allegheny County Council held April 7, 2015.

MR. FUTULES: So moved.

MR. FINNERTY: Second.

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

(Ayes Respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.
8888-15.

MR. CATANESE: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2015, Submission 04-15. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Mr. Mike Finnerty?

MR. FINNERTY: Thank you, Mr. President. This was released from committee with an affirmative recommendation and I move for approval.

MR. FUTULES: Second.

PRESIDENT DEFAZIO: We'll take a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Aye.

MR. CATANESE: Ms. Danko?

(No Response.)

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Aye.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

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. Rae?

MS. RAE: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 14; no's, 0. The bill passes.

PRESIDENT DEFAZIO: 8660-14.

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

PRESIDENT DEFAZIO: John?

MR. PALMIERE: Mr. President, this was moved to the full Council with an affirmative recommendation, and I move for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll have a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Aye.

MR. CATANESE: Ms. Danko?

(No Response.)

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: I'll pass, 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: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rae?

MS. RAE: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: Yes.
MR. CATANESE: Ayes, 13, no's 0 and 1

abstention.

PRESIDENT DEFAZIO: 8661-14.

MR. CATANESE: An Ordinance of the 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 PS, Section 12001 et seq. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Palmiere?

MR. PALMIERE: Mr. President, this was moved with an affirmative recommendation sent up here. And I move for approval, please.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, we'll have a roll call.

MR. CATANESE: Mr. Baker?
MR. BAKER: Aye.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
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. Rae?
MS. RAE: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 14; no's 0. The bill passes.

PRESIDENT DEFAZIO: 8886-15.

MR. CATANESE: An Ordinance of the Council of the County of Allegheny ratifying amendments to the Allegheny County Health Department Rules and Regulations for the purpose of establishing a Food Grading System, pursuant to Section 12011 of the Local Health Administration Law, 16 PS, Section 12001 et seq. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Palmiere?

MR. PALMIERE: Mr. President, it's been sent up to the full Council with a neutral recommendation, and I move for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks?

MR. FUTULES: Mr. DeFazio?

PRESIDENT DEFAZIO: Mr. Futules.

MR. FUTULES: Thank you for recognizing me. Mr. Graf made a comment that one of the members of this Council owns a restaurant. Well, that would be me. My family started in the restaurant business in 1933. I heard tonight people talk about food safety and pride. Well, they're absolutely correct. Everybody that owns a restaurant, that has a business, takes pride in their business. They take a lot of time, a lot of money and effort. In 1933, my grandfather called our restaurant the sanitary kitchen. He knew back then how important food safety was and how clean a place should be to get patrons. He understood. And we, over the years, --- my father in 1946 took over the business.

MS. HEIDELBAUGH: Excuse me. Point of order, please.

PRESIDENT DEFAZIO: What's your point?

MS. HEIDELBAUGH: My point is that I've had this happen to me before. I believe Mr. Futules is going to abstain.

MR. FUTULES: That's correct.

MS. HEIDELBAUGH: If you ---.

MR. FUTULES: I haven't declared myself yet, Heather, and I'm not going to give an opinion.

MS. HEIDELBAUGH: But if you abstain --- let me just finish. If you abstain because this has been done to me before, ---

PRESIDENT DEFAZIO: I don't know if it's exactly ---

MS. HEIDELBAUGH: --- and the Chair has ruled ---.

PRESIDENT DEFAZIO: --- the same way, Heather.

MS. HEIDELBAUGH: The Chair has ruled that you're not allowed to speak.

PRESIDENT DEFAZIO: Okay. Let's do this. Talking to our Parliamentarian, I disagree with --- it wasn't the same. In your opinion can Nick talk? He hasn't made an opinion or anything. Can he talk?

MR. BARKER: I don't recall, Ms. Heidelbaugh, that you're not permitted to speak on abstention. I think there were some issues when somebody requested whether or not they could make a motion if they were going to abstain, or whether or not they could second the motion, or whether or not they could participate in a discussion. I remember those issues going on. I mean, he's permitted to make a comment. I would suggest to him that if he's going to abstain that he limit those comments because, as we know, not only do we have a conflict of interest, if you vote for something in his position --- and I think he's doing the right thing by abstaining. But we also don't want to have somebody raising the issue of whether or not he's using his position to influence the vote one way or the other. So I think if we're going to abstain, I think we may have --- if that was done, we may have made that reply to you under those sort of circumstances, that you shouldn't attempt to sway a vote and then abstain.

MS. HEIDELBAUGH: Well, you know, I'm just going to say, Mr. Chairman, that I remember the instance precisely, and I was told I was not allowed to speak at all. And there was various members of Council who raised it. I think Mr. Finnerty was one of them. so I would just --- you know, I like the rules to apply equally to all people.

PRESIDENT DEFAZIO: They do, Heather. And I told you, in my opinion, that his isn't the same as yours. And I even told you to go a step further, let's talk to the Parliamentarian. And he seems to agree also. So there's no sense arguing about it.

Nick, do you have more?

MR. FUTULES: Quite frankly, the only thing I've talked about is my parents and my grandparents and how everybody takes pride in their restaurant. I really haven't formed any opinion. And that's exactly what I won't do. Because of the fact that I do own a restaurant, I can't form an opinion because it wouldn't be right. So I just basically want --- let everybody know I want to thank you all for coming. And I want to thank Dr. Hacker for her efforts and whatever this Council decides to do, well, that's what's going to happen. But being in the restaurant business, I've got to sit here and listen. I'm the most experienced person up here when it comes to --- when it comes to this, but yet I can't comment and that's a shame.

PRESIDENT DEFAZIO: Well, ---.

MR. FUTULES: I understand that. So at this point, I will declare myself as ineligible to vote, and I will make no further comment. Thank you.

PRESIDENT DEFAZIO: Okay. Any other comments? Sue? Representative Means?

MS. MEANS: Yes, I think --- thank you, Mr. President for recognizing me. I am a champion of small business. I believe that the proposed restaurant grading system would hurt the restaurant business which is a thriving part of our economy in Allegheny County. In New York City, the restaurants who received a B grade reported losses in their business as up to 40 percent.

We should not harm small business unless we have a compelling interest to do so. I know that government often most impose cost or restrictive measurers on business in order to protect public health and safety. But this is not the case. No evidence has been presented to document that the grading system would decrease the incidents of food-borne illness. The present system works. Restaurants are being inspected, problem areas are identified and results are posted online. Bad operators are being shut down.

The medical community and the public are not demanding a change to the present system. In the public hearings held across the County by Live Well Allegheny, and during the Board of Health meeting and the County Council meeting and also tonight, not one member of the medical community came forth to speak in favor of a change or to document that there is a food-borne illness problem

in this County. County residents are not voicing their complaints either.

To further illustrate my point, at the public hearings, the Health Department stated that when it conducted two pilot programs of the new grading system, an overwhelming majority of the restaurants received an A grade. And the restaurants receiving lower than 70 were fewer than two percent in the first pilot and zero percent in the second pilot. The pilot programs demonstrate that Allegheny County does not have a problem with food-borne illness. As of the --- and furthermore, as of May 1st, further documentation was provided on the Allegheny County Health Department own website. It cited that there were only 56 consumer alerts between 2010 and 2005, and only two accounts of consumer alerts that arose from food-borne illnesses. And then also, there was 47 closures of restaurants between 2010 and 2015 according, again, to the Allegheny County website. And none were cited for food-borne illness.

I agree with the position taken by the Pennsylvania Food Merchants Association, that implementation of this program would cost the County \$1.4 million, as well as causing harm to business. I realize that all my colleagues probably received a copy of this letter yesterday, but I would like this letter entered into the record from the Pennsylvania Food Merchants Association.

During the process of holding the public hearings, issues have come to light regarding the inspectors' consistency, availability and which in itself has the potential to cause serious harm to the business owners. Governor Wolf, newly appointed Secretary of Agriculture Russell Redding, recently made a strong statement in favor of a continued uniformity of restaurants inspection throughout the state. And he explicitly referred to consistency of presentation of information to the public as part of uniformity. Council members may listen to his comments at Representative John Maher's website.

Before I conclude, I would like to thank the members of the various owners of the restaurants and also the restaurant industry. I appreciate and admire the amount of time you have spent communicating with Council members, that you have attended our meetings and our committee meetings, and I want you to tell your families

thank you, because you've given up time to come and educate us and to participate in the political process.

In conclusion, the proposed restaurant grading system would burden the County Health Department and local business owners with more expense and red tape. It would not decrease the incidents of food-borne illness in the County. I will be voting against the ordinance. Thank you again for recognizing me.

PRESIDENT DEFAZIO: Representative Heidelbaugh?

MS. HEIDELBAUGH: Thank you very much, Mr. President. I'd like to address all those here today, my colleagues as well as the public. About four years ago, I was asked by the Post Gazette in an endorsement meeting what my feelings were in regard to letter grades for restaurants. Having been born and raised in St. Louis, Missouri, where there were restaurants grades, I thought when I was first presented with this idea at the endorsement meeting that it sounded like a good idea to me. Part of the endorsement by the Post Gazette was based on my views of the rating system. Since that time, I have spoken extensively with many of the people in this room. I have also spoken with Dr. Hacker and her staff, who have been very helpful. I've tried to educate myself more fully on this issue, and I have changed my mind. I am against the restaurant grading system.

I want to reiterate that Ms. Means' comments are very well placed, and I'm not going to repeat those. We have not received --- except I did receive one e-mail today. I received one e-mail from a citizen who indicated that she was in favor of the restaurant grading proposal, and I did take that into consideration. But other than that, I have received absolutely no comments from any other member of the citizenry. On many issues that we are confronted with, I receive many, many e-mails from the public. In addition, as many of you know, I'm a lawyer. I have watched the daily filings in court cases ---.

MR. FUTULES: Point of order.

PRESIDENT DEFAZIO: What's your point?

MR. FUTULES: I don't have one. I just wanted to interrupt her like she interrupted me. That's all.

PRESIDENT DEFAZIO: Okay. Go ahead, Heather.

MS. HEIDELBAUGH: Thank you.

PRESIDENT DEFAZIO: Okay. Let's go --- one meeting. Go ahead.

MS. HEIDELBAUGH: So I've watched the daily court filings and there's almost never a lawsuit against a restaurant for food poisoning. So I don't think that we have a problem in Allegheny County, or for that matter throughout western Pennsylvania. The problem that I had with the system as a whole was, again, the subjectivity and the specific regulations. Some of the things that I saw that were particularly problematic to me in my view were violations that did not go to the essence of food safety, but went to things like light bulbs in alleyways and those sorts of things. And that was particularly important to me.

This is a very serious matter. I take very strongly the comments of entrepreneurs like Mr. Storms who came here today, who has one of the greatest restaurants in Pittsburgh. I love going there. The food is fabulous. It's so moderately priced. I know he's a family business. I know he works hard. And if he were to lose his business, he would lose, you know, his house. He would lose the jobs of countless people that work for him. And that's not what we're trying to do as government officials.

And I guess the turning point was the fact that the President's restaurateur is here today, Pamela, who's served the President pancakes, and if she's against it really who could be for it?

And also, on a less serious note, the best sandwich in America, the owner of that establishment is here, Primanti's sandwiches. Seriously, there is not a better sandwich in America. So if you're against it, how could I be for it? I do think we need to spend more time on the recidivists. We need --- like John Graf said, who has a great hospitality company and who is a very thoughtful person, we need to make sure we spend our limited dollars on making sure that those people in our community who are not clean, who are violating the rules, we need to give them extra time and attention.

And I want to thank very much the owner of the Carlton who takes these issues and spearheads them and is very thoughtful in his responses and is helping an enormous amount of people in our community.

So for those reasons and because the President's restaurateur is here, I must vote against it.

PRESIDENT DEFAZIO: Go ahead, Amanda.

MS. GREEN HAWKINS: Thank you, Mr. President. Over the course of the past week, I asked staff to assist me by contacting the Health Department to find out how many food facilities, restaurants and other things, were in my district. And I was shocked at the number, over 1,000, a little over 1,300 to be exact. And if you're shocked, let me tell you about my district; downtown, Lawrenceville, there's also uptown, part of the South Side, the Strip District, and I'm not even naming all of the neighborhoods. But what I notice is that all the speakers today have restaurants in my district. And not only is the restaurant industry a boon to my district in Allegheny County. It's also a partner. I see it as a partner. Think of the working people. We always talk about workers and what's best for workers. But what's best for workers is to have them working. And I'm not convinced that this proposal increases food safety, but I am convinced that it would harm workers. And every chance I get, I will talk about mass incarceration. And the fact that --- and the fact that there are many people who are seen as unemployable because they are non-violent offenders. The restaurant industry has been a great partner in Allegheny County in hiring people who have records. And again, let's think about the workers. If we're talking about reducing recidivism, one way to do that is see that people are working. So I think that the restaurant industry has been a great partner for us in Allegheny County in terms of hiring people and in terms of the economic impact, and I just don't see this as benefiting us in terms of our health and safety here in Allegheny County. So I'll be voting no as well. Thank you.

PRESIDENT DEFAZIO: Representative Finnerty?

MR. FINNERTY: Thank you. I'd like to say that I think of myself as a champion of small business and also a champion of the working people and always looking for fairness. And if we take a look at what has been proposed here, we have a system already that works very well. It's a fair system. If you see a green, something green on the window, you know that it's a great restaurant. It's clean. Yellow is little different. And if you see red, you know they're closed. So you know, so now we go to letters, A, B, C and closed. So what has happened here? We've added one item in between, I guess, A and C, for whatever reason, I don't know. But it's caused a

tremendous amount of angst among people, angst among us, the restaurateurs, et cetera. There's no need for it. There's absolutely no need for this. We have already a system that works. It works very well, and our people in the restaurant business have delicious food, and they have a clean environment. And I think that's important. And if anything, what we need to do is to hire more inspectors so that the inspections are done more often and they get to inspect everybody in the time because it's just not restaurants we're talking about here. It's just not restaurants. We're talking about inspecting school cafeterias. We're talking about going out and inspecting if somebody is having a festival. We're talking about --- there's a lot of food that's out there. All these fast food places, et cetera, they have to be inspected. And it's important you're supposed to be inspected at least every year. And I don't even know if that's being done, to be honest with you, with --- the volume is tremendous.

So I think one of the things we should do with the money that we're not going to spend, because I don't think this is going to pass, is we should get more inspectors. And we should get more training. And we should get the people that work in restaurants more training, too. I mean, those are things that I think will be a very, very --- have a very great effect on the safety in the industry. Not that it's not safe now, but it will make it better. And I think that's what's important. So obviously, I'm not voting for this. Thank you.

PRESIDENT DEFAZIO: Representative Jimmy Ellenbogen?

MR. ELLENBOGEN: You know, I've had a lot of conflicting feelings about this whole thing. A few years back I watched myself and my entire family just about hospitalized with some serious food poisoning. And you sit there and watch your kids look like they're ready to expire any minute. It's just something that you never forget. So I've tried very hard to take my emotions out of this. And I have a lot of conflicted feelings about this, but I try to be reasonable in these kinds of things because you have people's livelihoods and people's lives on the line here.

On the one hand, if you're serving bad food to this Councilman, you know, I don't have no mercy on you. Ask the people in the Chi Chi's fiasco a few years ago. If you're serving bad food and you're in a gray area,

you're not going to get any mercy from me. I'm more interested --- my job is to keep the public safe. I'm the public safety chairman. That's my job.

However, like --- and I paid very close attention to this all along. There was a gentleman here that spoke a few weeks ago who was the representative of the Chinese Restaurant Association. I was very impressed with him because, you know, I was born and raised in this town. And when I was growing up, you know, there were certain kinds of foods that you were getting in this town, and that was it. You know, you didn't get food in Argentinean restaurants or Thai restaurants or --- what I'm saying is there are a lot of new restaurants and a lot of new types of cuisine that have come here that, I'm going to be frank with you, I'm not comfortable with the way things are with them. You know, the Chinese Restaurant Association, I thought, was great. They take all the laws and everything. They translate them into Chinese and then they teach their people. Education, I think that's great stuff.

So you know, on that end, you know, I think it's --- I don't know how I want to say this. I think it's great stuff, and I'm probably more for just education and teaching, particularly the new types of cuisines that are coming here. The gentleman that are in here, most of you I've known for a long time. You're leaders of your industry. I have no qualms the work that you do and how --- I mean, you're the leaders of your association, you know. But here's --- this is the crux of it, okay, with me. And Mr. Graf, you said it perfect, subjective. Let's be fair here. There's people's livelihoods on the line. And what it comes down to me is, you know, I'm probably the worst nightmare when it comes to people with bad food because of what has happened to me personally and with my family. However, it needs to be objective. And to be honest with you, if some guy had a bad fight with somebody in his house that day, and we're talking about maybe the difference in the cutting board, you could ruin somebody's life. So to me, the Health Department, who I have great respect for, has not proven their case to me that it's objective, that it's fair across the board. That inspector they're going to treat one restaurant better than the other. So regardless of all the feelings I have about this, I have to vote against this because it's not objective in the sense that I can be sure that

your restaurant is going to be treated any different than your restaurant so based on that objectivity, I have to be against this until the Health Department or anybody else proves their case to me that everybody is being treated the same across the board. Thank you for your ---.

PRESIDENT DEFAZIO: Representative Kress.

MR. KRESS: I just wanted to speak on this because I used to work in restaurants in high school and college. And I just know how hard people work. And I know how hard Rob Storms works. I'm down there a lot because I work in the same building. And let me say one thing about him hiring people. He does hire people who have criminal records. I mean, he's hired people from the Rule (phonetic) Center. He's given people a second chance. And that's what it is about the restaurant industry. They're hardworking people. When I worked in the restaurant, there was people working 60, 80 hours a week. I remember one day I got up, I went to the restaurant at eight o'clock, they sent me home for an hour, and I ended up leaving around 1:30 in the morning. It's a lot of work. And there's people that work very hard there. And I know you're an entrepreneur and you take a gamble. Okay. This is your livelihood on the line. And I forgot to mention that Carl Funtal owns a pierogi restaurant in Etna. I don't know if I mentioned that or not when I say entrepreneurial. But here's a person, he's taking a gamble. Okay. And here's the thing about restaurants. One out of four restaurants are going to close after the first year. I think 60 percent close after the first three years. So the market itself is telling you you're doing a good job. So why is the government going to come and say you're not doing a good job when the people themselves, the consumers, are saying you're doing a good job. So why are they putting in a grading system there? Is it really a purview of government to grade you? Really, I mean, maybe they should grade politicians. Oh, I wonder what my grade is going to be.

PRESIDENT DEFAZIO: Quit while you're ahead.

MR. KRESS: But again, it's a gamble. You're willing to take a gamble. And my concern is with this A and B. What's the difference between a 90 and an 89? I mean, really, what's the difference? And you put a B on somebody's business and what's that mean, bankruptcy? I mean, what's going to happen? And that's my concern. And then you have a restaurant, I mean, you're working the

kitchen, okay, at lunchtime. You're opening that refrigerator up, you know, on and back and forth, opening and closing it. What's the temperature of that refrigerator going to be? You know, they come in and check the temperature, it's going to be --- it's not going to be maybe what it should be. And that's a concern I have. I mean, it's a practical concern. I mean, I've been in the restaurant business. I know how hard people work there, and now you're going to have these people worrying about this? No. I don't agree with it.

I think there are some serious things that go on in the restaurant business. And I'll tell you what. The Health Department has addressed it. Somebody doesn't want me to speak today.

PRESIDENT DEFAZIO: I said you're ahead. Quit while you're ahead.

MR. KRESS: But here's the thing. We had a warehouse over in McKees Rocks. They shut it down. I mean, there's been some serious problems; okay? That's what we have to do. We have to go after serious problems in this business. Okay? Not like, hey, do I have enough paper towels in my paper towel dispenser? I think what we have to address is serious problems in this restaurant industry, things that are going to affect the public health. Okay? Not how many paper towels are in the paper towel dispenser. I think Rob was telling me something he maybe got cited for having whole tomatoes out and not being refrigerated. I thought that wasn't a citable offense. It comes down to consistency, continuity. Do we have that with this, with these different inspectors? And that's my concern. We may not have that. So it's about consistency and continuity. And nobody's business should be shut down because of a mistake made. And again, we're talking about a 90 and an 89. We're not talking about pass/fail. That's the reason we need a pass/fail system. Okay? So if you do make a mistake, hey, you know what? If you're actually going to fail, you've made a lot of --- you have a lot of problems, not just one or two.

So I passionately believe in the restaurant industry. Again, it's given a lot of people hope and jobs. I mean, that was really my first --- I was a paper boy at first, but then I went to the restaurant industry and worked there for many years. It helped pay for college. And you're giving people opportunity. And I'm not going to do anything that's going to damage that

opportunity for you or for your patrons or the people that work for you. And that's the thing. I really believe in you, and I'm not going to vote for this, but thank you very much.

MR. ELLENBOGEN: Can I make one more point?

PRESIDENT DEFAZIO: Representative Ellenbogen again?

MR. ELLENBOGEN: I just had one more point that I wanted to make. And you know, when it comes to food poisoning, I get a little worked up. But you know, the restaurants in this County have taken a big hit over the drink tax. They're already suffering from that. Those of us that were here. You know, I only live like five or six miles from Washington County. You know, I don't think it's fair that a restaurant six miles away should be treated differently in terms of how safe the food is or whatnot as the people --- our restaurants in this County also. I mean, with transportation and everything, we're becoming more of a regionalism area. I really think that this whole region should be treated the same in terms of how all the restaurants are treated. What, am I going to go to Washington County and say, well, you know what? I'd better watch what I eat. I'd better run back over to this county. I mean, really. So I just wanted to bring that point up. Thank you for ---.

PRESIDENT DEFAZIO: Seeing no more comments, let's take a roll call vote.

MR. CATANESE: This is on Bill 8886-15.

MR. CATANESE: Mr. Baker?

MR. BAKER: No.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: No.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: No.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Abstain.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: No.

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Mr. Kress?

MR. KRESS: No.

MR. CATANESE: Mr. Macey?

MR. MACEY: No.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: No.
MR. CATANESE: Ms. Means?
MS. MEANS: No.
MR. CATANESE: Mr. Palmiere?
MR. PALMIERE: Now I know what a salmon
feels like when he's going upstream. I have been a
businessman ---.
PRESIDENT DEFAZIO: Hold it, John.
MR. PALMIERE: I can't do it?
MR. FINNERTY: No.
PRESIDENT DEFAZIO: You're not allowed.
MR. CATANESE: No.
PRESIDENT DEFAZIO: You've got to go yes or no
or go to the bathroom or something.
MR. PALMIERE: All right. I'm voting yes.
MR. CATANESE: Ms. Rae?
MS. RAE: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Nay.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: No.
MR. CATANESE: Ayes, 1; no's 12. The bill
fails.
MR. FINNERTY: Joe? Joe? We had one
abstention.
MR. FUTULES: One abstention.
MR. CATANESE: I'm sorry, one abstention. I
apologize for that. I'm sorry.
PRESIDENT DEFAZIO: Right.
MR. CATANESE: Thank you, Mr. Finnerty. I
apologize.
PRESIDENT DEFAZIO: 8887-15.
MR. CATANESE: An Ordinance of the 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
PS, Section 12001 et seq. Sponsored by the Chief
Executive.
PRESIDENT DEFAZIO: John, that's going into ---?
MR. PALMIERE: I can speak now.
PRESIDENT DEFAZIO: No, that's going into ---.
MR. FINNERTY: No, we're voting on it. Go
ahead.
PRESIDENT DEFAZIO: Go ahead. Make a motion.
MR. PALMIERE: I make a motion for approval.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks?

MR. FINNERTY: Yeah, I'd like to thank the Health Board for myself --- I believe Councilwoman Means have expressed --- and somebody else, I can't think ---.

MS. MEANS: Councilwoman Rae.

MR. FINNERTY: Yeah, Councilwoman Rae, expressed our displeasure, I guess, with these one-year terms that have been going on with the Board, and also that the Board members, we've become very personal friends since they're here every year, but they'd like it extended also. And we thank you for extending it to three years. It'll help them a lot. They won't have to come downtown as much. But we're going to miss them.

PRESIDENT DEFAZIO: Any other remarks? Sue? Representative Means?

MS. MEANS: I just wanted to say that the people who serve on the Health Advisory Air Quality Board, they're wonderful people. And they're very qualified. And they all work together for the common good, even though they're very diverse in some of their backgrounds. And I think --- in this bill, we not only are going to take their term of office and extend it from one to three years, which is wonderful because we asked for two and we got three, so that's even better. And they're going to decrease the amount of people that serve on the advisory committee from 19 to 15 because they have a problem finding enough people to serve. And they're also making a change as to how many people can represent industry. And I'm not --- at first, I was concerned about there wasn't a ratio set up, but I know that both industry and the environmentalists are very well represented on this committee and they work together. Ad I'm totally in favor of this legislation and I want to thank the Health Department for bringing it to us. Thank you.

MR. CATANESE: Any other remarks? Seeing none, we'll take the roll call vote.

MR. CATANESE: Mr. Baker?

MR. BAKER: Yes.

MR. CATANESE: Mr. Ellenbogen?

(No Response.)

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
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. Rae?
MS. RAE: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: Yes.
MR. CATANESE: Ayes, 13; no's, 0. The bill

passes.

PRESIDENT DEFAZIO: Liaison Report.

MR. FINNERTY: I have one.

PRESIDENT DEFAZIO: Mr. Finnerty?

MR. FINNERTY: Thank you. I'd just like to again say about Military Appreciation Day, which is going to be at the --- excuse me, which will be out by the old airport. It's May the 14th, 15th and 16th. It's the commissary out there. It's also the Army Reserve Center, which is right there also. So the 16th is a Saturday, and it's the biggest day out there. The ceremony will be held honoring the fallen heroes, and they will be talking about enlistments and we'll be honoring re-enlistments. And Certification of Appreciation will be made that day. That's Saturday. But remember, it's also May the 14th, which is Thursday and May the 15th, which is a Friday.

I'd like to also remind you --- and I'll remind you again --- that Memorial Day celebration at Soldiers and Sailors is Monday, the 25th, from 11:00 a.m. to 4:00 p.m. And it's a special day out there. There's free admission. There's a lot of activities for children, and if you can on that day --- and I know it's very difficult for me to get there because there's so many things going on in the community that day, but if you can and you don't

have a community event, you should stop out there and see them. There's going to be bands and many, many things going on. Thank you very much.

PRESIDENT DEFAZIO: Representative Futules, then Baker.

MR. FUTULES: Who was next?

PRESIDENT DEFAZIO: You.

MR. FUTULES: Oh, sorry. I'd like to let everybody know that at South Park on May 9th we're going to have a grand opening for the Oval out there, and the festivities start at noon. There will be lunch served, barbecues, brisket, hot dogs and things such as that. And the actual ribbon cutting will be a 2:00 p.m., and at five o'clock there will be a concert to commemorate the new Oval at South Park. Thank you.

PRESIDENT DEFAZIO: Representative Baker?

MR. BAKER: Thank you, Mr. President. Last weekend that we just had, I think it was one of the best weekends of the year for our County and for our community. That's the Pittsburgh Marathon weekend. I just want to congratulate Patrice Matamoros and her whole team from the Pittsburgh Marathon. This was my 15th half marathon, and I will say in the battle of County Council members versus County Council staff, Erin Graney, in the back there, she defeated me by a solid 20 minutes so congratulations to Erin Graney.

MR. FINNERTY: All right, Erin.

MR. BAKER: A solid, solid 20 minutes. But honestly, all the volunteers, everyone just stands out there on the side of the road with the signs waving them at us and handing out water. Everyone truly makes a difference in this weekend. There's 30,000 or so runners, but everyone that's a part of the Pittsburgh Marathon weekend, as a revenue generator for our community just bringing people to Pittsburgh, bring them to Allegheny County, it was an incredible success.

I also just want to send best wishes --- I was finishing right at 10:30 when the 25-year old young man who finished that's now in critical condition, I believe, I saw him go down. And it was really scary so thank you to all the first responders. Thank you to all the medical professionals that take part in the weekend as well. It can be a scary, scary thing, so I want to wish him well. But right now I just want to say congratulations to Erin Graney and congratulations to all the runners that

participated this weekend for all the good they did.
Thank you.

PRESIDENT DEFAZIO: Representative Means?

MS. MEANS: Thank you, Mr. President. I just wanted to let everyone know, especially my fellow Council members, to please call your state representative and ask them to please pass the --- they're trying to raise the income that we get for the 9-1-1 Center. So as people probably already know, we operate at a deficit in Allegheny County, and many counties do. And so we're trying --- we're encouraging the state legislature to pass an increase in the taxes on people's landlines and cell phones so that we can have a greater funding to operate our 9-1-1 centers.

MR. FINNERTY: It passed last night.

MS. MEANS: It passed the House, but it has to pass the Senate.

MR. FINNERTY: Okay.

MS. MEANS: And the Governor has to sign it,
so ---.

MR. FINNERTY: It better have.

MS. MEANS: So I would encourage people to please call their Senator. And also, I just wanted to make a comment that a year ago I was a very nervous friend because my friend was going to give birth to a little boy that had half a heart. And Hank was born on May the 7th and so he's almost a year old, and I want thank all the people at Children's Hospital who worked very diligently. He had two open heart surgeries. He will need open heart surgery again at the age of three, but I want to thank everyone for all they've done and all the people who prayed for Hank that he --- and he's doing great. He's almost walking. And his growth and development is awesome. He's the cutest little thing and full of energy, always happy. And so I want to thank everybody and say Happy Birthday, Hank.

PRESIDENT DEFAZIO: Okay. Anyone else? Seeing no hands, ---.

MR. FINNERTY: I just wanted to ---.

PRESIDENT DEFAZIO: Go ahead, Representative Finnerty.

MR. FINNERTY: I just want to give Erin a shout out for beating Tom.

MR. BAKER: Okay. All right.

MR. FINNERTY: Way to go, Erin.

PRESIDENT DEFAZIO: Okay.

MR. FINNERTY: Twenty (20) minutes.

PRESIDENT DEFAZIO: New Business. 8947-15.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the continued use by Harrison Township of a parcel of Allegheny County-owned land in Harrison Hills Park as a leaf composting area. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go into Parks Committee.

PRESIDENT DEFAZIO: 8948-15.

MR. CATANESE: An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the continued use of the McConnell farm house located in White Oak Park, collectively known as Angora Gardens, by Mon-Yough Community Services, Inc., Mon-Yough, and used for training of clients and for providing interpretive education programs for visitors. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go into Parks Committee. 8949-15.

MR. CATANESE: A Resolution of the Council of the County of Allegheny establishing an annual Countywide Cleanup Day and encouraging County residents to volunteer to assist in beautifying the County. Sponsored by the Council Member Palmiere.

PRESIDENT DEFAZIO: That'll go into the Committee on --- I guess it would be Public Works. Okay. 8950-15.

MR. CATANESE: A Resolution of the Council of the County of Allegheny amending the Grants and Special Accounts Budget for 2015, Submission 05-15. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go into Budget and Finance Committee. 8951-15.

MR. CATANESE: Resolution of the County of Allegheny amending the 2012 Capital Budget for Allegheny County. Sponsored by the chief executive.

PRESIDENT DEFAZIO: That'll go into Budget and Finance Committee. 8952-15.

MR. CATANESE: Motion supporting U.S. Postal Service workers in their endeavors to ensure the efficiency of postal operations while maintaining living wage employment for postal employees throughout Allegheny County. Sponsored by Council members DeFazio and Martoni.

PRESIDENT DEFAZIO: Chuck?
MR. FINNERTY: You can add me.
PRESIDENT DEFAZIO: Go ahead. Anybody else want to be added?
MR. ELLENBOGEN: You can add me.
MR. CATANESE: Ellenbogen. Raise your hand.
Futules, Green Hawkins, Macey.
PRESIDENT DEFAZIO: Chuck, do you want to make a motion?
DR. MARTONI: Yeah. I'll make a motion.
PRESIDENT DEFAZIO: Chuck made the motion on 8952-15. Is there a second?
MR. FINNERTY: Second.
PRESIDENT DEFAZIO: Second. Under remarks?
MR. KRESS: I just want to say I'm just going to abstain because I don't know enough about this. Thank you.
PRESIDENT DEFAZIO: Let's have a voice vote on this.
MS. HEIDELBAUGH: Where is it?
MR. FINNERTY: It's in New Business, the last page.
PRESIDENT DEFAZIO: Go ahead and take a look at it.
MS. HEIDELBAUGH: I have a question.
PRESIDENT DEFAZIO: Go ahead.
MS. HEIDELBAUGH: Was this referred to a committee?
PRESIDENT DEFAZIO: No. This isn't referred to committee.
MS. HEIDELBAUGH: Can you explain why it wasn't referred to committee?
PRESIDENT DEFAZIO: Well, it's a motion supporting postal service workers. We put it out there for everybody, and it's up to everybody to vote it up or down.
MS. HEIDELBAUGH: I know, but why didn't it go to committee for discussion?
PRESIDENT DEFAZIO: Well, because I didn't put it in committee.
MS. HEIDELBAUGH: Oh.
PRESIDENT DEFAZIO: I mean, it doesn't have to go to committee. Now, if it would have been a resolution or something or an ordinance or the other way, we'd have did

it. Okay. Is there any other remarks? Go ahead, Mr. Finnerty.

MR. FINNERTY: I want to say that I support this. I think it's an important motion that we put forth saying that we think that the postal service workers should be doing the postal service work, not a private firm like Staples or Office Max or whatever. I think that's important, and I think that ---. One of the things that we've looked at --- and I think it's important that we take a look at something. I think the one gentleman who was vice president mentioned it, that the Postal Service actually makes \$2.7 billion a year, even though what has been said about the postal service is they're in debt. And it's a very important concept to figure out why this is so. It's so because the, I guess, you would say the U.S. government, maybe the legislators, the Congressmen and Senators, have strapped the postal service and their pension fund to make this --- their pension fund a 100 percent within three or four years, which is --- would put the postal service in a position that they have to put all of this money into this pension fund. No other company or government function --- for example, the teachers, et cetera, their pension fund, no other pension fund has ever been pushed this way. And this has pushed the postal service into a debt. So this is something I think has to be realized as we look at this. We have workers that are making a good wage, and all of a sudden they're not going to be making a good wage or they won't have a job, one or the other. They might have to go work for Staples. And I think this is something that's happening in America, and it's not something that's good for any of us in America where we take a look at ---. We have family-sustaining jobs out there and somehow we're losing them. And we're losing them in this type of a move, which is moving their sustaining jobs away from government and the postal service is part of government, I think, anyhow, even though that can be debatable, into a private sector. And I think it's important that we pass this motion. Thank you.

PRESIDENT DEFAZIO: Seeing no other comments, we could try a voice vote first.

MS. MEANS: No.

PRESIDENT DEFAZIO: What?

MS. MEANS: I'm sorry. Can you explain that? We are going to take a vote of --- one by one?

MR. CATANESE: Would you want a voice vote?
PRESIDENT DEFAZIO: I could to do a voice vote.
I don't have to do a roll call. But if there's opposition
to what I just said, I'll take a roll call.
MS. MEANS: Yeah, we want a roll call.
PRESIDENT DEFAZIO: Okay. Let's go a roll call.
MR. CATANESE: Mr. Baker?
MR. BAKER: Abstain.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Ms. Green Hawkins?
MS. GREEN HAWKINS: Aye.
MR. CATANESE: Ms. Heidelbaugh?
MS. HEIDELBAUGH: No.
MR. CATANESE: Mr. Kress?
MR. KRESS: Abstain.
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. Rae?
MS. RAE: No.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. DeFazio, President?
PRESIDENT DEFAZIO: Yes.
MR. CATANESE: Ayes, 9; no's, 3; with two
abstentions. It passes.
PRESIDENT DEFAZIO: Do we have --- what?
MS. MEANS: Lester is here.
PRESIDENT DEFAZIO: Hold on. Do we have a vote,
motion?
MR. FINNERTY: I was going to ---.
PRESIDENT DEFAZIO: Go ahead.
MR. FINNERTY: We have a speaker.
MR. CATANESE: No, we have a motion.
MS. MEANS: We have a motion.

MR. FINNERTY: I didn't know about it.

MR. KRESS: Yeah. I didn't get this done.

MR. FUTULES: It's not on the agenda.

MR. KRESS: No, it's not ---.

MR. FINNERTY: Why didn't you say you had a motion?

MR. KRESS: I did. I motioned. Microphone work. I have a motion. One, two, three.

MR. FUTULES: Your microphone gave you an F today for failure.

MR. KRESS: Okay. You have before you a Council motion regarding UPMC Highmark basically applauding the efforts or supporting the efforts of the attorney general and the administration of this governor to try to enforce the consent decree against UPMC and I guess Highmark. But basically to bring both of them to a binding arbitration because UPMC has stated that they are going to terminate access to all Highmark Medicare Advantage insureds to their hospitals and their physicians. And the Attorney General has filed a petition, along with the Governor, to bring them to a binding arbitration. And I feel that it's outrageous that UPMC would use these insureds as leverage in their contract negotiations against Highmark. And that's the reason I don't care, Republican, Democrat. I know the Governor is a Democrat. The Attorney General is a Democrat. But I don't care. You know, what they're doing is wrong.

And you don't threaten people, you don't scare people and keep doing this over and over again. They did this back in November. We had a hearing on it, and they were claiming that, you know, UPMC was going to deny access to Highmark insureds and this has got to stop. This has got to be resolved. You know, if you have cancer you shouldn't have to worry about where you go get cancer treatment or if have the right insurance or not. And especially with the consent decree, they state explicitly that the seniors is a vulnerable population, for them to be left alone, and they're not doing that.

And that's the reason why I want to support the Governor and the Attorney General in this matter because I think it's disgusting what they're doing. I really am. It's not UPMC as a whole. I think it's the people at the top. I think there's great doctors and great physicians at UPMC. I don't even want to say UPMC. Maybe just say Jeffrey Romoff. He's got to get his --- he's really got

to come get some sensitivity to people in this area. I really do, because when you're sick, you know, you shouldn't have to worry about can I --- where can I go to get my treatment? And they said they were going to leave these people alone. They're not doing it. So I'd just like to say to everyone on Council, I wish you would support this motion. And thank you.

PRESIDENT DEFAZIO: Jan?

MS. RAE: Thank you. I'd like to make a quick comment about this, especially --- it has such an impact on the people that we represent, the seniors. Allegheny County has the second highest aging population in this entire nation. And because of this local dispute between these two giants, our senior population is really suffering, and are very concerned about the medical care. And the continuum of care was something that I heard over and over again promised by both entities, and now that's not happening. And I think we need to stand up and say, look, you know, we understand that you are the largest employer or you're both these giants in these industries. But we are consumers, and we need to try to protect, you know, the people in this County and this region from what's going on. Thank you.

PRESIDENT DEFAZIO: Do you want to make or do you ---? Well, first of all, you didn't make the motion.

MR. FINNERTY: Yeah, that's right. I'll make a motion.

PRESIDENT DEFAZIO: Who wants to second?

MR. KRESS: All right. I guess I'll second my own motion.

PRESIDENT DEFAZIO: Under remarks Go ahead.

MR. FINNERTY: All right. Thanks. I'd just like to say as one of the seniors --- and there's a few of us up there that are seniors --- that every time I hear about this, this makes me extremely nervous. You don't know, you know, what's going to happen from day to day. My granddaughter was in the hospital, and she was in the hospital because she had a blood clot in her lung. She was in there for three days. My daughter showed me the bill. It was for \$55,000. That's unbelievable. That's totally unbelievable. And you know, and then they got it down to like \$5,000. I'm going like this is amazing. Isn't it amazing? I mean, it was \$55,000 if you didn't have insurance, but you had it, it was only \$4,000 or \$5,000. I'm going like (indicating). You know, if that

was me and I didn't have insurance, it would have bankrupted me. That's what's happening today. You know, so you know, we get people that are in their 60s and 70s and so on, and have a little bit of money in the bank, like \$60,000, \$70,000 or something, and all of a sudden they go to the hospital and they don't have insurance. The next thing you know, they're trying to take their damn house off of them. So you know, this is extremely important for that segment of the population. It's extremely important for every section of the population because of the shenanigans that are going on with these hospitals. It's totally amazing. And then they have enough nerve to say, well, you know, we're not making enough money. They're nonprofits. They don't make profits. No. No. They don't make profit at all. But they have all this extra money, like billions and billions, you know. So I think it's extremely important that we say something in regard to this and back up our Governor and our Attorney General and say, let's get this settled. And maybe our legislators will do something also at the same time. Thank you.

PRESIDENT DEFAZIO: Any more remarks? Seeing none, all those in favor ---.

MR. CATANESE: Mr. President, can I read the caption on this ---

PRESIDENT DEFAZIO: Go ahead.

MR. CATANESE: --- to put it in the record, please. It's a motion of Council of Allegheny County expressing the sense of Council of Allegheny County supporting the actions of Attorney General Kathleen G. Kane, Acting Secretary of Health Dr. Karen Murphy and Acting Insurance Commissioner Teresa D. Miller in their efforts to enforce the consent decree between Highmark, Incorporated and UPMC and to request arbitration through the Commonwealth Court. Sponsored by Council member Kress.

MR. KRESS: Co-sponsors?

MR. FINNERTY: I co-sponsor.

PRESIDENT DEFAZIO: Me, too, Joe.

MR. MACEY: (Indicating).

PRESIDENT DEFAZIO: All right. Let's take the vote. All those in favor signify by saying ---.

MS. HEIDELBAUGH: Roll call. Roll call, please.

PRESIDENT DEFAZIO: Okay. We can take a roll call. I mean, I'm not going to test the water up or down. We can take a roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Abstain.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Ms. Green Hawkins?

MS. GREEN HAWKINS: Aye.

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: Abstain.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rae?

MS. RAE: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 11; no's, 0 with three abstentions. It passes.

PRESIDENT DEFAZIO: Public Comment on General Items. We have one speaker, Lester Ludwig.

MR. LUDWIG: My name is Les Ludwig. I live at 6589 Rosemoor Street in Squirrel Hill, and I'm here with a deep concern for all of our safety. I crossed McKees Rocks Bridge quite by accident because of the detours, and I was coming back across to town and I had --- and the light changed, and I stopped my car and I happened to look down across the bridge, looked down on what, the waterworks. Ladies and gentlemen, next to the waterworks are railroad tracks. What was on the railroad tracks that's broiling me as a food chemist and technologist?

Oil tankers. And we all know what's been in the news lately. And I was one who called attention to it, I think, at City Council, before most of it came out. What are we looking for? I came here to talk about money. Do you realize what we would have to pay for water buffalos and how many, if we could find them, for people to stand in line with jugs to take home enough water to stay alive? What's the matter with our administration that they don't have the guts to stand up and say to the railroad, you will not bring an oil tanker anywhere near a river where we get our drinking water. No excuses, sir, as they say in the Army.

In regards to money, take a look at what the market is doing. I was in the Grant Building today, and I went up and down the elevator four times. I forgot my umbrella. And all the arrows were red and were down. If you're going to need money, if your tax take isn't significant enough, I'm your man. And when are you going to turn around and tell Fitzgerald give the contract to Ludwig. And stop making excuses, Mr. Kress. When you say you're going to have a meeting and then you turn around and you cancel. Come on, let's --- if we're going to go to the dance, let's go to the dance together. I'm sick of it. I'm 82-years old. Play with somebody else's brain, sir. You're a lawyer. Thank you.

MR. KRESS: Can I respond to that?

PRESIDENT DEFAZIO: No.

MR. KRESS: No, we ---.

PRESIDENT DEFAZIO: We don't have time.

MR. KRESS: Just let it roll; okay.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Someone ---?

MR. FINNERTY: Motion to adjourn.

PRESIDENT DEFAZIO: Second?

(Chorus of seconds.)

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

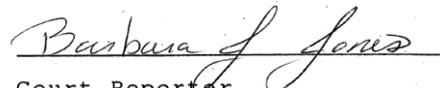
(Ayes Respond.)

PRESIDENT DEFAZIO: The ayes have it. Meeting adjourned.

MEETING ADJOURNED AT 6:47 P.M.

CERTIFICATE

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


Court Reporter