

**WEDNESDAY, APRIL 8, 2020**

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:01 a.m. via conference call with Chairman Randy Phiel presiding. Others in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Molly R. Mudd, Solicitor; Steven A. Nevada, County Manager; John Phillips, Controller; Don Fennimore, Court Administrator; Daryl Crum, Tax Services Director; Sherri Clayton-Williams, Planning Director; Phil Swope, Staff Accountant; Warren Bladen, Director, Department of Emergency Services; Darlene Resh, Penn State Extension; Alex Hayes, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

Moment of Silence held at this time for the COVID-19 victims.

**Minutes:**

Mr. Martin moved, seconded by Mr. Qually to approve the Minutes of the March 25, 2020 Commissioners' Meeting as presented.

Motion carried.

**NOTE: The April 1, 2020 Commissioner's Meeting was cancelled.**

**NOTE: The April 15, 2020 Commissioner's Meeting is cancelled.**

**Public Comment:**

No Public Comment was addressed to the Board at this time.

**Courts:**

With recommendation by District Court Administrator Don Fennimore, and after review by Solicitor Molly Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve and sign the Thomson Reuters WestlawPRO Software and Practice Solutions Agreement for Westlaw Edge Primary and State Analytical on-line research tools, for a term of (3) years, at a cost to the County of \$1,812.72/month, cost to be allocated between the offices of the Adams County Solicitor, The Board of Judges, the District Court Administrator, and the Magisterial District Justices.

Motion carried.

**Probation Services:**

With recommendation by Director Gale Kendall, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners approve the Independent Contractor Agreement with Dewaine Finkenbinder of Gettysburg to provide, facilitate and deliver the Pennsylvania DUI Highway Safety Classes to identified participants as determined by Probation Services, in accordance with the standards set forth by the DUI Association of Pennsylvania. The term of the Agreement is through December 31, 2020, and the Independent Contractor shall be compensated at a rate of \$55.00/hour for all services provided pursuant to the Agreement.

Motion carried.

**Children & Youth Services:**

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

- Adoption Assistance Agreement with G.F. & E.F. on behalf of M.D. in the subsidy amount of \$900.00/month.
- Adoption Assistance Agreement with W.K. & L.K. on behalf of V.M. in the subsidy amount of \$900.00/month.

Motion carried.

**Planning Department:**

With recommendation from Grants Coordinator Rebecca Moreland, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners appoint Chairman Randy L. Phiel to approve on behalf of the Board the Application for (Act 137) Emergency Housing Funds submitted by Stephanie McIlwee of PICPI, funds to be used to house homeless County residents who are eligible recipients of housing vouchers while they seek permanent housing during the Governor's Declaration of Disaster Emergency. Housing will be provided starting immediately and continuing through at least May 9, 2020. This project meets the criteria for funding established by Ordinance No, 7 of 1996, creating the County Affordable Housing Trust Fund. Recipients of housing vouchers must earn 80% or less than the County median income, ensuring that beneficiaries will meet current income eligibility requirements of the County's Affordable Housing Trust Fund guidelines.

Motion carried.

**Commissioners:**

Recommendation from Solicitor Molly R. Mudd that the Board of Commissioners approve the following:

- Mr. Qually moved, seconded by Mr. Martin, to approve to ratify and adopt Ordinance No. 1 of 2020 "An Ordinance of the County of Adams, Commonwealth of Pennsylvania, Amending and Supplementing the Adams County Tax Collection Policy;" whereas the County, State and Country are operating under a Declaration of Emergency due to the COVID-19 pandemic, such that the federal and state taxing authorities have extended the deadline for filing federal and state taxes due to the economic impact of the virus, and Adams County desires to mitigate the economic impact of COVID-19 on County taxpayers by exercising its statutory discretion to reduce penalties for late tax payments and by extending the 2% discount for a period of sixty days for payments related to taxable year 2020 as follows:

**ORDINANCE NO. 1 OF 2020**

**AN ORDINANCE OF THE COUNTY OF ADAMS, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE ADAMS COUNTY TAX COLLECTION POLICY  
(APPROVED JANUARY, 1982; REVISED NOVEMBER 14, 1986; REVISED FEBRUARY 14, 1990; REVISED FEBRUARY 10, 1993; REVISED JANUARY 21, 1998; AND REVISED DECEMBER 6, 2000)**

**RECITALS**

**WHEREAS**, The County of Adams, Commonwealth of Pennsylvania, (the "County") is a county and a political subdivision organized and existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

**WHEREAS**, The County is a taxing district as defined in the Local Tax Collection Law, 53 Pa.C.S. § 8001, *et seq.*

**WHEREAS**, a novel coronavirus (now known as "SARS CoV-2") emerged in Wuhan, China, began infecting humans in November 2019, and has since spread throughout the world, including the United States; and

**WHEREAS**, on March 11<sup>th</sup>, 2020, the World Health Organization declared the COVID-19 virus a pandemic; and

**WHEREAS**, the Governor's Office of the Commonwealth of Pennsylvania issued a Proclamation of Disaster Emergency on March 6<sup>th</sup>, 2020, due to the spread of COVID-19 under the authority of 35 Pa.C.S. § 7501, *et seq.* that authorized the suspension of certain procedures and formalities prescribed by law and urged counties to "act as necessary to meet the current exigencies;" and

**WHEREAS**, The Board of County Commissioners for Adams County issued a Declaration of Disaster Emergency on March 18<sup>th</sup>, 2020, recognizing the existence of a disaster emergency in Adams County due to COVID-19; and

**WHEREAS**, the Governor mandated the closure of physical non-life-sustaining businesses, effective March 21<sup>st</sup>, 2020, and has urged “social distancing” measures to prevent the spread of COVID-19; and

**WHEREAS**, the Federal Government has extended the deadline for filing federal taxes for a period of 90 days until July 15<sup>th</sup>, 2020, due to the economic impact of the virus; and

**WHEREAS**, the County Board of Commissioners recognizes that the finances of many taxpayers of Adams County will be negatively affected by the closure of local businesses, layoffs of employees, and uncertainty in the financial markets; and

**WHEREAS**, The County has statutory discretion to impose penalties for late payment of taxes of up to ten percent (10%), pursuant to 72 P.S. § 5511.10; and

**WHEREAS**, The County issued Ordinance No. 3 of 2000 on December 6<sup>th</sup>, 2000, which established a ten percent (10%) penalty fee for taxpayers who fail to make payment within four months of the tax notice and a two percent (2%) discount for taxpayers who pay within two months of the tax notice; and

**WHEREAS**, The County desires to mitigate the economic impact of COVID-19 on County taxpayers by using its statutory discretion to reduce penalties for late tax payments and by extending the 2% discount for a period of sixty days for payments related to taxable year 2020.

**BE IT ENACTED AND ORDAINED** by the County of Adams, Pennsylvania, and the Adams County Board of Commissioners, and it is hereby ENACTED AND ORDAINED by the authority of the same, as follows:

**SECTION 1.** The foregoing Recitals to this Ordinance are incorporated herein and made a part hereof.

**SECTION 2.** All provisions of Adams County Ordinance No. 3 of 2000 are incorporated herein and made a part hereof.

**SECTION 3.** A tax payment shall be considered “late” if not paid within four (4) months of the tax notice. For taxable year 2020 only, all late tax payments received by October 31<sup>st</sup>, 2020, shall be assessed a penalty of zero percent (0%) of the taxpayer’s tax liability. All late 2020 tax payments received after October 31<sup>st</sup>, 2020, shall be assessed a penalty of ten percent (10%) of the taxpayer’s tax liability.

**SECTION 4.** All tax payments for taxable year 2020 received by June 30<sup>th</sup>, 2020, shall receive a two percent (2%) discount of the tax liability. This discount shall not be applied in addition to the two percent (2%) discount for tax payments within sixty days of the tax notice under Section I of Ordinance No. 3 of 2000. Therefore, the maximum discount a taxpayer may receive for taxable year 2020 is two percent (2%) for any payment received by June 30<sup>th</sup>, 2020.

**SECTION 5.** Except as amended herein, all other provisions of Ordinance No. 3 of 2000 shall remain in full force and effect for taxable year 2020.

**SECTION 6.** For payments related to tax years other than 2020, tax collectors are directed to apply the 10% penalty for late payments in accordance with Section I of Ordinance No. 3 of 2000.

**SECTION 7.** This Ordinance shall be effective on April 8, 2020.

**IN WITNESS WHEREOF**, the present Ordinance has been duly enacted, and ordained this 8<sup>th</sup> day of April, 2020.

ATTEST:

ADAMS COUNTY  
BOARD OF COMMISSIONERS  
COMMONWEALTH OF PENNSYLVANIA

\_\_\_\_\_  
/s/  
Paula V. Neiman, Chief Clerk

\_\_\_\_\_  
/s/  
Randy L. Phiel, Chairman

(SEAL)

\_\_\_\_\_  
/s/  
James E. Martin, Vice Chairman

Motion carried.

Commissioner Phiel thanked Daryl Crum, Tax Services Director, for his work with the 34 municipalities. Commissioner Martin noted that this Ordinance does not include the school taxes.

- Mr. Martin moved, seconded by Mr. Qually, to Adopt Resolution No. 5 of 2020 Designating Certain County Employees as “Emergency Responders” as authorized by the Families First Coronavirus Response Act, including Corrections Officers at the Adams County Adult Correctional Complex; Sheriff’s Deputies; 911 Dispatchers; Security Department Officers; and Probation Officers as follows. The Board does hereby commend the dedication and sacrifice of the employees so designated, and recognizes their commitment to maintaining the continuous operations of the essential functions that they provide.

RESOLUTION NO. 5 OF 2020

DESIGNATING CERTAIN COUNTY EMPLOYEES AS  
“EMERGENCY RESPONDERS” AS AUTHORIZED BY  
THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

WHEREAS, on March 6, 2020, pursuant to Section 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. § 7101, et seq., Governor Tom Wolf issued a Proclamation of Disaster Emergency, proclaiming the existence of a disaster emergency across the Commonwealth of Pennsylvania as a result of the spread of coronavirus or COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, pursuant to Sections 201 and 301 of the National Emergencies Act (50 U.S.C. § 1601, et seq.) and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), finding and proclaiming that the COVID-19 outbreak in the United States constitutes a national emergency, beginning March 1, 2020; and

WHEREAS, on March 18, 2020, President Donald J. Trump signed the Families First Coronavirus Response Act (“FFCRA”) into law; and

WHEREAS, the FFCRA included the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act within its provisions; and

WHEREAS, both the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act provide additional paid time off to eligible employees for certain qualifying reasons; and

WHEREAS, both the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act authorize an employer to elect to exclude emergency responders from the provisions of each Act; and

WHEREAS, the County has identified certain employees that it deems essential to the ongoing public safety functions that the County provides and believes it to be in the best interest of the residents of Adams County to designate those employees as emergency responders.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF ADAMS, PENNSYLVANIA, as follows:

1. In accordance with Sections 3105 and 5102 of the FFCRA, the County hereby designates the following employees as emergency responders who are essential to the ongoing public safety functions that the County provides:
  - a. Corrections Officers at the Adams County Adult Correctional Complex;

- b. Sheriff Deputies;
- c. 911 Center Dispatchers;
- d. Security Department Officers; and
- e. Probation Officers

2. As a result of this designation, the above employees are excluded from the Public Health Emergency Leave provisions of the Emergency Family and Medical Leave Expansion Act and from the paid sick leave requirements of the Emergency Paid Sick Leave Act.

3. The Board of Commissioners hereby commends the dedication and sacrifice of those employees designated hereby as emergency responders. Regardless of the circumstances these employees are committed to maintaining the continuous operation of the essential functions that they provide.

4. The provisions of this Resolution are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid, unlawful, or unconstitutional, by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Resolution.

5. This Resolution shall take effect immediately upon its passage and adoption.

RESOLVED BY THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS, PENNSYLVANIA

ATTEST:

COUNTY OF ADAMS  
ADAMS COUNTY COMMISSIONERS

\_\_\_\_\_/s/\_\_\_\_\_  
Paula V. Neiman, Chief Clerk

By: \_\_\_\_\_/s/\_\_\_\_\_  
Randy L. Phiel, Chairman

(SEAL)

By: \_\_\_\_\_/s/\_\_\_\_\_  
James E. Martin, Vice-Chairman

By: \_\_\_\_\_/s/\_\_\_\_\_  
Marty Karsteter Qually, Commissioner

Motion carried.

**Personnel Report:**

Mr. Martin moved, seconded by Mr. Qually, to approve the Personnel Report as presented:

Courts:

- Probation Services – Note the retirement of Deborah Reecher, Lead Clerk, effective April 17, 2020

District Attorney:

Note the employment of Madeline Hubbard, Paid Intern, effective May 26, 2020.

IT Department:

Approve the amended date of hire for Chad Evans, Unpaid Internship, to June 1, 2020.

Adams County Adult Correctional Complex:

Recommendation from Warden Katy Hileman, to approve the following:

- Amended date of hire for Christopher Hamilton, Corrections Officer to March 16, 2020
- Employment of Brennan Moodie, Corrections Officer, effective April 6, 2020

Separation of Employment with permission to post:

- Dewaine Finkenbinder, Treatment Specialist at the Adams County Adult Correctional Complex, effective April 24, 2020
- Christine Hinken, Correctional Officer, effective March 31, 2020
- Krystina Gardner, Corrections Officer, effective April 6, 2020

Motion carried.

**Expenditures:**

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period March 23, 2020 through April 3, 2020:

General Fund Total	\$ 1,205,413.01	
General Fund	\$ 247,727.68	
PCard Payment	\$ 54.44	
Debt Service Payments	\$ 10,896.35	
Payroll – Week #14	\$ 946,734.54	
Children & Youth Services	\$ 134,225.81	
Liquid Fuels	\$ 13,460.03	
HazMat Funds	\$ 16.14	
Commissary Fund	\$ 6,406.22	
Records Management	\$ 12,443.16	
Capital Projects - Reserve	\$ 324,751.23	
911 Fund	\$ 254,600.16	
Internal Service Fund	\$ 136,447.57	

Motion carried.

**Other Business:**

No Other Business was brought before the Board at this time.

**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 Commissioner's Meeting at 9:18 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman  
Chief Clerk