

A (virtual) special meeting of the Fayette County Board of Commissioners was held at 9:30 a.m. on Thursday, May 7, 2020 at the Fayette County Courthouse, 61 East Main Street, Uniontown PA.

In attendance-

Commissioner Chairman Dave Lohr
Commissioner Scott Dunn
Commissioner Vincent A. Vicites
Chief Clerk Amy Revak
Chief County Solicitor Jack Purcell (via Zoom)

Commissioner Lohr asked everyone to rise for a moment of silent prayer. The pledge of allegiance was recited.

Public comment on agenda items- None

Commissioners

A motion was made by Commissioner Dunn and seconded by Commissioner Lohr to approve Fayette County to be part of a lawsuit being brought in conjunction with other counties in Western Pennsylvania, State Senators and State Representatives, and other private parties, challenging the actions of the Governor Wolf and Secretary Levine regarding the entry, enforcement, and continuation of Business Shutdown Orders, at no cost to the taxpayers of Fayette County. The proposed legal complaint is attached.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites no

Motion passed 2-1

In making the motion, Commissioner Dunn said the lawsuit was being done at no cost to the taxpayers.

Prior to a vote, Commissioner Vicites said he was going to oppose it because of the process. He said 23 commissioners of the 31 in the southwest region were opposed to the lawsuit, both Democrats and Republicans. He said it is being determined if the southwestern area of the state will go to yellow from red. He spoke about his communications with the Governors office. He said the county's incident rate of COVID-19 is lower than last week. He said he is confident Fayette County and other counties will be approved to go to the yellow phase. He read excerpts from a letter sent to the governor asking to be reopened. Commissioner Vicites spoke about actions taken with health care systems and others. He said he didn't think it was a wise move to file a lawsuit. He spoke about other options the county could pursue. He said they should

work cooperatively to solve problems. He said he was disappointed they didn't go to yellow and he is disappointed with the communication, but he thinks it can be corrected in a positive way.

Commissioner Dunn said he supported it, adding that all the statistics were true last week, and the county wasn't changed to yellow. He said he represents Fayette County and has been getting constant Facebook messages, text messages, people are stopping at his house. He said he is talking people off a ledge every day and night. He said he is hoping we will go to yellow, but the Governor and Secretary of Health can still change us back status to status at their whim. He said the time for letters is over and it is time to open the Fayette County economy and he will do whatever it takes to do that including suing the Governor of Pennsylvania.

Commissioner Lohr said he is also in favor of the action, saying the communication has been nearly nonexistent. He said he was going to read statistics, saying people need to understand the severity of their actions, and not necessarily the coronavirus. He said all life is important and he isn't trying to take anything away from anyone's life. He said of the 3,106 deaths in the state, 2,108 of them lived in nursing homes and assisted living facilities, or 67.9 percent. He also gave statistics on the underlying health conditions they had. He said all the conditions (hypertension 61 percent, heart disease 54 percent, diabetes 37 percent and chronic pulmonary disease 30 percent) are an issue for his business of health and life insurance policies and the medical field also. He said those conditions flow into other problems and death. He urged everyone to be cautious, especially if they have those conditions. He said there are 37,000 beds in Pennsylvania hospitals and 2,572 are occupied with COVID-19 patients, or 6.95 percent. He spoke about how the family members of two recent deceased people couldn't be seen by their family. He said there is closure that needs to occur with loss, and it hasn't happened for some.

Commissioner Lohr said he reached out to the chamber of commerce and of the 2,574 business in the county and they are showing a negative of each for \$133,125, for a total loss of \$342,663,750. He said looking back to the Great Depression, people lost their businesses and committed suicide. He said one person should not be able to affect so many people's lives. He said he doesn't want this to happen again in September or October. Commissioner Vicites said he is certain they will go to yellow and it would come back only if people are dying. He said it is too drastic adding that the county got \$31,500,000 in state funding last year. He said he worked positively with the two Toms (Corbett and Ridge) and with Democrats Ed Rendell and Tom Wolf. He said he didn't feel a lawsuit is the right approach. He said he was sued, and it was a lot of time wasted and it should have never happened. He said they will be going yellow and they need to step up the communication. He said they should do whatever it takes, lawsuit, no, and he feels most commissioners feel the same way. Commissioner Lohr said he respects Commissioner's Vicites opinion. Commissioner Vicites said he wants to correct the problem in a positive way.

Public comment- None

Adjournment

A motion was made by Commissioner Dunn and seconded by Commissioner Vicites to adjourn the meeting.

Commissioner Dunn yes
Commissioner Lohr yes
Commissioner Vicites yes

Motion passed unanimously