

# **Allegheny County Council**

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## **Meeting Minutes**

**Wednesday, February 3, 2016**

**4:00 PM**

**Conference Room 1**

## **Committee on Public Works**

*Bob Macey, Chair*

*Members; Sam DeMarco, Jim Ellenbogen, Mike Finnerty, Nick Futules, Cindy Kirk,  
Paul Klein, Denise Ranalli-Russell, DeWitt Walton*

**I. Call to Order**

*The meeting was called to order at 4:00.*

**Invited Guests:**

**William D. McKain, CPA, Allegheny County Manager or Designee**

**Stephen G. Shanley, P.E., Director, Allegheny County Department of Public Works**

*Mr. McKain was present from the Office of the County Manager.*

*Mr. Szefi was present from the Law Department.*

*Mr. Shanley and Mr. Wright were present from the Department of Public Works.*

*Mr. Barker and Mr. Szymanski were present from the Office of County Council.*

**II. Roll Call**

**Members Present:** 6 - Macey, Michael Finnerty, Nick Futules, Cindy Kirk, Paul Klein and DeWitt Walton

**Members Absent:** 2 - Sam DeMarco and Denise Ranalli-Russell

**Members Phone:** 1 - Jim Ellenbogen

**Members** 4 - Ed Kress, John DeFazio, John Palmiere and Sue Means

**Non-Members:**

**III. Approval of Minutes**

9408-16 Motion to approve the minutes of the Public Works Committee meeting of Allegheny County Council held on November 12, 2015

*Ms. Means requested a hard copy of the minutes.*

**A motion was made by Finnerty, seconded by Walton, that this matter be Passed.  
The motion carried by a unanimous vote.**

**IV. Agenda Items****Ordinances**

9392-16 An Ordinance authorizing the Department of Public Works to take certain actions on behalf of County Council with respect to the issuance of highway occupancy permits, the grant of certain licenses, rights of entry and easements, and the amicable acquisition of certain real estate affecting County public work projects and other matters for calendar years 2016 and 2017.

**Sponsors:** Chief Executive

*At the request of the Chair, the clerk read the title of the bill and Mr. McKain summarized its provisions, noting that similar delegations had been made since 2001 and that they have provided valuable flexibility for the completion of some public works projects, depending on the path that right of way or other negotiations have taken. Mr. McKain also summarized the limited nature of the authorization, noting that the Department of Public Works would not be empowered to actually acquire property via eminent domain.*

*The Chair discussed a project involving the Greensburg Pike Bridge in which the delegation of this authority had been of assistance to the Department in the past.*

*In response to a question from Ms. Kirk, Mr. Finnerty noted that he is not aware of any instances in which the Department had abused or unacceptably used the authority delegated.*

*Ms. Means expressed concerns regarding the breadth of the delegation of authority relating to the uses of County-owned property, and suggested that the Council might wish to carefully consider the potential for projects to proceed without Council's awareness. The Chair noted that the administration had come to Council for legislative approval even when they may not strictly speaking have had to with this delegation in place in the past.*

*Mr. Finnerty noted that he feels that the primary purpose of the bill is to provide flexibility regarding road construction projects, and discussed situations in which Council retaining authority over all transactions might be problematic.*

*Mr. Walton expressed agreement with Mr. Finnerty's position, and noted that the Manager had indicated that the administration would still bring issues to Council when appropriate, and Mr. McKain agreed.*

*Mr. Ellenbogen suggested that construction projects of this nature are regulated to the point that it would be virtually impossible to undertake anything of concern relating to them.*

*Mr. Futules noted that, in the absence of any assertion that the delegated authority had in any way been improperly used by the Department, he would not have any concerns with renewing it.*

*In response to a question from Mr. Futules, Mr. McKain indicated that he could provide a list of pending and upcoming right of way acquisitions and similar transactions to keep the Committee informed and up to date.*

*Ms. Means reiterated her concerns regarding the provisions of Section 3 of the ordinance, and suggested that there may be wisdom in deleting it from the bill.*

*Mr. Finnerty noted that each section of the ordinance also contains language that allows Council to rescind or revoke any action undertaken by the Department, and also noted that the ordinance could be repealed if Council were to become concerned enough about how it is being used.*

*In response to a question from Mr. Klein, Ms. Means repeated that her preference would be to delete Section 3 in its entirety.*

*Mr. McKain highlighted the example of the ordinance authorizing cell tower placement in the County parks as an instance of the administration keeping Council involved in issues of significance relating to County-owned property.*

*Mr. Ellenbogen suggested that flexibility is a necessary commodity in public works projects due to their complexity.*

*Mr. Finnerty requested that the Department provide periodic updates regarding its activities.*

**A motion was made by Walton, seconded by Klein, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.**

**9394-16**

An Ordinance authorizing the County of Allegheny to acquire by condemnation certain right-of-way and easement areas from two parcels required to realign Thoms Run Road, also known as Thoms Run - Oakdale Road, in Collier Township (6306-0201), and to take such further action as may be necessary under applicable law, including the Eminent Domain Code.

**Sponsors:** Chief Executive

*At the request of the Chair, the clerk read the title of the bill and noted an administrative change that would be made to accurately reflect a lot & block number.*

*Mr. McKain provided an overview of the bill's provisions, noting that no heirs could be found for the owner of one of the parcels, Joseph Hickton. Mr. Wright noted that the project had been ongoing for decades.*

**A motion was made by Finnerty, seconded by Kirk, that this matter be Affirmatively Recommended. The motion carried by a unanimous vote.**

**V. Adjournment**

*The meeting adjourned at 4:34.*