WEDNESDAY, APRIL 6, 2022:

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:00 a.m. at the Adams County Courthouse, Historic Courtroom and via conference call with Chairman Randy Phiel presiding. Others in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Steve Nevada, County Manager; Solicitor Molly R. Mudd; John Phillips, Controller; Beth Cissel, Deputy Controller; Bev Body, Prothonotary; Michele Miller, HR Director; Don Fennimore, Court Administrator; Candi Clark, Court HR Generalist; Melissa Devlin, Director of Budget & Purchasing; Todd Garret, Budget Analyst 2; Brandon Brenize, IT Assistant Director (Phone); Sherri Clayton-Williams, Planning Director; Rob Thaler, Planner; Gale Kendall, Chief Probation Services; Sarah Finkey, CYS Administrator & Staff; Adam McClain, Conservation District Manager & Staff; Andrew Dalton, Adams County Historical Society; Participating via phone Judy DeHaas and Juan Ronrequez; News Reporter Harry Hartman, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

Minutes:

Mr. Martin moved, seconded by Mr. Qually, to approve the Minutes of the March 23, 2022 Commissioner's Meeting as presented.

Motion carried.

Proclamation:

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim April 2022 as **"CHILD ABUSE & NEGLECT PREVENTION MONTH"** in Adams County. This proclamation was presented to Sarah Finkey and the Children & Youth Staff.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to adopt and proclaim April 2, 2022 as the **"75th ANNIVERSARY ESTABLISHING THE ADAMS COUNTY CONSERVATION DISTRICT"** in Adams County. This proclamation was presented to Adam McClain and the Conservation District staff.

Motion carried.

Public Comment:

No Public Comments were addressed to the Board at this time.

Prothonotary:

Pending review and approval from President Judge George and with recommendation from Prothonotary Beverly Boyd, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the Historical Document Loan Agreement with the Adams County Historical Society (ACHS). This Agreement provides for the indefinite loan of a book held in the Prothonotary's archives entitled "Register of Negroes and Mulattoes 1800-1818" to ACHS for the purpose of display and education to County residents and tourists. This Agreement is effective April 6, 2022.

Motion carried.

Probation Services:

With recommendation from Gale Kendall, Chief, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board ratify the Pennsylvania Commission on Crime and Delinquency ("PCCD") grant application (Subgrant #37280) for federal funding through the Byrne Justice Assistance Grant Program with the Commonwealth of Pennsylvania. This grant, if approved, would increase utilization of evidence-based programs, supplement data-sharing efforts between law enforcement agencies, and assist in the deployment of Probation Services Dashboard software. Total funding sought is

$250,000.00, with $187,750.00 allocated in Year 1, and $62,250.00 in Year 2. It is additionally recommended that the Board approve the PCCD Standard Subgrant Conditions, which will apply if the grant is awarded. Application is effective March 31, 2022.

Motion carried.

Controller:

With recommendation from Controller John Phillips, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve and sign the Engagement Letter with Zelenkofske Axelrod, LLC, certified public accountants, for the audit of the County's financial statements as well as major federal and state Department of Human Services award programs compliance as of December 31, 2021. The cost for the audit services, including expenses, will not exceed $74,128.00. This Agreement is effective April 6, 2022.

Motion carried.

District Attorney:

With recommendation from District Attorney Brian Sinnett, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the Quote with Cellebrite, a New Jersey Company, for renewal of the UFED 4PC Software License, used by the detectives in the DA's office. The term of the license is three (3) years, commencing on April 16, 2022 and terminating on April 15, 2025. Total cost to the County is $17,019.00.

Motion carried.

Emergency Services:

With recommendation from Warren Bladen, Director and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the Memorandum of Agreement ("MOA") with the Commonwealth of Pennsylvania, through the PA Department of Agriculture ("PAD"). Under the MOA, PAD agrees to inspect all County weights and measurement devices required by the Consolidated Weights and Measures Act (3 Pa.C.S. 4101 *et seq.),* except for certain measuring device inspections delegated to the County. This MOA is effective July 1, 2022 and expires June 30, 2027.

Motion carried.

Information Technology:

With recommendation from Phil Walter, CIO and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the Web Enrollment Agreement with the County Commissioners Association of Pennsylvania (CCAP), which allows the County to leverage CCAP IT resources including website framework and training resources. The term of the Agreement commences May 5, 2022 and terminates May 4, 2023. Total cost to the County is $8,900.00.

Motion carried.

Budget and Purchasing:

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 and sign the following:

- Addendum to the Software License and Services Agreement with Superion, LLC, a Florida Company (successor in interest to SunGard Public Sector Inc.), which updates the terms and conditions of the Agreement. Superion provides financial software to the fiscal offices of Adams County. The term of the updated Agreement is three (3)

years, commencing on April 6, 2022 and terminating on April 5, 2025. There is no additional cost to the County.

- Designate Chairman Randy L. Phiel to sign the Quote with CentralSquare, a Florida Company, for twenty-four (24) hours of professional services for Contract Management training. The term of the Agreement is one (1) year, commencing on April 6, 2022 and terminating on April 5, 2023. Total cost to the County is $5,000.00.

Motion carried.

Building and Maintenance:

With recommendation from Larry Steinour, Director and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the Quote for lawn mowing and maintenance services at Oak Lawn Cemetery with Sheppard's Groundskeeping, a local Gettysburg company. Additionally, it is recommended that the Board sign the Terms and Conditions. The term of the Agreement commences on April 6, 2022 and will continue until the end of the 2022 mowing season. Total cost to the County is $1,300.00 per mow.

Motion carried.

Adams County Adult Correctional Complex:

With recommendation from Warden Katy Hileman, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the following:

- Quote #MPQH592 with CDW-G, LCC, an authorized reseller of SAP America, Inc. products. This quote provides two (2) licenses for the SAP Crystal Reports 2020 software, which allows users to create richly formatted reports from any data source. Each license is $485.00, for a total cost to the County of $970.00. Pricing is made pursuant to COSTARS Contract No. 006-064. It is additionally recommended that the Board approve the Software License and Support Agreement and the SAP Crystal Reports 2020, Full Version Terms & Conditions with SAP America, Inc., which provides standard terms for use of the software. All Agreements are made effective March 23, 2022.

- Order #Q-163734 and the Terms and Conditions with PowerDMS, Inc., a Florida corporation. The Agreement provides for the base PowerDMS Pro software and 136 user licenses and training courses for a term of one (1) year. PowerDMS is a policy management system that provides training on County policies to ACACC staff, notifies staff of policy revisions, and provides a training and audit trail. Total cost of the software and licenses is $10,003.81. This Agreement is effective April 24, 2022 and expires April 23, 2023.

- Appoint Chairman Randy Phiel to sign on behalf of the Board the March 14, 2022 Proposal by Radiation Safety Consultant William Hoak, CHC, CLSO for an annual safety support inspection of the Tek 84 body scanner at the jail, and the annual training for qualified operators and radiation safety officers. All services to be provided for $950.00.

Motion carried.

Human Resources:

With recommendation from Deputy Director Danette Laughman, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners ratify the Fee Summary Agreement with Capital Blue Cross Vision for county subscribers, at a cost to the County of $1.00 per contract per month. This Agreement represents the Year-2 Renewal on a (3) year Vision ASO Contract.

Motion carried.

Commissioners:

- With recommendation from Steve Nevada, County Manager, on behalf of the Finance Governance Team, and after review by Solicitor Molly Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the Adams County Asset Policy to ensure a uniform methodology for control of County property, effective April 6, 2022.

Motion carried.

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

  - Mr. Martin moved, seconded by Mr. Qually, to approve and sign the Memorandum of Understanding between the County and Ben W. Smyers Excavating for provision of excavation, fill-in, and final appearance of gravesites at the cemetery at Oak Lawn Memorial Gardens. Additionally, Ben W. Smyers Excavating shall be permitted to store a backhoe on the property for excavation purposes. This Memorandum of Understanding is effective April 6, 2022. There is no cost to the County.

Motion carried.

  - Mr. Qually moved, seconded by Mr. Martin, to approve and sign the Historical Document Loan Agreement between the County of Adams and the Adams County Historical Society (ACHS). The Agreement provides for the loan of Polaroid photos of various Adams County commercial properties dating from the early 1980's to 2009 to the ACHS. The term of the Agreement is thirty (30) years, commencing on April 6, 2022.

Motion carried.

  - Mr. Martin moved, seconded by Mr. Qually, to adopt Resolution No. 4 of 2022 recognizing that the County Zoning Ordinance adopted by the Board on June 23, 2013, is substantively invalid by failing to expressly include particular uses, failing to include certain uses in sufficient quantity, and unconstitutionally regulating certain types of signs. The Resolution therefore authorizes County staff and the Solicitor to draft a curative amendment for adoption within 180 days of the Board's formal declaration of invalidity at public meeting on March 9th, 2022 as follows:

RESOLUTION NO. 4 of 2022

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS DECLARING ITS ZONING ORDINANCE SUBSTANTIVELY INVALID, AND AUTHORIZING THE PREPARATION OF A MUNICIPAL CURATIVE AMENDMENT TO THE ZONING ORDINANCE

WHEREAS, Section 609.2 of the Pennsylvania Municipalities Planning Code (the "MPC"), 53 P.S. § 10609.2, provides curative procedures for a county that determines that its zoning ordinance or any portion thereof is substantively invalid; and

WHEREAS, upon review of the Adams County Zoning Ordinance (the "Zoning Ordinance"), adopted by the Adams County Board of Commissioners (the "Board") on June 26th, 2013, as amended, it is apparent that the Zoning Ordinance does not expressly provide for a number of uses permitted by law, certain uses are not provided for in sufficient quantity, and certain sign regulations may be unconstitutional as the result of recent Supreme Court decisions; and

WHEREAS, the Board, by formal action at the Board of Commissioners' meeting on March 9, 2022, declared portions of the Zoning Ordinance to be substantively invalid and proposed to prepared a municipal curative amendment to overcome such invalidity; and

WHEREAS, the Board desires to comply with the procedures of Section 609.2 of the MPC by proposing a municipal curative amendment to expressly permit lawful uses, provide for certain uses in sufficient quantity, and cure likely unconstitutional sign regulations.

NOW THEREFORE, BE IT RESOLVED, that:

SECTION 1. The Board hereby declares that its Zoning Ordinance is substantively invalid as a result of its failure to expressly permit the following uses:

a. Alternative energy, both principal and accessory uses
b. Medical marijuana
c. Small wireless facilities
d. Rural event venues
e. Recreational vehicle/tent hosting
f. Rental storage
g. Shooting ranges, both principal and accessory uses
h. Nursing homes
i. Assisted living
j. Continuing care retirement community
k. Short-term rentals
l. Certain prohibited uses outlined in Section 401 (related to Employment Center District) should be expressly permitted in the Employment Center District and other zoning districts.

SECTION 2. The Board additionally declares that the Zoning Ordinance is substantively invalid as a result of its failure to provide the following in sufficient quantity or scope:

a. Manufacturing/industrial use classes
b. Various residential uses
c. Group home and related types of institutional housing
d. Places of worship
e. Cultural and entertainment classes (museums, theaters, etc.)
f. Health care classes (hospitals, clinics, etc.)

SECTION 3. Finally, the Board declares that the Zoning Ordinance is substantively invalid as it relates to likely unconstitutional content-based regulation of signs.

SECTION 4. The Board hereby authorizes the County staff and Solicitor to begin preparing a curative amendment to the Zoning Ordinance to correct the invalidity declared in Sections 1 through 3 herein. The curative amendment shall remedy such invalidity by expressly authorizing the uses outlined in Section 1, providing for sufficient quantity and scope of the uses outlined in Section 2, and providing content-neutral regulations related to signs to correct the constitutional failings outlined in Section 3.

SECTION 5. A curative amendment shall be reviewed and adopted by the Board at a public meeting, after public notice of the proposed ordinance, within one hundred eighty (180) days of March 9, 2022, the date the Board formally declared portions of the Zoning Ordinance to be invalid.

DULY ADOPTED, pursuant to the authority granted to the County under the laws of the Commonwealth of Pennsylvania in lawful session duly assembled on the 6th day of April, 2022.

BOARD OF COMMISSIONERS
OF ADAMS COUNTY

ATTEST:

/s/
Randy L. Phiel, Chairman

/s/
Paula V. Neiman, Chief Clerk

/s/
James E. Martin, Vice Chairman

/s/
Marty Karsteter Qually, Commissioner

Motion carried.

With recommendation by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners designate Chairman Randy L. Phiel to sign on the behalf of the Board the following relative to the Human Services Building Re-Roofing Project:

- Change Order #2 for Contractor D.A. Nolt, Inc. to add $232,737.98 to the contract price, to reflect a decrease in contract price for solar panel walkways, and an increase in contract price for environmental conditions supplemental safety procedures, the addition of the front entrance part of the roof to the re-roofing project, and pandemic-related material cost increase; and

- An Amendment to the April 5, 2021 Professional Engineering Services Agreement with C.S. Davidson, Inc. for additional Bidding and Construction Phase Services totaling $50,000 for engineering and construction administration services relative to the expanded scope of the re-roofing project, and indoor Air Quality (IAQ) and third-party Industrial Hygiene (IH) environmental consulting services.

Motion carried.

Personnel Report:

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

Children & Youth Services:

Recommendation from Sarah Finkey, Administrator, to approve the following:

- Employment of Carissa McKean, Caseworker 2-Family Support, effective May 31, 2022, pending successful completion of all pre-employment screening
- Note the transfer of Wendy Forsythe, Office Assistant - Legal, to the District Attorney's Office, effective April 25, 2022 and permission to post the open Office Assistant – Legal position.

Adams County Adult Correctional Complex:

- Recommendation from Warden Katy Hileman, pending successful completion of background screenings, approve the employment of the following Corrections Officers: Tyler Gallagher, effective May 16, 2022; Dustin Bechtel and Nicholas Barry, effective March 28, 2022; Scott Stanga, Emmanuel George and Michael Simms, effective April 11, 2022. Revised date of hire for Sameh Gabra from April 11, 2022 to May 16, 2022

Separation of Employment with permission to post:

- Katie Spurrier, Legal Assistant in the District Attorney's Office, effective April 13, 2022
- Mark Maas, Public Defender Investigator, PTR, effective April 14, 2022
- Cole Mercer, FT Telecommunicator, effective April 3, 2022
- Jason Ferrebee, Corrections Officer, effective March 17, 2022
- Connor Wenger, Corrections Officer, effective March16, 2022
- Dylan Huiet, Corrections Officer, effective April 1, 2022

Motion carried.

Expenditures:

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period March 21, 2022 through April 1, 2022:

General Fund Total	$ 1,686,708.67
General Fund	$ 641,398.86

Payroll – Week #13	$ 1,045,309.81	
Children & Youth Services	$	175,842.00
Liquid Fuels	$	17,535.85
Commissary Fund	$	3,216.20
Records Management	$	792.50
Hotel Tax Fund	$	72,329.75
Coroner Visa	$	100.00
Capital Project-Reserve	$	52,943.93
Capital Projects	$	5,955.02
911 Fund	$	261,766.14
Internal Service Fund	$	451,028.84

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 10:07 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman
Chief Clerk