

**WEDNESDAY, DECEMBER 19, 2018:**

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:00 a.m. in the Ceremonial Courtroom with Chairman Randy L. Phiel presiding. Others in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Albert Penksa, County Manager; Molly Mudd, Solicitor; Steve Renner, Controller; Beth Cissel, Deputy Controller; Crissy Redding, Treasurer; Michele Miller, HR Director; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; Larry Steinour, Director of Building & Maintenance; Ellen Dayhoff, Rural Resources Director; News Reporter Vanessa Pellechio, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

**Pledge of Allegiance**

**Minutes:**

Mr. Martin moved, seconded by Mr. Qually, to approve the Minutes of the December 12, 2018 Commissioners' Meeting as presented.

Motion carried.

**Executive Session:**

Board Chairman Phiel noted an Executive Session will be called at the discretion of the Board of Commissioners to discuss attorney client/personnel issues.

**Public Comment:**

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

**Planning:**

- With recommendation from Sherri Clayton-Williams, Director, Mr. Qually moved, seconded by Mr. Martin, to approve and sign the Adams County Municipal Solid Waste Disposal/Processing Transfer Station Agreement with Diller Transfer Station, LLC, a subsidiary of Advanced Disposal Services, 6820 Wertzville Road, Enola, PA to be a designated municipal solid waste disposal or processing facility in Adams County, effective January 1, 2019.

Motion carried.

- With recommendation from Sherri Clayton-Williams, Director, Mr. Martin moved, seconded by Mr. Qually, to approve the offer letter for the purchase of the conservation easement and approval for Chairman Phiel to sign the Agreement of Sale, on behalf of the Board of Commissioners, for the Hoffman Farm consisting of 128.01 deeded acres, 25 acres excluded (Wetland Reserve permanent easement) at \$2,078.99/acre.

Motion carried.

**Adams County Adult Correctional Complex:**

- Mr. Qually moved, seconded by Mr. Martin, to approve by Chairman Phiel on behalf of the Board of Commissioners the McClure Company HVAC Plus Comprehensive Maintenance Agreement, Proposal #20181837 dated November 27, 2018 for a (2)-year renewal of HVAC maintenance services at the Prison commencing January 1, 2019 through December 31, 2020 at an annual cost to the County of \$13,534.00 and a total cost to the County of \$27,068.00 for said preventive maintenance services and inspections, pending approval by the Solicitor of contract amendments.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to approve by Chairman Phiel on behalf of the Board of Commissioners the NRG Building Services Software Maintenance Agreement, Proposal #ADCPR-NRG-1 dated November 30, 2018 for a (2) year renewal of Building Automation Systems and Automatic Temperature Control Maintenance and Software Subscription(s) Services for the Prison commencing January 1, 2018 through December 31, 2020 at an annual cost to the County of \$6,740.00 and a total cost to the County of \$13,480.00.

Motion carried.

**Department of Emergency Services:**

Mr. Qually moved, seconded by Mr. Martin, to approve by Chairman Phiel on behalf of the Board of Commissioners the NRG Building Services Software Maintenance Agreement, Proposal #ADCDES-NRG-1 dated November 30, 2018 for a (2) year renewal of Building Automation Systems and Automatic Temperature Control Maintenance and Software Subscription(s) Services at the Department of Emergency Services commencing January 1, 2019 through December 31, 2020 at an annual cost to the County of \$6,650.00 and a total cost to the County of \$13,300.00.

Motion carried.

**Human Resources Department:**

- With recommendation by Director Michele Miller, and after review by Solicitor Molly Mudd, Mr. Martin moved, seconded by Mr. Qually, that Chairman Phiel on behalf of the Board of Commissioners review to approve the KlinkCheck Background Services End-User Agreement for a (1) year term with automatic renewal for the compilation by KlinkCheck of information from databases maintained by consumer reporting agencies for review and use by the HR Department in evaluating the suitability of job applicants, at an average cost to the County of \$40.00.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to authorize Chairman Phiel to execute on behalf of the Board of Commissioners the Eckert Seamans Engagement Letter for the Limited Engagement of a County-wide HIPAA Audit. Receivables include updated HIPAA Policies and Procedures; Updated Notice of Privacy Practices; Updated HIPAA Authorization Form(s); Business Associate Agreement Template; Recommendations for HIPAA Compliance; and HIPAA Training, at a cost to the County not-to-exceed \$14,000.

Motion carried.

**Commissioners:**

- Mr. Martin moved, seconded by Mr. Qually, to approve to authorize Chairman Randy Phiel to execute on behalf of the Board of Commissioners a Dispute Resolution and Tolling Agreement with Hockley & O'Donnell Insurance, LLC, Hockley and O'Donnell Financial Services, and Nathan Hockley that includes a commitment to engage in good faith settlement discussions and the cooperation of Hockley & O'Donnell in matters relating to Performance Health.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve and authorize Chairman Randy Phiel to execute on behalf of the Board of Commissioners a Business Associate Agreement between the County of Adams as the Covered Entity and Benefit Design Specialists, Inc. as the Business Associate, wherein the parties acknowledge and agree to their respective obligations pursuant to the HIPAA Security and Privacy Rules for the protection of Personal Health Information (PHI), the security requirements of the Health Information Technology for Economic and Clinical Health Act (“the HITECH Act”), and Title XIII of the American Recovery and Reinvestment Act of 2009 (ARRA) that are applicable to Business Associates.

Motion carried.

Mr. Martin moved, seconded by Mr. Qually, to approve Chairman Phiel to execute on behalf of the Board of Commissioners the following:

- McClure Company HVAC Plus Comprehensive Maintenance Agreement, Proposal #20181647 dated October 25, 2018 for a (2)-year renewal of HVAC maintenance services at the Adams County Courthouse commencing January 1, 2019 through December 31, 2020 at an annual cost to the County of \$4,892.00 and a total cost to the County of \$9,784.00 for said preventive maintenance services and inspections, pending approval by the Solicitor of contract amendments.
- NRG Building Services Software Maintenance Agreement, Proposal #ADCCH-NRG-1 dated November 30, 2018 for a (2) year renewal of Building Automation Systems and Automatic Temperature Control Maintenance and Software Subscription(s) Services at the Adams County Courthouse commencing January 1, 2019 through December 31, 2020 at an annual cost to the County of \$4,585.00 and a total cost to the County of \$9,170.00.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve and adopt Ordinance No. 7 of 2018 amending Ordinance No. 1 of 2008 and Ordinance No. 2 of 2011 providing for the banning of weapons from the County Courthouse, subjecting persons in and upon county facilities and properties to searches and seizures relative to possession of weapons; and providing for the administration and enforcement of the present Ordinance as follows:

#### **ORDINANCE No. 7 of 2018**

**AN ORDINANCE OF THE COUNTY OF ADAMS, AMENDING ORDINANCE NO. 1 OF 2008 AND ORDINANCE NO. 2 OF 2011 PROVIDING FOR THE BANNING OF WEAPONS FROM THE COUNTY COURTHOUSE; SUBJECTING PERSONS IN AND UPON COUNTY FACILITIES AND PROPERTIES TO SEARCHES AND SEIZURES RELATIVE TO POSSESSION OF WEAPONS; AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THE PRESENT ORDINANCE**

**BE IT ENACTED AND ORDAINED** by the County of Adams (“County”), Pennsylvania, by its duly elected and incumbent Board of County Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

**WHEREAS**, the Adams County Board of Commissioners and the Adams County Court of Common Pleas have previously determined that it is necessary and appropriate, for the protection of the health, safety, and welfare of the general public and County officials and employees, to ban weapons from County buildings and properties, and to subject all persons in and upon County buildings and properties to searches and seizures relative to the possession of weapons; and

**WHEREAS**, the Adams County Board of Commissioners have previously enacted Ordinance No. 1 of 2008 to create guidelines relative to the prohibition, seizure, and storage of weapons on County property; and

**WHEREAS**, the Adams County Board of Commissioners have previously enacted Ordinance No. 2 of 2011 to amend certain definitional sections; and

**WHEREAS**, the Adams County Board of Commissioners and the Adams County Court of Common Pleas desire to modify and amend another certain definitional section contained in the Ordinance.

**NOW THEREFORE**, be it **ENACTED AND ORDAINED** by the County, by the Adams County Board of Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

**Section I:** Section 1 (F) of Ordinance 1 of 2008 is amended to read in its entirety:

**Weapons:** Any of the following:

- (1) Any firearm or ammunition. The term firearm shall include not only the definition of firearms as set forth in 18 Pa. C.S.A. §6102, but also firearms as defined in 18 Pa. C.S.A. §6105(i) and 18 Pa. C.S.A. §908(c);
- (2) Any offensive weapon as defined by 18 Pa. C.S.A. §908(c);
- (3) Any weapon or instrument of crime as defined by 18 Pa. C.S.A. §907;
- (4) All knives of any length and all sharpened blades of any length or configuration. This provision shall not apply to County employees or independent contractors of the County;
- (5) Explosive devices, including firecrackers, supplies, detonating devices, fuses, or equipment;
- (6) Replicas of any of the items defined in subparagraph (1) through (5) above including, but not limited to, starter pistols and toy guns; and
- (7) Any object, instrument, item, or device which the Director of the Security Department, or designee, in their professional judgment, determines creates a present danger to property, personnel, or visitors to County property.

**Section II:** **Amendment.** Ordinance No. 1 of 2008 and Ordinance No. 2 of 2011 are hereby amended. Any Ordinance or Resolution, or any portion of any Ordinance or Resolution, which is inconsistent with the contents of the present Ordinance shall be, and the same is hereby, repealed, insofar as the same is affected by or inconsistent with the provisions of the present Ordinance.

**Section III:** **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section IV:** **Effective Date.** This Ordinance shall be effective immediately upon its enactment.

**ENACTED AND ORDAINED** into an Ordinance this 19<sup>th</sup> day of December 2018.

**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

Motion carried.

**Personnel Report:**

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

**Separation of Employment:**

- Donald Kemper, Maintenance Tech II/Lead, effective December 17, 2018
- Derek Stoltzfus, Corrections Officer, effective December 13, 2018

Motion carried.

**Expenditures:**

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period December 3, 2018 through December 14, 2018:

General Fund Total	\$ 1,118,904.78
General Fund	\$ 219,696.20
Debt Service Payments	\$ 10,896.35
Payroll – Week #50	\$ 888,312.23
Children & Youth Services	\$ 344,622.12
Liquid Fuels	\$ 6,399.39
Commissary Fund	\$ 1,724.53
Act 137 (Affordable Housing)	\$ 2,708.00
Hotel Tax Fund	\$ 213,351.88
Coroner Visa	\$ 100.00
Act 13 Bridge Improvements	\$ 2,020.28
Parks, Recs & Green Space Program	\$ 100,000.00
Capital Projects-Reserve	\$ 31,506.12
Human Services Building	\$ 15,998.92
Capital Projects – Courthouse Renovation	\$ 7,307.00
911 Fund	\$ 8,160.07
Internal Service Fund	\$ 166,120.91

Motion carried.

**Commissioner’s Meeting Rescheduled:**

Board Chairman announced that the Commissioner’s meeting that was cancelled for December 26, 2018 has now been scheduled and will be held on Wednesday, December 26, 2018 beginning at 9:00 a.m. in the Historic Courtroom.

**Other Business:**

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

**Executive Session:**

Board Chairman Phiel called for an Executive Session at 9:23 a.m. this date to discuss personnel and attorney/client issues.

**Meeting Reconvened:**

Commissioner Phiel reconvened the Commissioner's Meeting at 11:47 p.m. this date with the following in attendance: Commissioners James E. Martin and Marty Karsteter Qually, Albert Penksa, County Manager, Solicitor Molly Mudd and Chief Clerk Paula Neiman.

**Adjournment:**

Mr. Martin moved, seconded by Mr. Qually, to adjourn the Commissioner's Meeting at 11:50 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman  
Chief Clerk