

WEDNESDAY, NOVEMBER 28, 2012:

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:05 a.m. in the Ceremonial Courtroom with Board Chairman Randy L. Phiel presiding. The following were in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Solicitor John M. Hartzell; County Manager Albert Penksa; County Controller Steve Renner; Michele Miller, Human Resource Director; Kurt Behn, Assistant Solicitor; Daryl Crum, Tax Services Director; Barbara Walter, Chief Assessor; Sue Cohick, Children & Youth Administrator; Nick Colonna, Planning Director; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Linda Myers, Register & Recorder; County Staff: Lisa Angstadt, Anne Thomas and Rob Thaeler; County Citizens: Stan Clark, Bill Hanne, Pat Feeser, Bob Jackson and Jim Behm; News Reporter: Jess Haines, *The Gettysburg Times* and Chief Clerk Paula Neiman.

Pledge of Allegiance

Minutes:

Mr. Martin moved, seconded by Mr. Qually to approve the Minutes of the November 14, 2012 Commissioners' Meeting as presented.

Motion carried.

Public Hearing:

Chairman Phiel called to order the Public Hearing at 9:07 a.m. this date. He noted this is the date and time that was publicly advertised to accept public comment on the application request submitted by James Smith to amend the Adams County Zoning Map as applied in Germany Township. Mr. Smith is requesting Tax Parcel 15, I18-0028-000 to go from Single Family Residential District to Highway Commercial District.

At this time Chairman Phiel turned the Hearing over to Rob Thaeler, Principal Planner. Mr. Thaeler reported this application has been reviewed by the Adams County Planning Commission and the Board Members decided they could not approve this request as submitted; however, if sometime in the future commercial activity is looked into for this area, they may reconsider. He also noted this property does not connect with any other parcel that is located in highway commercial.

Chairman Phiel asked if the Applicant was present for the hearing today. Have the record show that Mr. Smith was notified of the hearing and was not in attendance.

Chairman Phiel asked if there was any public comment based on this matter. No public comment was received and the public comment period was closed.

Solicitor Hartzell noted from a legal prospective this could be considered spot zoning – zoned in a manner different from adjoining properties. This application is not in concurrence with the comprehensive plan that was adopted by Germany Township. The County should request correspondence from Germany Township requesting its position concerning this request. Spot zoning is problematic and could leave the county open to challenge. There has been a recent amendment to the map that changed property owned by Germany Township. That parcel adjoined existing commercial property, complied with the Comprehensive Plan and lessened the non-conformity.

Solicitor Hartzell's recommendation is to table this request for further discussion and consideration at a later date after receipt of information from Germany Township, or to deny the request.

The Board of Commissioners concurred with allowing the Township to comment.

Mr. Martin moved to table the request from James Smith for further consideration and review, seconded by Mr. Qually. The Board would like to hear from the Township their recommendation.

Motion carried.

The hearing adjourned at 9:20 a.m. this date.

Water Resources Advisory Committee (WRAC):

William Hanne, Chair – Was present at today’s meeting to provide a quarterly update on WRAC. The Committee discussed and with the Board’s guidance created two committees, technical and education committees. The committees are looking at the critical water areas and water quality and after considerable discussion, set priorities for each committee. These priorities were presented to the Board. Chairman Phiel thanked Mr. Hanne and his committee members for their dedicated work.

Public Comment:

There was no Public Comment addressed to the Board at this time.

Commissioners:

Approve and sign the following:

- Mr. Qually moved, seconded by Mr. Martin to approve the Memorandum of Understanding concerning Pennsylvania County Health Insurance Purchasing Cooperative Termination.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually to approve Resolution No. 14 of 2012 – A Determination By The Board of Commissioners Of The County Of Adams That The Positions Of Jury Commissioners Is No Longer Needed And Should Be Abolished. It was noted this action needed to be completed prior to the end of this year and prior to the filing of petitions for the position in 2013. Court Administrator Don Fennimore introduced Pat Feeser, a current Jury Commissioner who will complete her term through 2013.

RESOLUTION NO. 14 OF 2012

**A DETERMINATION BY THE BOARD OF COMMISSIONERS
OF THE COUNTY OF ADAMS THAT THE POSITIONS OF JURY
COMMISSIONERS IS NO LONGER NEEDED AND SHOULD
BE ABOLISHED**

WHEREAS, Act 108 of 2011 was enacted on December 15, 2011, and provided for a means by which a county Board of Commissioners could abolish the position of jury commissioner based upon a requisite study and resolution of the Board of Commissioners; and

WHEREAS, the District Court Administrator for the County of Adams, 51st Judicial District, has a myriad of responsibilities for judicial administration pursuant to Chapter 204 of the Pennsylvania Code, which includes jury management, per 204 Pa. Code §29.6; and

WHEREAS, the District Court Administrator by Memorandum dated October 29, 2012, has advised the Board of Judges of the County of Adams that the jury selection system for the County of Adams provides for a representative cross section of the community; and

WHEREAS, the County of Adams is a County of the Fifth Class, pursuant to the results of the Decennial Census conducted in 2010, and the certification of the Honorable Tom Corbett, Governor of the Commonwealth of Pennsylvania, dated January 1, 2012; and

WHEREAS, the Adams County Board of Commissioners believe, based upon authority contained in 16 P.S. §401(f) and the aforementioned memorandum, that lists of potential jurors selected through the methodology used by the County of Adams creates lists that represent a cross section of the community within Adams County; and

WHEREAS, the Adams County Board of Commissioners has determined that no necessity or reason exists for the continued use of the office of jury commissioner, as the duties and responsibilities of the office will be absorbed by other County and Court offices.

NOW, THEREFORE, BE IT RESOLVED by the Adams County Board of Commissioners, and it is hereby **RESOLVED** by authority of the same Board of Commissioners, as follows:

1. The position of jury commissioners as enumerated in the County Code of the Commonwealth of Pennsylvania, as specifically contained at 16 P.S. §401(a)(12), is hereby abolished, as provided for by Act 108 of 2011, codified at 16 P.S. §401(f).
2. The office of jury commissioner of the County of Adams shall be abolished and shall no longer exist after December 31, 2013.
3. A review conducted by Donald Fennimore, District Court Administrator for the County of Adams, is attached hereto as Exhibit "A," incorporated herein and made an essential part hereof, and demonstrates that the jury selection method used by the County of Adams ensures that a cross section of the community is contained within the jury pool and the jury selection process.
4. The Adams County Board of Commissioners acknowledge the devoted service of current and past jury commissioners, and appreciate the willingness of the citizens of Adams County to serve in that capacity.

This Resolution is executed this 28th day of November 2012.

ATTEST

ADAMS COUNTY COMMISSIONERS

By: _____
Paula V. Neiman, Chief Clerk

By: _____
Randy L. Phiel, Chairman

By: _____

James E. Martin, Vice-Chairman

By: _____
Marty Karsteter Qually, Commissioner

CERTIFICATION

I, Paula V. Neiman, the duly appointed and incumbent Chief Clerk of the County of Adams, Pennsylvania, being duly authorized to do so, hereby certify that the foregoing Resolution was duly adopted in accordance with law by the County of Adams, Pennsylvania, by its governing body, the duly elected and incumbent Board of Commissioners, Randy L. Phiel, James E. Martin, and Marty Karsteter Qually, at a duly advertised and convened public meeting of the said Commissioners, held on November 28, 2012; that the foregoing Resolution has been duly entered in the official Commissioners' Minutes of such meeting; and that such Resolution remains in full force and effect as of the date of the present Certification.

Date: November 28, 2012

Paula V. Neiman, Chief Clerk

Motion carried.

- Pending final review of Solicitor John Hartzell, Mr. Qually moved, seconded by Mr. Martin to approve entering into a contract with High Tech Accessory, Inc., for the provision of copy services for document control systems for the Recorder of Deeds Office, Prothonotary's Office, and Tax Services Department, in the total amount of \$18,400.

Motion carried.

- Conservation District Board – Mr. Martin moved, seconded by Mr. Qually to appoint William Kirk as the Farmer Director to a four year term through December 31, 2016.

Motion carried.

Planning:

Recommendation from Nick Colonna, Director to approve the following:

- Mr. Qually moved, seconded by Mr. Martin to approve KCI Technologies Proposal to begin developing and supporting its own GIS mapping applications in-house to efficiently and effectively increase both internal and external public utilization of its GIS data effective through November 28, 2013.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually to accept the resignation of Mark Berg from the Adams County Planning Commission effective November 28, 2012.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin to approve the Professional Services Contract with Land and Sea Services, LLC, 1837 Heidlersburg Road, Aspers, PA to provide zoning enforcement services for those townships subject to the Adams County Zoning Ordinance, effective January 1, 2013.

Motion carried.

- HOME Grant Program – Mr. Martin moved, seconded by Mr. Qually to approve a Satisfaction Piece for a mortgage dated December 10, 2002 in the amount of \$35,000 with Ruthetta O. Laughman, who has completed the 10 year forgiveness term for a home rehabilitation project.

Motion carried.

Children & Youth Services:

With recommendation from Sue Cohick, Administrator, Mr. Qually moved, seconded by Mr. Martin to approve the following:

- Contract Extension with Sara Strayer, Technical Consultant, effective November 1, 2012 through December 31, 2012.
- Contract with the Management Company Avanco International, 1751 Pinnacle Drive, Suite 425, McLean, VA for the development of the Version 8 Upgrades that support the C & Y data systems that have been agreed upon and approved by the Pennsylvania Children & Youth Association. The share for Adams County is \$3,759.

Motion carried.

Purchasing:

With recommendation from Melissa Devlin, Director, Mr. Martin moved, seconded by Mr. Qually to approve and sign a Thirty-six Month Equipment Lease Agreement for several copiers with Eicholtz Co., 208 Lincoln Way East, New Oxford, PA.

Motion carried.

Personnel Report:

Mr. Qually moved, seconded by Mr. Martin to approve the following personnel actions:

Domestic Relations:

Note the transfer of Sandy Warnell from the General Clerk position in the Probation Services Department to the Intake/Interstate Officer position in the Domestic Relations Department effective December 17, 2012.

Rescind Offers:

Adult Correctional Facility - Effective November 19, 2012

- Matthew Cocciardi, Corrections Officer
- Robert McDonough, Corrections Officer
- Kirk Colwell, Corrections Officer
- Amend start date for Darryl Leaberry, Lieutenant, from November 19, 2012 to December 3, 2012.

Separation of Employment:

- Real Estate Tax Appeal Board Members – William Arrington, Terry Burger, Lawrence Carver, Ronald Harris, Glenn Hartzel, Robert Jackson, Harold Kepler, Robert Hahn, Suzanne Krom, Robert Leedy, Louis Shuba and Dan Murray.

Motion carried.

Expenditures:

Mr. Martin moved, seconded by Mr. Qually to approve the following expenditures for the period November 12, 2012 through November 23, 2012:

General Fund	\$ 1,131,989.76
911 Fund	\$ 59,617.19
Domestic Relations	\$ 2,441.23
Children & Youth Services	\$ 97,156.25
HazMat Funds	\$ 341.18
Liquid Fuels	\$ 186,626.89
CDBG	\$ 8,373.09
Law Enforcement	\$ 3,037.88

Motion carried.

Other Business:

Commissioner Phiel – Noted there will be a Special Public Meeting tomorrow, November 29, 2012 at 3:00 p.m. for the adoption of the tentative budget for 2013.

Salary Board Meeting:

The Salary Board Meeting will be held following the Commissioners Meeting.

Adjournment:

Mr. Martin moved, seconded by Mr. Qually to adjourn the Commissioners Meeting at 9:53 a.m. this date.

Motion carried.

Respectfully submitted,
Paula V. Neiman
Chief Clerk