

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

John P. DeFazio	-	President, Council-At-Large
Nicholas Futules	-	Vice President, District 7
Heather S. Heidelbaugh (Via Telephone)	-	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 (Via Telephone)
Dr. Charles J. Martoni	-	District 8
Robert J. Macey	-	District 9
William Russell Robinson	-	District 10
James Ellenbogen	-	District 12

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

Tuesday, September 8, 2015 - 4:59 p.m.

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

IN ATTENDANCE:

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

PRESIDENT DEFAZIO: Rise for the Pledge of Allegiance of the flag and remain standing for a moment of silent prayer or reflection. After me ---.

(Pledge of Allegiance.)

MR. ELLENBOGEN: Can't hear anything.

MR. CATANESE: No one said anything yet,  
Councilman.

MR. PALMIERE: Yeah. I can't hear anything.  
Hello?

PRESIDENT DEFAZIO: Roll call.

MR. CATANESE: Mr. Baker?

MR. BAKER: Here.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Ms. Green Hawkins?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

(No response.)

MR. CATANESE: Ms. Klein?

(No Response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Here.

MR. CATANESE: Mr. Macey?

MR. MACEY: Present.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Here.

MR. CATANESE: Ms. Means?

MS. MEANS: Here.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Here.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Here.

MR. CATANESE: Twelve (12) members currently  
present. I thought I heard Ms. Heidelbaugh.

MS. HEIDELBAUGH: Mr. Catanese, I can't hear  
you. I'm on the phone as well.

MR. CATANESE: Okay. I hear you now.

MR. PALMIERE: I can't hear you either, guys.

MR. CATANESE: Well, we know you're here. I got you down.

MR. PALMIERE: Okay. Thank you.

PRESIDENT DEFAZIO: Proclamations and Certificates. 9145-15, and the rest will be read into the record.

MR. CATANESE: Proclamation recognizing Moon Area High School Senior, Mr. Stephen Englert, Jr. for creating a basketball tournament at the South Park Fairgrounds to benefit the American Heart Association and declaring Saturday, September 12th, 2015 to be "Hoops, Heart 'n' Heroes Day" in Allegheny County. Sponsored by Council Members Baker, Means, DeFazio and Palmiere.

9146-15. Proclamation thanking Thrill Mill, Inc. for creating an annual festival dedicated to supporting local entrepreneurs and declaring Saturday, September 26th, 2015 to be "Thrival Day" in Allegheny County. Sponsored by Council Member Baker.

9147-15. Proclamation recognizing Pittsburgh's ice cream music festival, DreamOn Fest, for bringing the community together to support entrepreneurship training benefiting local high school students. Sponsored by Council Members Heidelbaugh, DeFazio, Ellenbogen, Green Hawkins, Klein, Macey, Martoni, Robinson and the County Controller.

9148-15. Proclamation recognizing the Gladstone High School Reunion celebrating the class of 1965 on September 12th, 2015 at the Grand View Golf Club. Sponsored by Council Member Klein.

9149-15. Certificate of Recognition presented to St. Paul A.M.E. Church in McKeesport upon the momentous occasion of its 150 anniversary. Sponsored by Council Member Macey.

9150-15. Proclamation congratulating the Borough of Chalfant as it celebrates 100 years as a community. Sponsored by Council Member Martoni.

9151-15. Proclamation recognizing the 2015 Health Care Heroes Finalists and thanking the individuals and organizations that make this region one of the premier health care centers in the world. Sponsored by Council Members Means and Macey.

9152-15. Proclamation honoring in memoriam Armon Louis Gilliam, a native of Bethel Park, and

professional basketball player who played 13 seasons in the NBA. Sponsored by Council Member Means.

9153-15. Proclamation congratulating the Borough of Bradford Woods upon the momentous occasion of its 100th anniversary. Sponsored by Council Member Rea.

9154-15. Proclamation honoring in memoriam Mrs. Elsie Hillman, beloved philanthropist and political activist. Sponsored by Council Members Rea, Baker, DeFazio, Ellenbogen, Finnerty, Futules, Green Hawkins, Heidelbaugh, Klein, Kress, Macey, Martoni, Means, Palmiere and Robinson.

PRESIDENT DEFAZIO: Public Comment on Agenda Items. The first speaker is Gwen Chute.

MRS. CHUTE: Hello, once again. Gwen Chute, 904 Valleyview Road, Mount Lebanon.

Please bear with me while I attempt to connect some dots concerning an important decision you will make this evening.

The website of the Allegheny County Health Department informs us that the Department is charged with assuring quality public health services, promoting wellness, and please listen carefully to this last part, protecting Allegheny County's citizens from harmful effects of environmental pollution.

I have also learned that the Air Pollution Control Advisory Committee, a Health Department committee, hereafter referred to simply as the Advisory Committee, recommends additions and changes to rules and regulations and advises the Department and the Board of Health on matters of air quality in Allegheny County. This is the committee for which Chester Babst is seeking and has gained a nomination by the County Executive to fill a vacant seat. Rich Fitzgerald appoints all members of the Advisory Committee. No surprise, then, that Chester Babst has recently given a \$10,000 donation to support the County Executive's re-election. That most certainly entitles Mr. Babst to an important seat on the Advisory Committee; you scratch my back, I'll scratch yours. This is the way the County Executive likes to do business. Pay to play.

Now, let's take a look at Mr. Babst's qualifications for the seat he seeks. With his background defending Shenango against a citizens' lawsuit based on that company's violations of the Clean Air Act and Babst Callan's plans for an infomercial designed to help the gas

industry manage municipal ordinances on fracking, it is clear that Chester Babst would be in a perfect position to protect the coal and gas industries from annoying municipal ordinances that aim to impose inconvenient regulations on these polluting industries.

But wait. Didn't we just say that the responsibility of the Health Department is to protect citizens from the harmful effects of air pollution? And isn't the Advisory Committee a committee of the Health Department? Maybe I've got things backwards, but what I'm seeing is a blatant and egregious conflict of interest. Do you see the problem?

Whether yes or no, I say to you that it's your duty as members of the legislative branch of your esteemed county government to do what you can to deny this protector of pollution a seat on the Advisory Committee by voting against his appointment. That way, when Rich Fitzgerald ignores your vote and appoints Mr. Babst to the committee, your conscience, at least will be clear. Thank you.

PRESIDENT DEFAZIO: John Detwiler.

MR. DETWILER: Thank you, Mr. President. John Detwiler, 5723 Solway Street, Pittsburgh.

The reappointment of Mr. Babst to the Health Department directly affects my concern for the health of the County's parks and its people. But I'm going to talk about problems that have been raised in the Government Review Commission under the County's Home Rule Charter, problems which are demonstrated in this appointment, problems of ethics and concentration of power.

As you know, particular questions about ethics arose over Council's handling of fracking at Deer Lakes Park. So far there's been no determination that laws were broken, but ethics doesn't begin or end with the law. When I talk with a grandchild, I'm not worried about whether he'll obey the law. I want him to become a decent, ethical adult true to his own values, answerable for his own actions, ready to answer to himself, his community and to the God of his own understanding, not to cut corners, not to bully or gang up on others, not to enrich himself at their expense.

In that light, I'm sure that Mr. Babst's appointment would be legal. But is it ethical? You know Mr. Babst's role regarding the Shenango Coke Works, indisputably one of our biggest sources of air pollution.

His firm, Babst Calland, represents DTE, the owner of Shenango. Nothing evil about that, per se. Everyone deserves a lawyer. And Mr. Babst serves personally as the lead attorney for DTE Shenango in its ongoing years-long battle with the Health Department over compliance with negotiated consent decrees.

Nothing wrong with that, either, as long as he isn't also advising the Health Department. Did the Appointments Committee --- Appointments Review Committee discuss that conflict? Did you mention the thousands and thousands of dollars from payments --- of payments to the Friends of Rich Fitzgerald from Babst Calland's pack? And did you also review Mr. Babst's concurrent role as the solicitor for ALCOSAN? Do you know how much Babst Calland bills ALCOSAN every month? Or did the Committee ask Mr. Babst for the text of a speech he's making next week at the Marcellus Trade Show, Marcellus Shale Trade Show? It's an infomercial for a Babst Calland specialty, advising drillers about any emerging municipal efforts to manage activities such as fracking. You don't need a secret decoder ring to know what that means. Babst offers to help clients defeat, and if it comes to that, to thwart community zoning measures. Nice work if you can get it. Use tonight's appointment to work on behalf of your clients inside the Health Department where belligerence is Mr. Babst's personal stock and trade, and then tout your close municipal connections when trolling for more industry clients.

Is this sort of double dealing ethical, or is it just politics as usual here? Well, that's a judgment call, of course. My question tonight is does this Council exercise judgment? Or according to testimony at the Review Commission, does Council simply rubber stamp every appointment holding a fig leaf over the naked power of the Executive? If you care about the future role of County Council, a long, hard look at Mr. Babst's appointment would be a good place to start.

PRESIDENT DEFAZIO: Okay. Next, we have Thaddeus Popovich.

MR. POPOVICH: Good evening. It's good to be here again, I think. My name is Thaddeus Popovich, and I live at 6606 Virginia Avenue in the Borough of Ben Avon. I am a co-founder of ACCAN, Allegheny County Clean Air Now.

Yesterday, Labor Day, I planned to have breakfast out on the patio and then take the dogs for a walk through the neighborhood. Maybe I should have invited Mr. Babst to join me. He, too, would have smelled the odor of partially burnt coal reminiscent of the odors created when our fathers, his and mine, would bank the fires at night in our home coal furnaces.

Next, we would have retreated into my air conditioned home, yet we still would have a lingering, burning sensation in our throats and our lungs as we finished our breakfast and coffee. We would have discussed the source of that smell and quickly conclude that it must be the DTE Shenango Coke Plant. Who else would be burning dirty coal, especially when the AQI, Air Quality Index, forecast was for a yellow/orange day that day.

Did I just say dirty? DTE Energy, the owner of the Shenango Coke Plant, is one of the Dirty-Thirty Fortune 500 companies that spend big on lobbying and avoid taxes. From 2008 to 2010, the Dirty-Thirty spent close to a half a billion dollars to lobby Congress on issues including tax policy. During that same time period, these companies received \$67.9 billion in tax subsidies. How did DTE Energy fair? It spent \$4.4 million in lobbying expenses, but paid out less than that. Okay? How could it pay less than nothing on its profits? It was given \$909 million .9 million of subsidies. Wow.

I can only speculate what goes at the state and local levels. I really wish that Mr. Babst would have more carefully considered his decision to represent DTE Shenango. Maybe he could have met with us ACCAN citizens first and instead file an amicus brief to support GASP on our side of the fence.

As a note, we believe that Pittsburgh is not a livable city until we clean up our air. And a final note, we traveled north 16 miles that day to the Arley Campus in Cranberry Township to walk the dogs. The air was clean smelling and fresh there. It was not in my community. How bad is that? Thank you.

PRESIDENT DEFAZIO: Next --- the final speaker is Ed Chute.

MR. CHUTE: Ed Chute, 904 Valleyview Road, Mount Lebanon. Once upon a time, actually about the 7th century before the common era, a wolf was lapping at a spring on a hillside. When looking up, what should he see but a lamb

just beginning to drink a little lower downstream. There's my supper, he thought. If only I can find some excuse to seize it. Then he called out to the lamb. How dare you muddy the water which I am drinking? Nay, Master, nay, said lambkin. If the water be muddy up there, I cannot be the cause of it for it runs down from you to me. Well, then, said the wolf, why did you call me bad names this time last year? That cannot be, said the lamb. I am only six months old. I don't care, snarled the wolf. If it was not you, it was your father, and with that he rushed upon the poor little lamb and ate her all up.

A similar ancient Roman maxim, *ovem lupo committere*, is the classic as for our monetary maxim, set the fox to guard the henhouse, as well as a similar warning rebuttal from Jesus to the Pharisees about Herod. The warning, of course, is do not put someone in a position where he or she will be tempted to do wrongdoing. In short, don't assign a job to someone who will then be in a position to exploit it for his or her own purposes. In short, it certainly isn't good government when somebody is put in charge of a job when they have a conflict of interest.

Put another way, such maxims suggest that governmental, corporate and industrial self-regulation does not serve the interest of citizens within a democracy. Putting an insider such as Chester Babst, or in this instance, approving his renomination by the County Executive onto the Allegheny County Health Department's Air Pollution Control Advisory Committee, is typical government doublespeak, that is to say, the game is rigged. And there is nothing you can do about it because Allegheny County's government is complicit in continuing and increasing our well-documented air pollution which daily harms our citizens, especially our children with asthma. Asthma is, of course, the primary reason for school absence in Allegheny County.

Once again, I ask you, our County Council members, have you done your homework about such things as this or are you lambkins willing simply to follow the leader in all things?

Incidentally, I didn't actually finish Aesop's famous fable of the wolf and the lamb for you. It ends, as do all of Aesop's fables, with a moral to the story which in this instance is quite political and purpose ---.

Before the lamb died, she gasped out, any excuse will serve a tyrant.

PRESIDENT DEFAZIO: We have one more speaker with a confirmation, so that's Angelo Taranto.

MR. TARANTO: My name is Angleo Taranto, and I live at 11000 Park Plaza Drive in Ross Township. I'm a member of the Allegheny County Clear Air Now. After testifying at your August 18th Council meeting, I was disappointed to hear that the Nominations Committee has recommended the renomination of Chester Babst to the Air Pollution Control Advisory Committee of the Health Department. I am here to request again that you reject his renomination.

The purpose of this Committee is to recommend to the Board of Health additions and changes to the rules and regulations, and to advise the Department and the Board of Health on matters relative to the management of air quality in the County. Allegheny County Executive Rich Fitzgerald appoints all members to this committee. Mr. Babst's law firm, Babst Calland, made a donation of \$10,000 to the Friends of Rich Fitzgerald this year and now he is up for renomination to the Air Pollution Control Advisory Committee where he can advocate for regulations that will go easy on the DTE Shenango Coke Plant, one of his industrial consultants.

Mr. Babst is the lead attorney defending DTE Shenango against the citizens' lawsuit filed on our behalf under the Clean Air Act by the Group Against Smog and Pollution. DTE Shenango continues to operate its plant irresponsibly. They claim that the health and safety of our community is always a top priority, but they continue to violate air quality regulations. They claim that the air quality in the area has improved, however, they had 112 violations in the first quarter of 2015 in just three categories of emission. Those violations increased to 211 in the second quarter of 2015, and there is a trend of increasing violations. They tell us about the millions they have spent and will spend on improvements, but the soot and odors in the community persist. They try to convince us that things are getting better when we can see and smell that they aren't.

Are the interests and profits of Mr. Babst's clients more important to him than the protection of the quality of life and the health of Allegheny County residents? We could not trust advice that Mr. Babst would

offer as a member of the Committee because he represents DTE Shenango that is polluting our communities, making people sick and negatively impacting quality of life with offensive odors and soot. Mr. Babst does not belong on the Health Department's Air Pollution Control Advisory Committee and we are again asking you to reject his renomination. Thank you.

PRESIDENT DEFAZIO: Unfinished Business. Committee on Appointment Review, Second Reading. 9104-15.

MR. CATANESE: Approving the reappointment of Chester Babst to serve as a member of the Air Pollution Control Advisory Committee for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan?

MS. REA: Thank you, Mr. President. The Committee met and recommends the reappointment of Mr. Babst to the Air Pollution Control and Advisory Committee. And I'd like to make a motion to have him reappointed.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Did you have your hand raised?

MR. FINNERTY: Yes, I did. Thank you. We heard a lot of talk here sort of making insinuations against an attorney that is considered one of the best attorneys in America. He's the best lawyer in 2012, a Pittsburgh environment law lawyer of the year. This gentleman is one of the top authorities on the Clean Air Act issues and handling complex permitting. That's a very important thing. And also, we want to take a look at other things about the Board. You know, GASP has an attorney on this Board. I think we talk about balance when we talk about a Board. We want both sides of the story. They're going to give advice. That's what they do. But that doesn't mean the Health Board has to do it.

I think it's important that you have balance. You have somebody that represents some of industry. By the way, I represent Neville Island and Neville Island is where Shenango is. I also represent Avalon which is across the river from it. And I understand that sometimes there is release, but I've also been to Shenango three times. And I think it's important that we, as people, when we talk about something, we go and find out about it, and I did. And they have improved over what it was. It's not perfect, just like Clairton isn't perfect. But it's --- we need --- if anything, we need balance. And

the gentleman is a tremendous attorney, Chester Babst. He's recognized all over the United States for the Clean Air Act and his knowledge of it.

To sit here and to listen to people say, well, he can't possibly do that because he represents Shenango or he represents other industries. You know, you have people on that Board that represent industry. EQT, there's an attorney on that. There was none of this for that. I don't understand where this is coming from. All of a sudden we're attacking somebody. We have people up here that are attacking people without any substantial facts. Insinuations. I insinuate that because he did this, he can't do that. You don't know that. Stop and think about it. Get the facts.

I mean, the gentleman is an outstanding attorney and that is very important, that we have outstanding people that can sit and discuss things and get things right. I think that's extremely important. Definitely I will vote for this gentleman. Thank you.

PRESIDENT DEFAZIO: Sue was next.

MS. MEANS: It is definitely a very important job that we have when we interview people in Appointment Review. If you look at the Allegheny County organizational flowchart the only thing that is under us in a broken line are Boards and Authorities. So these are really important appointments. And it is difficult to ask hard questions. It truly is. And I can understand, but we're the government. We need things to be open and transparent, and we need to ask hard questions. That's our job.

I have been very impressed with the other people that we've interviewed that serve on this --- on the Air Pollution Advisory Committee. I've been so impressed that we have people in industry and people in environment that work together for the common good. And I also voted for the change in the Board because the Board had to be 15, now it's only 9 members, and before only a third could represent industry. But when I shared my concerns with the Board of Health about the decrease in the number of people that would serve on this committee --- and also, you know, waiving the requirement that there not being more than a third that represent industry, I was told that if the balance was out of kilter, we would hear from the people. So we heard from the people. I heard from the people.

And so again, it was hard to ask Mr. Babst hard questions, but I did, and I was very disappointed because he was very feisty and argumentative. I wasn't attacking his character. I was asking for explanations.

I want to tell a short story. Just bear with me. You know, you go to the bank and there's a new teller. And the new teller says, hey, Sue, I need to see your ID before I cash this check. And I say, great. That's wonderful. Do your job. Make sure nobody is in here passing one of my checks off as their own. I think that's great. And then the next person comes up to the teller and they say, hey, Mr. Smith, I need to see your ID. And Mr. Smith says, how dare you ask me anything? You're questioning. I've come here for 30 years. I'm a valuable customer of this bank. How dare you ask me for ID? That's what happened when I asked Mr. Babst very hard questions. It will be a no. Thank you.

PRESIDENT DEFAZIO: Any other comments?

MR. BAKER: Mr. President?

PRESIDENT DEFAZIO: I don't know who was first. We'll go down to the end.

MR. BAKER: To me this is one of the harder votes. I've been on Council for 21 months now, and this is one I really thought through. I probably thought through for four or five hours --- which I asked Sue if that's embarrassing to think through something on Council for four or five hours. She said that's okay. It was a hard one. I spent a nice Friday morning with Ted and with Angelo that are back there from Ben Avon and from Ross. And I would recommend it to anyone. I know Mr. Finnerty, Councilman Finnerty, has been to Shenango a couple of times, but we went together the one time with DTE.

They, Angelo and Ted, they have seats up there. I guess what's hard for me is that for the last eight years I've spent my life telling people that is you became a billionaire and could do whatever you wanted, for any cause you wanted to fight for what would you fight for? Angelo and Ted fight that fight. John Detwiler fights the fight. The Chutes fight that fight.

I was just inspired. I think what they're doing is incredible. I might disagree with them on issues 80 percent of the time, but I'm just very impressed by their sincerity. So I wrote back Ted earlier today and told them how I would be voting tonight. But that I just appreciate that he tries. That he fights the fight.

I was glad to hear that there is a GASP attorney on this Board already. I think it should be made up of thought leaders. Is Mr. Babst a thought leader? Yes. Is Mr. Detwiler a thought leader? Yes, you are. Do you want to be, Mr. Detwiler? You do. You are a thought leader on this, right, so I think the Board should be made up --- the Committee, the Advisory Committee --- and again, we should always remember that it is --- an Advisory Committee should be made up of the thought leaders.

So after much, much thought, I am a yes, but I think it's a hard decision. I'm guessing a lot of us on Council might have had a tough decision coming to this point. I woke up this morning and talking to my wife about it a ton, saying I thought it might come down to an 8/7 vote or 7/6 depending on what attendance is like tonight. I am a yes, but --- and I mean this really sincerely. Even if I disagree with some of the folks that come and testify at our meetings, I just want --- thank them for what they do. I think it's really --- I really just appreciate that you fight for what you believe in, that you spend your time doing this work. And I would just encourage anyone on Council not just related to this Mr. Babst issue, but in general with what's going on in our community. Mr. Finnerty has done some tours. I would encourage anyone to spend a morning with Ted and with Angelo, and go out there and see what --- the work that they're doing and what they're trying to do because I think it is commendable. I'm still a yes, but I do support and thank them for their efforts.

PRESIDENT DEFAZIO: Representative ---.

MR. BAKER: Which means nothing to them now, but I thank you anyway.

PRESIDENT DEFAZIO: Representative Futules.

MR. FUTULES: Thank you. I'll be brief. I know Mr. Babst. I would never question his integrity, his character or his judgment. He's an outstanding lawyer and he's a leader in his field. He's also a member of the Parks Foundation. For those of you that don't know that. And this is a foundation that does good things for county parks. He helps raise money. He helps form projects to make this place a better place. And I have no doubt, in my mind, that I think he's a great person. And I am a yes vote. Thank you.

PRESIDENT DEFAZIO: Seeing no other comments, we'll take a vote. All those in favor signify by saying aye.

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed?

MS. MEANS: Roll call, please.

PRESIDENT DEFAZIO: What?

MS. HEIDELBAUGH: Abstain.

MS. MEANS: Roll call, please

PRESIDENT DEFAZIO: You want to do a roll call?

MS. MEANS: Yes.

PRESIDENT DEFAZIO: Go ahead. Do a roll call.

MR. CATANESE: It's on Bill 9104-15.

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?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Abstain.

MR. CATANESE: Ms. Klein?

(No response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: No.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Nay.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 10; nos, 2, one abstention.

The bill passes.

PRESIDENT DEFAZIO: 9106-15.

MR. CATANESE: Approving the reappointment of Deborah Lange to serve as a member of the Conservation District Board for a term to expire on December 31st, 2018. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan.

MS. REA: Thank you, Mr. President. The Committee met and recommends the reappointment of Deborah Lange to the Conservation District Board. I make a motion to reappoint her.

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. 9108-15. No, wait a minute. 9107-15.

MR. CATANESE: Approving the appointment of Anthony J. Ross to serve as a member of the Regional Asset District Board for a term to expire on December 31st, 2015. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan?

MS. REA: Thank you, Mr. President. The Committee met and interviewed Mr. Ross to be appointed to the Regional Asset District Board, and I make a motion to appoint him.

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. 9108-15.

MR. CATANESE: Approving the appointment of Keith Kaufold to serve as a member of the Drug and Alcohol Planning Council of Allegheny County for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea?

MS. REA: Thank you, Mr. President. The Committee met and interviewed Mr. Kaufold and recommends him for appointment to the Drug and Alcohol Planning Council. I make a motion to appoint him.

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9110-15.

MR. CATANESE: Approving the appointment of Carmen Burrell to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and interviewed Carmen Burrell and recommend that she be appointed to the Area Agency on Aging Advisory Council. And I make a motion to reappoint her --- or no, to appoint her.

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9111-15.

MR. CATANESE: Approving the appointment of Floyd Cephas to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and interviewed Mr. Cephas for an appointment into the Area Agency on Aging Advisory Council. And I make a motion to appoint him.

MR. FINNERTY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9113-15.

MR. CATANESE: Approving the appointment of Mary Ann Sander to serve as member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and interviewed Ms. Sander for an appointment on the Area Agency on Aging Advisory Council. And I make a motion to appoint her.

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9114-15.

MR. CATANESE: Approving the appointment of Dr. Fengyan Tang to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and interviewed Dr. Tang for an appointment on the Area Agency on Aging Advisory Council. And I make a motion to have Dr. Tang appointed.

MR. FINNERTY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9115-15.

MR. CATANESE: Approving the appointment of M. Francesca Chervenak to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and interviewed Ms. Chervenak for an appointment to the Area Agency on Aging Advisory Council, and I make a motion to appoint her.

MR. MACEY: Second.

MR. FINNERTY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it.  
9116-15.

MR. CATANESE: Approving the appointment of James Fawcett to serve as a member of the Area Agency on Aging Advisory Council for a term to expire on December 31st, 2017. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Jan. Representative Rea.

MS. REA: Thank you, Mr. President. The Committee met and we interviewed Mr. Fawcett for an appointment to the Area Agency on Aging Advisory Council, and I make a motion to appoint Mr. Fawcett.

MR. FINNERTY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Committee on Budget and Finance, Second Reading. 9122-15.

MR. CATANESE: A Resolution of the County of Allegheny amending the Grants and Special Budget for 2015, Submission 07-15. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Finnerty?

MR. FINNERTY: Thank you, Mr. President. This was released from Committee with a positive recommendation, and I'd like to move it.

MR. MACEY: Second.

PRESIDENT DEFAZIO: Under remarks? Seeing none, 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?

(No response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Ms. Klein?

(No Response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 13; nos, 0. The bill passes.

PRESIDENT DEFAZIO: 9138-15.

MR. CATANESE: A Resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2015, Submission 08-15. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Representative Finnerty.

MR. FINNERTY: Thank you. Again, this was released from the Committee with a positive recommendation, and I'd like to move it.

MR. MACEY: 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?

(No Response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Ms. Klein?

(No Response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. DeFazio, President?

PRESIDENT DEFAZIO: Yes.

MR. CATANESE: Ayes, 12; nos, 1. The bill passes.

MS. MEANS: Point of Order.

PRESIDENT DEFAZIO: Yes.

MS. MEANS: Mr. President, I would like to make a motion to move into executive session at this time.

MS. HEIDELBAUGH: Second.

MS. MEANS: My First Amendment right to free speech and my ability to serve my district is being jeopardized by a serious personnel problem and a lack of decorum in meetings.

Now, according to our Rules of Council, Council may, during the course of a regular meeting, recess at that meeting and convene an executive session with an affirmative vote of the seated members of Council.

PRESIDENT DEFAZIO: I see your e-mail here. You're talking about a serious personnel matter impacting my ability to do my job. Second, to discuss the decorum of Committee meetings and Council meetings. But here you're saying only Council members may be present. If we're going to have these types of meetings, the three directors and our solicitor would have to be in the meeting.

MS. MEANS: Sir, if we are going to talk about ---

PRESIDENT DEFAZIO: People. We like to ---.

MS. MEANS: --- conditions of employment, Sunshine Act says if we're going to talk about conditions of employment and evaluations of performance, then we can meet just as a Council. We don't need to have staff there.

PRESIDENT DEFAZIO: You're going to talk ---?

MS. MEANS: We should discuss this in private.

PRESIDENT DEFAZIO: No. I'm telling you now --- I'm saying that if you're going to be talking about personnel and situations with your job, we have to have the people present to answer the other side of the question. Okay? So if you want to have the meeting we have to have these people present. So that's my decision.

MR. MACEY: John?

PRESIDENT DEFAZIO: Yeah, Mike.

MR. FUTULES: Point of order.

MR. FINNERTY: I believe that there has to be a vote on this to have this executive session, ---

PRESIDENT DEFAZIO: Yeah, that's ---.

MR. FINNERTY: --- if I'm not mistaken.

MS. MEANS: That's correct.

MR. FINNERTY: Also, I don't mind having it, but I think we should have it after the meeting, not during the meeting. We have a lot of people here that came to see what's going on, and to have it in the middle of the meeting, in the middle of our work, I think is the wrong time. And I think it should be after the meeting.

PRESIDENT DEFAZIO: Well, you're right about we do have to have a vote on this situation. So in order to go forward --- you're recommending to do it now?

MS. MEANS: Well, I can withdraw that if more members would like to have it afterwards.

PRESIDENT DEFAZIO: Okay.

MS. MEANS: I would be amenable to that as long as ---.

PRESIDENT DEFAZIO: Yeah, you can have it afterwards, but as long as you --- the last part of this, I said we have to have the three directors involved and our solicitor. So if you want to do it that way, we'll have it after the meeting. All right?

MS. MEANS: All right.

PRESIDENT DEFAZIO: Okay. Let's go on with ---.

MS. HEIDELBAUGH: Please make accommodations for those of us on the phone to attend by phone on that, please.

PRESIDENT DEFAZIO: No, not on executive meetings. You never know who's on the phone. You have to be present for that. I don't know who's listening on the phones or what.

MS. HEIDELBAUGH: Mr. Catanese can call me on his cell phone. He already agreed to that.

PRESIDENT DEFAZIO: Who agreed to it?

MS. HEIDELBAUGH: Mr. Catanese. I talked to him earlier today. He said he would call me on his cell phone.

MS. MEANS: I will.

PRESIDENT DEFAZIO: Wait. Hold it. Hold it. Joe, did you meet or talk to her about that?

MR. CATANESE: I didn't agree to call on a cell phone. I said she can call my cell phone if she can't get contacted into this phone.

PRESIDENT DEFAZIO: That's altogether different. He disagrees with what you said, Heather.

MS. HEIDELBAUGH: Well, your concern was about security so someone can call me on my cell phone.

PRESIDENT DEFAZIO: I said you have to be present. I'll talk to our solicitor. Jack, am I out of line with that?

MR. CAMBEST: Obviously, for executive session we have to be very careful about that. Whether it's a cell phone or a regular phone, it doesn't matter.

PRESIDENT DEFAZIO: Okay. So let's move on with ---.

MS. HEIDELBAUGH: Someone can call me on the phone.

PRESIDENT DEFAZIO: No, he just got done --- I give my decision and I also went to our solicitor.

MS. MEANS: Didn't the solicitor just say yes to the cell phone?

PRESIDENT DEFAZIO: He said no. I mean, quit ---.

MS. MEANS: Fine.

PRESIDENT DEFAZIO: Okay. Let's move on. We ended up --- no, she dropped it. We're going to do it afterwards. We ended up, Joe, is it on 8959? We never voted.

MR. CATANESE: No, we never read it yet.

PRESIDENT DEFAZIO: Okay. Go ahead.

MR. CATANESE: 8959-15. An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the purchase of real property needed to extend Harrison Hills Park and for the purpose of eventually connecting the Butler Freeport Trail and Baker Trail to Harrison Hills Park and the Rachel Carson Trail. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Mr. Futules?

MR. FUTULES: Yes. The Parks Committee met and we had a positive recommendation to send this to the full Council for your consideration. I make a motion to approve.

MR. FINNERTY: Second.

PRESIDENT DEFAZIO: Under remarks? Sue?

MS. MEANS: I just want to thank the administration for sending me the assessment of the property. I really appreciate it very much. And I think it's a real buy. And I do have one quick question. Whenever we purchase this land and then the Rachel Carson Trail uses our land, do we have any kind of contractual

agreement that they'll maintain it? Or do they own the land, or do we own the land that they have the trail on? I mean, obviously, it's our land, but is the trail part ours or theirs? I guess that's my question.

MR. FUTULES: I believe we own it, the County. We're purchasing it. It'll be part of the park system. If I'm wrong, I can be corrected.

PRESIDENT DEFAZIO: Go ahead.

MS. MEANS: And they make a commitment to maintain it, to keep it pristine? Do they?

MR. FUTULES: I imagine so. Mr. Baechle, would you like to comment? With the President's permission, of course.

MR. ELLENBOGEN: He's only been here a year and he got a Baker Trail. Me and Mike been here for years and we've got nothing yet. What's up with that?

PRESIDENT DEFAZIO: Go ahead.

MR. BAECHLE: We do not have an agreement yet for the Rachel Carson Trail to maintain the trail, but we certainly can do that.

PRESIDENT DEFAZIO: Okay. Any other questions? Seeing none, we'll have a roll call vote.

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?

(No Response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: Yes.

MR. CATANESE: Ms. Klein?

(No Response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.

MR. CATANESE: Ms. Means?

MS. MEANS: Yes.

MR. CATANESE: Mr. Palmiere?

MR. PALMIERE: Yes.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. DeFazio, President?  
PRESIDENT DEFAZIO: Yes.  
MR. CATANESE: Ayes, 13; nos, 0. Bill passes.  
PRESIDENT DEFAZIO: 9045-15.

MR. CATANESE: A Resolution of the Council of Allegheny County, Pennsylvania, made pursuant to the Local Economic Revitalization Tax Assistance Act, LERTA, Pa. Statute, Title (sic) 72, Section 4722, et seq, 1995, as amended, providing for; a program of temporary exemption from increase in Allegheny County Real Property Taxes, for a specified time periods, resulting from improvements made by an owner of the property located within Ward 3, The Uptown neighborhood within the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania, previously determined to be a deteriorated area; establishing a schedule for exempting increase in Allegheny County property taxes resulting from such improvements; and prescribing the requirements and procedures by which an owner of property located within the deteriorated area can secure the temporary exemption resulting from such improvements. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: Whose committee? Was that Mike?

MR. FINNERTY: Yeah. I substituted for the Committee Chairman Green, Green Hawkins, for this. We released this with a neutral recommendation, and we said that we needed a letter saying that the school district, Pittsburgh School District, and the City of Pittsburgh were with this LERTA. And we did receive that if you looked at your e-mail today. I do have a copy for everybody. But it is 19 pages long. Either go through --- the first two are the important pages, but the rest are exactly what they go through, the URA, to okay this. So if we can get them passed out, Mr. Szymanski? And you can take a look at it and you have some questions. I know you have some questions, but take a look at it first.

MS. MEANS: I have a copy.

MR. FINNERTY: Oh, you got it. Okay. Good. All right. I didn't know if everybody had it. Using the front and back to save paper, whoa.

First of all, if I could, Dave Laffey is here and he represented Castlebrook Development Group, so if you want to explain a little bit about it. And then we'll get into the other part of it. You have a picture; don't you? Yeah. That would be good.

MR. LAFFEY: Yeah. This project is ---.

MR. FINNERTY: Here, you can just pass it around and you can look at it.

MR. LAFFEY: This project is about five years in the making. We have --- we purchased five different parcels from a member of The Uptown community, a landholder in The Uptown community that has a number of parking lots. And we are investing over \$14 million into revitalizing this into a 74 unit market rate apartment building. The Uptown community hasn't seen any private investment to this magnitude in at least 50 years. We are happy to be a part of it and look to, you know, continue our investment into the future in this neighborhood.

MR. FINNERTY: What lot is that?

MR. LAFFEY: It's --- you know what? I have a ---.

MR. FINNERTY: Oh, okay, that would be great. Oh wait, give it to Joe and Joe will pass it out for you.

MS. HEIDELBAUGH: Can the speaker please speak into the microphone. He can't be heard.

MR. FINNERTY: Okay. He will.

MR. LAFFEY: I'm sorry. I was passing out a few maps.

MS. HEIDELBAUGH: Thank you.

MR. FINNERTY: Certainly.

MR. LAFFEY: The red rectangle, there's two maps attached to the handout. One is kind of zoomed out where you can see Consol Energy Center, Duquesne University, Mercy Hospital. And the other one is more zoomed in where you can see exactly its proximity to the Gulf Station and Dinwiddie's and the intersection.

MS. MEANS: Thank you.

MR. FINNERTY: Thanks for bringing this. That really puts in a much better perspective.

MR. LAFFEY: It was a little difficult trying to point it out on the County map.

MR. FINNERTY: Well, I used to live on Miltenberger so I'm familiar --- when I went to school at Duquesne. Okay. We do have some questions so I think the

questions are probably going to have to be answered by Mr. Hurley.

PRESIDENT DEFAZIO: Sue?

MR. FINNERTY: Sue.

MS. MEANS: Yes. So I did look over this 19-page document, and I do appreciate that we got it. I don't see --- this is the URA. It's from them, it's not from the school district saying they've already voted and they're going to support. They voted to --- did the school board meet? Did the school board approve this LERTA?

MR. HURLEY: Councilwoman, the school district and the City do not vote on these. They have a 10 year as of right LERTA Program.

MS. MEANS: Okay.

MR. HURLEY: The County used to participate in it. It ran from 2003, and we opted out at the end of 2012. At that time, we went to the specific spot LERTAs based on individual projects so that the County Council had an opportunity to look at each project rather than just having an at-will approval process. So you actually get a look at it. The school district and the City have this as an enabling legislation. They actually have seven different programs for tax abatements, five of which are tax amendment programs. This falls into one of those. If it is submitted and in a district that meets all the qualifications of the legislation it is an at-right approval. And if the URA sends us that letter indicating such, that they've met all the conditions, they are entitled to it. We then are the third body to look at it, and with your approval and the vote by Council, we then can participate. Without a Council vote, we don't participate.

MS. MEANS: So what you're saying, Mr. Hurley, --- and again thank you for answering my questions --- is that if the URA said they have met all the criteria, then the school district is okay with it?

MR. HURLEY: Correct.

MS. MEANS: And the City?

MR. HURLEY: In this case, there are two LERTA programs, one with the school district that is a sliding scale --- they get 100 percent of abatement for years ten and nine, and it goes down ten percent each year. The City's is a 100-percent abatement for ten years.

MS. MEANS: Okay. May I ask another question, Mr. Chairman? Mr. President?

PRESIDENT DEFAZIO: Go ahead.

MS. MEANS: Okay. So right there --- right now there's parking lots on this, these sites. And so are --- these parking lots that are lower priced parking lots they're more affordable for people to park in?

MR. HURLEY: I have not done an evaluation of how they compare. I can tell you they're full on any game day and quite often during the weekdays, but prices have gone up in each area. They're probably in the \$5 or \$6 range.

MS. MEANS: So how many parking spaces are we giving up? I mean, the City is going to give up public parking to put an apartment complex, and then the parking that will be there will be people that live in the apartments. So I was just curious to know how many parking spaces, and is there going to be a shortage for people parking ---?

PRESIDENT DEFAZIO: Hold on. Hold on. The ones that are on the phone, mute your phone because we can hear you scrambling. Put it on mute.

MR. HURLEY: With regard to on-lot parking, I don't know many exist right now, but it's not --- it is private parking. They could lease that to anybody or to individuals on a daily basis. So it is not a public parking lot, per se. And the folks here are actually buying it from the operator. The Williams family operates a number of parking lots in the area. They will provide 52 internal parking spots for the residents as well as, I think, 25, approximately, bicycle parking spots.

MR. FINNERTY: Seventy-four (74) units.

MR. HURLEY: Spaces internal to the project.

MS. MEANS: Thank you.

MR. HURLEY: You're welcome.

PRESIDENT DEFAZIO: Go ahead, Ellenbogen.  
Representative Ellenbogen.

MR. ELLENBOGEN: Am I ---?

PRESIDENT DEFAZIO: Yeah.

MR. ELLENBOGEN: Mr. Hurley, I have a question. You know, a lot of time, you know, when building and things are built, people don't think the infrastructure. My question to you is there are sewer systems and water lines systems that are inherently in the public right-of-way as is. A building with this many people

could affect changing the sewer lines, changing the water lines, which I'm sure is going to have to happen here.

MR. HURLEY: Sure.

MR. ELLENBOGEN: My question is, is any of the responsibility of that on the County?

MR. HURLEY: No.

MR. ELLENBOGEN: That's all I needed to know.

Thank you.

MR. HURLEY: That's why you have a \$14 million project. When it's actually --- ultimately, after ten years the value of the taxes to us will be much greater.

MR. ELLENBOGEN: Years ago when I was the City Public Works Chief Inspector --- these things just kind of roll around in my head. Sorry. Thank you.

MR. HURLEY: You're welcome.

PRESIDENT DEFAZIO: Seeing no other comments, we'll take a roll call.

MS. HEIDELBAUGH: I had some questions.

PRESIDENT DEFAZIO: Is that it?

MR. FINNERTY: Question.

MR. CATANESE: Question. There's a question.

MR. FINNERTY: Somewhere.

MS. HEIDELBAUGH: May I ask a question, Mr. Chairman?

MR. CATANESE: Yes.

MS. HEIDELBAUGH: Thank you. Is Mr. Hurley at the podium?

MR. CATANESE: Yes.

MR. HURLEY: I am.

MS. HEIDELBAUGH: Thank you. Mr. Hurley, are you saying to the Council that this project will not be built without these tax abatements?

MR. HURLEY: Well, generally, we assume that to be a but for statement. So but for the incentive, the developer is asking to be able to build this. Putting the structured parking in there and going seven stories raises the cost of construction. So ---.

MS. HEIDELBAUGH: Can you talk into the microphone, sir, please?

MR. HURLEY: I am. Thank you.

MS. HEIDELBAUGH: I'm having trouble hearing you.

MR. HURLEY: Okay. I would ask the question directly to the developer, but that is why they're asking for the abatement, to assist in the development project.

MS. HEIDELBAUGH: Okay.

MR. LAFFEY: Yes.

MR. HURLEY: And they're response was yes.

MS. HEIDELBAUGH: Okay.

MR. HURLEY: So we're looking at ---

MS. HEIDELBAUGH: The second question.

MR. HURLEY: --- over ten years ---.

MS. HEIDELBAUGH: Can you tell me who the seller of the property is?

MR. LAFFEY: Mr. Williams.

MR. HURLEY: Sal Williams.

MS. HEIDELBAUGH: And can you tell me what he purchased the property --- how much he purchased the property for?

MR. HURLEY: I do not know that. I believe ---.

MS. HEIDELBAUGH: I think it was in the papers that you provided.

MR. LAFFEY: He'll tell you.

MR. HURLEY: You bought it. Oh, I'm sorry. I thought you asked what Mr. Williams purchased the property for. They're paying Mr. Williams \$650,000.

MS. HEIDELBAUGH: Yes. But it's my understanding that the sale price is close to 100 times the purchase price by Mr. Williams.

MR. HURLEY: I don't know that. I do not know what Mr. Williams purchased the properties for, nor do I know the year in which he bought --- purchased them.

MS. HEIDELBAUGH: So the question is why are we giving tax abatements to an owner of a property and a developer who is paying 100 times what the property was purchased for less than ten years ago?

MR. HURLEY: Well, I would have to assume the value of the parking to Mr. Williams is much greater than 650 over a period of time, so he's calculated that and that's how he reached the sale price.

MS. HEIDELBAUGH: Did you take into consideration, sir, the inflation of the sale price over the last ten years in your terms of your willingness to give tax abatements?

MR. HURLEY: Well, I'm not giving the tax abatement. I'm presenting the request to County Council to provide a tax abatement. So I did not ---.

MS. HEIDELBAUGH: In terms, yes, in terms of your presentation did you take that into consideration, sir?

MR. HURLEY: No, I did not.

MS. HEIDELBAUGH: Okay. And do you ever investigate the criminal history of people involved in these kind of packages?

MR. HURLEY: What we are charged with looking at is whether or not they're current on their taxes, the new development entity. Is that what you're requesting?

MS. HEIDELBAUGH: So you did not investigate the criminal history of the seller of this property?

MR. HURLEY: No. I don't think that has anything to do with the request.

MS. HEIDELBAUGH: So that's a no? You did not?

MR. HURLEY: No, I did not.

MS. HEIDELBAUGH: I'm sorry. What was your answer?

MR. HURLEY: I did not, and I'm not sure what relevance that has to a purchaser of a property.

MS. HEIDELBAUGH: I think it has some relevance if he's selling it for 100 times the purchase price in the last ten years.

PRESIDENT DEFAZIO: Heather, we keep going over and over. Some of this doesn't pertain to the issue here. I mean, you know ---.

MS. HEIDELBAUGH: Okay. Okay.

PRESIDENT DEFAZIO: All right. Thank you. Seeing no more comment, let's have the roll call vote.

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?

(No Response.)

MR. CATANESE: Ms. Heidelbaugh?

MS. HEIDELBAUGH: No.

MR. CATANESE: Ms. Klein?

(No Response.)

MR. CATANESE: Mr. Kress?

MR. KRESS: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

DR. MARTONI: Yes.  
MR. CATANESE: Ms. Means?  
MS. MEANS: Yes.  
MR. CATANESE: Mr. Palmiere?  
MR. PALMIERE: Yes.  
MR. CATANESE: Ms. Rea?  
MS. REA: Yes.  
MR. CATANESE: Mr. Robinson?  
MR. ROBINSON: Aye.  
MR. CATANESE: Mr. DeFazio, President?  
PRESIDENT DEFAZIO: Yes.  
MR. CATANESE: Ayes, 12; nos, 1. Bill passes.  
MR. HURLEY: Thank you.  
PRESIDENT DEFAZIO: Liaison Reports.  
MR. FINNERTY: Oh, I definitely have something.  
PRESIDENT DEFAZIO: Go ahead.

MR. FINNERTY: I just want to say --- I want to thank Dave for coming in. I appreciate you coming with the picture. I appreciate it.

MR. LAFFEY: Thank you.

MR. FINNERTY: Okay. I would like to talk about --- Collier Township Park and Recreation is having Oktoberfest. It's Saturday, September the 21st (sic), and it's from 2:00 p.m. 'til 10:00 p.m. and it's at Collier Park. And if you remember where the Nike site was out that way, that is the Nike site. The old Nike site. Do you want to do these?

Also, Robinson is having their Robinson Community Days from 1:00 --- is also the same day, which is Saturday, the 12th, and it's from 1:00 to 9:00 p.m. and it's at Burkett Park which is by Burkett School right over the hill from it.

And I keep forgetting to say something about the Oakdale Boy Scout Troop 248. Now, they're rebuilding Killbuck Lodge. Killbuck Lodge is a log cabin, and it's from the 1700s. And it's where they have their meetings and everything so they're rebuilding with the help of a lot of people, and they're doing one heck of a job. So sometime if you're out there and you go past Tom's Diner and you're going up towards 22 and 30, you'll see it. It'll be on your right going up. And it sits on a little --- up a little hill there, across a little stream and it's really something that is --- has a tremendous amount of history to it. It was actually moved from one place to where it is now. Okay. Thank you very much.

PRESIDENT DEFAZIO: Go ahead. Representative Futules.

MR. FUTULES: I also have a few things. Let me see here. At North Park, we're having our annual retirement ceremony which will be Wednesday, September the 16th, at 6:30. It is near the intersection of Wildwood Road and Babcock behind the cannon at North Park, so that's a yearly event we have there.

Also, the park rangers are starting a new program. It's called Parks to Schools where they will be coming to the grade schools throughout Allegheny County teaching the children about the park and environment things. So it's a great program. The park rangers are just beginning. It's part of their program for this fall. Thank you.

PRESIDENT DEFAZIO: Joe, I'd like you to pass out --- I have a ---.

MS. MEANS: Mr. President?

PRESIDENT DEFAZIO: Okay. Go ahead.

MR. ELLENBOGEN: I have one, too.

PRESIDENT DEFAZIO: Okay. I'll get you and then I'll get you. Go ahead.

MR. ELLENBOGEN: I just wanted to say that this young man sitting to my right here is --- although he's a Republican and I'm an old Democrat, I have to say that if anybody has ever transcended, you know, working together it would be this young man, Mr. Baker. Considering everything from his --- and I'm sure Councilman Finnerty would agree with me --- from his Big Brother work to --- there hasn't been anybody that's everywhere since Kilroy like this kid. And I just wanted to recognize publicly that this young man won the IUP Young Alumni Achievement Award, and he should be congratulated. He's modest, too. He's probably going to kill me after this meeting, but I want the people to know just how hard working this young fellow is. And the people here are very proud of him.

(Applause.)

MR. FINNERTY: I think we should give a proclamation at the next meeting.

MR. ELLENBOGEN: And you guys say I never say anything nice about anybody.

MR. BAKER: You guys want to do a road trip to IUP to give it.

PRESIDENT DEFAZIO: Okay.

MR. FINNERTY: We got a bat.

PRESIDENT DEFAZIO: Representative Means.

MS. MEANS: Yes. I want to make an announcement that this Saturday, September the 12th, is Bethel Park Community Day. At nine o'clock there'll be a parade that'll start at the Bethel Park Library, and it'll march all the way to the high school. And we also have booths and lots of fun from 10:00 to 4:00 at the high school. Thank you.

PRESIDENT DEFAZIO: Thank you.

MR. PALMIERE: Mr. President?

PRESIDENT DEFAZIO: I have a report.

MR. PALMIERE: Mr. President?

PRESIDENT DEFAZIO: Hold on. Who is it? Go ahead.

MR. PALMIERE: It's Councilman Palmiere, Mr. President. I just wanted to announce that the Community Days at South Park is going to be on September the 19th this month. That's all. Thank you.

PRESIDENT DEFAZIO: Thank you. I have a little report here. As you know, Corizon contract has been broken. I want to give you a little information. Joe will pass it out.

MR. FINNERTY: Corizon?

PRESIDENT DEFAZIO: Just a little background. Okay. Oh, wait a minute.

MS. MEANS: Thank you.

MR. CATANESE: Is this a liaison ---?

PRESIDENT DEFAZIO: No, I just passed it out. You can read it at your leisure. We're going to move on. New Business, Ordinances and Resolutions. 9156-15.

MR. CATANESE: Resolution of the County of Allegheny, Commonwealth of Pennsylvania, amending Resolution 17-05-RE in order to clarify requirements relating to the reporting of Internet and computer use by the Allegheny County Library Association, ACLA. Sponsored by Council member Finnerty.

PRESIDENT DEFAZIO: That'll go to the Education Committee. 9157-15.

MR. CATANESE: A Resolution of the Council of Allegheny County, Pennsylvania, amending Resolution Number 24-14-RE to expand the "Three Crossings" LERTA District in the City of Pittsburgh to include six additional parcels. Sponsored by the Chief Executive.

PRESIDENT DEFAZIO: That'll go to the Economic Development Committee. Notification of Contracts, 9158-15.

MR. CATANESE: Executed Executive Actions from August 1st, 2015 through August 31st, 2015 to be received and filed.

MR. FINNERTY: Make that motion.

PRESIDENT DEFAZIO: Someone want to second it?

MR. MACEY: Second.

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

(Ayes respond.)

PRESIDENT DEFAZIO: Opposed? The ayes have it. Public Comment on General Items. We have one.

MS. MEANS: Excuse me. Do we have ---? Do I need to make my motion again to go into executive session?

PRESIDENT DEFAZIO: No, no, we're going to go. I said we granted it.

MS. MEANS: Okay. I didn't hear that. Thank you.

MR. FINNERTY: It has to be voted on.

MS. MEANS: It has to be voted on.

PRESIDENT DEFAZIO: No. Wait. Hold it. It has to be voted on it you do it her way. If the President, which is myself, makes the decision to do it, I can do it. But if you want to vote for the vote, I can just say I agree to do it.

MS. MEANS: Okay. That's fine.

PRESIDENT DEFAZIO: Public Comment. David C. Adams.

MR. ADAMS: I'd like to thank the Public Safety Committee of this Council for having us here today. My name is David Adams. I am the President of the Conscience Group Corporation. We are a national public service corporation, and we're the only national public service corporation in the State of Pennsylvania and one of less than three in the nation.

We're here today to introduce you to three years of corporate and citizen-based combined research that has come up with a very pragmatic and a historical national model development for this, not just this region, this County, but the entire State of Pennsylvania.

We have built what we call DREMA Pennsylvania. It is Disaster Resilience Emergency Management Awareness, Pennsylvania. And Disaster Resilience is defined by the

Federal government as the ability to prepare and plan for, absorb and recover from and more successfully adapt to adverse events. We've heard a lot here today that may constitute disasters with clean air, different things and different issues that people are facing with, but the federal government is worried about expenditures. And we can no longer continue to pick up pieces after disasters and emergencies. We can no longer continue to respond or react after something has happened. And this system that we've created, DREMA PA, is the nation's first citizen emergency resource and supply system of systems.

This system is effectively going to increase citizen resilience to disaster emergencies in the State of Pennsylvania. Our research over the past three years has cost this county and this state absolutely nothing. To sustain this citizen historic system will cost the County and the state absolutely nothing. It is self-sustaining. It is citizens steered, controlled and led. There have been some members of Council who have seen this already, and we welcome anyone in this Council who wants to see more of this historic development, that they can contact us. And I believe that. Joe, we gave you some research to pass out to all the members of Council because I knew three minutes wouldn't be enough time to get this information out to you.

However, you do need to know this. It's going to affect every one of the Council districts in this County. We have already done the research. We're going to be launching it in the fall. And anyone that wants to know what your responsibilities are as Council members for your district, with this citizen-based system to increase citizen resilience to disaster and emergencies, we're more than happy to meet with you. Or we could do it as a group with Council as Councilman Macey suggested to me in the meeting.

I thank you one and all. And we're very proud of the work that it has taken to get this done. There's been over 487 citizens involved with this as well as our corporate teams that have done this.

This is a direct response to the national disaster imperative which is ordering all levels of government, the private sector and now what we have created, the nation's first citizen sector where citizens now are going to raise their accountability and how ---

and their responsibilities in how we prepare and plan for disasters and emergencies. So I thank you all.

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

MR. MACEY: So moved.

PRESIDENT DEFAZIO: Is there a second?

MR. FINNERTY: Second.

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

(Ayes respond.)

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

MEETING ADJOURNED AT 6:10 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.

Valerie Gregory  
Court Reporter

Valerie Gregory