

## **WEDNESDAY, MARCH 11, 2020**

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:48 a.m. in the Ceremonial Courtroom 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; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Michele Miller, HR Director; Sarah Finkey, Children & Youth Administrator; Warren Bladen, Emergency Services Director; Sherri Clayton-Williams, Planning Director; Rebecca Moreland, Grants Coordinator; Melissa Devlin, Finance Director; Sara Brensinger, Purchasing Coordinator; Amy Marchiano, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

### **Pledge of Allegiance**

### **Minutes:**

Mr. Qually moved, seconded by Mr. Phiel to approve the Minutes of the March 4, 2020 Commissioners' Meeting as presented.

Motion carried.

### **Proclamation:**

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim the week of March 15-21, 2020 as "**PENNSYLVANIA 4-H WEEK**" in Adams County.

Motion carried.

### **Public Comment:**

- Tom Newhart, 720 Plunkert Road, Littlestown – Owns a preserved working farm and a Bed & Breakfast in Mt. Joy Township. He expressed his concern on the large industrial solar plants that are proposed for seven of Adams County Municipalities. He noted agricultural and tourism are the two major industries in Adams County. These proposed solar plants will destroy our agricultural industry. The area is 20.6 miles and thousands of solar panels. Even after removal of the solar panels it will take 5-10 years to get the nutrients back into the soil. Tourism will be affected which will fall back to our local businesses. He asked the Board of Commissioners to help protect our agriculture and tourism by doing all they can to stop this project.
- Dale Frankhouser, 1421 Fairfield Road, Gettysburg – He asked the Board of Commissioners what their plans are in conjunction with Cumberland Township regarding the future of Oaklawn Cemetery. This is a very sacred land to the families who have family members buried there. He asked the Board to make this a priority to resolve this issue.

### **Controller:**

With recommendation from Controller John Phillips, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners review and sign the March 9, 2020 Letter of Engagement with Zelenkofske Axelrod LLC, Certified Public Accountants, for professional accounting services including the annual audit of the County's financial statements and audit of the County's major federal and DHS award program compliance, for the year ended December 31, 2019, at a cost to the County not to exceed \$71,250.00.

Motion carried.

### **Treasurer:**

With recommendation from Christine Redding, Treasurer, Mr. Qually moved, seconded by Mr. Martin, to approve and sign the Members 1<sup>st</sup> Federal Credit Union Business Membership Application and Certificate and Resolution for Account No. XXX355 to update

the signatories on the account.

Motion carried.

**Children & Youth Services:**

With recommendation from Sarah Finkey, Administrator, Mr. Martin moved, seconded by Mr. Qually, to approve and sign an Adoption Assistance Agreement with S.M & K.M. on behalf of A.B. in the subsidy amount of \$1,200.00/month.

Motion carried.

**Planning Department:**

- With recommendation from Sherri Clayton-Williams, Director, and after review by Solicitor Molly Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners appoint Chairman Randy L. Phiel to execute on behalf of the Board the January 2, 2020 Quote and Contract with Environmental Systems Research Institute, Inc. (ESRI) for GIS software, maintenance services and server licenses for a (1) year term at a cost of \$20,578.87.

Motion carried.

- With recommendation from Rebecca Moreland, Grants Coordinator and the Adams County Housing Committee, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, to approve the Project REACH Affordable Housing Trust Fund Program application in the grant amount of \$50,000.00. This grant will be used to rehabilitate between 30-40 owner-occupied, low income family homes located in Adams County within thirty (30) minutes of the Littlestown Area High School.

Motion carried.

- With recommendation from Rebecca Moreland, Grants Coordinator, Mr. Qually moved, seconded by Mr. Martin, to approve the 2018 Community Development Block Grant (C000072003) Subrecipient Agreements with the following:
  - Possum Valley Municipal Authority - \$159,000.00 for Aspers-North Road Waterline Replacement
  - Adams County Arts Council - \$8,791.00 for the Health HeARTS Program
  - Bendersville Borough - \$72,000.00 for ADA Compliant Curb Cuts
  - United Way of Adams County - \$15,970.00 for ADA Upgrades

Motion carried.

**Finance Department:**

- With recommendation from Sara Brensinger, Purchasing Coordinator, 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 execute on behalf of the Board a Lease Agreement and Maintenance Agreement with Kyocera Mid Atlantic Inc. of York for (2) Kyocera machines for use at the Adams County Adult Correctional Complex and the Prothonotary Department. The term of the Agreement is 60 months, at a cost to the County of \$8,410.20 over the life of the lease.

Motion carried.

- With recommendation from Melissa Devlin, Director and after review by Solicitor Molly Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve two (2) Add-On Quotes with CentralSquare Technologies, LLC of Lake Mary, Florida for ONESolution Finance Project Management software, training and services, at a cost to the County of \$4,080.00.

Motion carried.

**Department of Emergency Services:**

With recommendation from Warren Bladen, Director, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, to approve the 2020-2022 Hazardous Materials Emergency Preparedness Grant Agreement in the amount of \$5,240.00 in federal funding with a County match of \$1,310.00 for the term beginning October 1, 2019 and ending September 30, 2022.

Motion carried.

**Commissioners:**

With recommendation from Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve Resolution #2 of 2020 whereby the Adams County Board of Commissioners hereby expresses the intent of the County to issue debt in accordance with the Local Government Unit Debt Act, to undertake a Project consisting of certain capital projects and expenditures, including but not limited to such projects set forth in the energy service company (ESCO) guaranteed energy savings agreement (GESA), a solar energy producing power project for County consumption and local grid use, and certain improvements, additions, upgrades and renovations to various County buildings, facilities and properties, to the extent of funds available for such additional projects (collectively, the "Capital Project") as follows:

**COUNTY OF ADAMS**  
**Commonwealth of Pennsylvania**

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**RESOLUTION No. 2 of 2020**

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A RESOLUTION  
OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS,  
COMMONWEALTH OF PENNSYLVANIA (THE "COUNTY"),  
EXPRESSING THE INTENTION OF THE COUNTY TO ISSUE DEBT IN  
ACCORDANCE WITH THE LOCAL GOVERNMENT UNIT DEBT ACT TO  
UNDERTAKE A PROJECT CONSISTING OF, INTER ALIA, CERTAIN  
CAPITAL PROJECTS TO BE FINANCED THEREBY; DECLARING THE  
OFFICIAL INTENT OF THE COUNTY TO REIMBURSE THE COUNTY  
FOR EXPENDITURES MADE FOR SUCH CAPITAL PROJECTS PRIOR  
TO AND AFTER THE DATE OF ADOPTION OF THIS RESOLUTION;  
REPRESENTING THAT REIMBURSEMENTS SHALL BE MADE FROM  
PROCEEDS OF A CERTAIN TAX-EXEMPT OBLIGATION TO BE  
ISSUED TO FINANCE THE COSTS OF SUCH CAPITAL PROJECTS;  
DECLARING THE INTENT OF THE COUNTY THAT THIS RESOLUTION  
COMPLY WITH THE PROVISIONS OF UNITED STATES TREASURY  
REGULATION SECTION 1.150-2; AUTHORIZING AND DIRECTING  
OFFICIALS OF THE COUNTY TOGETHER WITH THE COUNTY  
SOLICITOR, AND BOND COUNSEL HERETOFORE APPOINTED BY  
THE COUNTY TO DO AND UNDERTAKE CERTAIN ACTION  
PREPARATORY TO AND IN FURTHERANCE OF THE ISSUANCE OF  
SUCH DEBT; AND RESCINDING PRIOR INCONSISTENT  
RESOLUTIONS.

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 local government unit as defined in the Local Government Unit Debt Act [53 Pa. C. S. § 8001 et seq.] (the "Debt Act"), which Debt Act defines the classes of "projects" that may be financed by the County and sets forth the procedures for issuing debt to finance capital projects; and

WHEREAS, The Board of Commissioners of the County, in consultation with its administration and independent consultants, has determined that it is necessary and appropriate for the proper management and administration of County government to undertake certain capital projects, each constituting a "project" as such term is defined in the Debt Act, consisting of, but

not limited to, and summarized as, the planning, design, purchase, acquisition, construction, repair, replacement, renovation, reconfiguration and improvement, and related appurtenances, and suitable fixtures, furnishings and equipment therefor, as applicable, of and including (i) such projects as set forth in the Energy Service Company (ESCO) Guaranteed Energy Savings Agreement (GESA), (ii) a solar energy producing power facility for County consumption and local grid use, and (iii) certain improvements, additions, upgrades and renovations various County buildings, facilities and properties, to the extent of funds available for such additional project (collectively, the "Capital Project"); and

WHEREAS, The County is considering the issuance of one or more series of tax-exempt and/or taxable, general obligation bonds in 2020 (for convenience, the "Bonds") for the purpose of providing funds to be applied for and toward the Capital Project; and

WHEREAS, The County has determined to finance, *inter alia*, the Capital Project in an approximate amount anticipated to be \$1,200,000, to be derived from the proceeds of the Bonds, a portion of which Bonds are to be issued on a tax-exempt basis, the interest on such tax-exempt portion of the debt is intended to be excluded from gross income for federal income tax purposes, pursuant to the Internal Revenue Code of 1986, as amended and supplemented (the "Code"); and

WHEREAS, The County heretofore appointed Susquehanna Group Advisors, Inc., Harrisburg, Pennsylvania, to serve, *inter alia*, as financial advisor with respect to one or more prior debt issuances, and by this resolution, desires to affirm its appointment of Susquehanna Group Advisors, Inc., as financial advisor with respect to the financing plan for the Capital Project and the issuance of the Bonds by the County; and

WHEREAS, The County heretofore appointed Eckert Seamans Cherin & Mellott, LLC, Harrisburg, Pennsylvania, to serve as bond counsel with respect to one or more prior debt issuances, and by this resolution desires to affirm its appointment of Eckert Seamans Cherin & Mellott, LLC, as bond counsel with respect to legal matters relating to the Capital Project and the issuance of the Bonds by the County; and

WHEREAS, The County desires County officials, the County Solicitor, financial advisor and bond counsel to prepare certain documents required by law or by custom, and as are otherwise deemed necessary and proper, for the County to undertake the issuance of the Bonds for the purpose of undertaking the Capital Project; and

WHEREAS, The County may have made, prior to the date of adoption of this Resolution, and reasonably anticipates hereafter making, expenditures for the Capital Project from County funds which it would otherwise pay from proceeds of the Bonds if such funds were available at the time of such expenditures; and

WHEREAS, To the extent the Bonds are hereafter issued to finance, in whole or in part, the Capital Project, the County desires to reimburse itself for expenditures paid from County funds on behalf of the Capital Project not more than sixty (60) days prior to the date of the adoption of this Resolution and thereafter, or as otherwise authorized, from proceeds of the Bonds and to do so in accordance with regulations promulgated by the United States Treasury as 26 C.F.R. § 1.150-2 (the "Reimbursement Regulations"), proposed under authority of the Code; and

WHEREAS, The County desires to express its intent to issue debt of the County evidenced by the Bonds and to hereby authorize and direct County officials, County Solicitor, financial advisor and bond counsel to take all preparatory action, and otherwise hereby ratifies and confirms such prior action taken, required or deemed necessary and proper in order for the County to undertake the Capital Project and the financing thereof; and

WHEREAS, This Resolution is being presented to the Board of Commissioners of the County (the "Board") for its consideration and approval at a regularly scheduled public meeting, duly advertised and notice given in accordance with applicable law; and

WHEREAS, This Resolution, while expressing the County's determination to undertake the Capital Project and the issuance of the Bonds, the provisions hereof do not, and shall not be construed to, constitute the approval, or the actual issuance, of any debt, including the Bonds.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Adams, as follows:

1. The foregoing Recitals to this Resolution, including the general, functional description of the Capital Project, are incorporated herein and made a part hereof. It is the intent of the County to undertake the Capital Project and the financing of all or a portion thereof by the issuance of the Bonds in accordance with the provisions of the Debt Act. The Capital Project constitutes capital expenditures under the Debt Act and applicable accounting practices and the

Code. The County funds to be used for the Capital Project expenditures are reasonably expected to be made from the County's general fund, or from any capital reserve.

2. The County hereby affirms the appointment of Susquehanna Group Advisors, Inc., Harrisburg, Pennsylvania, and such preparatory action undertaken thereby, as financial advisor to the County, for the Capital Project and with respect to the issuance of the Bonds. The financial advisor shall perform those duties usual and customary with respect to the Capital Project and the issuance of the Bonds.

3. The County hereby affirms the appointment Eckert Seamans Cherin & Mellott, LLC, Harrisburg, Pennsylvania, as bond counsel, for the Capital Project and with respect to the issuance of the Bonds. Bond counsel shall prepare those documents usual and customary for bond counsel to prepare as well as any other documents necessary to complete the financing of the Capital Project, or as otherwise hereafter requested by the County. Bond counsel shall review all documents prepared by others relating to the Capital Project and the issuance of the Bonds for compliance with applicable law.

4. County officials, acting through the County Manager of the County, the County Solicitor, and other persons and entities, whether employed or retained by the County, shall assist the County Solicitor, financial advisor and bond counsel in the preparation of a financing plan for the Capital Project. The County Solicitor, financial advisor and bond counsel shall report, either directly or through the County Manager and County Solicitor on the status of the financing plan to the Board. Reporting required hereby shall be in such manner as the County Manager and County Solicitor shall deem appropriate.

5. This Resolution constitutes a declaration of official intent under the Reimbursement Regulations to reimburse the County with proceeds of the Bonds, which constitutes all or a portion of the Bonds, for expenditures made on behalf of the Capital Project. This official intent encompasses original expenditures made not more than sixty (60) days prior to the date of adoption of this Resolution and thereafter, or as otherwise authorized by the Reimbursement Regulations.

6. The County expresses its reasonable expectation that County funds will be expended prior to issuance of the Bonds for costs of the Capital Project, and the County reasonably expects to issue the Bonds and to reimburse itself therefrom, with respect to the Capital Project; provided such expenditures are eligible for reimbursement pursuant to the Reimbursement Regulations.

7. To the extent that hereafter a specific designation is to be made for each expenditure paid from County funds for which a reimbursement allocation will be made from proceeds of the Bonds under authority of this Resolution, the Board or the County Manager is empowered to designate such expenditures and to specify the amount of each expenditure. The County Manager shall provide to the Board at regularly scheduled meetings, a list of the expenditures so designated.

8. The County shall allocate the proceeds from the Bonds to reimburse an original expenditure by making the allocation on its books and records maintained with respect to the Bonds. Such allocation shall specifically identify the actual original expenditures to be reimbursed. Such allocation shall occur not earlier than the date on which the original expenditure is paid and not later than eighteen (18) months after the later of: (a) the date on which the original expenditure was paid; or (b) the date on which the Capital Project was placed in service, but in no event more than three (3) years after the original expenditure was paid.

9. The proceeds from the Bonds used to reimburse the original expenditures will not be used for any of the following purposes: (a) within one (1) year of the date of the reimbursement allocation to "refund" another issue of tax-exempt obligations within the meaning of Section 148 of the Code; (b) within one (1) year of the date of the reimbursement allocation to create or increase the balance in a "sinking fund"; (c) within one (1) year of the date of reimbursement allocation to create or increase the balance in a "reserve or replacement fund" within the meaning of the Code with respect to any tax-exempt obligation; and (d) to reimburse any person or entity of the County for any expenditure or any payment with respect to financing an expenditure that was originally paid with proceeds of any tax-exempt obligation.

10. The reasonable expectations set forth in this Resolution are consistent with the budgetary and financial circumstances of the Capital Project. To the extent the County has budgeted or hereafter has available any funds reasonably expected to be used for and towards the Capital Project, those funds shall be expended toward the costs of the Capital Project. To the extent that the County expects to receive or has been awarded or has available any funds for the payment of the costs of the Capital Project other than the proceeds of the Bonds, the Bonds will be issued in a net aggregate principal amount reflective of any County funds now or hereafter available for the payment of the costs of the Capital Project.



- Jacob Durboraw, Corrections Officer, effective March 9, 2020

Motion carried.

**Expenditures:**

Mr. Martin moved, seconded by Mr. Qually, to approve the following expenditures for the period February 24, 2020 through March 6, 2020:

General Fund Total	\$ 1,446,897.62
General Fund	\$ 479,365.59
PCard Payment	\$ 11,694.78
Payroll – Week #10	\$ 955,837.25
Children & Youth Services	\$ 147,733.10
Liquid Fuels	\$ 238,086.10
HazMat Funds	\$ 335.90
CDBG	\$ 423.73
Ag Land Funds	\$ 20,577.34
Commissary Fund	\$ 2,241.59
Records Management	\$ 3,169.53
Coroner Visa	\$ 120.00
Human Services	\$ 4,999.88
Capital Projects - Reserve	\$ 352,036.00
911 Fund	\$ 275,612.81
Internal Service Fund	\$ 765,079.93

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. Qually moved, seconded by Mr. Martin, to adjourn the Commissioner’s Meeting at 9:54 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman  
Chief Clerk