

ALLEGHENY COUNTY COUNCIL

REGULAR MEETING

- - -

BEFORE:

Richard Fitzgerald	-	President District 11
Charles J. Martoni	-	Vice President District 8
John P. DeFazio	-	Council-At-Large
Chuck McCullough	-	Council-At-Large
Matt Drozd	-	District 1
Jan Rea	-	District 2
James R. Burn, Jr.	-	District 3
Michael J. Finnerty	-	District 4
Vince Gastgeb	-	District 5
Joan Cleary	-	District 6
Nick Futules	-	District 7
Robert Macey	-	District 9
William Russell Robinson	-	District 10
Jim Ellenbogen	-	District 12

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

Tuesday, October 20, 2009 - 5:00 p.m.

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

IN ATTENDANCE:

Joseph Catanese - Director of Constituent Services
Jared Barker - Director, Legislative Services
Jennifer Liptak - Budget Director
Jack Cambest - Solicitor

PRESIDENT FITZGERALD: I'm going to call the meeting to order; if everybody would please rise. Welcome to the Tuesday, October 20 meeting of Allegheny County Council. We're going to have Lauren from the Modernettes lead us in the Pledge of Allegiance; and if you would remain standing after the Pledge of Allegiance for a moment of silent prayer or reflection. Lauren?

(Pledge of Allegiance.)

(Moment of silent prayer or reflection.)

PRESIDENT FITZGERALD: Thank you. Please call the roll.

MR. CATANESE: Mr. Burn?

MR. BURN: Here.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Present.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Here.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Present.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Here.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Here.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Here.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Here.

MR. CATANESE: Ms. Green?

(No response)

MR. CATANESE: Mr. Macey?

MR. MACEY: Here.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Here.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Present.

MR. CATANESE: Ms. Rea?

MS. REA: Here.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Present.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Here.

MR. CATANESE: We have 13 members present.

PRESIDENT FITZGERALD: Proclamations/
Certificates. 5158-09.

MR. CATANESE: 5158-09. Proclamation honoring Doctor Cyril H. Wecht for his impressive career of service to Allegheny County. Sponsored by Council members Fitzgerald, Martoni, DeFazio, Ellenbogen, Finnerty, Futules, Gastgeb, Green, Macey, McCullough, Rea and Cleary.

PRESIDENT FITZGERALD: Please add --- oh, you did add Ms. Cleary. Okay. She wasn't on there. Mr. Burn is supposed to be on there, too. Please add Mr. Burn. He should have been on there, as well. I'm sorry. Mr. Robinson? Please add Mr. Robinson. There must have been some oversights. I'm going to ask Doctor Wecht to come up, along with the Wecht family.

This is a special night for all of us in this county. We're honoring somebody who probably needs no introduction, but I'm going to do it anyway. And Cyril, we're not going to put the three-minute timer on you. I swear we're not going to do that. But when I decided to introduce this a couple of months ago, you never know how something like this is going to be received, because this is a big honor, to name our lab after somebody.

But I can tell you, the outpouring and the support through all segments of this county were overwhelming. And that's a testimony to Doctor Wecht. I'm going to invite all members of Council to come up here with me; yes, if you all want to come up. This is something we're all doing. Doctor Wecht has certainly served this county with distinction and well, for many, many years.

And while I'm not going to read all of these other proclamations that have come in tonight, starting with Senator Casey, Congressmen Doyle and Altmire, Senator Costa. And I see Joe Asturi here from Senator Costa's office, Pittsburgh City Council, all nine members; President Shields and all members of City Council, who were just glowing in their praise for Doctor Wecht.

And again --- you know, as I went through some of the achievements and the achievements of Doctor Wecht, we would certainly be here for a long time, but they're worth noting. And it's also worth noting when we have some young people here, that what somebody can do and what they can achieve and the legacy that they can leave behind. Doctor Wecht started not with a silver spoon in his mouth, by any means. He grew up in the Hill District in a poor community.

And the reason I know that specifically is he grew up with my father-in-law. I know the neighborhood that they grew up. And what Doctor Wecht has been able to achieve is really, it's overwhelming. He brings an awful lot of notoriety and fame and goodwill upon this county, because anytime something happens around this country --- where does CNN turn, where does CBS or Fox News or any of them turn --- they turn to Doctor Wecht. And underneath it says, Pittsburgh, Allegheny County.

So our scientific reputation is enhanced every time he goes on the air, and he's been doing it for many, many years as a known expert. There's no dispute over the expertise of Doctor Wecht. And Doctor Wecht has worn many hats over the years, including serving a term that we do right now in this Gold Room, as a County Commissioner. Certainly, we all know him as County Coroner for many, many years and the work he's done at Duquesne University and around this country.

I'm going to invite a few members, if they want to come up and say a few words regarding Doctor Wecht. And I'm going to read this into the record and then, of course, we're going to have Doctor Wecht introduce his family and some of the members that are here tonight. Because I do know one thing; as proud as Doctor Wecht is of his accomplishments, and they are many ---. I think every time when I talk to Cyril, the thing he's proudest of is his family and his kids, and it comes across; that he's proud to be a good father. He's proud to be a good grandfather to his children.

I certainly can count Doctor Wecht, Cyril, as a mentor. I certainly call on him a lot of times for advice. And you know, his knowledge and expertise of this region, the political climate, government, is extraordinary. And I know I owe a great debt of gratitude to him for all the advice he's given to me. So let me read this proclamation.

WHEREAS, Doctor Cyril H. Wecht has served Allegheny County and our nation with the utmost dedication throughout his life, and he has been rightfully honored with countless distinctions and awards, testifying to his great career of service; and

WHEREAS, born on December 20, 1931, in Dunkard Township, Pennsylvania --- tell us where that is; I never heard of that. Doctor Wecht received his undergraduate and medical degrees from the University of Pittsburgh in

1952 and 1956 and his law degree from the University of Maryland School of Law in 1962; and

WHEREAS, following the establishment of his private practice in 1962, Doctor Wecht served Allegheny County as Deputy Coroner in 1965, and subsequently was elected to the position of Coroner, filling the role from 1970 to 1980 and, again, from 1996 to 2006; and

WHEREAS, from 1980 to 1984, Doctor Wecht served as one of the three Allegheny County Commissioners governing the county and directing our community into the direction of a promising future, which we are experiencing today; and

WHEREAS, as an intellectual who held prominent county positions, Doctor Wecht helped to revolutionize many aspects of our community, including modernizing the Coroner's Office, using his powers of inquest to upgrade investigative techniques and updating the rules of private home care and nursing care; and

WHEREAS, because of his national reputation and professional achievements, Doctor Wecht has brought an astounding amount of attention to our region. He, his wife, 4 children and 11 grandchildren, still reside in Allegheny County --- you know how much a rarity that is in this county --- planting and spreading their success so our community may learn from their extraordinary lives; and

WHEREAS, to enshrine Doctor Wecht's legacy, this Council has passed a resolution stating that the Allegheny County Medical Examiner's primary laboratory shall henceforth be known as the Cyril H. Wecht Institute of Forensic Science.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby recognizes the impressive career of Doctor Cyril H. Wecht and commends his contributions to the community and to the government of Allegheny County. Because of Doctor Wecht's assistance, the county has progressed steadily into the future. We thank him for everything he has done for us throughout his career, and we wish him and his family the best of luck in all their future endeavors. Sponsored by all members of Council, this 20th day of October, 2009.

And I want to invite, again, other members of Council to come up and maybe say a few words before we

present this to Doctor Wecht and ask him to say a few words. Councilman Finnerty?

MR. FINNERTY: Thank you, Mr. President. It's just a great honor just to be standing here with such a great man who's done so much for Allegheny County and for the entire southwestern Pennsylvania; such a scholar, so much knowledge. I spent a few days in his office, and he would tell me how it really was, and he was really right. Thank you.

MR. MCCULLOUGH: The first time I ever heard of Doctor Wecht and the first time I saw him, I was a senior at St. Clair High School in 1972. And Doctor, I don't know if you remember that. We had a high school assembly, and the Doctor addressed us. I remember thinking to myself, I haven't heard anybody talk this fast since Casey Stengel. But I actually got to know Doctor Wecht when I became the county solicitor. And there was a letter that came in one day to the county from a lawyer. I think you know the episode.

And the bottom line was, this lawyer represented somebody who took offense or took an issue with something that Doctor Wecht had to say, which the doctor said in all candor, and they wanted Allegheny County to put a stop to it. And I remember writing back and I said, nobody censors Doctor Cyril Wecht. Many people have tried. Many people have tried within this region. Many powerful people have tried for close to four different decades. They have all failed.

And they have failed because Doctor Wecht is one of the most courageous and strong human beings I've ever met. Some of you know the issues that I'm dealing with personally. Doctor Wecht has been a tremendous source of strength and inspiration to me. He is a hero of mine. And my dad used to say, his measure of a man is somebody that you would want to be in an alley with when things were tough. He said if you can find five people like that in your lifetime, you'll be very lucky. Well, I don't know that I've met five, but I know that I've met one, and that one is Doctor Wecht.

PRESIDENT FITZGERALD: Councilman Ellenbogen.

MR. ELLENBOGEN: I'm very honored here this evening to be here with Doctor Wecht. I first met Doctor Wecht when I was a freshman at the University of Pittsburgh and he was the guest lecturer in the late Doctor Whink's (phonetic) rhetoric class. As a young man,

I followed his political career, and I didn't get in my Council seat very easily, as a lot of people will tell you. And I learned a lot from Doctor Wecht in terms of courage, in terms of dignity, in terms of being able --- if you get knocked down, you get up; and if you get knocked down, you get up again. And many people will sit and talk about all Doctor Wecht's intellectual achievement and his medical achievement, which are wonderful.

But what I learned from him more than anything is, you just look it right in the eye and you fight and you never give up. And with the young people, what anyone can learn from this gentleman is the dignity and how to carry yourself as a man and to stand and look anything in the face and carry yourself with dignity. And he has taught me that, and I'm sure many others. Thank you. It's my honor.

PRESIDENT FITZGERALD: Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President. I'm probably one of the few people in this room who has actually ridden --- driven ---. What is the word I'm looking for --- been in a car with Cyril Wecht. Just thinking about it threw me off; coming down Fifth Avenue from a meeting at the University of Pittsburgh, and I'm in this big Oldsmobile with Cyril Wecht. And I said, wow, I'm riding with Cyril Wecht, an opportunity to be intellectually stimulated, to learn many things. Boy, I'm glad to be with Cyril Wecht.

He was going so fast and talking so fast, that I'd never been so scared in all my life. I rode the Thunderbolt at Kennywood Park one time, and that was nothing compared to riding with Cyril; one time, one time. But what I admire most about Cyril is his loyalty. Cyril's a graduate from Fifth Avenue High School in our city, the first high school to be built in this city many years ago. And Cyril always, always comes to alumni events. Always. And I think that's great.

I think that's great for several reasons, but Cyril's a very loyal guy. And those of you who had the opportunity to work with him, to know him personally and, yes, even ride in a car with him, he's loyal. And I thank you, Cyril, for being so loyal, and I know your family appreciates the loyalty. Stay with that. Stay loyal.

PRESIDENT FITZGERALD: Councilman Burn.

MR. BURN: Thank you, Mr. President. A couple of my colleagues have reflected on when they first heard

the name, Cyril Wecht. Let me please start there. I was a freshman at North Catholic High School. We had a world geography teacher named Mr. George Sprys (phonetic). And in our first two weeks of class, in the class we would sometimes be a little rowdy. George Sprys would look at us and say, if you keep it up, you're going to be looking up at Doctor Cyril Wecht. I didn't know what that meant. I went home and asked my dad. I said, dad --- you know, this teacher is telling me that if we keep it up, we're going to be looking up at Cyril Wecht. He explained to me what Cyril Wecht's job was with the county. I explained to my friends in the world geography class what Doctor Wecht's job was, and we all behaved after that.

But Doctor Wecht, from that time, I began to follow your career. I watched you on television as a freshman, and I watched you as I began my political career. And when I first was elected Mayor of Millvale in 1994, one of the first individuals that I reached out to for advice and counsel --- because I could not believe that I was into politics and I'd pick up the phone and ask, and yet equally or more amazed that he would return the call. And that was you, Doctor Cyril Wecht.

And the advice you gave me in the first four years which --- for all intents and purposes, was truly, for a 30 year old, a political baptism of fire. Your advice was invaluable. Your friendship was invaluable. And I never shared this with you, Doctor, but I found out after the fact, when Commissioner Forrester had ran for the seat and passed away, how hard you had lobbied behind the scenes for me, for that appointment. And you never told me that you had done that, and then I was so flattered and humbled that you had thought enough of me, without my solicitation, to ask the members of the County Council to consider me for that vacancy.

And you continue to be my friend. You continue to be my mentor. And to this day, 16 years in public service, when I come into this room, I think of you, that you held court here once. And it's awe-inspiring to me to be in that same room. And equally as awe-inspiring, Doctor, is when I go into the Democratic Party Headquarters as the Chairman and I look up on that wall and I see your picture. And to this day, I still can't believe that I am honored and humbled to hold the same title that you held those years ago. And you were still

there for advice. You were there for friendship and counsel, and it is invaluable to me. Doctor Wecht, thank you so much for your friendship and your leadership. Congratulations.

PRESIDENT FITZGERALD: Councilman DeFazio.

MR. DEFAZIO: I don't want to repeat, but I agree with almost every --- I do agree with everything that was said. The car ride --- I can't answer to that one. But what Rich and everyone said about Doctor Wecht, I feel the same way. It is true. Well, I started in a mill working right out of high school. I didn't know anything about political people at all and telling me this and that. They told me, you've got to vote for a guy named Cyril Wecht. I never heard of him. And they said, yeah, he's a good guy, he's for the working people. This is a good guy. He's not like the rest of them.

And I mean, after time went by, I started seeing everything. I said, he is a good guy, and it's true. But the one question before I leave and I've got to find out ---. Everyone used to always tell me, hey, that movie playing --- it was on TV, Quincy. They said, that's Cyril Wecht. He was an attorney and a pathologist. Is that you? Did they copy you? So okay. So we got another Quincy here.

PRESIDENT FITZGERALD: Okay. Without further ado, we're going to bring up Doctor Wecht. And Doctor Wecht, you've heard it from my colleagues --- I'm sorry. Congratulations.

DOCTOR WECHT: President Fitzgerald, distinguished members of County Council, I first want to start by expressing my deep appreciation and truly humble gratitude to all of you for having voted to bestow this great honor upon me. I'm deeply appreciative. It means so much, and I reflect upon the fact many times that no matter how old you become, you should never reach a point at which life is so jaded that an honor like this does not have great meaning for you. It does. So I want to thank you and for all the time that you have spent here. It's already considerable more time than I spent sitting up there on proclamations. And he would be so --- Commissioner Forrester would really love that, and Bill Hunt did, too.

But it was always a nice thing to do, and I am glad you folks continue with that practice. My lovely wife is here and my two sons, Judge David Wecht and Ben

Wecht, my two --- come, come, come. Come up here. And my daughter, Doctor Ingrid Wecht, made it and her husband, Harold. My daughter is an obstetrician/gynecologist. There are about four people waiting to deliver babies out there, but she'll make it back. And my other son, Doctor Daniel Wecht, a neurosurgeon at UPMC, could not be here. After all, somebody has to work to support the rest of the family. And Ben is Program Director at the Institute of Forensic Science and Law at Duquesne University, which we started. And David is now the Administrative Judge in the Orphans' Division. I'm pretty proud of them. Ingrid, OB-GYN at West Penn and Daniel, neurosurgery at UPMC and its numerous octopus-like tentacles, wherever they may be.

I want to acknowledge the presence of my Rabbi, Rabbi Burton (phonetic), the Rabbi with a capital R and the Rabbi with a small R, as it is referred to. And to my old colleagues from the Allegheny County Coroner's Office who are here, Doctor Leon Rosen and his wife, Suzanna, and Tim Yurick, my solicitor, and Joe Mancuso. He started off there as a deputy coroner and has been with me now for almost 40 years as my chief autopsy associate.

And I am grateful to them. Others could not be here because some of them have moved away and others are working and out of town for other reasons. I simply want to say that it's a great honor ---. Oh, I forgot to mention that we have two distinguished guests, one of whom has come all the way from Norway, and her sister, Doctor Christina Vaight (phonetic), who has recently been elected as President of the International Pediatric Association of Europe, Africa and Asia, who has done some of her magnificent research work here at Magee-Womens Hospital.

And I am a little disappointed in Christina. I thought she'd be able to swing the Nobel Committee as a Norwegian woman, but I'll give her another shot some time in the future. And her sister, Ms. Karen Gordon, from Pittsburgh and New Jersey. I hope I haven't --- oh, my son-in-law, Harold, Ingrid's husband, Harold, in the Pittsburgh --- pardon --- and many good friends. And there are two people --- all good friends --- and two people that I need to publicly acknowledge and express much gratitude to, my two excellent attorneys, Jerry McDevitt and Mark Rush, who are here, two outstanding attorneys.

And you know, I've got to take this opportunity to tell you that if you ever have an 84-count indictment

brought against you by the US Attorney, that is who you want to use. If it's less than 15, go for somebody cheaper. They did get me confused sometimes in the billing department with some of the other clients are, like, Hal Burton and Worldwide Entertainment Association, and so on, but they did the job. My lovely wife is here. She's an attorney, and she is now the executive boss of the office. And I owe her a great deal of gratitude in many ways. As a matter of fact, I'm going to let Rich and all the other distinguished members of County Council in on a secret, that all of this was orchestrated and engineered to be something that is a very special, special big surprise for my wife, not to mention that it's saving me money in having to have bought something else, because tomorrow is our anniversary, so ---. This was a special occasion for her.

Well, I don't know what to say. I've been a lifelong resident. I don't know where they got this Dunkard Township, but I'll tell you where it is. Dunker Township --- I guess, it's true. I don't know. Actually, I was born in West Penn Hospital, but my mother and father, both of whom were immigrants, had their first mom and pop grocery store in Bobtown. Bobtown was a coal mining community in Greene County. It's like 20 miles from the West Virginia border. And had I stayed there, I'd be a big shot. I'd be Mayor of Bobtown. I'd be Commissioner of Dunkard Township.

Until the coroner grabbed my hand, I was a friend with someone I'd been working --- doing cases with for, now, 30-some years. I told Greg, I'd be coroner of Greene County, but we made it eventually to McKees Rocks for seven years and then to the lower hill. And it was an experience growing up there. It was a wonderful time. And I wish there were time to reminisce about how marvelous in many respects it was and what a different world it was being there and having the opportunity to spend that time with the people of so many different ethnic and racial backgrounds, the majority of whom were just the first, maybe, sometimes the second generation of Americans.

It was a great experience. I am very proud of the fact that my four children, their spouses and the 11 grandchildren live here in Allegheny County. And each of them and their spouses have made a contribution to this community, not only by living here but by being productive

citizens in significant areas and contributing in the world of academia, law, medicine and in other areas. I thank all of you for coming, and I shall always consider this to be --- well, there are just far too many people to get into once you start the game of recognition. But I hope that I have not forgotten people who have been so dear and near and who have helped a great deal. And I thank all the members of Council for their unanimous and enthusiastic support and acclamation for this presentation. I hope that I still have many years left. I'm functioning in a full-time fashion. Nothing pleases me more than to respond to people in our community.

I was especially delighted when some of the Council members reminisced about some presentations that I made at their schools. Just two hours ago --- and it happens not every day but at least a few times a week --- I'll get requests, just two hours ago from a student at Brashear High School who wants to come in and meet with me and talk and interview me as part of her project. And this means a great deal to encourage people. I'm proud of what we accomplished in the field of medical/legal investigation and people that we have brought here from around the world to participate in our programs and to continue now with the national programs that we are presenting at the Duquesne University, one of which will be Friday and Saturday of this week, on forensic aspects of digital evidence.

So I hope to continue with these contributions to our community and to some other communities in southwestern Pennsylvania. I want to thank Joe and Mac and the other members of the staff for their courtesy and assistance in developing this presentation and everything that they did to promulgate it. I thank you. I'm sorry to have taken so much of your time. I appreciate your coming here. I shall give careful consideration --- and in a very soft and lighthearted moment and, perhaps, somewhat epithetical to what many people believe about me. I'm even proudly willing to forego the defamatory remarks made by Councilman Robinson. You've got to bend sometime with the tide. Thank you all, folks, and I wish everybody well. Have a great Halloween, Thanksgiving and magnificent Rosh Hashana, Christmas and New Year's. And I hope to see all of you around for many years to come. Thank you.

PRESIDENT FITZGERALD: Before we take the picture --- I jumped ahead --- Joe Asturi from Senator Costa's office has something from the State Senate to convey, as well. Joe, if you could come up and convey Senator Costa's words.

MR. STORY: Thank you. This is actually on behalf of Senator Costa, Senator Jim Ferlo, Senator Sean Logan, Senator Wayne Fontana and, also, Senator Jane Clare Orie. I'll save everyone the time by not going through the proclamation. But I would like to say a few words on a personal note on behalf of myself and the Senators, as well. I've had the distinct privilege of knowing Doctor Wecht for several years as, first of all, a student at Duquesne Law School with his great experience, professionally, his tenure as coroner and medical examiner and, most importantly, as a friend.

As many individuals up here have stated, he is a true friend. He's the essence of the word itself. When times are tough, you can depend on Doctor Wecht to be there. But to be quite honest with you, through all the accolades and national notoriety that he has brought to western Pennsylvania and the attention he has given us, which we are so thankful for, the one thing that stands out in my mind is that Doctor Wecht has never forgotten where he's come from. And he has always, always, put his family first.

And I wrote down a few words I'd like to share with you, Doctor Wecht. It sort of sums it up. We live in a world today which measures a man, more often than not --- what kind of car he drives, how much money he makes, whether or not he has the biggest house on the block. The true measure of a man, however, lies not in his wallet but in his heart and his daily work ethic. Does he provide for his family? Does he help when called? Does he offer to help when others simply won't? No amount of money, material possessions or level of success can make a man a good and decent human being.

Achieving that goal is completely up to the individual and is arguably the most difficult goal to reach but the most rewarding when it is, in fact, attained. Doctor Wecht, you exemplify all this and much, much more; a good husband, a good father, good grandfather and a great friend. Congratulations to you and God Bless You.

PRESIDENT FITZGERALD: Okay. Now we're going to proceed and take a picture. 5159-09.

MR. CATANESE: Proclamation declaring the month of October as Breast Cancer Awareness Month in Allegheny County and commending the Pittsburgh Chapter of the Susan G. Komen for the Cure for spreading cancer awareness in Allegheny County. Sponsored by Council members Cleary, Fitzgerald, Martoni, Burn, Drozd, Ellenbogen, Finnerty, Futules, Gastgeb, Green, Macey, Rea, Robinson and DeFazio.

PRESIDENT FITZGERALD: Councilwoman Cleary.

MS. CLEARY: Thank you. I'd like to bring up Michael Barfield --- and I don't know if Karen Hartley is here with him --- okay; and Karen Hartley, please, from the Susan G. Komen for the Cure Foundation. I'm going to read the proclamation. And I think this all goes without saying, that there is so much awareness that we are saving a lot of lives, and that's a really fantastic thing. A lot of these organizations are doing a lot of good work. So I'd like to read the proclamation now.

WHEREAS, breast cancer is one of the leading causes of cancer-related deaths among American women; and

WHEREAS, research shows that deaths from breast cancer could be reduced significantly if women follow breast cancer screening recommendations, including mammograms, exams by physicians and monthly self-examinations; and

WHEREAS, organizations across Allegheny County and the United States come together every October to spread the important message of breast cancer awareness; and

WHEREAS, Susan G. Komen for the Cure is the world's largest grass roots network of breast cancer survivors and activists fighting to save lives, empowering people, ensuring quality care for all and energizing signs to find a cure; and

WHEREAS, during National Breast Cancer Awareness Month, we renew our commitment to fighting this disease, raising awareness and supporting those efforts on their behalf.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council does hereby proclaim the month of October 2009 as Breast Cancer Awareness Month in Allegheny County. We commend the efforts of the Pittsburgh Chapter of the Susan G. Komen for the Cure, and we call upon government officials, businesses, communities, health care

professionals, educators, volunteers and the residents of Allegheny County to continue our community's strong commitment to preventing, treating and eliminating breast cancer. This is presented on behalf of myself and all members of Council.

MR. BARFIELD: I would first like to thank the president --- Council president and the members of Council. As Councilman (sic) Cleary said, I'm here with my colleague, one of the --- we both are on the Board of Directors of Susan G. Komen --- Karen Hartley. And on behalf of the Board of Directors of Susan G. Komen affiliate, its executive director, its staff and especially the survivors and the many volunteers out there, we want to say thank you to the City of Pittsburgh, Allegheny Council, for this proclamation declaring October, Breast Cancer Awareness.

I notice the fountain up there all nice and pink, so we do know that we are all in this battle together. There are so many people that we are --- you know, want to thank, but we are grateful that there are many people willing to join our journey as we continue to look at saving the lives and beating breast cancer for all of those and empowering people and ensuring the quality care and energizing those signs that the people --- for a cure. That's what our mission is, to lead to that cure. So we do appreciate this honor and want to say thank you.

MS. HARTLEY: Thank you very much. We appreciate this honor --- this great honor. I'm new to the Board of Komen, but they have worked tirelessly. They're a fantastic organization. Anything you can do to support them and its cause is greatly appreciated. So thank you very much, Councilwoman Cleary and Council and President. We appreciate your time, and thank you.

PRESIDENT FITZGERALD: 5160-09.

MR. CATANESE: Proclamations honoring the Modernettes upon the occasion of the group's 50th anniversary and their capture of the 2009 National Baton Twirling Association World Championship. Sponsored by Councilman Gastgeb.

PRESIDENT FITZGERALD: Councilman Gastgeb.

MR. GASTGEB: Thank you, President Fitzgerald. Can I have the Modernettes, along with Sherry Vignoli-Parisi and Pat Parisi, come up behind me. And coming up, it struck me how blessed we are in our region to have a champion of every shape, size, age group, whether you

start with the Steelers and come down even to our WPIAL champions. But you talk about local level, maybe even state level and national level. How lucky we have international champions, champions in every way, shape or form. And that's what we have with the Modernettes, the unbelievable talents that's combined for the Modernettes for their baton, their twirl, the arts that they provide but, also, the dedication that it takes. You may be surprised to know, they recently came back from their international competition in Belgium. Now you might not know where Dunkard was, the town Doctor Wecht was from. But I think we know where Belgium's from. You might say, well, wait a minute, Belgium? These youngsters behind me are high school age, middle school age. The work and preparation it takes and the commitment from the families and, of course, during to the school year and all that, it's just extraordinary that we have champions of that magnitude, talent of that magnitude and commitment of that magnitude, right here in Allegheny County.

And I see it firsthand, representing the South Hills where many of these youngsters come from and Sherry in her place of business for 50 years, which is another reason why we're here to talk about how great this has been over the last --- you know, half a century, shall we say, through different types of instruction, coaching and different types of talent that's come through there. So a very fitting honor to be recognizing the Modernettes for their contributions, for their dedication and for the many benefits they bring to Allegheny County. And before I go and introduce Sherry, I do want to read the proclamation in the record. And then Sherry is going to have a representative name all the talented athletes here and talented students who have been so much a part of the Modernettes. So without any further ado.

WHEREAS, Allegheny County fosters great instructors and coaches, who develop our community's outstanding young athletes and transform them into world class competitors; and

WHEREAS, for 50 years --- Pittsburgh has marked the anniversary --- the Modernettes have spread their goodwill, sportsmanship, showmanship and incredible ability not only throughout Allegheny County but throughout our nation and throughout our world; and

WHEREAS, the group, initially instructed by Ruby Daugherty, Marlene Moore, Sherry Vignoli-Parisi, who is

Ms. Daugherty's daughter, organized the squad and enrolled them into the national baton twirling world championship to compete against the world's other best teams; and

WHEREAS, the Modernettes have won more awards than any other baton twirling in the United States. They have competed in all segments of the world championship, winning the gold medal six times, including in Belgium; and

WHEREAS, by participating in the competitions around the globe and by engaging a diverse competition, the Modernettes serve as an ambassador of our county and our country, spreading goodwill and the exceptional reputation for our county to many different cultures from many different worlds.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby recognizes the Modernettes upon the occasion of their 50th anniversary and for capturing the gold medal at the 2009 National Baton Twirling Association World Championship. We commend the group's commitment to their success, and we wish the participants the best of luck in all their future endeavors. Sponsored by me. Congratulations, Sherry.

MS. VIGNOLI-PARISI: First, I want to say, the organization was started by my mother, as he obviously mentioned, and I started to help at a very, very young age. About the last 25 or 30 years I've been running the group. So I want to tell you that these girls are extremely hard working, determined, strive to be the very best that they can be at all times. The motto is, no matter what, always be a class act. As you said, there has already been seven world championships. The Modernettes have won the right to represent the United States at all seven world championships and have won six of the world titles.

We took 39 young ladies between the ages of 12 and 20 to Belgium, and we're very honored and proud that you would acknowledge their accomplishments. I am very proud, and it pleases me so much to know that you're proud of them, too. So Pittsburgh is a city of champions; the Steelers, the Penguins and the Modernettes, and the rest of our members. I'll help you to get started.

TEAM MEMBER: Okay. Gloria Greer, Danielle Purantini (phonetic), Julia Chicchinelli, Sharyn Braff, Jaclyn Erfort, Kaitlin Schreiner, Noelle Melani, Tiffany

Melani, Gaby Levy, Taylor Meckley, Sami Burnsworth, Miranda Vignoli, Belle Levy, Kellie Palamara, Mackenzie Janda, Kim Kukol, Stephanie Tamasy, Darcy Maurtino and Diane Killinger.

PRESIDENT FITZGERALD: 5161-09.

MR. CATANESE: Proclamation honoring Mr. John D. McMahon's career of service to Allegheny County. Sponsored by Council members Ellenbogen, Gastgeb and Finnerty.

PRESIDENT FITZGERALD: Councilman Ellenbogen.

MR. ELLENBOGEN: Thank you, Mr. President. I'd like to ask Mr. McMahon to come up with his family. And Mr. President, with your approval, I'd like to bring the budget director up here, as she has some kind of relationship with him.

PRESIDENT FITZGERALD: We'll relieve her of her duties for a few minutes. We'll let her go.

MR. ELLENBOGEN: This is her father. I think it's only proper that we have Jennifer up here, also. Ladies and gentlemen, at a time where it's very important that we recognize the people who go out and serve us every day as police officers, particularly at this juncture, it's important to recognize a man like John McMahon in his retirement. John, after graduating --- well, graduating --- after leaving the Navy, decided to take on a career as a police officer and spent his whole life doing it.

During the '70s, Mr. McMahon almost lost his life; was shot. Where most people would probably say, well, you know, I had enough. But anybody who knows John, that was just the beginning. So after being wounded, he came back. He rose through the ranks; became a sergeant, became a commander. And then after he retired from the City, that wasn't even enough. He came over and became assistant chief of Narcotics for the Allegheny County district attorney.

If you look at the City of Pittsburgh police force now, the many County officers, you'll see the face of John McMahon on a lot of --- not only the officers but a lot of the commanders, a lot of the sergeants. John's that kind of a man. He's taught so many officers how to carry themselves, how to be a leader, that I just felt that if you look at the County and the City, his face is on those officers. I see officers here tonight. In fact, the biggest problem I have is with his family, because he's such a humble guy, he didn't even want anybody to

know because there would be badges --- you wouldn't even be able to get them in this room. That's the effect that he's had, not only on the police force but on the community. With that, I'd like to read this proclamation.

WHEREAS, Allegheny County serves as a home of dedicated citizens, mentors and role models who enhance our area's quality of life by selflessly serving our community; and

WHEREAS, after an honorable discharge from the United States Navy, Mr. John D. McMahon served Allegheny County for 40 years as a sworn police officer, spending 31 years with the City of Pittsburgh, including 21 years as a supervisor in the operation and investigation branches and 9 years as a sworn detective for the Allegheny County district attorney's office, which includes his eventual appointment to assistant chief of detectives of the district attorney's narcotics enforcement team; and

WHEREAS, Mr. McMahon has served our community as a police officer in an impressive and comprehensive fashion, beginning as a patrol officer and climbing the ladder to sergeant, and then to commander; and

WHEREAS, as the commander of the City of Pittsburgh, Bureau of Police, Mr. McMahon oversaw Pittsburgh Zone 1 and Pittsburgh Zone 4, providing unparalleled guidance to these communities and offering valuable insight to other police officers; and

WHEREAS, throughout his career, Mr. McMahon trained to improve his leadership abilities. This dedication allowed him to give countless duties to the service, which we hope will learn from his outstanding example as he retires.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby recognizes, commends and commemorates Mr. John D. McMahon for his commitment to serving our community. We hope the citizens of our county, the Mayor, cherish his great example and wish him the best as he embarks on his well-earned retirement. Sponsored by myself and Allegheny Council. Presented this 20th day of October, 2009. With that --- one of the most interesting parts about this is his leadership goes to a lot of areas. Our budget director, Jennifer Liptak, who is --- I don't think we could function without her --- is Mr. McMahon's daughter. And I would like Jennifer to present this to her father.

MR. MCMAHON: Thank you, Council. I'm very honored for this recognition. And also, I'd like to thank, especially, Councilman Ellenbogen, my friend.

MR. ELLENBOGEN: I'd like to recognize a former detective. You've probably seen him on television all the time when he was with City Homicide. Keith Andrews is with the District Attorney's Office, and I know he had a great influence on John. One of the things that I should note and --- you know, there's a bunch of these guys that would get together on Monday nights and talk about this stuff as they taught other guys. And some of them aren't here, and I'd be remiss if I didn't mention the late Chief of Detectives, Terry O'Leary, and the late Charlie Murphy and all the other guys that contributed to these young officers that I see walking the streets that have learned from these guys. I wish them safe and wish them well. Thank you. Come on, Jen.

MS. LIPTAK: The staff is never going to let me live this one down. The fondest memories I have of my father as ---. You know, as children, we didn't know what dad did. At least, we knew that daddy had to have something we weren't allowed to touch on top of the china closet in the house. But I'm very proud of him. It's a great honor to be proud of your parents, and I think everyone should have the opportunity at some point to be where I'm at right now in recognizing how proud we are that your parents are --- have done so much for the community.

And the one thing that I'll always treasure, and I'm sure my sisters have their own memories, as well. But the one memory I'll always treasure is having the opportunity to work with him when I worked in the District Attorney's Office. We had a little over three years, three and a half years, together working in a similar function. And I will cherish that for the rest of my life because not only did I know my father as --- you know, someone who took care of me, raised me, but I also got to know what everyone else knew; he was a man of great character and a man who really did serve the people of the county. So thank you.

MR. ELLENBOGEN: It's so important ---. And being the son of a former City --- Pittsburgh police officer who also rose through the ranks up to --- his final position was Chief of Park Place, it's important to recognize what these folks do every day and the emotion

that's involved in it. It's a rough world out there and --- you know, without these ladies and gentlemen who are not only the people that get out there every day but the people who teach them, where would we be at? So thank you, ladies and gentlemen. We appreciate it.

PRESIDENT FITZGERALD: 5162-09.

MR. CATANESE: Proclamation commending the Penn State Cooperative Extension for volunteering to create and sustain the North Park Demonstration Garden. Sponsored by Councilwoman Rea and Councilman Futules.

PRESIDENT FITZGERALD: Councilwoman Rea.

MS. REA: Just wait one second. Okay. Thank you, Mr. President. I'd like to ask the Penn State Co-op Extension Executive Director, Mike Masiuk, and the master gardener who is here with him, to come to the podium, please. North Park has been made more beautiful because of all of your gardening. Every year the residents of the county await to see what true magic you create through your design and care of your spectacular garden. Thank you for your commitment to Allegheny county and North Park. And I'd like to read the proclamation.

WHEREAS, organizations throughout Allegheny County strive to beautify our community by lending their esthetic expertise to our parks; and

WHEREAS, the North Park Demonstration Garden was established in 1990 to showcase flowering plants that grow well in our climate and soil; and

WHEREAS, the gardening includes annual display beds, perennial beds, an herb garden and a pollinator garden that exhibit to the public how maintaining the health of these plants and their pollinators is important to our area; and

WHEREAS, in 2009, approximately 1,000 annuals were planted by master gardeners of the Penn State Cooperative Extension over the course of 350 hours; and

WHEREAS, the master gardeners are specially trained people who study at the Penn State Master Gardeners Volunteer Program. The group has greatly enhanced the beauty of North Park and trained the public to garden professionally.

NOW, THEREFORE, BE IT RESOLVED, that Allegheny County Council, on behalf of the citizens of Allegheny County, hereby commend the volunteers who help maintain the North Park Demonstration Garden. We thank everyone involved for beautifying the park and for promoting proper

gardening to the residents of our county. Thank you. I'd ask Councilman Futules if you'd like to say a few words for us.

MR. FUTULES: Sure. Thank you. As a committee chairman, it's my position to raise the awareness of volunteers in the county parks. Donations, how small, how large, they're all important. And when people go to parks, they don't realize that the people that make the donation, make our parks beautiful ---. We see the flowers, and we just assume that they showed up. But without people like yourselves, this wouldn't happen. And that's how important it is for people of Allegheny County to make donations to county parks. And certainly, I'm one of the advocates of that, and that's why we created the County Parks Foundation, to create donations and to keep continuing these projects. Thank you.

MS. REA: Mike, would you want to speak?

MR. MASIUK: Sure, I would speak on behalf of all the volunteers. Everybody plays a part in recognizing people and recognizing a garden, but it's not --- it's the people that we want to recognize. First of all, this effort would not be possible without our cooperation of the County Parks; former director Donatelli, now director Baechle. Clarence Hopson is here; Gil Kota (phonetic) from North Park, Director of Maintenance. We really want to recognize their efforts and their assistance in making this project successful.

We'd also like to thank some of the predecessors from Penn State Cooperative Extension. We have paid staff that are master gardener coordinators. It started off ---. This project actually started with David Quonchek (phonetic) in 1990, succeeded by Sandy Feather and now currently by Nancy Knauss. But the real stars are the master gardeners. Those are the other people that are standing up here. These are the people that spend countless hours. You said 350; that might be a current estimate, you know, times 20 years times --- there's a lot more hours put into this. They do a tremendous job.

Some of the --- the garden captain. I was corrected; I called the gardener captain, she says it's more like a general. Suzanne Warnick; you can see why they don't argue with her. Her husband, Bill, to the left did protest against something, but I can see why everybody does what Suzanne asks to do. The garden itself, in addition to looking beautiful ---. One thing that's nice

that we are looking at is that we felt that we were green before green became in vogue. And I think a lot of the things that we're talking about, composting, for years, and recycling --- so now we find, wow, this is our time. So we're really excited about that. You mentioned the pollinator garden. There's a --- something that affects everybody is our food supply. A tremendous amount of our food supply is only possible through insects, like honey bees that pollinate. And there's something called the colony collapse disorder, which you may have heard about in the news.

And the pollinator garden is actually part of a statewide research project that's looking at native pollinators; what other insects are out there besides honey bees? So it will ultimately help with research and will help our food supply. There's a composting site back there and, also, something that we like. We've always been preaching how to reduce the use of pesticides. We do not use any pesticides at the gardens. We're not spreading insecticides, pharmacies on there, you know, so we're letting them out there on their own to fend for themselves.

So we have this as an example for other --- for a lot of people landscapers, for professionals. And those homeowners will come there and go through and take notes on what flowers that they should be planting and what varieties. So again, I'd like to thank Councilwoman Rea for the recognition and thank all of County Council here for your support of cooperatives. Thank you.

PRESIDENT FITZGERALD: If you could recognize all the individuals, so we can put a name on the record.

MR. MASIUK: Okay. Nancy Knauss, do you want to go through ---?

PRESIDENT FITZGERALD: We want to mention the people that are here this evening. We'd appreciate it.

MS. KNAUSS: This evening, Bill Warnick, Susan --- Suzanne Warnick, Lyn Lang, Sandy Feather, you've been introduced to, Jane Lutinski and Peggy Trevanion. And there are others, many others. We have 125 volunteers, but some people weren't able to make it tonight. So thank you, again.

PRESIDENT FITZGERALD: 5163-09.

MR. CATANESE: Proclamation honoring Community College of Allegheny County Associate Professor, Mr. Jason Nadzam, for his outstanding instruction to the students of

the college. Sponsored by Council members Martoni and Robinson.

PRESIDENT FITZGERALD: Councilman Martoni and Councilman Robinson.

MR. ROBINSON: Thank you, Mr. President, and members of Council. As you know, I'm the number two cheerleader for the community college, but I won't cheer tonight. Probably, everybody who was in this room tonight and was honored, has some affiliation with the community college, and I'll leave it at that. Doctor Martoni and I, as you know, from time to time, recognize the outstanding people who are affiliated with the community college. And today, Mr. Jason Nadzam --- we're going to honor him.

I'm going to read the proclamation, and then Doctor Martoni will have a few words and then our honoree. His family is here. I'm going to ask him at the appropriate time to recognize his family. And also, we have our guests, the hardworking staff from the community college, who are with us, as well.

WHEREAS, Mr. Jason Nadzam, an associate professor at the Community College of Allegheny County, West Hills Center in Oakdale, is the instructor/coordinator of the General Motors Automotive Service Educational Program; and

WHEREAS, Mr. Nadzam is an expert in automobile service. He earned his Associate of Applied Science Degree with honors from CCAC in 1994 and was subsequently awarded the General Motors Goodwrench Leadership Award; and

WHEREAS, Mr. Nadzam has spent his career mastering the mechanics of General Motors cars. He has placed in many skills competitions as a result, including placing first in the North Central Region Technical Skills Competition in 2003 and placing third in the national portion of the contest; and

WHEREAS, Mr. Nadzam has completed eight Master Technician Certificates for General Motors, which promote him to World Class Technician status, a station earned by only two percent of approximately 70,000 General Motors technicians across the United Nations; and

WHEREAS, Mr. Nadzam, his unwavering commitment to his craft, should be looked upon with great pride by the residents of our county, for he now shares his enthusiasm and expertise by teaching the youth of our community.

NOW, THEREFORE, BE IT RESOLVED, that this Council, on behalf of the citizens of Allegheny County, recognizes Mr. Jason Nadzam as a 1994 graduate of the Community College of Allegheny County, for his success in the automotive service industry. We commend him for his dedication and hope he continues to positively impact the students of our county. Doctor Martoni?

DR. MARTONI: Thank you, Bill. It's always a pleasure for Bill and I to recognize people at the community college, a really great college; one of the greatest in the country, in fact. I want you guys to know, I lost all my credibility with the college today because I told him he better get me on first; you'll get out of here right away. So thank you for that. Okay? Every week when we come by, we're proud of the people we present these proclamations to. And we do it for a lot of reasons. They deserve it; they deserve the recognition.

We also have another reason. We want you to know them. Okay? And we think they are a great part of this county. I'd like to have the President of the North Campus, my colleague --- I'd like her to come up, introduce herself and the guests here today. North Campus is a very unique campus. They have a campus in the North Hills of Pittsburgh. They also have an extremely large West Hills Center, with an extremely attractive vocational program. And we're recognizing part of that tonight. It's a world class facility, both the campus and the West Hills Center.

And the leadership there is fantastic. The leadership of that campus is here tonight, but I want their president, my colleague and my friend, to introduce herself and her colleagues to you.

DR. IMHOFF: Thank you, Doctor Martoni. Councilman Robinson, thank you. Councilman Martoni, all members of Council, it is truly my pleasure to have Jason here and his wife, Melissa. We also have my Dean --- I'm sorry; I called them mine --- the community college's Dean of Academic Affairs, Doctor Gretchen Mullin-Sawicki, my Dean of Student Development, Doctor Mary Lou Kennedy; and from the West Hills Center, my Assistant Dean, Mr. Ron Logreco. And I am Donna Imhoff, Campus President for the North Campus, West Hills Center, Community College of Allegheny County.

If you ever have the time --- I know your schedules are busy --- but I invite you to the West Hills

Center; I invite you to the North Campus, as well. We have a tremendous automotive program there; we have tremendous welding and HVAC and other programs, as well. But our auto bay, I will match it against anybody's. And I would match --- where is he? --- our faculty and all of those who are dedicated in that program. Those students get such tremendous instruction --- are so good, they are employed when they finish that program.

And a lot of people seem to think that because of the economy and what happened with the automotive industry, that that program should perhaps be going downhill or falling apart. But as people keep their cars longer, we need him. I told him there's nothing more pathetic than me on the side of the road. So thank you all very much.

MR. NADZAM: Good evening. Thank you, members of Council, Doctor Martoni, Councilman Russell --- Robinson. I'm sorry. Thank you for this award. I appreciate it. I also would like to thank all the administration with North Campus and West Hills for supporting me through this. It took about two years to complete; a lot of travel expenses. And I appreciate their support financially to get this all done. It was a long road, but we finally got there.

And also, I'd like to thank my wife for being transitioned from technician to teacher, which was a very difficult one. If you've ever taught, you know that doing it and teaching it are two totally different things. So I appreciate that. Thank you, everybody.

PRESIDENT FITZGERALD: 5164-09.

MR. CATANESE: The remainder of the proclamations will be entered into the record.

Certificates of Recognition honoring the recipients of Robert Morris University's Alumni Achievement Awards. Sponsored by Councilwoman Cleary.

5165-09. Certificate of Achievement honoring Timothy Thomas Graham for attaining the rank of Eagle Scout. Sponsored by Councilman Gastgeb.

5166-09. Proclamation honoring Global Links upon the occasion of the organization's 20th anniversary. Sponsored by Councilwoman Green.

5167-09. Certificate of Achievement honoring Benjamin J. Lowden for attaining the rank of Eagle Scout. Sponsored by Councilman Macey.

5168-09. Certificate of Recognition honoring the 50th wedding anniversary of John and Dorothy Onder. Sponsored by Councilman Macey.

5169-09. Certificate of Recognition honoring the 50th wedding anniversary of Ronald and Mary Ann Pope. Sponsored by Councilman Macey.

5170-09. Certificate of Recognition honoring the 60th wedding anniversary of William and Louise Smith. Sponsored by Councilman Macey.

5171-09. Proclamation honoring Mr. Steve Blass for hitting two hole-in-one golf shots in the same 18-hole round. Sponsored by Council members McCullough, Fitzgerald, Martoni, DeFazio, Drozd, Finnerty, Futules, Gastgeb, Green and Macey.

PRESIDENT FITZGERALD: Okay. Public Comment on Agenda Items.

MR. CATANESE: We have three.

PRESIDENT FITZGERALD: We have three speakers this evening. The first one, Mr. John Robison. Mr. Robison? Mr. Robison, if you'd state your name and address for the record, please.

MR. ROBISON: Brothers and sisters, I am Jonathan Robison, 154 North Bellfield Avenue, Pittsburgh, PA, 15213, speaking as President of the Allegheny County Transit Council, the legislatively-mandated citizen advisory body to the Port Authority of Allegheny County. I am happy to be here, along with a number of our volunteers, especially for Pittsburgh Interfaith Impact Network, to support the resolution drafted by your president, Council person, Richard Fitzgerald, supporting safe and accessible and convenient transit stops in shopping malls, such as those owned by the Simon Properties Group.

The resolution calls for cooperation between the malls and the Port Authority of Allegheny County. PAT has been asked to move bus stops to --- away from the stores people are going to, to places where they have to walk 500 feet or more to where they are shopping or working. Others will testify on the need for this cooperation. I would like to focus on one aspect of the situation. Friends of mine have reminded me that the malls are private property and said we can't tell the malls what to do.

I wonder about compliance with the Americans with Disabilities Act and some of the malls' actions and

inactions, creating a situation where the elderly and handicapped have to walk lengthy and unsafe routes. In addition --- on to legal issues. No mall would exist without substantial support from the citizens and taxpayers. Not only TIF's and like tax breaks but the public investment in the infrastructure of --- I'm wrapping up --- the roads that make the malls possible. The shopping mall owners have an obligation, stewardship. Thank you.

PRESIDENT FITZGERALD: Thank you, Mr. Robison. Rosemary Prostko. Ms. Prostko, if you'd state your name and address for the record, please.

MS. PROSTKO: Rosemary Prostko, 1700 Forestview Drive, Bethel Park, PA. Do you want Prostko spelled?

PRESIDENT FITZGERALD: No, that's okay.

MS. PROSTKO: As a member of P.I.I.N., Pittsburgh Interfaith Impact Network, we have gone to several of the Simon Properties --- South Hills Village, Century III, Ross Park Mall --- several times to request improved public access. There used to be public access, and then all of a sudden, it disappeared. We went as a group to South Hills Village near Valentine's Day last year. We knew from previous visits that public transit access is dangerous and limited. Most spots necessitate crossing four lanes of traffic; then, if you come by T, you have to ---. You emerge from the village --- you know, from the T station. You have to turn left, walk 50 feet, go across the crosswalk.

If you take a bus, you have to make a right, repeat your 50 feet to a very-badly-marked bus stop. Now if you're going to go to the mall, then you have to go up a --- and I am not good at sports; it's at least a football field. Okay? And there are no markings. There are no demarcations, so you are --- you know, dodging traffic the whole way. And you know --- so Mr. Gastgeb, you should be particularly interested that on the day we went there in February, the parking lot had several inches of snow and ice. It was, indeed, an injury waiting to happen.

Now --- you know, some of us are a little more agile than others. But believe me, everybody that was with us had a little bit of a problem going across that parking mall. And you could tell where the borough line stopped because it was extremely clean. And then when you go onto mall property, there was the ice and snow. And

this wasn't just the day after a storm. So one more thing you need to know, too, is that Simon Properties has a history of barring public transportation from its mall sites in other communities' other sites. They don't want those people there. So when you talk to them, they're going to tell you that it is just because of how the buses compact and destroy. Well, you know what? They have big delivery trucks in there, and PAT has said that they can work with them on strengthening the property.

Now one more quick thing, since we're talking about this --- and who do they want to keep out of the mall? Let me add to, just at the end of this, that --- what are you guys going to do about Braddock Hospital? With UPMC --- and one more time, it's the poor. It's the people who are forced to take public transportation. It's the people who ---. What are they going to do, take a bus to go to Monroeville for a hospital after they close Braddock, when there's not even enough public transportation as there is?

It just seems to me that in this day and age, we are just so bottom-lined, we are not doing anything because it's the right thing to do. So Mr. Fitzgerald, I want to thank you. But I don't want it to be ---. I want it to be an ordinance because they --- we've talked to them. They won't listen to us; maybe, they'll listen to you. Thank you very much.

PRESIDENT FITZGERALD: Thank you, Ms. Prostko. And our last speaker is Shirley Atkins. Ms. Atkins? And Ms. Atkins, if you'd state your name and address for the record, please.

MS. ATKINS: My name is Shirley Atkins. I live on 320 Lafayette Avenue, Pittsburgh, 15214. I'm a member of P.I.I.N., the organization to which several speakers have referred. As such, I am concerned with the whole issue of social justice, because that is one of the undergirding aspects related to P.I.I.N. Like the previous speakers, I wish to express my appreciation to Mr. Fitzgerald for even taking into consideration the problems that so many of us, for a long time, have been concerned with.

I am a transit user. And as one can discern, I am in the category that's noted as a senior. And I have also used the transportation to the mall and have experienced many of the factors that have already been described to you by some of the previous speakers. What

concerns me so vitally is that there is, by inference if not by practice, a discriminating behavior in what the mall is doing. They are, in fact, discriminating against the elderly. They are, in fact, discriminating against young people who want to work there and have difficulty because of reduced schedules, because of other factors getting to their work. They are, in fact, discriminating against people of lower socioeconomic status.

This has produced a sense of power that allows mall owners and the officials of malls ---. That power is so immense that it seems that they are attempting to tell transit companies what to do, that they are withdrawing privileges from those who must use public transportation. My hope is that the resolution of Mr. Fitzgerald will, indeed, be passed and go beyond that to befriend the more forceful factor in addressing malls and mall owners. Thank you.

PRESIDENT FITZGERALD: Thank you, Ms. Atkins.
Approval of Minutes. 5153-09.

MR. CATANESE: Motion to approve the minutes of the regular meeting of Allegheny County Council, held on September 22nd, 2009.

MR. MACEY: So moved.
(Chorus of seconds.)

PRESIDENT FITZGERALD: Moved in second.
Discussion? All in favor signify by saying aye.

ALL RESPOND AYE

PRESIDENT FITZGERALD: Opposed? The motion carries. Presentation of Appointments. None this evening. Okay. Unfinished Business. Committee on Budget and Finance, Second Reading. 5088-09.

MR. CATANESE: A resolution of the County of Allegheny amending the Grants and Special Accounts Budget for 2009 (Submission 15-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved and second.
Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

(No response)

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.
MR. CATANESE: Mr. Drozd?
MR. DROZD: Yes.
MR. CATANESE: Mr. Ellenbogen?
MR. ELLENBOGEN: Aye.
MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes, 13, no's, 0. The bill

passes.

PRESIDENT FITZGERALD: 5113-09.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2009. This is Submission 16-09. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Chair Robinson?

MR. ROBINSON: Move for approval.

MR. MACEY: Second.

PRESIDENT FITZGERALD: Moved and second.

Discussion? Please call the roll.

MR. CATANESE: Mr. Burn?

(No response)

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?
MR. FINNERTY: Yes.
MR. CATANESE: Mr. Futules?
MR. FUTULES: Yes.
MR. CATANESE: Mr. Gastgeb?
MR. GASTGEB: Yes.
MR. CATANESE: Mr. Macey?
MR. MACEY: Yes.
MR. CATANESE: Mr. Martoni?
MR. MARTONI: Yes.
MR. CATANESE: Mr. McCullough?
MR. MCCULLOUGH: Aye.
MR. CATANESE: Ms. Rea?
MS. REA: Yes.
MR. CATANESE: Mr. Robinson?
MR. ROBINSON: Aye.
MR. CATANESE: Mr. Fitzgerald, President?
PRESIDENT FITZGERALD: Yes.
MR. CATANESE: Ayes, 13, no's, 0. The bill

passes.

PRESIDENT FITZGERALD: Committee on Public Works, Second Reading. 5087-09.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the use of County-owned real property, for the purpose of placing wireless antennae on County-owned property for the purpose of constructing a countywide broadband interoperable wireless communications network. Sponsored by the County Controller and Councilman Finnerty.

PRESIDENT FITZGERALD: Chair Macey?

MR. MACEY: Thank you, Mr. President, and members of Council. When I first became a County councilman, one of the first projects that I took on was interoperable ability problems that we had in the Mon Valley. That was, the police couldn't communicate with fire departments, fire departments weren't communicating with emergency management services and ---. Well, eventually, we got that about 99 percent resolved.

And I see another opportunity here at Allegheny County where we've been using the wireless system, a Wi-Fi system, if you will, to enhance our communications, not only with our departments, with our different agencies, but also schools and our employees. On October 7th, the meeting was held with Public Works on this bill, and it was referred to the full Council for consideration with an

affirmative recommendation. Therefore, I move to pass this bill.

MR. MARTONI: I second it.

PRESIDENT FITZGERALD: Moved and second.

Discussion? Please call the roll.

MR. CATANESE: Ms. Cleary?

MS. CLEARY: Aye.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Macey?

MR. MACEY: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes, 13, no's, 0. The bill passes.

PRESIDENT FITZGERALD: Liaison Reports. Any liaison reports this evening? Mr. Robinson, then Mr. Macey.

MR. ROBINSON: Mr. President, at our last Council meeting we passed a bill, and in a minute I'll give you that number. That bill required the Chief Executive to come over to County Council on the first meeting day of each month. It was Bill 5110-09. I would suggest to the Chair that we get some specific dates and send that to the Chief Executive, so that he might adjust his schedule. It's Ordinance 35-09. The purpose of this ordinance was to make sure that this Council, in its

entirety, would have an opportunity to interact with the Chief Executive on major issues facing this county and to be able to do so on a regular basis. I don't think that you, Mr. President, or any member of Council would want the Chief Executive to believe that we were not serious in our intent to dialog with him in public on major issues coming before this county. But I think it's also appropriate to understand the busy schedule that the Chief Executive has and to remind him of those dates, so that he might adjust his schedule accordingly.

And if he is unable to do so, we can arrange an alternative. We meet twice a month in full session, unless there's some special circumstance or we're on vacation. The dates that we need the Chief Executive here clearly relates to the first meeting we have in each month. That first meeting in December, by way of the ordinance we passed, would be the first meeting the Chief Executive needs to join us. And I would hope that you would take my suggestion seriously, so that there wouldn't be any misunderstanding, either by a Council member or the Chief Executive, and that we could proceed to continue working cooperatively to serve the people in this county.

PRESIDENT FITZGERALD: Mr. Robinson, yes, that's no problem doing that. I'll be glad to do that. I guess my understanding was, it was the first --- once a quarter. So it would be the first meeting of each quarter, if I remember right, and I might be ---.

MR. ROBINSON: Correct; but the first meeting that we have in that quarter.

PRESIDENT FITZGERALD: I understand that. I thought it was --- that you said the first meeting every month, and that was ---.

MR. ROBINSON: I apologize if I said that.

PRESIDENT FITZGERALD: Okay. I just wanted clarification. Councilman Gastgeb, did you have something ---?

MR. GASTGEB: No, I had the same question. So out of the January/February/March cycle, January would be the month, the first meeting of January, then the first meeting of April. Are we defining quarter by calendar year?

MR. ROBINSON: I would refer members to the specific legislation, a copy of which I don't have in front of me. Certainly, Mr. President, we have staff that would get that information available for us.

PRESIDENT FITZGERALD: Yes, we'll get that cleared up. Yes, get the meetings, get the schedule, so that people know when the Chief Executive will be coming before Council. Mr. McCullough? I'm sorry. Do you have a liaison report or a question or ---?

MR. MCCULLOUGH: Yes, I do.

PRESIDENT FITZGERALD: Well, I said Mr. Macey's next, and then you're up. I'm sorry. Do you have a question on this, Councilman Gastgeb?

MR. GASTGEB: Just to follow up, then, we'd be giving the Chief Executive, since there's four quarters, four dates to consider?

MR. ROBINSON: Correct.

MR. GASTGEB: Thank you.

PRESIDENT FITZGERALD: Mr. Macey, and then Mr. McCullough.

MR. MACEY: Okay. Thank you, Mr. President, and members of Council. You know, ever since 911, 2001, the international airport has struggled. But over the last four or five years, it's been consistently doing the right thing and continues to grow. And I'd like to mention that the American Eagle, the regional affiliate of American Airlines, will add three daily flights to Chicago O'Hare Airport beginning in April of 2010. The same will happen with non-stop flights to Dallas, Fort Worth. I just want to ---. I believe and I certainly want to note that the Allegheny County Airport Authority, the Pittsburgh International Airport, continues to grow and is trying to do the right thing to service southwestern Pennsylvania. Thank you.

PRESIDENT FITZGERALD: Councilman McCullough?

MR. MCCULLOUGH: Yes. I have a liaison report to give, and it pertains to a matter of litigation. So I'd like to recess to Executive Session and invite our Council and the County Solicitor.

PRESIDENT FITZGERALD: Okay. How about if we do that ---? I assume it might deal with your bill coming up, if I ---?

MR. MCCULLOUGH: Yeah. But I would prefer to really do it now rather than wait for the bill.

PRESIDENT FITZGERALD: All right. Let's finish the liaison reports, and then we'll adjourn to Executive Session. Any other liaison ---? Mr. Drozd, you had one. I'm sorry.

MR. DROZD: Just a quick comment on such authorities as the Airport Authority. We have to continue to scrutinize these authorities, time and time again. And we have to oversee them, to make sure they are doing the right areas and the right things. I still have concerns when I recall --- and it wasn't taken to task; when one member --- the management of the authority went to --- I believe it was Geneva to study whatever it was. And we have all these great authorities that are doing --- airport authorities within this country. And by the way, there was a \$500 bill incurred playing golf on behalf of one of those people.

So I think that there needs to be a lot of scrutiny. And the proof in the pudding is, the authority --- the Airport Authority has lost a lot of airline service, and they need to be scrutinized, like many of our authorities. Thank you, Mr. President.

PRESIDENT FITZGERALD: Thank you. Before we adjourn into Executive Session, I have one, myself. The director of the Carnegie Library, Barbara Mistick, is going to be coming before the Government Reform Committee this Thursday at 5:00. So I know that's been an item that a lot of people have been concerned about. And I think having Director Mistick here to maybe answer some of the questions ---. We have two members of this Council on that Executive Board, Mr. DeFazio and Mr. McCullough, by statute being the board members. So I just want to remind everybody of that.

And then finally, I think all of us were shocked --- certainly, I was --- by the UPMC announcement of closing the Braddock location. As somebody who represents portions of the Mon Valley, along with Mr. Martoni, Mr. Macey and Ms. Cleary, we've all been concerned. The Chief Executive got blindsided, as well as many members of this community. We are also going to have them, UPMC, come before the Government Reform Committee meeting. We're working out those dates right now. It won't be this Thursday, but it will be within the next couple of weeks, for so many needed questions that I'm sure a lot of us have regarding that and regarding the Mon Valley and all the issues in this community. With that, we are going to recess. I'm sorry. Mr. Martoni?

MR. MARTONI: I had a Sense of Council that I wanted to pass out related to what you just said. It

might be good if I did it now, if you don't mind. It is related to the Braddock Hospital.

PRESIDENT FITZGERALD: We generally don't do it until a motion. So can we hand it out and then everybody will have a chance to look at it? Okay. Let's hand it out. I just hate to run out of order before we do that.

MR. MARTONI: Well, I'll catch you later, then.

PRESIDENT FITZGERALD: Yes.

MR. MCCULLOUGH: While he's standing there, I'm going to ask Jared to hand out something that, at first glance, may not seem to relate to that but it will when we get to it. It's a motion to pull something out of Committee.

PRESIDENT FITZGERALD: Okay. He can hand it out. With that, he'll hand them out and we'll recess into Executive Session regarding the legislation before Judge Wettick.

RECESS TO EXECUTIVE SESSION

PRESIDENT FITZGERALD: New Business. Ordinances and Resolutions. 5154-09.

MR. CATANESE: An ordinance approving the sale of certain real property owned by the County of Allegheny, Pennsylvania, to a development group comprised of Massaro Properties LLC, Langholz Wilson Ellis, Incorporated, Kratsa Properties and Tasso Katselas Associates, Incorporated, for the sale price of \$4,900,000, for the purpose of demolishing the current building located thereon and constructing a new development, including a hotel, office building and parking garage. Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Economic Development and Housing. Before we move on, I just wanted to --- so that the stenographer gets it, we resumed our Executive Session in which we were discussing litigation that this county is involved with.

Bill Number 5155-09.

MR. CATANESE: A resolution of the County of Allegheny, Commonwealth of Pennsylvania, urging the Port Authority and local shopping mall management companies, to work cooperatively to establish bus stops in safe, well-lit, well-maintained areas. Sponsored by Council members Fitzgerald, Burn, Futules, McCullough and Macey.

PRESIDENT FITZGERALD: Refer to Committee on Government Reform.

MR. DEFAZIO: I wanted to be added to that.

PRESIDENT FITZGERALD: Add Mr. DeFazio.

MR. ELLENBOGEN: Yes, I want to be added, also.

PRESIDENT FITZGERALD: Add Mr. Ellenbogen.

MR. FINNERTY: Add me.

PRESIDENT FITZGERALD: Add Mr. Finnerty. And just to let --- I appreciate the speakers who came before us this evening. We are going to be bringing in both the Port Authority --- certainly, to hear from members of your group to expand upon this even more and get a little more detail --- and some of the mall owners, including Simon Properties, to come before the Government Reform Committee. We don't have a date schedule yet; we're going to work out everybody's schedule. But I assure you that it will be within the next month or so. Refer to Committee on Government Reform. 5156-09.

MR. CATANESE: A resolution of the County of Allegheny, amending the Grants and Special Accounts Budget for 2009 (Submission 18-09). Sponsored by the Chief Executive.

PRESIDENT FITZGERALD: Refer to Committee on Budget and Finance. 5172-09.

MR. CATANESE: An ordinance of the County of Allegheny --- Allegheny County, Commonwealth of Pennsylvania, amending and conforming Article 210 of the Administrative Code entitled, Assessment Standards and Practices, to comply with the Pennsylvania Supreme Court's decision in Clifton versus Allegheny County and Pierce versus Allegheny County, by providing a methodology to equalize base year values through periodic, computer assisted, countywide reassessments; phase-in increases to property assessments so as to protect property owners from the undue financial burden of such increases; and to preclude the County and local taxing bodies from obtaining windfall property tax revenues as a result of any adjustments to the base year system. Sponsored by Councilman McCullough.

PRESIDENT FITZGERALD: Councilman McCullough.

MR. MCCULLOUGH: Was it Orson Welles who used to say about Paul Masson wine, we will sell no wine before its time? With that thought in mind, we'll pull this legislation.

PRESIDENT FITZGERALD: Okay. This bill is withdrawn. Do we have any other ordinances this evening?

MR. DROZD: Yes, I do.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Yes, I do, Mr. President, if you would allow me.

PRESIDENT FITZGERALD: Do you have it in writing?

MR. DROZD: Yes, sir, I do.

PRESIDENT FITZGERALD: Okay. Mr. Barker, if you would hand out Mr. Drozd's ordinance. Mr. Drozd?

MR. DROZD: Thank you, sir. What you have before you is an ordinance of Allegheny County, establishing the tax levy upon all property subject to taxation within the limits of Allegheny County, with a tax cut. And you know, let me go through this, and just follow me through this. You know, I firmly believe that the county residents are already paying more than their fair share in taxes.

Time and time again, you know, I've heard from them and you've heard from them, I'm sure, because they're going to call, a lot of my constituents call me. They've been promised tax relief, whether it's with the casino money, from the county, from a variety of sources and --- you know, even what I understand, the governor ran first --- whenever he ran, that he promised them.

And they have not gotten it. They just didn't get it. And they've all got promises and no commitments and no delivery of what they were promised. And all the while, these taxpayers put a lot of bills through for items that are not as high priority, not essential expenses like the tunnel under the river. And even though the G-20 was a success in many ways, it still wasn't a high priority to the people out there in this county and what they want.

But this body --- I believe to be truly and I've said this many years while I've been on Council, we owe the residents the common courtesy at least to hear them and attempting to keep the word that was promised them, even if it wasn't directed from this Council and show them some tax relief in some sort, to show them and give them hope, to say that we are really serious and we do hear them every day.

It's my hope that this bill introduced this evening will receive meaningful discussion and consideration during the committee process, through Chairman Robinson's and the committee that I sit on. And I know he will. I know he always airs and looks --- airs all issues and both sides of the issues and will look at

this. And with him now looking at the budget process and us having public hearings this next week, I think it's good that we do start. This is a small, small tax cut on our part, I realize that. It equates out, I think, approximately --- maybe, \$8,000,000 total, not even 1.1 percent of our budget, if that, maybe a little more; not much. But it's something at least that we will lead the way.

This Council, I heard time and time again, is taking so many leadership roles and leading the way in being a model to start the process. I think it's time that we start the process, and it is my hope, my true hope, that other taxing bodies will follow the same path that we may take and say, we agree with you; we're going to give you some hope, and we're going to give you some tax relief, as low as it may be on our part and as low as our part of the overall pie may be. Hopefully, others will follow.

And I have seen, by the way, some school districts have followed suit and given --- one of which I sat on this year gave the tax relief some initiatives that I helped start, which I was glad. And one I heard even gave three, gave it for three years consecutive. So hopefully, that they will, and they will give them that which was promised to them. And I thank my fellow Council members, and I look forward to the dialog going into our Budget and Finance Committee under the leadership of Councilman Robinson. And thank you ever so much for indulging me. I'd like to make a motion to introduce this ordinance for Committee's consideration.

MR. ROBINSON: Second.

PRESIDENT FITZGERALD: Moved and second. And you're looking --- a motion to place on the agenda?

MR. DROZD: Yes, sir. Yes, sir.

PRESIDENT FITZGERALD: Moved and second. Any discussion? Mr. Robinson, then Mr. McCullough.

MR. ROBINSON: Thank you, Mr. President. I'm looking at the ordinance. The report sent to Committee, I want to make sure that I'm clear on Section 2. As I read Section 2, our millage would be 4.56; 4.56 is not going to produce enough money to operate the County. If a mill raises roughly \$50,000,000 --- 4 times 5 is 20 --- you know, you're talking about \$200,000,000. We're going to be short a whole lot of money. So I just want to be clear

that the sponsor means 4.56 mill, as identified in Section 2 of this bill.

MR. DROZD: Thank you, Mr. Robinson. My intent was, through our Budget and Finance Director, that it would be approximately 180, which would be approximately \$8,000,000, is what I understand. That's what it would be. It's not in mega-millions beyond that. \$8,000,000 was just a matter to say, we are open for business in this county, and we are going to hold ourselves out to be more competitive with the outlying counties. And I'll defer to, with permission of the President, maybe, Budget and Finance Director, Ms. Liptak.

MR. ROBINSON: If I might, Mr. President ---.

PRESIDENT FITZGERALD: Go ahead, Mr. Robinson.

MR. ROBINSON: Thank you. I'd like to pursue this a little bit more because I don't want this bill to come to Committee without a full understanding of what the intent of the sponsor is, particularly since we are nearing the time at which time Council is going to have to consider millage to pay our bills for 2010. If the intent of this bill is to reduce the millage, the Chair does not understand that from Section 2.

And if the intent is to reduce the millage, the sponsor needs to prepare a listing of the proposed cuts and expenditures that would match this reduced millage. So I need more clarification, President, if I might, before this bill is sent to Committee.

MR. DROZD: It's my ---.

PRESIDENT FITZGERALD: I'm sorry. Go ahead, Mr. Drozd, and then Mr. McCullough.

MR. DROZD: It's my intent to produce that in Committee, and I agree with that and I understand that. But we always have that addendum 2 in the ordinance when it comes to taxation or whatever it may be, where it's going to come from. And we do have a couple areas to identify, which I'll produce in Committee. That's my intent. So send it to Committee and I'll have that for you, Mr. Robinson, in Committee.

PRESIDENT FITZGERALD: You should have rules to which your principal note must be attached when the bill is passed. Mr. McCullough?

MR. MCCULLOUGH: Forgive my lapsed memory; what's our current millage rate right now?

PRESIDENT FITZGERALD: 4.69.

MR. MCCULLOUGH: 4.69. Okay. So Bill, I'm not quite sure I follow where you ---. I'm having trouble picking up that this was supposed to be a tax cut.

MR. ROBINSON: That's why I asked for clarification.

MR. MCCULLOUGH: Okay.

MR. ROBINSON: I need clarification as to what the intent of Mr. Drozd is, even though I gave a second to the motion to put this on the agenda. And I think that this proposal does deserve our consideration, because it's coming before us tonight, and I believe Mr. Drozd would like quick action on it. And because within the next couple of weeks we're going to be in the throes of required public hearings, which include a public hearing on what our tax rate, our millage, is going to be next year, the Chair would like clarification so I can expedite Mr. Drozd's concern when this bill goes to Committee. It is my intent to put it on our agenda for our next full Budget and Finance Committee meeting.

MR. MCCULLOUGH: So you just want to be clear; you're intending to put this on the agenda with the expectation that it will be referred to the Budget and Finance Committee?

MR. DROZD: That's correct.

MR. MCCULLOUGH: Okay. I'd like to be added as a sponsor, co-sponsor.

PRESIDENT FITZGERALD: Please add Mr. McCullough as a co-sponsor. Mr. Gastgeb?

MR. GASTGEB: Yes. Just for my own edification, I have our millage rate currently at 4.69. This ordinance proposes 4.56, so it's a reduction of .13 or .13 on the mill. As others have said, my mathematics --- it looks to be on my count, \$8,000,000 to \$10,000,000 less in revenue than what we have right now. And it would be up Mr. Drozd to find that \$8,000,000 to \$10,000,000, which I believe that's what we have a committee set up to do. Thank you.

PRESIDENT FITZGERALD: Refer the bill to Budget and Finance. New Business, Motions. I believe Mr. Martoni has a motion he wishes to introduce. I think we already --- it's been passed out?

MR. MARTONI: Yeah, it's passed out. Everybody has it in front of them.

PRESIDENT FITZGERALD: Okay. Mr. Martoni?

MR. MARTONI: It's simply a Sense of Council, Rich, urging UPMC to reconsider the decision to close the

Braddock Hospital. It serves ---. This is a little bit ---. You know, all the publicity in the paper talks about the Borough of Braddock with a population of 6,900. Well, that hospital serves a much larger geographic area. So I would like to propose a Sense of Council. I don't really mind this going to Committee, because I think we got to have a lot of dialog on this. I don't think we should just sit around and watch a hospital close and not impose ourselves in there.

They have received numerous amounts of public financing on those places. Okay? And those people and those hospitals --- that run those hospitals, make a whole lot of money, too. I don't think we should just sit around and watch them close hospitals in an area like Braddock. Okay? I think we should take them on and kick the hell out of them.

PRESIDENT FITZGERALD: Let me just --- because this is new ---. And I'm going to make sure I do this right; I'm going to ask Mr. Catanese to read the bill, since it has not been placed on the agenda. And I'm going to have to do it, Mr. Drozd, to yours, as well. I got ahead of myself with the discussion. So let's do this one, then we're going to go back. But read the title of this, so we know what we're --- the public better sees what we're doing.

MR. CATANESE: The motion expressing the Sense of Council of Allegheny County urging UPMC officials to reconsider the decision to close UPMC Braddock Hospital, an invaluable asset to the residents of Braddock and the surrounding communities.

PRESIDENT FITZGERALD: And then do the, NOW, THEREFORE, at the end, so we know ---.

MR. CATANESE: NOW, THEREFORE, IT IS MOVED, AND IT IS THE SENSE OF THE COUNCIL OF ALLEGHENY COUNTY, that the officials of UPMC reconsider their decision to close the UPMC Braddock Hospital, which serves the residents of Braddock and surrounding communities. And this Council requests that UPMC Braddock Hospital remain open in order to help make the community a healthier, stronger and better place to live. Sponsored by Council Vice President Martoni.

PRESIDENT FITZGERALD: A motion has been properly made. Do I have a second?

MR. FINNERTY: Second.

PRESIDENT FITZGERALD: We have a second. Any discussion? Mr. Drozd, Mr. Ellenbogen and Mr. Finnerty.

MR. DROZD: Thank you, Mr. President. I express the same concerns as my esteemed Councilman Martoni. I think when they come before the Committee, they need to discuss ---. Other than financial matters, they need to discuss the golden hours, I have said, so many hours --- so many times before; in essence, that moderm of that time period. If someone has a traumatic --- maybe, we look at a trauma center or whatever it may be. But we have to look at that transport time to another facility within that period of time, because it's going to result in someone's life or loss of life.

So they've got to come with more than just finance before that Committee. They have to talk about --- you know, the servicing surrounding that population and transporting people to a safe harbor facility where they can sustain life. And that's the key, is to sustain life, first priority. Thank you.

PRESIDENT FITZGERALD: Mr. Ellenbogen, then Mr. Finnerty.

MR. ELLENBOGEN: You know, I agree with Councilman Martoni. And particularly, I think that we have earned the right to approach UPMC, because they had no problem coming to this Council to get us to refinance over \$1,000,000,000 worth of bonds. So I think we've earned the right to ask them to reconsider this, because they've come to this Council numerous times for help and we've done everything to help them. As an organization, I would appreciate if they would hear our words. Thank you, Councilman Martoni, for presenting this.

PRESIDENT FITZGERALD: Councilman Finnerty, then Councilman Gastgeb, and then Councilman McCullough.

MR. FINNERTY: I also thank you for presenting this. I think it's very important. And if we look at a situation for UPMC or any other, quote, non-profits ---. Non-profit? I thought, meant non-profit. That was the reason why they could come to us and get \$650,000,000 bonds, \$350,000,000 bonds, because they were non-profit. Now they're turning around and saying to us that they're going to close Braddock Hospital because they can't make a profit. They are a non-profit.

They're supposed to keep it open for the benefit of the community. This is --- it makes no sense to say non-profit and then close the hospital because it doesn't

make a profit. It's a community service. That's why they get special treatment. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. Gastgeb, and then Mr. McCullough.

MR. GASTGEB: Yeah. I'm having the same thoughts as my colleagues; however, just like with the Port Authority and the mall management, having the parties come in where we really, I think, allow our voices to be heard. So I hope this goes into Committee so we can talk about this, and they can see our anger and whatever else. There's no doubt that UPMC has come over to refinance several million dollars; not just once, but several times.

And my recollection is, although you can't tie hospital closures, Council member McCullough was the only one --- and I'll throw myself in there too for not doing it --- to try to put some condition on. And you could say it is apples or oranges, but at least he saw the wisdom of not just acquiescent to billions and millions of dollars refinancing, because if we did something like that, maybe they would be a bit more receptive to us as a county. But right now, my biggest problem is the vacuum they made this decision. Apparently, they never contacted the Chief Executive Office. I don't know who represents Braddock, but --- Mr. Fitzgerald?

PRESIDENT FITZGERALD: Mr. Martoni.

MR. GASTGEB: --- Mr. Martoni, I'm sure they didn't call you.

MR. MARTONI: Absolutely.

MR. GASTGEB: And when you have people come in front of you and you're just willing to sign off on bonds like that, without any conditions, that's what happens in this body. So you know, maybe it's something that we learned. And I really would love to see them in a Committee meeting so that we could ask them these questions, because my history has been, when we have people in a Committee meeting, that's where we get answers. That's where you can make it small, intimate and very personal, if need be. Thank you.

PRESIDENT FITZGERALD: Councilman Gastgeb, you're absolutely right. And as I stated earlier, I will be in contact with the government relations people today. They have committed to come. That was even before they knew about the motion. So I don't necessarily see those being mutually exclusive. If we pass this motion, I think it does send a signal how this county --- how this Council

feels, and we still bring them in. You're absolutely right. The process done in committee where we have these discussions with --- whether it be authorities, business communities, whoever it might be --- you're absolutely right. It has been effective for this body.

MR. GASTGEB: If I could respond.

PRESIDENT FITZGERALD: Yes. Go ahead.

MR. GASTGEB: I'm glad you made them not mutually together, so they could be separate. So I'm glad. It was my contention with them that they couldn't be. But the other thing we have to realize --- this is like a second chapter to this --- the Chief Executive's budget calls for non-profits in this county, ponying up, paying, however you want to say it, volunteering or whatever he's going to use, \$3,000,000 to \$4,000,000 to balance our budget.

He was here and said it, clear as day. So I hope they're not going to use this as yet another indication where they can't pay what we need to have. I know it's another issue for another day, but still ---. So this has a lot of tentacles to it. You know, they can't afford to keep a hospital open, but yet we want \$3,000,000 to \$4,000,000 from them in property taxes. In particular, they're not paying anything right now. In part, there's a whole plan set up by the Chief Executive for non-profits, in which UPMC would have to be part of that plan. So also keep that in mind, as well. Thank you.

PRESIDENT FITZGERALD: Mr. McCullough, then Mr. DeFazio.

MR. ROBINSON: Mr. President?

PRESIDENT FITZGERALD: I'm sorry. Mr. Robinson. Mr. DeFazio, then Mr. Robinson.

MR. MCCULLOUGH: Okay. Do I have the floor?

PRESIDENT FITZGERALD: Mr. McCullough, yes. I'm sorry.

MR. MCCULLOUGH: One question, then a few comments. Mr. Barker, did they actually close the bond issue that Council voted on last year, that \$650,000,000?

MR. BARKER: My understanding is that they did. We can confirm that.

MR. MCCULLOUGH: Mike, would you happen to know that?

MIKE: I do not know.

MR. MCCULLOUGH: Okay. I appreciate your kind words, Vince. And just to refresh Council's memory, last year what I tried to do was tie a --- what they call an origination fee, which would have gone to the community college for job retraining. And I think, especially in light of the fact that --- you know, maybe upwards of 600 people are going to be given their marching orders and the residual impact on not just Braddock but the Mon Valley, those other businesses that rely on this, that would have been a nice thing to have to help the community college.

But I'm very heartened to see that County Council sees this issue. It might hit the nail on the head. Non-profit, unfortunately, is a misnomer. What non-profits mean is, they don't pay ---. They don't have stockholders and they don't pay dividends to stockholders. It doesn't mean that they don't have money at the bottom line. And this is a mega corporation --- and this probably underscores it --- they do make business-based decisions.

And I think this is an eye opener for all of us. And you know, I'm prepared to vote on this motion right now. I'll defer to Councilman Martoni, if he wants to put it into Committee. Quite frankly, I think it would be a good idea to send a message now and then bring them over. And then I'll have some further remarks based on the motion that you'll see before you.

PRESIDENT FITZGERALD: Okay. I was calling in order. I did have Mr. Robinson --- I forgot --- and then come back to Mr. DeFazio and then down the line. Mr. Robinson?

MR. ROBINSON: Thank you, Mr. President. I think that perhaps this situation is instructive of how diligent we need to be when we are requested to make major financial decisions that are going to impact, not only the parties that ask us to make the decision, but our constituents who are affected by the decision that we make. I would hope that this Council would take a serious look at the manner in which not only we issue authorization for bonds, but in all of our financial matters to look beyond the request and perhaps the goodness of the person who is requesting and spend a little bit more time assessing what the financial impact is going to be on the County and also what's going to be the impact on our constituents if those who are making

requests of us decide to make a business decision that is adverse to the interest of this Council.

Our opportunity to weigh in on any issue is before we make a decision. After we make a decision there aren't a lot of people who want to listen to us. And unless we have some kind of leverage, we will not be using our time wisely. Unless we have the people in the room who make the final decision we may find ourselves talking to some government relations people, some public relations people, some community relations people but nobody, nobody who's making a financial decision and in particular, with UPMC. We need to stand up not only to UPMC but we need to stand up to others who come here and request our cooperation. And we need to talk in private and in public about what we expect from them. Because we represent the people who they claim that they're serving. But once we give them authorization to use the leverage and power that we have, they are gone. They are gone. And sometimes they don't respect the cooperation that we are engaged in with them. I think this is a prime example.

I don't know who makes the decisions at UPMC. I have a pretty good idea who those people are. They make their decision. They didn't call Dr. Martoni. They didn't call me. They didn't call the President of this Council. They didn't even call the Chief Executive who came before us and told us that in the year 2011 he wanted to balance the budget but asking for their cooperation. Maybe they interpreted what he was saying as not being in their best interest and they decided to do something that wasn't in his best interest. But not only did he get blindsided; they put us in a very amenable position of trying to explain to our constituents why this happened. Why did we authorize millions of dollars to a multi-million dollar corporation who told us they were serving our constituents and the way they do it is don't even tell us they're closing the community facility. And then when we find out, they're not as cooperative as we want them to be. What do we want them to do? We want them to keep that facility open. What leverage do we have? How are we going to make them do that? They got the money and they're gone. But they'll be back and others will come back.

Let's not let this happen to us again. Let's don't have our Chief Executive embarrassed. Let's not have this Council embarrassed. And let's not have a fine

gentleman like Mr. Martoni embarrassed when he finds out that many of his constituents may have to walk to Monroeville to get some emergency medical services. It's an abomination what they're doing. It's an abomination. I agree with Mr. McCullough. The bottom line was making money. And we accommodated it. We sold our constituents. We sold them down the river for UPMC. That's what we did. UPMC is aware. And if they don't send somebody down here who makes decisions, money decisions, Mr. President, I will cancel the meeting and I'd tell them I'm waiting for them when they come back, because they're coming back, because we're easy to roll over. Thank you, Mr. President.

PRESIDENT FITZGERALD: Mr. DeFazio and then Mr. Drozd, Mr. Ellenbogen and Mr. Gastgeb.

MR. DEFAZIO: Yeah. A lot of what Bill just said I was going to say. I agree with him 100 percent. I have no problem voting on this tonight but we have to have a meeting with people that can make some decisions. I mean, just like Bill said, they can send anybody. They can tell you a done deal. They'll take a little bit of heat and it's over. So we've got to try to get some people here to make decisions. We have a lot of questions and we need a lot of answers. I know I have some and everybody who is going to be here will have a lot of questions. And that's what we need to do.

PRESIDENT FITZGERALD: Mr. Drozd?

MR. DROZD: Thank you, Mr. President. One time I had a financial issue and I went to the Vice President of UPMC. I sat in his offices in Oakland. We talked about those issues and why they made \$200 million profit and what they were going to do with that money. But this is more of a moral issue than a financial issue. Each of us brings to this Council some sort of expertise, each one of us, I bring the medical component more so than that we should be concerned about the financial component. What I mean by that is each facility and hospital has a catch area serving so much of the population of the medical ---. Each one of us in this room, some of us, have some sort of condition that demands a certain type of treatment. And that means that there's what I call the golden hour, sustain live, stabilize the patient.

What we need to bring before us is not going to the Government's Committee, I think this needs to go to Public Safety. This is a Public Safety issue. And when

we do that --- one time when I brought an issue before --- and Councilman Burn and I had scrubbed it, so to speak, with that committee, I didn't just bring in the one side part of it. I brought in experts in healthcare and delivery of that healthcare. That's key. This is a trauma issue. And what I'm saying here is we must bring in not just those financial decision-makers, we need to bring in experts like our medical examiner, Doctor Dickson, our healthcare provider, we need to bring in a trauma care specialist that talks about the delivery of that care to someone that has a traumatic health condition and the result of that is now in that golden hour.

So this is more than a financial issue. And I would urge Council maybe to throw it into the Public Safety, too, with Councilman Burn as well. And we bring in experts, not just the financial decision-makers, we have to find out what they intend to do to cover that golden hour and sustain, stabilize the patient is what it's called. And I'm very fearful, depending on the distances, they may not be able to stabilize the patient, they better justify that, not only to this committee, they better justify it to that area, to those people that really need that help. Thank you.

PRESIDENT FITZGERALD: And I wanted to say also, I agree with just about everything everybody has said. And I think it's not just about the Braddock situation but what is their commitment to the Mon Valley in general and quite frankly, to other neighborhoods and other communities in this County. What commitments are they making, you know, Braddock today, is it going to be McKeesport next week. You know, is it going to be another location. I think these questions are all questions we want to bring.

Mr. Ellenbogen and then Mr. Gastgeb.

MR. ELLENBOGEN: First of all, I applaud Councilman McCullough's clairvoyance on this subject because he did warn us. And Councilman Gastgeb's words have a resounding effect on me. Because I was one of the ones who voted for to float over a billion dollars of refinancing bonds for an organization that I thought was for the betterment of the people. And I feel like I've been had. You know, Councilman Robinson hit the nail right on the head.

Now, the situation we have to deal with --- because right now, outside of even Braddock Hospital

closing, there's a larger issue that we have to deal with as a Council. Are we going to allow ourselves like my daughters would say, to get clowned on again. We have got to, you know, put our boots into the mud and say, you know what, enough is enough. I for one, if a bill like that comes up again I'm going to vote for it. Because this is absolutely ridiculous. They literally think we're a bunch of clowns. And that's what it comes down to.

We'll go in front of them, take a billion here, there's other organizations and we give money out like it's candy and we ask them for a little bit of respect because we do it for the betterment of the people that elected us. And they walk away and they send a bunch of people in here that --- and Bill, you're absolutely right. They can't even decide --- they don't even have the power to decide what kind of light switches to put in the building, let alone decide what hospitals to close. We as a Council need to really look at this seriously and sit down and say, you know what, we can never allow this, not only to happen again with UPMC, but with anybody. Otherwise, I don't even know what we're sitting here for other than just to be their clowns and they walk away and say well, we got them again. So thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: If I could digress a little bit towards our body as a whole, why would UPMC even look at this Council with any validity to come back and speak. The only reason potentially maybe because they'll feel we'll be floating bonds in the future. We're not the executive. We're not the administration. We're not Economic Development. But we're the ones that get rolled over. We have the final vote and we're told, well we're going to take the bond somewhere else. You know what, if they're going to act like that, maybe we want them to take their bond somewhere else.

And I'm not going to harp on Mr. McCullough, but you know, he sat here and took a lot of cuff from people out there, from people here. They're part of some minority party and there's some grand scheme he's working on. Why can't we just say, you know, our body needs to know when it comes to dollars and sense we're going to start scrutinizing and scrutinizing and scrutinizing. And in a way we create our own impediments. And I really wish there were four members here from the majority party so we

could start doing things after nine years of doing it the opposite way.

We're accommodating people who roll over us, that won't give us the time of day to tell us what's going on, members up here, Mr. Robinson, Mr. Fitzgerald, Mr. Martoni, whoever is in the Mon Valley, and yet we seem like we keep doing the same thing over and over again. And if I was the majority party, this wouldn't be happening. I went back to look. That vote was not unanimous. Four members out of 15, four abstained because of the hanky-panky that came in with the dog and pony show. And that's an embarrassment, too.

PRESIDENT FITZGERALD: Mr. Martoni?

MR. MARTONI: I think that we're going to meet with UPMC, they're going to come here, and they're going to bring us some great public speakers and they're going to tell us why they're doing this. We're going to have to do more than that, okay? We're going to have to tell them they're not going to do this. If they do do this, we're going to do something. There's a lot of things we could do.

Now, some of these things we could do with Braddock, but there's something in Pennsylvania called eminent domain. I don't see any problem taking that damn hospital and giving it to another hospital if they want to play hardball. If we have enough guts to do it. Now, that's pretty tough to do. You guys that know about eminent domain, you build a river. I mean, the government has the power to fair market value. In this case, there's no market value here, we'll get it free. Because they're saying they're not doing any business; right? I'm just throwing out ideas. I'm not saying we're going to do this. But I think if we go to war with these guys, we got to go to kick butts, because they're going to come here and they're going to talk to us. They're going to use a lot of nice rhetoric and they're going to say their financial plans call for this. Forget about the sick people in the valley, they could go to Monroeville, they could go to Pittsburgh, we're going to take good care of them. They're not going to take good care of anybody but themselves.

What I'm trying to do is give you an idea that this is more than just fists; okay? If you're going to engage in this, this is going to be a fight. We were talking about many mistakes we made in the past, the hell

with the past, let's talk about the present and the future right now. I really thought when we did those other bond issues for UPMC, I thought it was a great thing. I thought UPMC was keeping a lot of people alive that may have died. But this is different. This is different.

And if we're going to go to the mat with these guys, I want to prepare you all because they're going to come in and sweet talk us and they may convince a lot of us. They are fantastic successful doctors. And people, to tell you the truth, they could care less about us, okay? They could care less about any one of us. So don't let them snow you. And if we go to the mat with these guys, it's not going to be easy. They're going to take the best person here and they're going to try to convince us that this was a good business decision. And it might be. It might increase their profits 50 percent, I don't know. It is certainly a bad decision for the people. I'm just giving you a warning, that's all.

PRESIDENT FITZGERALD: Please call the roll.

MR. CATANESE: Mr. DeFazio?

MR. DEFAZIO: Yes.

MR. CATANESE: Mr. Drozd?

MR. DROZD: Aye.

MR. CATANESE: Mr. Ellenbogen?

MR. ELLENBOGEN: Aye.

MR. CATANESE: Mr. Finnerty?

MR. FINNERTY: Yes.

MR. CATANESE: Mr. Futules?

MR. FUTULES: Yes.

MR. CATANESE: Mr. Gastgeb?

MR. GASTGEB: Yes.

MR. CATANESE: Mr. Martoni?

MR. MARTONI: Yes.

MR. CATANESE: Mr. McCullough?

MR. MCCULLOUGH: Aye.

MR. CATANESE: Ms. Rea?

MS. REA: Yes.

MR. CATANESE: Mr. Robinson?

MR. ROBINSON: Aye.

MR. CATANESE: Mr. Fitzgerald, President?

PRESIDENT FITZGERALD: Yes.

MR. CATANESE: Ayes, 11, none, zero. Motion passed.

PRESIDENT FITZGERALD: I need to go back to Mr. Drozd's ordinance. I have to have Mr. Catanese read it

into the record and then we need to vote on it and I'll make a motion to place it on the agenda. We got ahead of ourselves with the discussion on it.

MR. CATANESE: An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, establishing the tax levy upon all real property subject to taxation within the limits of Allegheny County.

PRESIDENT FITZGERALD: Do we have a motion to place this on the agenda?

MR. DROZD: Aye.

PRESIDENT FITZGERALD: And Mr. Robinson, second?

MR. ROBINSON: second.

PRESIDENT FITZGERALD: I'll just call for a voice vote. All in favor signify by saying aye.

(Chorus of ayes).

PRESIDENT FITZGERALD: Opposed? Motion carries to place it on the agenda to be referred to the Committee on Budget and Finance. Any other motions before this Council this evening? Mr. McCullough?

MR. MCCULLOUGH: Yes. I have a motion to pull from committee.

PRESIDENT FITZGERALD: Is that what you distributed earlier?

MR. MCCULLOUGH: Yes, sir.

PRESIDENT FITZGERALD: Okay. Do you want to have Joe read it? Go ahead, you discuss it first and then we'll ---.

MR. MCCULLOUGH: We've had a very healthy discussion about how to deal with this UPMC situation. To refresh your memory, what this is, essential services fee legislation. That will send the message. I mean, the enemy that is going to be affected most by this is UPMC. And I remember quite clearly the comments from UPMC when this was dangling about was, we do a lot of community service. The County doesn't have a right to expect anything from us because we don't get much from the County.

This was based on the proposition that UPMC, U.S. Steel, U.S. Air, they're all alphabet names, they're corporations, they ultimately will act in their own special self-interest which is to generate money. Okay. I think you need to look at corporations like this separate and apart from the healthcare providers that work for them. This has nothing to do with doctors. It has nothing to do with nurses. But it's based on the

fundamental premise that they don't do any more good for society than ordinary Joe. And while we have some recognition and tremendous subsidy by letting them be tax-exempt, they do consume essential services from Allegheny County.

Now, I'm going to modify this. If I get a commitment from Mr. Robinson that he will place that bill on his agenda at the next meeting, I will defer acting on this tonight. And I'll tell you what, if we put this on the agenda of the Budget and Finance Committee, you'll hear from these birds. You'll get their attention. And if we pass this doggone thing, you'll have the leverage you're looking for. So Bill, with that commitment, you know, I'll not ask for a vote on this tonight.

MR. ROBINSON: You have my commitment.

MR. MCCULLOUGH: Thank you.

PRESIDENT FITZGERALD: Any other motions before this Council this evening? Notification of Contracts, 5157-09.

MR. CATANESE: Communication from County Manager, Jim Flynn, submitting a summary of Executive Actions relating to contracts for the month of September 2009. Sponsored by the County Manager.

MR. FUTULES: I move to receive the file.

PRESIDENT FITZGERALD: Motion to receive the file.

MR. ELLENBOGEN: Second.

PRESIDENT FITZGERALD: Second. Discussion? All in favor signify by saying aye.

(Chorus of ayes).

PRESIDENT FITZGERALD: Opposed? Motion carries to receive the file. Public Comment on General Items. We have one speaker this evening. Mr. Harry Miller. I don't see Mr. Miller with us this evening. Mr. McCullough?

MR. MCCULLOUGH: If we don't have anyone on public comment, I'd like to make this comment. I appreciate all of the kind words from various members of this Council tonight. And I have to tell you that it's hard for me to see County Council assert itself. Last week I had an oral argument in a case that involves quite frankly I think the ability of County Council to assert itself from a very fine lawyer, who I respect a great deal and who will remain nameless, made a comment that our charter calls for a strong Chief Executive form of government and a weak County Council with limited powers.

And I took issue with that because that's not how I read our charter. And I certainly don't read our preamble to our charter where we have the legislative power. And if anybody doubts the significance and the importance of the role we play I would ask you to take a look at Justice Bear's opinion in the two drink tax related referendum that was decided just a couple of weeks ago where he threw out both questions, the County initiated question and the taxpayer initiated question on the basis that under the Home Rule Charter, under law, Allegheny County Council --- Allegheny County Council is the governing body of Allegheny County. And that is a correct application of the law. It comes directly from the Home Rule Charter and Optional Plans Law.

What that means is the buck ultimately stops with us because we're the legislative branch of this government and we're the ones that have the most direct contact with the people. We're the only body that has these kinds of public sessions. This is what the public looks at when they see the face of Allegheny County government. And one of the things I've tried to do while I've been here is to get you all to understand that you have every much right to express yourself as the Chief Executive, as the Judicial Branch. We can do it. And I think we've learned a lesson with UPMC. I don't think we've looked at ourselves collectively in the light that other legislative bodies do. I think that's changing. And the litigation I've been involved in, if you track them, there's a continuing theme, Allegheny County Council has the power to do this.

We have it. We can use it. I respect everybody here. I would not want to make a decision unless I had the buy-in of all you good people regardless of what branch of government I was in. I know when I was the county solicitor I enjoyed coming before this body because I tried to give it the respect of the office. I didn't always agree with everything you said then, I don't agree with everything you say now, but I respect this body. And if we need to communicate that to our constituents, and those who are going to do business with our constituents, or take advantage of our constituents, we're going to be respected. And I think we took a big step towards that tonight. Thank you.

PRESIDENT FITZGERALD: You said that better than Harry Liller. Mr. Robinson and then Mr. Ellenbogen.

MR. ROBINSON: We are the Bloomfield Rams. When I first said that several years ago, there was a loud chuckle in this room. Tonight that chuckle is not quite as loud. We are the Bloomfield Rams, let's play like the Bloomfield Rams.

PRESIDENT FITZGERALD: Mr. Ellenbogen?

MR. ELLENBOGEN: You know, my late father used to say something to me all the time. He used to say, you know, don't worry what other people do, let them worry what you're going to do. And I think the time has come for all these people who come in front of us to worry what we're going to do. Thank you.

PRESIDENT FITZGERALD: Mr. Gastgeb?

MR. GASTGEB: I'll just echo what my colleagues have said. It comes down to finances. If you're in this Council it comes down to finances. Mr. Robinson has been a steward and I think we're going to go from drive to overdrive now. And back when Mr. DeFazio was president, right, when we were talking about CDBG and Jim Roddey was Chief Executive take it away from them. I'm still trying ten years later. We've got to do something more with the finances. That's our fiduciary and charter responsibility. And we're not grabbing it, just giving it away. And we are responsible to constituents. And if it takes UPMC --- and they're just the medical. I could bring up, you know, tons of examples where that's happened to us. I hope that the budget cycle is dramatically different this year. Thank you.

PRESIDENT FITZGERALD: Any further comments?
With that, do I have a motion to adjourn?

(Chorus of motions).

(Chorus of seconds).

PRESIDENT FITZGERALD: Meeting adjourned.

MEETING ADJOURNED AT 8:00 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