

Letter to Stephen Zappala, Jr. District Attorney of Allegheny County

December 14, 2015

RE: Oakland Transit Connector

Dear Mr. Zappala:

On November 9, I hand-delivered a letter to your office concerning a proposed Oakland Transit Connector project that would destroy Panther Hollow, one of Pittsburgh's first Italian neighborhoods. On December 1, your office also received a copy of my public comments at Pittsburgh City Council focusing on the lack of integrity in city government. I am writing once again because of the grave nature of this roadway project. It threatens to destroy not only Panther Hollow but also The Run neighborhood in Greenfield.

On July 31, the Urban Redevelopment Authority's (URA) Acting Executive Director Robert Rubinstein submitted an application for a \$3 million Multimodal Transportation Fund grant to the Department of Community and Economic Development and the Commonwealth Financing Authority in secret. The application was not ratified by the URA board until August 13. There were no prior meetings. The first notice to our two communities about the roadway project was an article in the *Pittsburgh Post-Gazette* on August 29. The application for a grant filed by the URA was created and filed without notice to the public and in violation of the Open Meetings Law of Pennsylvania, also known as the "Sunshine Act."

City officials held the first community meeting about this project last week on December 7. That meeting raised further questions about the integrity of the application. Our communities trust you will address the following documented concerns.

1) The application states: "This project will be a public-private partnership between the City of Pittsburgh, the Urban Redevelopment Authority, the University of Pittsburgh and Carnegie Mellon University." I sent an email to Chancellor Patrick Gallagher asking about his involvement in this project. Here is the response from Attorney Paul Supowitz, Vice Chancellor for Community and Governmental Relations, on October 2: "As he has had no involvement, Chancellor Gallagher asked that I respond to your email to him. The University has not been involved in any discussions about the roadway project. We first learned of the URA's application to the Commonwealth for funding when the article appeared in the Post-Gazette several weeks ago." At the December 7 community meeting, I asked Director of City Planning Raymond Gastil to tell us who at the University of Pittsburgh said that the university would be a part of this agreement. He had no answer. I sent him an email the next day with additional questions about the university's involvement, but there has been no reply. The URA's assertion of the University of Pittsburgh's partnership is not true and correct. It is deceptive to the Commonwealth Financing Authority (CFA), the decision-making body for the grant application.

2) The application states: “The land for this project is owned by the City of Pittsburgh.” This statement was proven false at the December 7 meeting. The city’s presentation showed that the roadway would traverse in Panther Hollow through part of the parking lot owned by the University of Pittsburgh, and the adjacent university-owned hillside. In addition, Mr. Ray Gastil said that the roadway would also traverse railroad property. When I mentioned to Mr. Gastil that this was not city property, his reply was that it is only a sliver of property for the project. The assertion in the application that the land for this project is owned by the City of Pittsburgh is also not true and correct, and is deceptive to the CFA.

3) On November 30, I made a right-to-know request to the URA for exhibits that appeared to be missing in the applications given to me by a reporter for the *Pittsburgh Post-Gazette* on October 8 and by Councilman Bruce Kraus on November 2. I received an email on December 2 with the application and a letter from URA Attorney Nathan Clark that said: “There were sections within the application that were not applicable, or for which the URA had no attachments. These pro-formatted sections of the Application continue to have an “updated document” heading, even if no documents were uploaded.” I also received hard copies of the application and letter by postal mail on December 5. Both applications stated: “Final DCED Multimodal.”

4) On November 18, however, I had received the application filed with the Department of Community and Economic Development which has documents in it that were not a part of the applications given to me by the URA. All supplemental and supporting materials submitted by the city, URA and Almono LP officials after July 31 must be true and correct, and included in a citizen’s right-to-know request to the URA. Here is some of the information in the missing documents:

A) The Oakland Connector Budget dated September 22, 2015 lists what was eliminated from the original application budget. The project cost was reduced from \$7.2 million to \$4.2 million. It also states that the funds for the project would be \$3,000,000 from the Multimodal Transportation Fund and \$1.2 million from the City/URA/Almono LP. On September 25, 2015, another budget document was submitted stating the funds for the project would be: \$2.8 million from the Multimodal Transportation Fund; \$1.2 million from the City/URA/Almono LP; and \$200,000 from federal funds. However, there is no documentation from federal officials that \$200,000 was approved for this project. The CFA has been deceived about the funds available for the project, and there has been an overvaluation of a security amount to obtain a grant.

B) Letters show the \$1.2 million funding from City/URA/Almono LP. Mayor William Peduto wrote a letter dated September 1 to the DCED stating: “This letter is to confirm that the City of Pittsburgh is dedicated to the success of the Oakland Transit Connector Project and will be committing \$400,000 in the 2017 budget for the construction of this project.” This budget is one year away and there are no assurances that the city council will approve this amount. The mayor’s assertion shows that the voices of our two communities are irrelevant to the city. Our voices, however, will be heard. Again, the CFA is being deceived by the very real possibility that these funds may not be approved. The mayor has overvalued a security to obtain the grant.

C) URA Board Chair Kevin Acklin also wrote a letter dated September 1, 2015 to the DCED stating: “The URA will be committing \$400,000 from our Major Projects budget to be used for the construction of this project.” The URA board’s November minutes on their website showed no approval was made for the \$400,000 amount. No other minutes were available on the website, so I requested the September and October minutes. Those minutes also showed no approval for that amount. The assertion by the board chair shows that the voices of our two communities are meaningless to the board. Our voices, however, will be heard. The CFA has once again been deceived with a false statement that these funds are available for this project. The board chair has also overvalued a security to obtain a grant.

D) Regional Industrial Development Corporation President Donald Smith wrote a letter dated September 2 stating: “Almono LP will be committing \$400,000 from the Almono-Hazelwood Tax Increment Financing District to be used for the construction of this project.” It is unclear at this time whether or not this involves public money.

The application was sent by the URA on July 31, but it was not ratified until August 13. Exhibit 14 is included in both the DCED and URA applications. It states: “A resolution confirming the request of funds from the Department of Community and Economic Development for \$3,000,000 to be used for the Oakland Connector Project will be adopted by the URA board at its next meeting on (August 13th) and submitted shortly afterwards.” This exhibit suggests absolute certainty that the fund request would be adopted and submitted, indicating an intentional lack of community discussion on the matter.

In late September and early October, I emailed letters to various officials asking about their knowledge of this proposed roadway project. I did not receive answers to my questions from these individuals: Mayor William Peduto; Chief of Staff Kevin Acklin; Councilman Bruce Kraus; Director of City Planning Raymond Gastil; URA Acting Executive Director Robert Rubinstein; Regional Industrial Development Corporation President Donald Smith; and URA Board Members: Jim Ferlo, Councilman R. Daniel Lavelle, Representative Ed Gainey, and Ms. Cheryl Hall-Russell. In addition, I made an inquiry to Carnegie Mellon University President Subra Suresh. This was the response from John Hannon, Associate Dean of Student Affairs: “Detailed information related to the calendar and activities of Dr. Suresh, as president of a private university, is not made available to the public.” Our two communities are placing our trust in your office that our questions will be answered.

The Oakland Transit Connector project warrants an investigation. You are responsible for seeking justice and protecting the rights of all citizens of Allegheny County, and that is paramount to any political or social relationships. You have demonstrated that integrity throughout your entire career as the district attorney.

Longtime residents of Panther Hollow and The Run continue to pass on from this world. As they are no longer with us to fight for the preservation and protection of their home communities, we now fight on their behalf for the legacy they have given to us. At the end of the December 7 meeting, I asked Director of City Planning Raymond Gastil if this roadway project would

continue if the \$3 million grant application was denied. He nodded his head yes. Sadly, this means further anxiety, fear, pain and suffering for years to come for the residents of our two communities. From young children and their mothers and fathers to elderly widows, we are all relying on your continuing integrity to do the right thing for our communities, simply because it is the right thing to do.

Thank you

Carlino Giampolo

Supporting materials provided: (Corresponding numbers are on the back of the informational sheets)

- 1) November 18 Multimodal Transportation Fund grant application received from the Department of Community and Economic Development;
- 2) December 5 Multimodal Transportation Fund grant application received from the Urban Redevelopment Authority;
- 3) Letter to Chancellor Patrick Gallagher requesting information about the University of Pittsburgh's knowledge of the proposed roadway;
- 4) October 2 email from University of Pittsburgh Attorney Paul Supowitz stating the university has not been involved in any discussions about the proposed roadway;
- 5) December 8 email to Director of City Planning Raymond Gastil requesting information about the University of Pittsburgh's involvement about the proposed roadway;
- 6) Oakland Connector Budget dated September 22, 2015 showing the reduction of the projected costs from \$7.2 million to \$4.2 million;
- 7) Oakland Connector Budget dated September 25, 2015 showing a Federal funding listing of \$200,000;
- 8) Letters from Mayor William Peduto, URA Board Chair Kevin Acklin and Regional Industrial Development Corporation President Donald Smith showing funding commitments totaling \$1.2 million;
- 9) Exhibit 14 of the July 31 grant application showing the application will be adopted at the August 31 URA board meeting;
- 10) Minutes of the August 13 URA board meeting for the ratification of the grant application;
- 11) Letters to various officials that went unanswered; and
- 12) A copy of the *Pittsburgh Post-Gazette* article of August 29.