

WORK SESSION

July 13, 2016

9:00 a.m.

Historic Courtroom

ATTENDANCE: Chairman Randy L. Phiel; Commissioners James E. Martin and Mary Karsteter Qually; Steve Renner, Controller; Albert Penksa, County Manager; John Hartzell, Solicitor; Molly Mudd, Assistant Solicitor; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Sherri DePasqua, Children & Youth Assistant Administrator; Ellen Dayhoff, Rural Resource Manager; Sherri Clayton, Director of Planning; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; Vanessa Pellechio, *Gettysburg Times*, Dustin Levy, *Evening Sun* and Chief Clerk Paula V. Neiman.

Chairman Phiel called the Work Session Meeting to order at 9:00 a.m. this date.

Pledge of Allegiance

Chairman Phiel announced that Executive Session will be called at the discretion of the Board of Commissioners to discuss attorney client privilege and personnel issues.

Minutes:

Mr. Martin moved, seconded by Mr. Qually to approve the Work Session Minutes from the June 29, 2016 Meeting as presented.

Motion carried.

Public Comment:

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

Children and Youth Services

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

- Memorandum of Understanding between the County of Adams and Family Design Resources to renew the support two paralegal positions employed by Family Design Resources housed in Children & Youth Services to complete legal work on behalf of children in our custody. There is no cost to the County.
- 2015-2016 Purchase of Service Agreement with – 1) The Devereux Foundation and 2) York County Youth Development Center.

Motion carried.

Planning:

- With recommendation from Sheri Clayton, Director, Mr. Martin moved, seconded by Mr. Qually to approve the Community Assistance Planning Program Contract between the County of Adams and Reading Township, 50 Church Road, East Berlin, PA 17316 in the amount of \$750.00.

Motion carried.

- With recommendation from Ellen Dayhoff, Rural Resource Manager, Mr. Qually moved, seconded by Mr. Martin to approve the offer letter for the purchase of the conservation easement for the William & Joy Weaver Farm, located in Mt. Pleasant Township, approximately 116.36 acres and to authorize Chairman Randy L. Phiel to sign the Agreement of Sale on behalf of the Board of Commissioners.

Motion carried.

Department of Emergency Services:

With recommendation from John Eline, Director, Mr. Martin moved, seconded by Mr. Qually to approve and sign the following Radio Equipment Subscriber Agreements: Union Township Supervisors and the following Constables: Constable Daniel Watkins, Sr.; Constable Joshua Turner; Constable Stephen Beans; Constable Daniel Hollenbaugh; Constable J. Ryan Metcalf; Constable Raymond Shortt; Constable John Weiser and Constable Jeffrey Lefler.

Motion carried.

Commissioners:

At the request of County Solicitor John Hartzell, that the Board of Commissioners approve the following:

- Mr. Qually moved, seconded by Mr. Martin to approve and sign Resolution No. 7 of 2016, Authorizing and approving the sale of excess equipment via public auction as follows:

RESOLUTION NO. 7 OF 2016

**A RESOLUTION OF THE COUNTY OF ADAMS, PENNSYLVANIA,
AUTHORIZING AND APPROVING THE SALE OF EXCESS EQUIPMENT
VIA PUBLIC AUCTION**

WHEREAS, the County of Adams ("County"), Pennsylvania, a fifth class county and municipal corporation, operating under the laws of the Commonwealth of Pennsylvania, has the power to acquire and dispose of personal property in carrying out the duties of the County, pursuant to provisions of the County Code; and

WHEREAS, the County periodically undertakes efforts to sell personal property, including equipment, no longer of benefit to or of use to the County, in accordance with the provisions of Article XVIII of the County Code, and as specifically provided for at 16 P.S. § 1805; and

WHEREAS, the County has such excess equipment, including personal property acquired as part of a recent real estate transaction, estimated as exceeding \$1,000 in value, and therefore the need exists to advertise for the sale of such excess items to dispose of them, as provided for in the County Code.

NOW THEREFORE, BE IT RESOLVED, and it is hereby **RESOLVED**, by the County of Adams, Pennsylvania, by its governing body, the duly elected and incumbent Board of County Commissioners, Randy L. Phiel, James E. Martin, and Marty Karsteter Qually, as follows:

1. The forgoing is incorporated herein and made an essential part hereof.
2. The County has determined that miscellaneous equipment exists that is excess to the County's needs, and that the equipment should be sold at public auction, with all items sold "as is," in accordance with the provisions of 16 P.S. § 1805.
3. The equipment to be sold is identified on the attached list, which is incorporated herein, and marked as Exhibit A.
4. The equipment will be available for public inspection at the Adams County Human Services Building, located at 525 Boyds School Road, Gettysburg, PA, from 4:00 p.m. until 8:00 p.m. on July 21, 2016.
5. The auction will be held at 1:00 p.m. on July 28, 2016. The doors will open at 9:00 a.m. on the day of the auction for additional public inspection until the start of the auction. The auction shall continue until all items are sold. All items must be removed from the building by 4:00 p.m. the following day of the auction – July 29, 2016.
6. The Chief Clerk is directed to advertise these items for sale, by public auction, "as is," to the highest and best bidders, to meet the requirements contained at 16 P.S. § 1805. Each item or lot will be sold to the highest bidder, in the auctioneer's discretion.
7. The terms of the sale will be by cash or approved check paid on day of the sale.
8. Questions concerning the public auction process may be addressed to Paula V. Neiman, Chief Clerk to the Adams County Commissioners at 717-337-9820.

This Resolution is executed this 13th day of July 2016.

ATTEST

Witness: _____ /s/
Paula V. Neiman, Chief Clerk

ADAMS COUNTY COMMISSIONERS

By: _____ /s/
Randy L. Phiel, Chairman

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

By: _____ /s/
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 July 13, 2016; 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: July 13, 2016

/s/
Paula V. Neiman, Chief Clerk

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin to approve and sign Resolution No. 8 of 2016 as follows, Authorizing the use of Eminent Domain for acquisition of a Right-of-Way and a Temporary Construction Easement for the replacement of the Horner Road Bridge, County Bridge No. 111 (T-402), as required by the Agricultural Area Security Law:

RESOLUTION NO. 8 OF 2016

**A RESOLUTION OF THE COUNTY OF ADAMS, PENNSYLVANIA,
APPROVING THE USE OF EMINENT DOMAIN FOR THE ACQUISITION
OF A RIGHT-OF-WAY AND TEMPORARY CONSTRUCTION EASEMENT
FOR ADAMS COUNTY BRIDGE 111 (T-402), HORNER ROAD BRIDGE
REPLACEMENT, AND NECESSITATED BY STATUTORY
REQUIREMENTS OF THE AGRICULTURAL AREA SECURITY LAW, AS IT
PERTAINS TO AGRICULTURAL EASEMENTS**

WHEREAS, the County of Adams ("County"), Pennsylvania, owns and maintains a number of bridges, pursuant to authority contained in the County Code, 16 P.S. § 2601, *et. seq.*; and

WHEREAS, the County needs to acquire, from time to time, rights-of way and temporary construction easements adjacent to bridges for the purpose of bridge rehabilitation, improvements, and replacements; and

WHEREAS, the County currently needs to acquire a right-of-way and a temporary construction easement for the replacement of the Horner Road Bridge, County Bridge No. 111 (T-402); and

WHEREAS, a predecessor in title sold an agricultural easement to the County and Commonwealth through the Pennsylvania Agricultural Conservation Easement Program in 2010; and

WHEREAS, by terms of that easement, recorded in Book 5546, Page 1 in the Adams County Recorder of Deeds Office, and provisions of the Agricultural Area Security Law, as amended (3 P.S. § 914.1), the County must utilize the Pennsylvania Eminent Domain law to acquire a right-of-way and a temporary construction easement for bridge replacement purposes, even when parties are in agreement as to such an acquisition; and

WHEREAS, the Pennsylvania Eminent Domain law requires that the governing body approve by appropriate means, including Resolution, the determination to utilize Eminent Domain for acquisition of property interest; and

WHEREAS, the County must move forward with efforts to acquire a right-of-way and a temporary construction easement for the Horner Road Bridge replacement project, County Bridge No. 111 (T-402),

NOW, THEREFORE, BE IT RESOLVED, and it is hereby **RESOLVED**; by the County of Adams, Pennsylvania, by its governing body, the duly elected and incumbent Board of County Commissioners Randy L. Phiel, James E. Martin, and Marty Karsteter Qually as follows:

1. The Adams County Board of Commissioners authorizes the Adams County Solicitor ("Solicitor") to use the Eminent Domain Law, 26 P.S. § 1-101 *et. seq.*, to meet statutory requirements contained in the Agricultural Area Security Law, requiring that Eminent Domain be used for acquisition of any legal interest in property over which a Commonwealth Agricultural Easement already exists.
2. Specifically, the Solicitor is directed to take such action to acquire a .729 acre right-of-way and a .713 acre temporary construction easement, in, over, and to that land now or formerly owned by Thomas L. Johnston and Melinda W. Johnston, and recorded in the Adams County Recorder of Deeds Office in Book 5661, Page 210, and as necessary for the replacement of Horner Road Bridge, County Bridge No. 111 (T-402), and the stabilization and improvement of stream bank erosion controls at the bridge location.
3. The Solicitor shall ensure such efforts comport with the requirements of the Agricultural Area Security Law and the Eminent Domain Code. The Solicitor also realizes that this action is undertaken to meet statutory guidelines, and therefore he should use efforts to minimize any adversarial aspect of this action.

IN WITNESS WHEREOF, this Resolution has been duly adopted this 13th day of July 2016.

ATTEST

By: /s/
Paula V. Neiman, Chief Clerk

ADAMS COUNTY COMMISSIONERS

By: /s/
Randy L. Phiel, Chairman

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

By: /s/
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 July 13, 2016; that the foregoing Resolution has been duly entered in the official

