

WEDNESDAY, OCTOBER 23, 2019

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:57 a.m. in the Ceremonial Courtroom with Chairman Randy L. Phiel presiding. Others in attendance: Commissioners James E. Martin (joined at 9:18 a.m.) and Marty Karsteter Qually; Molly R. Mudd, Solicitor; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Michele Miller, HR Director; Sarah Finkey, Children & Youth Administrator; Warren Bladen, Director of Department of Emergency Services; Rob Thaeler, Senior Planner; Rebecca Moreland, Grants Coordinator; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; John Phillips; Charles Stangor, Gettysburg Connection; News Reporter 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 October 16, 2019 Commissioners' Meeting as presented.

Motion carried.

Public Comment:

No Public Comment was brought before the Board at this time.

Clerk of Courts:

With recommendation from Kelly Lawver, Clerk of Court, Mr. Qually moved, seconded by Mr. Martin, to approve the following:

- The Board of Commissioners appoint Chairman Randy L. Phiel to execute on behalf of the Board the Agreement for Records Management and Imaging System with Kofile Technologies, Inc. of Dallas, Texas for the installation of Kofile's County Fusion recordation and document management system that scans, indexes, stores and retrieves Official Public Records (OPR), Vital Records, Case Management Services, and support for eFiling of documents, including software support. The term of the Agreement is five (5) years, and the cost is as follows: \$60,000.00 from the Orphan's Court Automation Fund and \$11,000.00 from the County's General Fund + \$15,000.00 due on the 1st anniversary of the Go Live date and each year for the remaining four (4) years of the contract, which constitutes an additional \$60,000.00 over the life of the contract for annual maintenance and support. There is a one-time purchase of a Microsoft SQL database license totaling \$5,549.44 to be paid out of the Orphan's Court Automation Fund.
- The County execute a Business Associate Agreement with Kofile Technologies, Inc. to ensure the safeguarding and proper security of private and confidential PHI and HIPAA health information.

Motion carried.

Proclamations:

- Mr. Qually moved, seconded by Mr. Phiel to adopt and proclaim October 24, 2019 as **"KEEPING THE LIGHTS ON AFTER SCHOOL"** in Adams County. This proclamation was presented to Michelle Kern, Executive Director of Collaborating for Youth and Amelia Contreras, Program Director, 21st CCLC Afterschool Programs.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim the week of October 23-31, 2019 as the **"32nd NATIONAL RED RIBBON WEEK"** in Adams County. This proclamation was presented to Eileen Grennel and members of the Young Marines.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to adopt and proclaim October 26, 2019 as the “**19th ADAMS COUNTY MEDICINE TAKE BACK DAY**” in Adams County. This proclamation was presented to Bob Wieland, Youth Advocate Program. Mr. Wieland announced in 2020 the Bonneauville Borough will be a place to dispose of needles.

Motion carried.

Children & Youth Services:

With recommendation from Sarah Finkey, Administrator, Mr. Qually moved, seconded by Mr. Martin, to approve the 2019-2020 Purchase of Service Agreement with Pennsylvania Counseling Services, Inc. for the JUMP Program.

Motion carried.

Department of Emergency Services:

With recommendation from Warren Bladen, Director of the Department of Emergency Services, Mr. Martin moved, seconded by Mr. Qually, to approve the U.S. Department of Homeland Security Federal Fiscal Year 2019 Emergency Management Performance Grant Agreement and attached federal forms for the award of \$86,439.47 in federal funds for the purpose of reimbursement of eligible expenditures during the performance period of October 1, 2018 through September 30, 2019. This agreement will expire on September 30, 2021 and is conditioned on a non-federal match of 50% of eligible project costs.

Motion carried.

Planning Department:

- With recommendation from Rebecca Moreland, Grants Program Coordinator, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, to approve the 2018 Community Development Block Grant C000072003 in the amount of \$527,852.00 until May 28th, 2023 for purposes of covering eligible project costs. It is also recommended that Randy Phiel be granted authority to sign the Federal Funding Accountability and Transparency Act Sub-Recipient Data Sheet as the Chairman of the Board of Commissioners and that two Commissioners be authorized to sign the Delegation of Signing Authority for CDBG and HOME Invoices form.

Motion carried.

- With recommendation from Bicky Redman, Senior Planner/Environmental Services, Mr. Qually moved, seconded by Mr. Martin, to approve the extension request from East Berlin Borough for their 2016-2017 grant award for the bathroom facilities portion of their park project through May 31, 2020.

Motion carried.

- With recommendation from Rob Thaeler, Principal Planner, Mr. Martin moved, seconded by Mr. Qually, to approve and sign the Community Assistance Planning Program Professional Services Agreement in the amount of \$2,000 between the County of Adams and Freedom Township for the County’s assistance in the completion of the Freedom Township Zoning Ordinance.

Motion carried.

Finance Department:

With recommendation by Phil Swope, Staff Accountant 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 sign on behalf of the Board, Equipment Lease Agreement No 459-7407123-015 and Amendment to Equipment Lease Agreement No 450-7407123-016 for the lease of Kyocera Office Machines for a (60) month term at a monthly cost of \$1,318.57 for the Agreement and an additional \$42.41 per month for the Amendment.

Motion carried.

Building & Maintenance:

With recommendation from Director Larry Steinour, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners execute a Generator Visual Inspection Agreement with Winter Engine-Generator Service, Inc. of York for the annual inspection of the generator equipment at the County's tower site locations, the Adams County Adult Correctional Complex, Department of Emergency Services and County Complex. The term of the Agreement is one (1) year effective January 1, 2020, at a cost to the County of \$5,097.00.

Motion carried.

Commissioners:

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

- Mr. Qually moved, seconded by Mr. Martin, to approve and sign a Temporary Construction Easement Agreement between the County of Adams and Mason Dixon Country Club, Inc. for a certain tract of real estate located in Freedom Township, Adams County, Pennsylvania, known as Adam County Tax Parcel Number 13E18-0023-000, recorded in the Office of the Recorder of Deeds for Adams County, in Deed Book 4693, Page 0216. This temporary construction easement in consideration of One (\$1.00) Dollar paid by the County of Adams to Mason Dixon Country Club, Inc. is needed for the repair and rehabilitation of Adams County Bridge No. 5 (T-329) known as Shorb Mill Road Bridge.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to adopt Resolution No 6 of 2019 and execute the Certificate of Approval relative to the Cumberland County Municipal Authority SpiritTrust Lutheran Project, wherein the "Authority" has proposed to issue tax-exempt variable rate demand revenue bonds in the maximum aggregate principal amount of Seventy Million Dollars (\$70,000,000) (hereinafter, the "Bonds"), the proceeds of which shall be used to finance the costs and expenses of alterations, additions, renovation and improvements to the healthcare and retirement facilities known in Adams County as "The Village at Gettysburg," located at 1075 Old Harrisburg Road Gettysburg, Pennsylvania. The obligations to be issued shall not constitute a debt or obligation of the County, and the County hereby assumes no obligation whatsoever with respect to payment of same. Approval is given by the Board of Commissioners on behalf of the County of Adams as the political subdivision in which a portion of the properties being financed are located, and solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

**COUNTY OF ADAMS,
Pennsylvania**

WHEREAS, SpiriTrust Lutheran, a nonprofit corporation organized and existing under laws of the Commonwealth of Pennsylvania, owns and operates healthcare and retirement facilities known as SpiriTrust Lutheran LIFE Center Cumberland & Perry Counties, located at 1920 Good Hope Road, Enola, Pennsylvania; SpiriTrust Lutheran LIFE Center Franklin County, located at 840 Fifth Avenue, Chambersburg, Pennsylvania; SpiriTrust Lutheran Home Care & Hospice, located at 2700 Luther Drive, Chambersburg, Pennsylvania; The Village at Gettysburg, located at 1075 Old Harrisburg Road, Gettysburg, Pennsylvania, The Village at Kelly Drive, located at 750 Kelly Drive, York, Pennsylvania, The Village at Luther Ridge, located at 2998 Luther Drive, Chambersburg, Pennsylvania, The Village at Shrewsbury, located at 800 Bollinger Drive, Shrewsbury, Pennsylvania, The Village at Sprengle Drive, located at 1802 Folkemer Circle, York, Pennsylvania, and The Village at UTZ Terrace, located at 2100 UTZ Terrace, Hanover, Pennsylvania (collectively, the “Facilities”); and

WHEREAS, Cumberland County Municipal Authority (the “Authority”), a municipality authority organized by the County of Cumberland, Pennsylvania under the Pennsylvania Municipality Authorities Act of 1945, as amended, now the Municipality Authorities Act, 53 Pa.C.S. Chapter 56 (the “Authorities Act”), proposes to act as a conduit issuer and to issue tax-exempt obligations in the aggregate principal amount not to exceed \$70,000,000 (the “Obligations”) to: (a) finance the costs and expenses of alterations, additions, renovations and improvements to the Facilities; (b) refinance various taxable and tax-exempt obligations previously issued for the benefit of the Facilities; and (c) pay costs and expenses of the financing (collectively, the “Project”); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that tax-exempt obligations may not be issued for the benefit of persons other than state and local governments unless the issue is approved by the “applicable elected representative” of a governmental unit having jurisdiction over the geographic location of the site of the facility to be financed and by the “applicable elected representative” of the governmental unit which will issue the tax-exempt obligations or, if such governmental unit has no elected officials, then by an “applicable elected representative” of the next higher governmental unit (with an “applicable elected representative”), in each case following a public hearing of which reasonable public notice is given; and

WHEREAS, the Board of County Commissioners of this County is the “applicable elected representative” of a governmental unit having jurisdiction over the geographic location of a portion of the Facilities; and

WHEREAS, notice of a public hearing with respect to the Project and the proposed issuance of the Obligations by the Authority as tax-exempt obligations was published in the Carlisle Sentinel, of Carlisle, Pennsylvania, the Public Opinion, of Chambersburg, Pennsylvania, the Gettysburg Times, of Gettysburg, Pennsylvania, and the York Daily Record, of York, Pennsylvania, newspapers of general circulation in the areas to be served by the Project; and

WHEREAS, a public hearing with respect to the Project and the issuance of the Obligations was held on September 19, 2019, at the time and place set forth in such notice, and a summary of public comments received at such hearing with respect to the issuance of the Obligations or the Project has been delivered to this meeting and been considered by the Board of Commissioners of this County; and

WHEREAS, the Authority has asked this County to approve the use of tax-exempt financing for the Project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THIS COUNTY AS FOLLOWS:

1. The advertisement and conduct of a public hearing on behalf of this County regarding the Project and the issuance of the Obligations as tax-exempt obligations, as required by Section 147(f) of the Code, is hereby authorized, approved and ratified.

2. The Board of County Commissioners of this County designates and authorizes its Chairman or Vice Chairman to execute and deliver on behalf of the Board of County Commissioners of this County a Certificate of Approval with respect to the Obligations, such Certificate of Approval to be substantially in the form attached hereto as Exhibit A.

3. The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the County, nor shall the County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority as contemplated herein.

4. Nothing in this Resolution is intended to be, nor shall it be construed as, an approval of the Obligations or of the Project by this County for any purposes other than the public approval requirement of Section 147(f) of the Code.

5. All prior actions of this County and of the Authority taken in conformity with the intent and purposes of this Resolution are ratified, confirmed and approved.

6. All prior resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

DULY ADOPTED this 23rd day of October 2019, by the Board of County Commissioners of the County of Adams, Pennsylvania, in lawful session duly assembled.

COUNTY OF ADAMS, Pennsylvania

ATTEST:

_____/s/_____
Chief Clerk

By: _____/s/_____
Chairman of the Board of County Commissioners

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to execute the Confidential Settlement and Mutual General Release with WellSpan Population Health Services (“WPHS”) of York, whereby WPHS has agreed to a one-time payment to Adams County of \$364,962.17 as mutually agreed to a resolution of a business dispute between the parties that occurred in 2018 arising out of employee inpatient hospital services incurred at Hershey Medical Center under County’s self-funded employee health benefits plan.

Motion carried.

- With recommendation by Solicitor Molly R. 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 the Intergovernmental Agreement (“IGA”) No: 67-07-0012 between the United States Marshals Service (“USMS”) and the County of Adams for the housing of federal detainees with Adams County at the Adams County Adult Correctional Complex at a per diem rate of \$80.00/day with a Guard Transport Hourly Rate of \$32.00/hour plus mileage reimbursement at the Federal Travel Regulation Mileage Rate. These rates shall be in effect for a minimum of (36) months.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve Change Order #1, dated October 15, 2019 in the credit amount of (\$1,323.00) for the Adams County Courthouse Rear Entry Vestibule Project for a total Contract Amount of \$51,577.00.

Motion carried.

Personnel Report:

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

Adams County Adult Correctional Complex:

- Promotion of Kenneth Reisinger to Captain of Security, effective September 30, 2019
- Promotion of Christopher Archambault to Lieutenant, effective September 30, 2019

Building & Maintenance:

- Employment of Shamar Ealey, Regular Part Time Custodian, effective October 21, 2019

Separation of Employment w/permission to post:

- Carly Marshall, Comprehensive Planner-Design/Cultural, effective December 9, 2019
- Brianna Blair, Corrections Officer, effective October 25, 2019

Motion carried.

Expenditures:

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period October 7, 2019 through October 18, 2019:

General Fund Total	\$ 1,303,165.38
General Fund	\$ 359,701.78
Payroll – Week #42	\$ 943,463.60
Children & Youth Services	\$ 307,112.71
Liquid Fuels	\$ 71,057.01
HazMat Fund	\$ 3,128.70
Commissary Fund	\$ 3,996.11
Hotel Tax Fund	\$ 192,370.88
Capital Projects - Reserve	\$ 60,790.05
Capital Projects – Courthouse Renovation Project-099	\$ 518.60
911 Fund	\$ 24,434.29
Internal Service Fund	\$ 263,177.88

Motion carried.

Other Business:

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

Adjournment:

Mr. Martin moved, seconded by Mr. Qually, to adjourn the Commissioner's Meeting at 9:57 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman
Chief Clerk