

WEDNESDAY, MARCH 8, 2023:

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 L. Phiel presiding. Others in attendance: Commissioners James E. Martin and Marty Karsteter Qually; Steve Nevada, County Administrator; Solicitor Molly R. Mudd; John Phillips, Controller; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Michele Miller, HR Director; Candi Clark, Court HR Generalist; Melissa Devlin, Director of Purchasing & Budgets; Phil Swope, Assistant Director of Purchasing & Budgets; Todd Garrett, Budget Analyst II (phone); Sherri Clayton-Williams, Planning Director; Ellen Dayhoff, Rural Resource Manager; Daryl Crum, Tax Services Director; Warren Bladen, Department of Emergency Services Director; Phil Walter, CIO (phone); Sarah Finkey, CYS Administrator (phone); Aaron Boyhunt, IT Department (phone); Tammy Myers (Phone); News Reporter Vanessa Pellechio Sanders, *Gettysburg Times* and Judi Seniura, *Gettysburg Connections* and Chief Clerk Paula V. Neiman.

Minutes:

Mr. Martin moved, seconded by Mr. Qually, to approve the Minutes of the February 22, 2023 Commissioner's Meeting as presented.

Motion carried.

Proclamations:

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim March 9, 2023-April 21, 2023 as "**Land Conservancy of Adams County Month**". This proclamation was presented to Land Conservancy members Dave Salisbury, Norma Calhoun and Sarah Kipp.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to adopt and proclaim March 12 – 18, 2023 as "**Pennsylvania 4-H Week**" in Adams County. This proclamation was presented to Penn State Extension staff and 4-H youth.

Motion carried.

Public Comment:

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

Ag Land Preservation:

At this time Chairman Phiel called to order the publicly advertised hearing that was requested by Ellen Dayhoff, Ag Land Conservation Board Program Administrator. This hearing was advertised in the *Gettysburg Times*, a newspaper of general circulation in Adams County and a written notice was sent via first class mail to all adjoining landowners. Ms. Dayhoff provided an overview of the agricultural security area within which these five proposed easements lie. At this time the Board shall afford the general public, and in particular adjoining landowners of five (5) proposed agricultural conservation easements, at 564 Race Horse Road and 965 Hostetter Road in Conewago Township; and 199 Schibert Road, 1760 Hanover Pike and in the 1600 block of Hanover Pike in Union Township, the opportunity to come forward and be heard by presenting relevant evidence, offering testimony, or cross-examining witnesses.

At this time Solicitor Mudd asked any member of the general public or an adjoining landowner to any of the five proposed easements to step forward, identify themselves by name and address, and make a statement to the Board. The minutes shall reflect that no one came forward. It shall also be noted for the minutes, an accurate transcript of the public hearing has been taken by Jennifer A. Nice, RPR, Official Court Reporter for Adams County.

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
2 Civil

3 IN RE: AGRICULTURAL LAND CONSERVATION HEARING

4 TRANSCRIPT OF PROCEEDINGS OF
5 PUBLIC HEARING

6
7 BEFORE: ADAMS COUNTY BOARD OF COMMISSIONERS

8 DATE: March 8, 2023 at 9:20 a.m.

9 PLACE: Adams County Courthouse
10 Historic Courtroom
Gettysburg, Pennsylvania

11 APPEARANCES:

12 ADAMS COUNTY BOARD OF COMMISSIONERS:
13 RANDY PHIEL, COMMISSIONER
JIM MARTIN, COMMISSIONER
14 MARTY KARSTETER QUALLY, COMMISSIONER

15 117 Baltimore Street, Room 201
Gettysburg, PA 17325

16 MOLLY R. MUDD, SOLICITOR
17 OFFICE OF THE ADAMS COUNTY SOLICITOR
117 Baltimore Street, Room 207
18 Gettysburg, PA 17325

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22
23 JENNIFER A. NICE, RPR
24 Official Court Reporter
Adams County Courthouse
111 Baltimore Street, Rm 245
25 Gettysburg, PA 17325-2367

1 (Thereupon, the following proceedings were held:)

2 COMMISSIONER PHIEL: Okay. At this time we will call
3 the meeting back to order and we will go into a hearing
4 involving ag conservation easements, and at this time I will
5 turn the meeting over to our solicitor, Molly Mudd.

6 COMMISSIONER QUALLY: Public comment?

7 COMMISSIONER PHIEL: Any public comment for the
8 agenda?

9 Before we go into the hearing, any public comment
10 here or on the phone?

11 Hearing and seeing none, we will now go into the
12 hearing and I will turn it over to our solicitor, Molly Mudd.

13 SOLICITOR MUDD: Thank you, Chairman.

14 The Adams County Board of Commissioners shall convene
15 this duly advertised public hearing. Today is March 8, 2023.
16 It is 9:21 a.m. prevailing time. We are in the Adams County
17 Historic Courtroom, 117 Baltimore Street, Gettysburg.

18 At this time the Board shall afford the general
19 public, and in particular adjoining landowners of five proposed
20 agricultural conservation easement purchases, the opportunity
21 to come forward and be heard by presenting relevant evidence,
22 offering testimony or cross-examining witnesses.

23 Notice of today's public hearing was published in the
24 Gettysburg Times, a newspaper of general circulation in Adams
25 County. In addition, written notice was sent via first class

1 mail to all adjoining landowners of the five proposed
2 agricultural conservation easements that are the subject of
3 today's hearing.

4 Any adjoining landowners or members of the general
5 public may be heard today regarding these proposed five
6 easements. The authority granted to the Board of Commissioners
7 under Section 14.1(e) of the Agricultural Security Law may be
8 described as follows: The County Commissioners may reject the
9 recommendation made by County Administrator for purchase of an
10 agricultural conservation easement if: The recommendation does
11 not comply with a county program certified and approved by the
12 State board for purchasing agricultural conservation easements;
13 or, clear title cannot be conveyed; or, the farmland, which
14 would be subject to the agricultural conservation easement, is
15 not located within a duly established agricultural security
16 area established or recognized under the Act; or, the
17 allocation of a county fund is exhausted or is insufficient to
18 pay the purchase price; or, last but not least, compensation is
19 not provided to owners of surface-mineable coal distributed or
20 affected by the creation of such easement.

21 At this time, I am going to introduce Ms. Ellen
22 Dayhoff, who is the program administrator of the Adams County
23 Agricultural Conservation Program. She is going to identify
24 for the Board and the public the five agricultural conservation
25 easements that are the subject of this hearing and she will

1 also discuss the agricultural security area within which these
2 five proposed easements lie.

3 Take it away.

4 MS. DAYHOFF: Thank you. Again, Ellen Dayhoff,
5 administrator of the Adams County Agricultural Land
6 Preservation Program.

7 The five farms that we are hearing today, there are
8 three in the Union Township agricultural security area located
9 at 1760 Hanover Pike, 90.47 acres, 1600 block of Hanover Pike,
10 34.84 acres, 199 Schibert Road, 62.79 acres. The other two
11 farms are in Conewago Township agricultural security area
12 located at 564 Race Horse Road, 80.22 acres, 965 Hostetter
13 Road, 55.94 acres.

14 So all five of these farms are duly established ag
15 security areas. They have met all of the criteria that
16 Solicitor Mudd has just recommended, and by law, we do have to
17 send notifications of adjacent landowner letters out to all
18 adjacent landowners. This is as a result of a case with Berks
19 County in 1992 where someone felt that they were an adjacent
20 landowner and were not notified, so from that point forward, we
21 have to do this.

22 Normally, all of our easements are county and state
23 owned, so this process happens at the state level. Because
24 these are township and county-owned easements, we had to do
25 this at the county level.

1 SOLICITOR MUDD: Thank you, Ms. Dayhoff.

2 At this time, I would invite any member of the
3 general public or an adjoining landowner to any of the five
4 proposed easements to step forward to the microphone, identify
5 themselves by name and address, and make a statement to the
6 Board.

7 Seeing no one step forward, Ms. Dayhoff, do you have
8 any further statements you would like to make to the Board
9 before we adjourn this morning's hearing?

10 MS. DAYHOFF: No. I appreciate the Solicitor's
11 Office in working with us on this and the Commissioners' Office
12 to get this accomplished. Thank you.

13 SOLICITOR MUDD: Members of the Board, any comment
14 before we adjourn?

15 COMMISSIONER QUALLY: I have to tell you that this is
16 just about the perfect preservation project in Adams County,
17 not just for its size but for the particular land for the farms
18 that it represents. I don't see this as just land
19 preservation. This is economic preservation.

20 MS. DAYHOFF: Absolutely.

21 COMMISSIONER QUALLY: We saw with the equine study,
22 how important horses are to Adams County, and, come on, with
23 Hanover Shoe Farm, what was their great statistic, that since
24 they've been keeping records of prize purses for horses for,
25 what are they, standard bred, they have always been number one.

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SOLICITOR MUDD: M-hmm.

COMMISSIONER QUALLY: I mean, think about that. They have always been the best horse breeder for this particular style.

SOLICITOR MUDD: In the world.

COMMISSIONER QUALLY: In the world. You know, that's not Michael Jordan. That's all of them. That's everyone combined. This is a great site and a great project.

MS. DAYHOFF: And I would like to add these are only five of nine farms that we're currently working on in the Hanover shoe project area. The Land Conservancy is also working on two additional farms, and we expect to have a few more in the next application cycle come to fruition.

SOLICITOR MUDD: All right. Thank you all.

Seeing no one come forward, we will adjourn this morning's hearing. Thank you.

MS. DAYHOFF: Thank you.

COMMISSIONER PHIEL: Thank you. So the hearing is adjourned. Thank you.

(The hearing concluded at: 9:27 a.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the proceedings of the above cause and that this copy is a correct transcript of the same.

DATED: March 15, 2023

Jennifer A. Nice, RPR
Official Court Reporter
Adams County Courthouse
111 Baltimore Street, 2nd Floor
Gettysburg, PA 17325

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or supervision of the certifying reporter.)

Court Administration:

With recommendation from Don Fennimore, Court Administrator and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners designate Chairman Randy L. Phiel to sign Quotation No. MLS-220826A from Sage Technology Solutions, of Mount Joy, PA. This quote provides for an upgrade to the audio system for the Courtroom in the Human Services Building and is being made pursuant to Co-Stars Contract #034-E22-130. It is further recommended that the Board sign the Addendum to the Terms and Conditions, which incorporates the County’s standard terms and conditions into the Agreement. This quote is effective March 8, 2023. Total cost to the County is \$85,755.16.

Motion carried.

Controller:

With recommendation from Controller John Phillips, on behalf of the Finance Governance Committee, Mr. Martin moved, seconded by Mr. Qually, to approve the Adams County Procurement Card Policy, Policy #1 of 2023, which incorporates the updated P-Card platform that will be utilized to automate the use and reconciliation of the P-Card, effective March 8, 2023.

Motion carried.

Planning:

With recommendation from Sherri Clayton Williams, Director, in coordination with Tax Services Director Daryl Crum and Department of Emergency Services Director Warren Bladen, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the Quote from Environmental Systems Research Institute, Inc., a California Company, for the license renewals of the County's ArcGIS Mapping software. The term of the licenses begins on April 2, 2023 and terminate on April 1, 2024, except for the ArcGIS Enterprise Creator license, which commences on January 27, 2023 and terminates on April 1, 2024, and maintenance for the ArcGIS Enterprise GIS Professional Standard User Type, which commences on September 22, 2023 and terminates on April 1, 2024. Total cost to the County is \$23,811.66.

Motion carried.

Children & Youth Services:

With recommendation from Sarah Finkey, Administrator, Mr. Martin moved, seconded by Mr. Qually, to approve a Subsidized Permanent Legal Custodianship Agreement with D. & H.S. on behalf of E.R. in the amount of \$912.50/month.

Motion carried.

IT Department:

With recommendation from Phil Walter, CIO and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the following:

- Agreement with B.E.S.T. Service, Inc., a Dallas, PA company, for renewal of the Formax Hard Drive Shredder Service Agreement. The Formax hard drive shredder provides a safe and efficient way to securely destroy various types of hard drives. It is further recommended that the Commissioners sign the Addendum to the Terms and Conditions, which incorporates the County's standard terms and conditions into the Agreement. The term of the Agreement is April 19, 2023 to April 18, 2024. Total cost to the County is \$1,096.00.
- Quote No. 008306 with Kyocera Document Solutions America, Inc., a New Jersey Company, for Annual Advanced Support Professional Services for the County's DocStar platform. It is further recommended that Commissioner Phiel sign the Master Services Agreement with Kyocera. Additionally, it is recommended that the Commissioners sign the Terms and Conditions with SR Business Systems, Inc., with whom Kyocera is subcontracting to provide the advanced support services.

The term of this Agreement is one (1) year, commencing March 8, 2023 and terminating March 7, 2024. Total cost to the County is \$25,000.

- Recommendation by Phil Walter, CIO, in coordination with Court Administrator Don Fennimore, Security Director Mark Masemer, Planning Director Sherri Clayton-Williams, and after review by Solicitor Molly R. Mudd, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the following Quotes from Link Computer Corporation, of Bellwood, PA:
 - Quote #1019569 for 600 Meraki Systems Manager Enterprise Device Licenses;
 - Quote #1019604 for one (1) Meraki MR Enterprise Cloud Controller License, which will enable the Court to operate their Internal Wireless Access Point in the Jury Assembly Room;

- Quote #1019576 for two (2) Meraki Enterprise Licenses and Support, which enables monitoring of Sach's Covered Bridge with security cameras; and
- Quote #1019672 for one (1) Meraki MR Enterprise Cloud Controller License, which will enable the Planning Department to operate their Internal Wireless Access Point.

All four (4) Quotes are made pursuant to Co-stars Contract #006-E22-223 and are for one-year terms, commencing on May 10, 2023 and terminating on May 9, 2024. Total cost to the County is \$15,376.00.

Motion carried.

Tax Services:

- With recommendation from Daryl Crum, Director and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners approve the Professional Services Agreement with All Around Abstract, LLC. This Agreement provides for real estate title searches required by law prior to judicial tax sales and distribution of excess funds after an upset sale. All Around Abstract will provide full 60-year title searches at a rate of \$105.00 for each property requested by Tax Services. This Agreement is effective March 15, 2023 and shall expire March 14, 2024.

Motion carried.

- With recommendation from Susan Miller, Assistant Director/Chief Assessor, Mr. Qually moved, seconded by Mr. Martin, to approve the following:
 - Personal Tax Exemption Requests meeting the guidelines of County policy: Clarence E. Stonesifer, Abbottstown Borough; Harvey Zook, Oxford Township; Byrl Gates and Dolly Cruz, Straban Township
 - Veterans Real Property Tax Exemption Requests, effective beginning with the 2023-2024 School Taxes: Parcel #03004-0011, located in Bendersville Borough, home on .51 acres; Parcel #04L12-0226, located in Berwick Township, home on .69 acres; Parcel #18B16-0059A, located in Hamiltonban Township, home on 1.09 acres

Motion carried.

Victim Witness:

With recommendation from Samantha Hoffman, Director and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners approve the amended Subgrant Application (No. 40277) with the Pennsylvania Commission on Crime and Delinquency for Victims of Crime Act ("VOCA") funds. The Application is being amended to reflect a personnel change within the department. The amount of federal grant funding requested remains \$107,503.00, which will be used to support victim advocacy in the County during the performance period of October 1, 2023 through September 30, 2024. No County match is required. This application is effective March 8, 2023.

Motion carried.

Department of Emergency Services:

With recommendation from Warren Bladen, Director and after review by Solicitor Molly R. Mudd, that the Board of Commissioners approve the following:

- Mr. Qually moved, seconded by Mr. Martin, to designate Chairman Randy L. Phiel and Solicitor Mudd to sign the Memorandum of Understanding (MOU) between the Maryland Department of Information Technology and Adams County. This MOU would allow the County to have subscriber radios on the Maryland FiRST Radio System, which could be used in the event of a significant disaster involving Adams County and Counties in Maryland. The term of the MOU shall commence on March 8, 2023 and terminate on June 30, 2037. There is no additional cost to the County.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to re-sign the US Department of Homeland Security Federal Fiscal Year 2022 Emergency Management Performance Grant Agreement C950003861 between the Pennsylvania Emergency Management Agency (PEMA) and Adams County. This Agreement continues to provide for a grant award of \$88,159.00, to be used for personnel salary and benefits for an Emergency Management Coordinator and Administrative Assistant 1. The term of the Agreement is amended to begin on October 1, 2021 and terminate on September 30, 2024. The period of performance remains October 1, 2021 through September 30, 2022. The total project cost is \$176,318.00, with the County contributing \$88,159.00 as a non-Federal match.

Motion carried.

Building and Maintenance:

With recommendation by Director Larry Steinour, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve and designate Chairman Randy L. Phiel to sign the following:

- Proposal from Waste Management of Pennsylvania, Inc. (WM), of Moon Township, PA, for weekly solid waste removal at the Human Services Building. It is further recommended that the Board sign the Addendum to Terms and Conditions of WM Agreement #S0016581137, which incorporates the County's standard terms and conditions into the Agreement. The term of the Agreement is three (3) years, commencing on March 30, 2023 and terminating March 29, 2026. For the first year of the Agreement, the estimated monthly cost will be \$222.12, for an estimated yearly cost to the County of \$2,665.44. The prices for the second and third years of the Agreement may increase, pursuant to Sections 4(b) and 4(c) of the Terms and Conditions.

Motion carried.

Adams County Adult Correctional Complex:

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

- Memorandum of Understanding (MOU) with the Pennsylvania Coalition Against Rape/Adams County (PCAR/Adams County) for provision of confidential crisis intervention, a 24-hour hotline service for emergency referrals, medical and legal services when appropriate, and advocacy services on-site and via teleconference, which will include assessment and evaluation of services, to the inmate population of the ACACC. PCAR/Adams County will also offer sexual harassment, abuse, and assault trainings to employees and ACACC staff. The term of the MOU commences on February 22, 2023 and terminates on February 22, 2024. There is no additional cost to the County.

Motion carried.

Commissioners:

With recommendation by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners make the following appointments:

- Assistant Solicitor Lindsey Ringquist and Assistant Director of Human Resources Danette Laughman to act as Interim Privacy Officers under the Privacy Rule of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), 45 C.F.R. § 164.530. The Interim Privacy Officers shall be responsible for developing, implementing, and managing the County’s policies and procedures regarding Protected Health Information (“PHI”) required to comply with HIPAA.
- Chief Information Officer Phillip Walter and Network & Systems Administrator Charles (Chip) Guise as Interim Security Officers under the Privacy Rule of HIPAA, 45 C.F.R. § 164.308(a)(2). The Interim Security Officers shall be responsible for developing, implementing, and managing the County’s policies and procedures regarding electronic PHI required to comply with HIPAA.

Motion carried.

Personnel Report:

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

Court:

- Employment of Brenda Myers, General Clerk in the Department of Operational Services, effective February 28, 2023
- Separation of employment for Bradley Meyer, Law Clerk for Judge Simpson, effective March 10, 2023 with the intent to post and fill the position

Clerk of Courts:

- Employment of Jennifer Mouer, Deputy Clerk 2-New Case Clerk, effective March 13, 2023

Children & Youth Services:

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

- Employment of Casey Raimondi, Office Assistant, effective March 6, 2023
- Merit hire promotion for Montana Sigel, from Caseworker 1 to Caseworker 2, effective February 27, 2023

Adams County Conservation District:

Recommendation from Adam McClain, District Manager, to approve the following:

- Transfer of Vy Trinh from Nutrient Management Technician to the open Watershed Specialist Position, effective March 6, 2023
- Employment of Mary Smith, Staff Accountant, effective March 6, 2023

Adams County Adult Correctional Complex:

Recommendation from Warden Katy Hileman to approve the following:

- Corrections Officers, pending successful completion of background screenings: Casey Murray, effective March 6, 2023
- Status change for Corrections Officer Kahla Kittrell from part-time regular to part-time as needed, not to exceed 29 hours/week, effective February 27, 2023
- Permission to post the temporary, non-benefit eligible, not to exceed 29 hours/week, Intern-Records Department position, effective May 22, 2023 through August 18, 2023

Separation of Employment:

- Harlan Lawson, Economic Development Specialist, Planning Department, effective March 22, 2023
- Beth Coutts, Direct Service Advocate, Victim Witness Department, effective February 24, 2023
- Donnell Reed, Corrections Officer, effective February 22, 2023

Motion carried.

Expenditures:

Mr. Martin moved, seconded by Mr. Qually, to approve the following expenditures for the period February 18, 2023 through March 3, 2023:

General Fund Total	\$ 2,130,173.10
General Fund	\$ 1,048,804.72
PCard Payment	\$ 11,302.69
Payroll – Week #9	\$ 1,070,065.69
Children & Youth Services	\$ 235,368.61
Liquid Fuels	\$ 10,641.36
HazMat Fund	\$ 67.00
Commissary Fund	\$ 10,959.97
Records Management	\$ 3,335.00
Coroner VISA	\$ 3,000.00
Human Services	\$ 1,661.31
American Rescue Plan Act 2021	\$ 5,000.00
Capital Projects – Reserve	\$ 50,670.36
Capital Projects	\$ 89,369.55
911 Fund	\$ 71,407.79
Internal Service Fund	\$ 364,510.98

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

Motion carried.

Respectfully submitted,



Paula V. Neiman
Chief Clerk