

## **AGENDA, WEDNESDAY, DECEMBER 29, 2021:**

9:00 A.M. Convening of the Adams County Board of Commissioners' Meeting.

### **Pledge of Allegiance**

### **Minutes:**

Approve the Minutes of the December 15, 2021 Commissioners' Meeting as presented.

### **Public Comment:**

*Individuals may listen to the meeting or comment during the public comment portion of the agenda by calling **1-415-655-0001, 132-798-3497#**. Any comments related to the agenda or county business are limited to 5 minutes and the individual is to state their name and address prior to commenting.*

### **Information Technology Department:**

Recommendation from Phil Walter, CIO and after review by Solicitor Molly Mudd, that the Board of Commissioners approve the following:

- Designate Chairman Randy L. Phiel to sign the Statement of Work from Quality, a Pennsylvania company, and Objectif Lune, a Canadian company, for PDF/a software and professional implementation services. This software will integrate with the County's DocStar software, allowing departments to create and store PDF/a documents for permanent retention. The performance period for the professional services is December 29, 2021 to March 31, 2022 and the term of the software license is one (1) year, commencing on December 29, 2021 and terminating on December 28, 2022. Total cost to the County is \$14,020.00.

### **Treasurer:**

Recommendation from Treasurer Christine Redding, and after review by Solicitor Molly Mudd, that the Board of Commissioners designate Chairman Randy L. Phiel to approve on behalf of the Board Option 3 ("Hybrid") of the annual maintenance contract for the Treasurer's tax collection software, Tax Coll2K, with Grandjean & Braverman, Inc., a Pennsylvania company. Total upfront cost to the County is \$1,250.00 for the first 12 hours of maintenance and support, with any additional service hours to be billed at a rate of \$110.00 per hour. The agreement is effective January 1, 2022 for a one (1) year term.

### **Voter Registration & Elections:**

Recommendation from Angie Crouse, Director, that the Board of Commissioners, sitting as the Board of Elections, make a temporary change in the polling site for the Gettysburg #2 precinct from the permanent site at Gettysburg College Union Building, Room 125, West Lincoln Avenue, Gettysburg to the Gettysburg Fire Department at

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#### *Voter Registrations & Elections cont'd:*

35 North Stratton Street, Gettysburg, this temporary change in polling site to be in effect for both the 2022 Primary and General Elections, due to the ongoing impacts of the COVID-19 pandemic and the mask mandate in place at Gettysburg College.

#### **Ag Land Preservation:**

Recommendation from Ellen Dayhoff, Rural Resource Manager and after review by Solicitor Molly R. Mudd, that the Board of Commissioners approve offer letters for the Hanover Shoe Farms Properties as listed below and to approve Chairman Randy L. Phiel to sign the Agreement of Sale on behalf of the Board of Commissioners. Adams County will be utilizing our State funds to draw Federal funds and will be reimbursed 50% of the purchase price from the Federal Program after settlement.

- Union Township, Parcel #41J16-0012, 184.93 acres at \$2,889.00/acre with no exclusions
- Conewago Township, Parcel #08K15-0020, 161.61 acres at \$2,889.00/acre, no exclusions
- Union Township, Parcel #41K16-0019, 149.26 acres at \$2,844.00/acre, no exclusions
- Conewago Township, Parcel #08K15-0023, 213.60 acres at \$2,754.00/acre, no exclusions

#### **Human Resources:**

Recommendation from Michele Miller, Director and after review by Solicitor Molly R. Mudd, that the Board of Commissioners approve the Valpak Participation Agreement with Valpak of Cumberland Valley, a Florida corporation. The Agreement provides that Valpak will mail recruitment advertisements for County staff positions currently available at the Adams County Adult Correctional Complex. The mailing campaign will cover five (5) different County zones at a cost of \$250 per zone. Total cost is \$1,250.00. The Agreement is effective December 29, 2021, and the mailing campaign commences February 2022.

#### **Commissioner's Office:**

Recommendation by Solicitor Molly R. Mudd that the Board of Commissioners approve the following:

- Take public action in regards to the matter of Adams County v. Purdue Pharma, L.P., et al. (Coordinated Civil Action), Court of Common Pleas of Delaware County, Docket No. 2017-008095 (Removed to Opioid MDL):
  - Ratify the Pennsylvania Subdivision Intrastate Allocation Participation Agreement, whereby Adams County agreed to the terms of the Proposed Trust and Allocation Order ("Trust Order") to be entered by the Court in

Commissioner's Office cont'd:

which the Distributor and the J&J (Janssen) Settlement are entered allocating funds among the Commonwealth of Pennsylvania and its Subdivisions; and

- Ratify the Subdivision Janssen Settlement Participation Agreement, whereby Adams County, a "Governmental Entity", elected to participate in the Janssen Settlement as a Participating Subdivision, entitled to the benefits provided therein and Releasing all Released Claims thereafter, including but not limited to all provisions of section IV (Release); and
- Ratify the Subdivision Distributor Settlement Participation Agreement, whereby Adams County, a "Governmental Entity", elected to participate in the Distributor Settlement (Distributors identified as McKesson Corporation, Cardinal Health, Inc. and AmeriSource Bergen Corporation) as a Participating Subdivision, entitled to the benefits provided therein, and releasing all Released Claims against all Released Entities thereafter; and
- Review to Approve the Opioid Trust & Allocation Order – This Order establishes the Pennsylvania Opioid Misuse and Addiction Abatement Trust, which is funded from the Distributors Settlement Agreement and the Janssen Settlement Agreement, both dated July 21<sup>st</sup>, 2021. It is estimated that \$1 billion in total settlement funds will be distributed to Pennsylvania. The Trust will allocate 15% of those total settlement funds to the State, 70% to the Counties, and 15% to litigating subdivisions and certain district attorneys. Of the 70% to the Counties, 0.344% will be allocated to Adams, which is based on a 4-metric formula (overdose deaths, opioid hospitalizations, naloxone administrations, and total morphine milligrams dispensed). Assuming full participation of all qualified entities in the allocation agreement, it is estimated that Adams County's share of 0.344% will equate to \$2,392,983 in opioid abatement funding. Additionally, Adams County is entitled to a portion of the 15% (based on population) allocated to litigating subdivisions, as it was an active litigant in the class action suits. It is estimated that the County's share of the litigating subdivision fund is approximately \$695,000. In total, it is estimated that Adams County will receive approximately \$3,087,983 in funding for opioid abatement through this agreement if all eligible municipalities participate by January 2<sup>nd</sup>, 2022. If all eligible municipalities do not elect to participate, the total amount of the Trust (and the County's share) will be reduced according to participation; and
- It is further recommended that the Board approve the attorney fee distribution outlined in the Opioids Trust and Allocation Order, Exhibit 4. If approved, the County's outside opioid counsel, Marc J. Bern & Partners, LLP, would be entitled to 6.6% (plus litigation costs) of the Pennsylvania Opioid Fee Fund established by the Trust in lieu of the previously agreed-upon 25% contingency fee from the County. Marc J. Bern & Partners has indicated that they will elect to be compensated from the Pennsylvania Opioid Fee Fund.

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#### Commissioner's Office cont'd:

- Approve Resolution No. 13 of 2021 authorizing Adams County to Enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourcBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. and Janssen Pharmaceutica, Inc., and Agree to the Terms of the Pennsylvania Opioid Misuse and Addiction Abatement Trust.
- Appoint Chairman Randy L. Phiel to execute on behalf of the Board the Agreement to Transfer Real Estate between the County and Cumberland Township, relative to the property located at 1380 Chambersburg Road, Cumberland Township, designated as Tax Parcel No. 09E12-0079---000 and consisting of approximately 24.672 acres of land, on which sits the cemetery known as Oak Lawn Memorial Gardens, said property having been acquired by Cumberland Township through the exercise of eminent domain authority and an Order of Condemnation by the Court of Common Pleas dated November 10, 2021 whereby the Township acquired title to the property in fee simple, and County agrees to accept transfer of title to the Property from the Township for the sum of One Dollar (\$1.00).
- Execute the following documents relative to the collection of County and Municipal Taxes for the Boroughs of Abbottstown and Arendtsville for the calendar years 2022:
  - Adopt Resolution No. 14 of 2021 whereby the Board does Resolve and Direct the Adams County Treasurer to collect County and Municipal taxes for the Borough of Abbottstown, pursuant to the statutory authority found at 72 P.S. Section 5511.4d(a), due to the continued vacancy in the position of Abbottstown Borough Tax Collector, such collection to occur at the times and pursuant to the terms outlined in the Agreement below; and
  - Review to approve the Agreement for Collection of Municipal and County Taxes between Adams County and the Borough of Abbottstown, whereby the Adams County Treasurer shall undertake all tax collection duties within the Borough of Abbottstown for municipal and county taxes due and owing.
  - Adopt Resolution No. 15 of 2021 whereby the Board does Resolve and Direct the Adams County Treasurer to collect County and Municipal taxes for the Borough of Arendtsville, pursuant to the statutory authority found at 72 P.S. Section 5511.4d(a), due to the continued vacancy in the position of Arendtsville Borough Tax Collector, such collection to occur at the times and pursuant to the terms outlined in the Agreement below; and
  - Review to approve the Agreement for Collection of Municipal and County Taxes between Adams County and the Borough of Arendtsville, whereby the Treasurer shall undertake all tax collection duties within the Borough of Arendtsville for municipal and county taxes due and owing.

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### **Adoption of the 2022 Adams County Budget:**

Approve to adopt the 2022 Adams County Budget as follows and to adopt Resolution No. 16 of 2021 establishing, levying and setting the taxes and tax rates on real property and persons for fiscal year 2022:

- County Revenues = \$76,112,521
- County Expenditures = \$75,834,321
  - General Fund = \$59,513,955
  - Special Funds = \$14,150,466
  - Other Special Funds = \$ 354,900
  - Hotel Tax Fund = \$ 1,815,000
  - Contingency Reserve = \$ 4,790,934
- Tentative Capital Budget = \$ 3,065,943

### **Personnel Report:**

#### Courts:

Recommendation from Don Fennimore, Court Administrator, to approve the following:

- Employment of Susan Witushynsky and Robert Wagaman, Tipstaff's, effective January 3, 2022
- Domestic Relations Section – Separation of employment for Melissa Nieves Garcia, General Clerk, effective December 21, 2021

#### Adams County Adult Correctional Complex:

- Recommendation from Warden Katy Hileman, pending successful completion of background screenings, the employment of the following Corrections Officers: Kahla Kittrell, Part time Regular, effective December 17, 2021; Charles Hicks, effective December 20, 2021; Tracy Griffin and Shane Hayes, effective January 3, 2022

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

- Kayla Weaver, Caseworker 1, Children & Youth Services, effective December 28, 2021
- Britney LeCrone, Legal Assistant in the District Attorney's Office, effective January 14, 2022
- Leon Stoner, Corrections Officer (trainee), effective December 14, 2021
- Sadie Staub, Corrections Officer, effective December 20, 2021

### **Expenditures:**

Approve the following expenditures for the period December 13, 2021 through December 24, 2021:

General Fund Total	\$ 2,080,418.03
General Fund	\$ 756,997.58

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Expenditures cont'd:

Payroll – Week #51	\$ 1,323,420.45
Children & Youth Services	\$ 129,410.74
Commissary Fund	\$ 6,163.49
Records Management	\$ 792.50
Hotel Tax Fund	\$ 21,145.20
Act 13 Bridge Improvements	\$ 495,795.78
Capital Project-Reserve	\$ 14,949.52
Capital Projects	\$ 1,412.50
911 Fund	\$ 258,987.23
Internal Service Fund	\$ 147,643.51

**Other Business:**

Solicitor Mudd  
Commissioner Qually  
Commissioner Martin  
Commissioner Phiel

**Salary Board Meeting:**

The Salary Board Meeting will be held following the Commissioners Meeting.

**Adjournment:**