

## **WEDNESDAY, MAY 20, 2020**

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:03 a.m. via conference call with Chairman Randy Phiel presiding. Others in attendance: Commissioners James Martin and Marty Karsteter Qually; Solicitor Molly R. Mudd; Steve Nevada, County Manager; John Phillips, Controller; Beth Cissel, Deputy Controller; Warren Bladen, Director of Department of Emergency Services; Daryl Crum, Tax Services Director; Don Fennimore, Court Administrator; Sherri Clayton-Williams, Director of Planning; Ellen Dayhoff, Rural Resources Manager; Rebecca Moreland, Grants Coordinator; Timothy Horstmann, Esq. and Erica Wible, Associate, McNees Wallace & Nurick; Sam Weiser, Esq. Saltzman Hughes; Robin Fitzpatrick, President, Adams Economic Alliance; Kaycee Kemper, Vice-President, Adams Economic Alliance; Chris Delaney, Gettysburg College, Alex Hayes, *Gettysburg Times*, and Paula V. Neiman, Chief Clerk.

### **Minutes:**

Mr. Martin moved, seconded by Mr. Qually to approve the Minutes of the May 6, 2020 Commissioners' Meeting as presented.

Motion carried.

**NOTE: The May 13, 2020 Commissioner's Meeting was cancelled.**

**NOTE: The next public Commissioner's Meeting is scheduled for June 3, 2020.**

### **Proclamation:**

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim May 17 – 23, 2020 as "**EMERGENCY MEDICAL SERVICES WEEK**" in Adams County.

Director Warren Bladen thanked the Commissioners for recognizing and honoring our emergency responders, our nurses and doctors as part of the emergency medical services system. He thanked every one of them for their sacrifice, dedication and risk that they take every day.

Motion carried.

### **Public Comment:**

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

### **TEFRA Hearing:**

Chairman Phiel called the TEFRA Hearing to order at 9:10 a.m. this date. The following were in attendance: Commissioners James Martin and Marty Karsteter Qually; Solicitor Molly R. Mudd; Steve Nevada, County Manager; John Phillips, Controller; Beth Cissel, Deputy Controller; Daryl Crum, Tax Services Director; Don Fennimore, Court Administrator; Sherri Clayton-Williams, Director of Planning; Ellen Dayhoff, Rural Resources Manager; Rebecca Moreland, Grants Coordinator; Timothy Horstmann, Esq. and Erica Wible, Associate, McNees Wallace & Nurick; Sam Weiser, Esq. Saltzman Hughes; Robin Fitzpatrick, President, Adams Economic Alliance; Kaycee Kemper, Vice-President, Adams Economic Alliance; Chris Delaney, Gettysburg College; Alex Hayes, *Gettysburg Times* and Paula V. Neiman, Chief Clerk.

At this time Chairman Phiel turned the Hearing over to Solicitor Mudd. Ms. Mudd announced as publicly advertised, this is the date and time to hold a public hearing, via telecommunication, as required by Section 147(f) of the Internal Revenue Code, as amended, with respect to the proposed plan of financing involving the issuance by the Adams County General Authority of one or more series of Code Section 145 qualified 501(c)(3) bonds in an aggregate principal amount not to exceed \$47,000,000. At this time Solicitor Mudd turned the hearing over to Gettysburg College's Bond Counsel Timothy Horstmann, Esq. of McNees Wallace & Nurick, LLC.

Attorney Horstmann provided an overview of the project noting that the funding will be used for 1) current refunding of all or a portion of the remaining outstanding Gettysburg College Revenue Bonds, Series of 2010 and 2) financing of \$10 million dollars for various capital improvements at the Gettysburg College Campus. Attorney Horstmann noted this was advertised in the *Gettysburg Times* on May 9, 2020 and on the Adams County Website which provided a toll-free number for public participation. Written comments were solicited, and the record shall show that no written comments were received. Chris Delaney provided an overview of the infrastructure and capital improvements that will be made to the College campus.

Chairman Phiel asked one of the Solicitors to explain why the County is involved. Attorney Weiser noted the County is involved since the Adams County General Authority has been asked to be the conduit and the bonds will pass through the General Authority. The tax code requires that the local governmental entity authorize issuance of these bonds and that this issuance is in the best interest and benefits the public and the community. The Adams County General Authority passed this project last week and authorized a resolution for the College to proceed. This issuance has no obligation to the County.

Chairman Phiel asked if there was any public comment. The record shall show that no public comment was received.

Chairman Phiel closed the TEFRA Hearing at 9:15 a.m. this date.

**Resolution No. 7 of 2020:**

Approve Resolution No. 7 of 2020 Authorizing the approval in accordance with Section 147(f) of the Internal Revenue Code of 1986, as amended, of a plan of financing of the Adams County General Authority; declaring that it is desirable for the health, safety and welfare of the people in the area to be served by such facilities to have such facilities provided by, or financed through, the Adams County General Authority as follows:

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF ADAMS, PENNSYLVANIA

RESOLUTION NO. 7 OF 2020

AUTHORIZING THE APPROVAL IN ACCORDANCE WITH SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, OF A PLAN OF FINANCING OF THE ADAMS COUNTY GENERAL AUTHORITY; DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA TO BE SERVED BY SUCH FACILITIES TO HAVE SUCH FACILITIES PROVIDED BY, OR FINANCED THROUGH, THE ADAMS COUNTY GENERAL AUTHORITY.

WHEREAS, the Adams County General Authority (the "Authority") is a body corporate and politic organized and existing under the Pennsylvania Municipality Authorities Act, 53 Pa. Cons. Stat. §§ 5601-5622 (2005) (the "Act") by the Board of Commissioners (the "Board") of the County of Adams, Pennsylvania (the "County"), for the purpose of undertaking projects of the kind and character authorized and permitted by, and also limited by, provisions of the Act; and

WHEREAS, Gettysburg College, a Pennsylvania nonprofit corporation (the "Borrower") has represented to the Authority that it is a not-for-profit corporation and an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended; and

WHEREAS, at the request of the Borrower, the Authority intends to undertake pursuant to the Act a project (the "Project") consisting generally of the (i) current refunding all or a portion of the outstanding Gettysburg College Revenue Bonds, Series of 2010 issued by the Adams County Industrial Development Authority in connection with the financing or refinancing of certain capital projects of the Borrower; (ii) financing of various capital improvements at the facilities of the Borrower, including (A) expansions, upgrades, alterations,

renovations, capital additions, rehabilitation and other capital improvements and acquisitions at or for existing residence halls, (B) infrastructure construction, relocation, expansion, upgrades or improvements at the facilities of the Borrower, (C) various other capital additions or improvements to the facilities of the Borrower, and (D) furnishings, equipment and other capital acquisitions related to capital projects, all in order to preserve, develop, and improve the facilities of the Borrower; and (iii) payment of certain costs of issuing the Bonds (hereinafter defined);

WHEREAS, the Borrower has presented to the Authority a plan of financing for the Project that contemplates the issuance by the Authority of one or more series of tax-exempt or taxable bonds, payable solely and exclusively from the income and revenues derived by the Authority from its financing of the Project, in the maximum aggregate principal amount of \$47,000,000 (the "Bonds") and the lending of the proceeds of the Bonds by the Authority to the Borrower for use by the Borrower for financing the Project; and

WHEREAS, the project facilities being financed or refinanced with the proceeds of the Bonds are or will be located on campus of the Borrower, in the Borough of Gettysburg, Adams County, Pennsylvania (with a mailing address of Gettysburg College, Gettysburg, Pennsylvania 17325);

WHEREAS, the Authority has authorized the issuance of the Bonds pursuant to a Resolution duly adopted by the Authority on May 13, 2020, subject to approval of the Project by this Board; and

WHEREAS, the approval by this Board, as evidenced by this Resolution, will enable the Authority to finance the Project without imposing any liability on the County of Adams or its citizens or taxpayers with respect to the Bonds; and

WHEREAS, this Board has conducted a public hearing (the "TEFRA Hearing") as required by and in accordance with Section 147(f) of the United States Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the TEFRA Hearing, after due and proper advertisement thereof being duly given according to law, was held on May 20, 2020;

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

1. The Authority's undertaking of the Project and its issuance of the Bonds to finance the costs thereof are hereby approved, it being understood that such approval shall not, directly or indirectly, obligate the taxing power of the County or otherwise obligate the County in any way whatsoever. Such approval is given for the purpose of complying with the provisions of the Act and the Code relating to the undertaking of the Project by the Authority.

2. It is hereby declared desirable for the health, safety and welfare of the people in the area served by the facilities of the Borrower to have the Project financed through the Authority, and the Authority is hereby authorized to undertake the Project.

3. The proper officers and representatives of the County are hereby authorized, directed and empowered on behalf of the County to execute any and all documents, and to do or cause to be done any and all acts and things necessary or proper for the carrying out of the purposes of this Resolution, including, but not limited to, the approval of the issuance of the Bonds.

4. The Board intends that this resolution shall constitute the governmental unit approval required by Section 147(f) of the Code. Such approval shall be limited in effect and operation to the extent, and only to the extent, required by Section 147(f) of the Code.

5. Under this arrangement there exists no liability whatsoever, financially or otherwise, on the part of the County in passing this Resolution.

6. All resolutions or parts of resolutions inconsistent herewith are hereby rescinded, canceled and annulled.

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

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

By: \_\_\_\_\_  
James E. Martin, Vice Chairman

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

ATTEST:

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

(SEAL)

Dated: May 20, 2020

Motion carried.

**Controller:**

At the request of John Phillips, Controller, Mr. Qually moved, seconded by Mr. Martin, to note the creation of an Adams County Fraud Hotline to be administered by the Adams County Controller to allow employees, contractors, and the general public to submit confidential tips, anonymously if desired, regarding possible fiscal fraud and fiscal waste in county government. Tips may be submitted by email, telephone, mail or online form, and will be reviewed by a three (3) person panel from the Controller's Office in accordance with the Adams County Fraud Hotline Policy, accessible through the county website.

Motion carried.

**Clerk of Courts:**

With recommendation by Clerk of Courts Kelly Lawver, 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 sign on behalf of the Board the Document Export Project Sheet agreement with Quality Eicholtz, under the terms of the Master Contract for Professional Services with Quality Eicholtz, for the purpose of exporting images from DocStar to CountyFusion. The cost of the project is \$2,400.00 (\$80/hour not to exceed 30 hours), pending funding approval from the Record Improvement Committee.

Motion carried.

**Children & Youth Services:**

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

- 2019-2020 In-Home Purchase of Service Agreement with Milton S. Hershey Medical Center
- 2020-2021 Purchase of Service Agreement with Families United Network, Inc.

Motion carried.

**Ag Land Preservation:**

With recommendation from Ellen Dayhoff, Rural Resource Manager, Mr. Martin moved, seconded by Mr. Qually, to appoint Sidney Kuhn to fill the unexpired term of Tim Brown, Farmer Board Director, on the Adams County Ag Land Preservation Board. The term will expire in January 2023.

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 approve and authorize Chairman Randy Phiel to sign PennDOT 2020-2022 Unified Planning Work Program (UPWP) – Work Order #3 in the amount of \$450,000.00 for the period from July 1, 2020 through June 30, 2022.

Motion carried.

**Meeting Recessed:**

Chairman Phiel recessed the Commissioner's meeting at 9:25 a.m. this date in order to hold a 2020 Emergency Solutions Grant Public Hearing via telecommunication.

**2020 Emergency Solutions Grant Public Hearing:**

Chairman Phiel called the Public Hearing to order at 9:26 a.m. and turned the hearing over to Rebecca Moreland, Grants Coordinator. Attendance: Commissioners Jim Martin and Marty Karsteter Qually; Solicitor Molly R. Mudd, Steve Nevada, County Manager; John Phillips, Controller; Beth Cissel, Deputy Controller; Daryl Crum, Tax Services Director; Don Fennimore, Court Administrator; Sherri Clayton-Williams, Director of Planning; Ellen Dayhoff, Rural Resources Manager; Rebecca Moreland, Grants Coordinator; Megan Shreve, Executive Director of South Central Community Action Programs; Alex Hayes, *Gettysburg Times*, and Chief Clerk Paula V. Neiman.

Ms. Moreland announced this is the date and time advertised to accept public comment on the proposed application for Adams County's Emergency Solutions Grant – Coronavirus (ESG-CV) Program in the amount of \$340,732.00. This grant will be administered by South Central Community Action Programs, Inc. The total amount proposed is \$340,732.00 for: Emergency Shelter – Hotel Vouchers; Rapid Rehousing – Security Deposit and Rental Assistance for those currently homeless; Homelessness Prevention – Rental Assistance for those in danger of eviction, and Administrative activities to administer the ESG-CV funds. She provided a brief overview of the program.

Ms. Moreland announced that this public hearing was advertised on the Adams County website and in the advertisement asked for written comments from the public. She noted for the record that no written comments were received. Funding for the Emergency Solutions Grant is through Housing & Urban Development administered by the PA Department of Community & Economic Development. Adams County will be applying for funding, through a competitive process, in the amount of \$340,732.00. Proposals from potential subrecipients interested in administering the program were solicited through the Adams County website. The deadline for the County to submit the application to the Commonwealth is Monday, June 1, 2020.

Chairman Phiel asked for public comment. Megan Shreve, Executive Director of SCCAP, thanked the Commissioners for all their support and thanked Rebecca Moreland for her support in completing this grant so quickly. Ms. Shreve noted this grant is different from the past. It is specifically targeted to help Adams County residents get back on their feet by helping them to be able to stay in their homes and to provide housing when needed. Due to the COVID-19 crisis, this type of support is greatly needed.

Commissioner Martin asked how we arrived at this funding amount. Ms. Shreve addressed this by saying that SCCAP had budgeted in this request the amount needed to assist 45-55 families. She noted with this being a competitive grant, it is unlikely we will get the amount we are requesting. However, we are applying for other funding.

Chairman Phiel asked if there was any other public comment based on this information to be received. The records shall show that no other public comment was received.

Chairman Phiel adjourned the Public Hearing at 9:36 a.m. this date.

**Meeting Reconvened:**

Chairman Phiel reconvened the Commissioner's meeting at 9:37 a.m. this date.

**Emergency Services Grant-CV:**

With recommendation from Rebecca Moreland, Grants Coordinator, Mr. Martin moved, seconded by Mr. Qually to approve the following:

- Resolution No. 8 of 2020 Authorizing the filing of a proposal for Emergency Solutions Grant Funds with the Pennsylvania Department of Community & Economic Development as follows:

**COUNTY OF ADAMS, PENNSYLVANIA**

**RESOLUTION NO. 8 OF 2020**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS, OF THE COUNTY OF ADAMS, PENNSYLVANIA, AUTHORIZING THE FILING OF A PROPOSAL FOR EMERGENCY SOLUTIONS GRANT FUNDS WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT**

**WHEREAS**, the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH) enacted into law on May 20, 2009, authorized the Emergency Solutions Grant (ESG) Program; and

**WHEREAS**, the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act) provided for a supplemental appropriation of Homeless Assistance Grants under the Emergency Solutions Grant (ESG) Program; and

**WHEREAS**, the Commonwealth of Pennsylvania through the Department of Community and Economic Development (DCED) has received ESG program funds and is making these funds available to units of local governments for eligible homeless services; and

**WHEREAS**, the COUNTY OF ADAMS desires to submit an application to DCED for ESG Program funds to provide homeless services or on behalf of other entities to provide homeless services.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the County of Adams, Pennsylvania, that:

1. The proposed Emergency Shelter, Rapid Rehousing, Homelessness Prevention, and related administrative activities that are to be funded by a grant from the Pennsylvania ESG Program meet the ESG interim rule requirements at §24 CFR 576 and are eligible and approved.
2. The Adams County Office of Planning & Development is authorized and directed to execute an ESG Program application in the amount of \$340,732 to the PA Department of Community and Economic Development.
3. The County of Adams will assume the responsibility for securing the required matching amount of project funds or request a waiver of match funds to DCED.
4. The County of Adams will reimburse the Commonwealth for any expenditure found to be ineligible.
5. The Adams County Office of Planning & Development is authorized to provide such assurances, certificates, and supplemental data or revised data that DCED may request in connection with the application.

Adopted this 20<sup>th</sup> day of May 2020, in a duly advertised and convened public session.

ATTEST:

ADAMS COUNTY COMMISSIONERS

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

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

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

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

- Approve the ESG-CV Budget
- Authorize Randy L. Phiel to sign the application and the Language Access Plan Certification

Motion carried.

**Tax Services:**

With recommendation from Daryl Crum, Director, Mr. Qually moved, seconded by Mr. Martin, to approve the following:

- Accept the resignation of Liberty Township Tax Collector Natalie A. Williams, of 2344 Aronimink Circle, Fayetteville, PA, Franklin County, effective May 4, 2020
- Approve the appointment of Jessica L. Ilko, 160 Crum Road, Fairfield, PA as Liberty Township Tax Collector, effective May 5, 2020, pending bonding by the County's surety.

Motion carried.

**Commissioners:**

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

- Mr. Martin moved, seconded by Mr. Qually, to approve the Sewer Capacity and Infrastructure Development Agreement with SP Gettysburg Associates, LLC of Dillsburg, the owner of a parcel of land in Straban Township to be developed into a new Adams County Barracks for the Pennsylvania State Police. Developer SP Gettysburg Associates will acquire (4) EDU's totaling 1,000 GPD of wastewater flow capacity from the County to support this project. SP Gettysburg Associates shall pay to the County a one-time fee of \$15,456.00 to offset the County's costs for planning, permitting, constructing and operating the System.

Motion carried.

- Through the Commonwealth of Pennsylvania, Department of State, Mr. Qually moved, seconded by Mr. Martin, to approve the following:
  - Adams County Application and Agreement for CARES Act Grant Funds, for election costs and expenses incurred by the County from January 20, 2020 through December 31, 2020, including increased election expenses arising due to COVID-19, including but not limited to voter notifications and education, increased costs related to mail-in and absentee voting, supplies to mitigate the spread of COVID-19, and increased equipment, staffing, training or other needs permissible under the CARES.
  - Adams County Application and Agreement for HAVA Grant Funds, "Help America Vote Act" of 2002, to be used to improve the administration of

elections, including but not limited to increased personnel, equipment, and /or other approved expenditures related to Act 77 of 2019 and expansion of the provision and administration of election services, cyber security measures, increased security of voting systems and ballots, and/or increased expenditures to expand and support vote by mail and other voter services; Standard Terms and Conditions for Grant Agreements.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to rescind Resolution No. 11 of 2017, Regulating the Possession and Use of Medical Marijuana by Employees of the Adams County Adult Correctional Complex. The Resolution is inconsistent with Adams County Adult Correctional Complex policy on the use or possession of substances defined as illegal under state or federal law.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve and sign the Memorandum of Understanding with Destination Gettysburg, the official destination marketing organization for Gettysburg and Adams County, for the \$100,000 funding allocation for Destination Gettysburg's post-COVID Marketing Campaign. Recognizing that tourism supports more than 5,300 jobs in Adams County and visitors contribute approximately \$700 million to the local economy, the Board of Commissioners directs the allocation to be used by Destination Gettysburg through a (3) phase marketing Campaign to Unify the Local Community, Encourage Visitors, and Recovery Marketing to bring visitors back to the County to stimulate and sustain the local economy.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to appoint Chairman Randy L. Phiel to sign on behalf of the Board the Amended and Restated Transmission and Access Easement Agreement with Adams Solar LLC, a Delaware Limited Liability Company with primary business offices in Houston, Texas. The parties previously entered into a Transmission and Access Easement Agreement dated October 1, 2019, recorded on October 4, 2019 at Book 6539, Page 413 in the Adams County Land Records, which shall be entirely replaced and superseded by the Amended and Restated Transmission and Access Easement Agreement.

Motion carried.

### **Personnel Report:**

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

#### Courts:

- Separation of employment with intent to post, for Gobielle Francis, Administrative Assistant in Court Administration, effective July 10, 2020.

#### Prothonotary:

Note the employment of Sheila Frock, Court Clerk/Scanner, effective June 1, 2020.

#### Separation of Employment with permission to post:

- Rescind the employment offer to the following Corrections Officers, effective June 1, 2020: Travis Hutchinson; Jessica Morrow; Mason Hoff; Nicholas Lafollette and Gunnar Dailey
- Kodi Wilkerson, Corrections Officer, effective May 7, 2020
- Cierra Noel, Caseworker 1-Family Support, effective May 18, 2020

Motion carried.

**Expenditures:**

Mr. Martin moved, seconded by Mr. Qually, to approve the following expenditures for the period May 4, 2020 through May 15, 2020:

General Fund Total	\$ 4,448,122.73
General Fund	\$ 814,531.15
Debt Service Payments	\$ 2,758,031.73
Payroll – Week #20	\$ 875,559.85
Children & Youth Services	\$ 204,616.71
HazMat Fund	\$ 3,611.36
Commissary Fund	\$ 6,743.90
Act 137 (Affordable Housing)	\$ 10,000.00
Capital Projects - Reserve	\$ 34,596.86
911 Fund	\$ 11,505.24
Internal Service Fund	\$ 404,805.37

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 10:03 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman  
Chief Clerk