

A reorganization meeting of the Fayette County Board of Commissioners was held at 10 a.m. on Monday, January 4, 2016 at the Public Safety Building, Uniontown PA.

**In attendance-**

Commissioner Chairman Vincent A. Vicites  
Commissioner Dave Lohr  
Commissioner Angela M. Zimmerlink  
Chief Clerk Amy Revak  
Solicitor John Cupp

**Commissioner Zimmerlink** said because it is reorganization meeting, none of the three commissioners have been elected or nominated as chair, vice chair or secretary, so we will turn the meeting over to our temporary chair, so our temporary chair will be our county solicitor. She said after number 6, the meeting will be turned over to whoever is the chair.

**Solicitor Cupp** called the meeting to order at 10:04 a.m. He asked if anyone was going to pray. Someone made a comment that there were eight pastors present. One of the pastors offered a prayer. The pledge of allegiance was recited.

**Chief Clerk Revak** read the legal notice that ran in the Herald-Standard on December 29, 2015.

**Public Comment on Agenda Items**

**Michael Cavanagh** said this is a new era and everyone is hopeful for a new direction for the county. He commented on the election of the officers, adding that according to CCAP, the majority party top vote getter is nominated chair. He said it is the second time in his memory there is a Republican majority, adding he is a Republican and a Republican committeeman. He said it is the second time in 100 years for a Republican majority. He said he hopes Commissioner Zimmerlink is selected as chair. Commissioner Vicites said any new board member may become chairman, there is no legal basis for it being the majority top vote getter or the minority party top vote getter, it's the vote of the three. He said you can make arguments about the top vote getter from the minority or the majority but the bottom line is it is the vote of the three. He said there is no legal basis for any of those scenarios.

**Solicitor Cupp** asked for a nomination for Chair.

**Commissioner Lohr** nominated Commissioner Vicites. He said the reason is he is business and he campaigned on business and he has a track record of business. He said for 30 years he has been doing his business dealing with history of companies and history of records and for him it is very important to make every decision as he campaigned on. He said people talk about operating the county as a business, that is his whole concept, that is why he is sitting there. He said he wants to see the county move forward in a way that business is welcomed here and will be made friendly here

and also so that the commissioners meetings will be handled properly. He said he has seen the UTube commissioners meetings and they have been out of hand and they need structure, it has nothing against Commissioner Zimmerlink, it has track record. He said from this day on any decision that he will make will deal with track record in business, it won't have anything to do with politics. He said he isn't political, adding that when you are running for office you are considered a politician and that's fine. He said his decision making will be made from a business point of view and not politics.

Commissioner Lohr said he also spoke with CCAP in November and he spoke with several commissioners from across the state, the Commonwealth, and there have been other times when the majority party did not have the chair and the minority did because of the vote count. He said he doesn't care about all that stuff, this is gut feeling and what it comes down to, its business. He said he nominates Vincent Vicites as the next chairman of the board.

**A motion** was made by Commissioner Lohr and seconded by Commissioner Vicites to name Commissioner Vincent A. Vicites as Chairman of the board of commissioners.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink no

### **Motion passed 2-1**

**Prior to** a second on the motion, Commissioner Zimmerlink said she wasn't going to comment but since the other two did, she will also. She said the last time there was a majority of the Republican Party was in 2004. She said at that time it was Commissioner (Joseph A.) Hardy, Commissioner Zimmerlink that held the majority, Commissioner Vicites was the minority. She said at other times the Democrats held the majority in the commissioner's office. She said Commissioner Vicites is correct when he states there is no state law. She said its called custom, it's called practice, it is what is handled across the Commonwealth. She said speaking of track record, in January of 2004, and she would invite individuals to read the minutes, adding she brought a copy of the minutes, Commissioner Hardy and myself at the very first meeting made a motion for me to serve as chair and I served as chair for those four years. She said Commissioner Hardy was vice chair and Commissioner Vicites was secretary.

**Commissioner Zimmerlink** said regarding track record, she is proud of her track record regarding the 2004 handling of the meetings. She said she can attest that in 2004, the meetings were done in a very businesslike manner, go see for yourself. She said when the problems started, we all know, adding that she isn't going to relive any of that. She said they are in 2016 and they are moving ahead , but she wanted to make it clear that the county commissioners does state that custom and common practice is the majority party to hold the positions of chair and vice chair, which would obviously mean Commissioner Lohr and myself. She said this is no reflection on Commissioner Vicites, he was chair at one time when he held the majority party and this is no reflection on how he handled meetings when he was chair. She said keep in mind the purpose of

chair is to run the meetings, no one has any more authority than the other when it comes to conducting business of the county. After saying that is all she had to say, she said one other thing, just when that vote went down, Commissioner Hardy made the motion, she had to second it, and the vote did go two to one. She said after that, she and Commissioner Vicites who did not vote for her for chair, the three worked well together in that term, they did not hold any issues.

**During the** vote, Commissioner Vicites said he is permitted to vote in the affirmative for herself for chairman. He said she is absolutely right that the chairman does not have any more authority than the other commissioners, we each have one vote, all the chairman does is conduct meetings according to whatever procedures the commissioners as a whole pass. Solicitor Cupp congratulated Commissioner Vicites and asked him to take over the meeting. Commissioner Vicites said he would move on to the next item, which was electing a vice chairman.

**A motion** was made by Commissioner Vicites and seconded by Commissioner Lohr to name Commissioner Dave Lohr as Vice Chairman of the board of commissioners.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink no

#### **Motion passed 2-1**

**A motion** was made by Commissioner Vicites and seconded by Commissioner Lohr to name Commissioner Angela M. Zimmerlink as Secretary of the board of commissioners.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink abstain

#### **Motion passed 2-0-1**

**Commissioner Vicites** asked about setting the order to conduct business, and Commissioner Zimmerlink replied that she just did the agenda as they did in 2004. Commissioner Vicites said they have a procedure, they call the meeting to order, they have a silent prayer, a pledge of allegiance, or both, sometimes instead there may be a prayer from a minister who will say a prayer instead of a silent prayer, then public comment on agenda items and thereafter get into the regular business meeting of the commissioners and what the agenda numbers are, then there is public comment at the end of the meeting and the meeting is adjourned thereafter.

**A motion** was made by Commissioner Lohr and seconded by Commissioner Vicites to set the Order to Conduct Business: call the meeting to order, have a silent prayer, recite a pledge of allegiance, or have a prayer from a minister who will say a prayer instead of a silent prayer, then public comment on agenda items and thereafter the regular business meeting of the commissioners and what the agenda numbers are, then public

announcements, public comment at the end of the meeting and the meeting is adjourned thereafter.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Vicites and seconded by Commissioner Zimmerlink to Set the Dates, Time, Place of Meetings with the agenda meeting set for the second Tuesday at 10 a.m. and the regular meeting set for the third Thursday at 10 a.m. in the Public Service Building

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**In making** the motion, Commissioner Vicites said the voting meeting is a change, making a nine day period between the agenda meeting and the voting meeting.

**A motion** was made by Commissioner Vicites and seconded by Commissioner Zimmerlink to Set the Bid Opening Date, Time and Place at 3 p.m. on Thursdays at the commissioner’s conference room of the Fayette County Courthouse.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**In making** the motion, Commissioner Vicites said he wanted to keep it the same as it is currently to keep familiarity with the county bidders.

**A motion** was made by Commissioner Vicites and seconded by Commissioner Zimmerlink to use Robert’s Rules of Order during county commissioner meetings.

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

**A motion** was made by Commissioner Zimmerlink to rescind Resolution 14-04-15-47 (April 15, 2014 Public Comment Resolution). The motion died when it did not receive a second, following a discussion.

**Prior to** making a motion on Consideration of Resolution 14-04-15-47 (April 15, 2014 Public Comment Resolution), Commissioner Zimmerlink said so the public does know, this agenda was printed this morning by me and we took less than five minutes to bring the commissioners up to date when the bid openings were so that's why it went quicker because Commissioner Lohr didn't know about bid openings and things of that nature and there hasn't been any discussion. She said item number 13, is a part of the order to conduct business, adding that he missed the public announcement part. She asked the Chief Clerk if public announcement was listed. Chief Clerk Revak said it was not, it was public comment at the end and then adjourn. Commissioner Vicites asked if they need to amend that and Chief Clerk Revak said she would put it in there. Commissioner Zimmerlink said item number 13, there was a motion, there was a resolution passed on April 15, 2014 by the prior board, which was a two page document which set the rules for accepting public comment on agenda items and public comment during a public meeting. She said Solicitor Cupp has a copy of it, and she has a copy of it and she has read it time and time again.

**Commissioner Zimmerlink** said Solicitor Cupp had written that at that time, and there were objections to that raised by the public and herself and the PNA attorney. She said she would like to make a motion to rescind resolution 14-04-15-47 because as written it does lack consistency. She said it is vague and confusion and contrary to some parts of state law and could cause problems in the future. She said there are sections in it that talk about calling ahead and getting four minutes, not calling ahead and getting three minutes. She said it doesn't make sense and spoke about recording devices restrictions in the resolution. After Commissioner Zimmerlink made the motion, Commissioner Lohr said before voting, he would like to read it to find out about the discrepancies. Commissioner Zimmerlink clarified it was three minutes and two minutes, not four minutes and three minutes. She said it is four business days, and many times they do not have the agenda four business days before. She said sometimes it isn't placed on the website four days before, she said it isn't a reflection on the Chief Clerk, it is the way matters were handled. She said you don't have four business days if you receive it Friday at 4:30.

**Commissioner Vicites** said he understands about the inconsistencies regarding times. He said he voted against that years ago because of that. He said they do need reasonable rules and time is one of them but it needs to be consistent. He asked Solicitor Cupp about making the timeframes consistent. Solicitor Cupp said there is a motion and it shouldn't be discussed until there is a second. Commissioner Zimmerlink said if that's the case, they will start 2016 on the wrong foot. Solicitor Cupp said they already adopted Robert's rules, and under Robert's rules, a motion shouldn't be discussed unless it is seconded. Commissioner Vicites asked for a second on the motion. It died when it did not receive a second. A discussion then ensued between Commissioner Vicites and Solicitor Cupp about Robert's Rules of Order. Solicitor Cupp said they can amend the resolution or they can vote to rescind it. He said if they rescind

it, it goes back to the way it was passed whenever the former board were commissioners. Commissioner Zimmerlink discussed about the resolution and the former 1997 resolution. Solicitor Cupp said they either need to rescind or amend the resolution. Commissioner Zimmerlink spoke about the resolution, adding that everyone should be full aware of this resolution. She said she could go through it sentence by sentence, but she isn't going to, and then proceeded to criticize several sentences in the resolution. Commissioner Vicites said they did talk in general about the meeting, this is the first copy.

**Commissioner Zimmerlink** added that the resolution was supposed to be conspicuously posted on a bulletin board in the courthouse and it wasn't. Chief Clerk Revak said it is available in the resolution book in the lower commissioner's office. Commissioner Vicites said he is familiar with the prior ones, but he didn't see this version, he added that he would like to have more time to look at it and make any amendments in the future. He said they can leave it in place for now and move forward. Commissioner Lohr said he wasn't interested in whether it was posted, let's move on. Commissioner Zimmerlink asked Solicitor Cupp why it is supposed to be posted. Solicitor Cupp said the agenda is supposed to be posted, it is county code. Commissioner Zimmerlink said I made a motion, it died, let's move on. Commissioner Vicites said in the future the resolution should be read before the meetings.

**A discussion** was held about the agenda item: **Procedure and Structure of the Agenda**

**Commissioner Vicites** said the procedure for the agenda is that the department heads must submit the agenda items and then they are reviewed by the commissioners. Chief Clerk Revak explained that she receives agenda items from the department heads and sets a deadline of noon Thursday the week before the Tuesday agenda meeting. She said she sends a reminder e-mail on Monday of that week to remind department heads and then gets the agenda completed by the end of business on Friday the week before the Tuesday agenda meeting week. Commissioner Lohr asked if there was flexibility for the Friday deadline. Chief Clerk Revak said the deadline is noon on Thursday. Commissioner Zimmerlink said that was a procedure written by her and passed in 2004 with Hardy, Zimmerlink and Vicites. She spoke about the need to have only one agenda. She said in the past Friday is too late, there have been times it has been put on the website at 5 p.m. on Friday. She said it also has to be sent to the media. She said she suggested a policy and procedure be followed. Commissioner Lohr said if it is working, it shouldn't be changed. Chief Clerk Revak said as Commissioner Zimmerlink said there are times when the deadline is not met. She said sometimes she isn't getting agenda items until Friday.

**Commissioner Lohr** said then it goes to the next time. Commissioner Vicites said that hard and fast deadline should be hard and fast. Chief Clerk Revak said if she is able to get all the agenda items by noon on Thursday, the agenda can be put out by the end of the day on Thursday. After Commissioner Vicites said they could make a motion, Commissioner Zimmerlink said she didn't know what they would be approving, adding that they should write it. Commissioner Vicites said the agenda meeting date didn't

change, and he would like to approve the procedure with the emphasis on the deadline of noon on Thursday the week before the agenda meeting. Commissioner Zimmerlink said and when the agenda gets posted, there are other things that need to be looked at, she said back at the office she suggested it be an administrative action and be reviewed, and look at the calendars and figure out what you can and cannot do. Commissioner Vicites said they can do it that way. He said Commissioner Zimmerlink put it on the agenda, he wanted to see if she wanted action. He asked if she would make the motion. Commissioner Zimmerlink said no. Commissioner Vicites said it will be handled administratively and he would withdraw his motion.

### **Public Announcements**

**Commissioner Vicites** said there is an opportunity for board appointments that are coming up. He said he wanted to make everyone aware that there are boards and authorities that have expired terms and if anyone is interested in serving they should submit a letter of interest as soon as possible, all three commissioners. He asked who in the past they were sent to. Commissioner Zimmerlink said that all changed, one time they were all sent to her and then they were all sent to one of the assistants. Commissioner Vicites asked if she wanted to make a motion on that now. Commissioner Zimmerlink said no, I do not. Commissioner Vicites asked where they should be sent and Commissioner Lohr suggested a central location, or the Chief Clerk so they can be distributed correctly. Commissioner Vicites said the letters should be sent to 61 East Main Street, Uniontown PA. He said boards and authorities are listed on the website. He then read the list of the boards and authorities that are open. He said they will be doing interviews and they need help from the citizenry to fill them.

### **Public Comment**

**John Cofchin** spoke about the public comment resolution. He asked the commissioners to look at the American flag and county flag and the state flag. He spoke about the form of government in the United States which allows citizens to speak. He was critical of the resolution, which he said was adopted to stifle public comment. He said sometimes comment takes more than three minutes. Rev. Peter Malik said he was attending on behalf of the Uniontown Clergy Association. He said there were nine pastors at the meeting representing 12 churches. He joked that when they get that many pastors together, they want to take up an offering. He said Fayette County is on the hearts of the churches. He said they gather to pray for the county and its leaders. Rev. Malik said there is a lot of negative things here but there are a lot of good people here. He said they wanted the commissioners to know they are praying for them. Commissioner Vicites said they need prayer in their lives, adding it is a tough job they have. He said he thought it was a good thing when they had prayer at the beginning of the meeting and he would like to see it continue.

**Michael Cavanagh** said he would hope they would pray for the truth. He said he has attended meetings for 20 years. He said as a Republican he was upset with Commissioner Lohr for breaking ranks within the party. He said it pains to see this as a Republican, and was critical of Lohr nominating Vicites as chairman. He said it would be

made known that Commissioner Lohr made the motion. He was critical of Commissioner Lohr's action. Rev. Malik said he agrees with Commissioner Lohr that during campaigns you are Republicans and Democrats and once elected he looks for them to represent the county. He said politics should be left behind and all decisions should be made for what is best for the county, not the party.

**Terry Kriss** said he hopes they can work together. He said he agreed with Cavanagh and it wasn't personal but not naming a Republican as chair left a bad taste in his stomach. He asked if Geno Gallo walked in with the egg timer. Commissioner Vicites said he asked him to. Mr. Kriss said get your own egg timer. Commissioner Vicites said he left his from before but they couldn't find it. He agreed with Mr. Cofchin, adding they need more openness. He said don't stifle the public and the timer is not the way to start out the tenure. He said the past four years was deplorable, and an egg timer isn't the way to go. Commissioner Vicites said he respected his opinion, but he did the timer before. He said the rules were implemented years ago and you are allowed to implement reasonable rules. Mr. Kriss said special interests or county employees are allotted more time but citizens are not. Commissioner Vicites said he would enforce it fairly. Mr. Kriss said do they need the egg timer? Commissioner Vicites said it is just a timer, it doesn't say egg on it. He said he has always done it that way.

**Commissioner Zimmerlink** said Robert's Rules of order and public comment are two different things, and explained the difference. She said leeway can't be given because she attempted to rescind it and it wasn't rescinded, three minutes and two minutes. She said she doesn't understand the statements we will give leeway. Commissioner Lohr said he has talked to numerous corporations and the last administration said the meetings were embarrassing. He said the name calling and disruptive nature from the public led to people saying they wouldn't bring their business here. He said you can conduct yourself in a professional manner. He said when he addressed people when he was in the U.S. Navy, he didn't make accusations, downgrade or rip people apart. Commissioner Lohr said there have been things that have taken place here that have been out of line. He said personal attacks either way are wrong. He said our job here is to make sure these meetings are done appropriately. He said there are great things in the county and when businesses look at these meetings, if things are inappropriate, why would a business want to come here, and they don't. Mr. Kriss asked who they wanted to represent, the wannabes or the residents. Commissioner Vicites said the rules said the chairman may waive as appropriate. He agreed that Roberts Rules of Order and public comment rules are different, but said they go hand in hand.

### **Adjournment**

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

Commissioner Lohr yes  
Commissioner Vicites yes  
Commissioner Zimmerlink yes

**Motion passed unanimously**

