

**WEDNESDAY, APRIL 5, 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; Crissy Redding, Treasurer; Don Fennimore, Court Administrator; Danette Laughman, Assistant HR Director; Candi Clark, Court HR Generalist; Melissa Devlin, Director of Budget & Purchasing; Sherri Clayton-Williams, Planning Director; Daryl Crum, Tax Services Director; Phil Walter, CIO (phone); News Reporter Vanessa Pellechio Sanders (phone), *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 March 22, 2023 Commissioner's Meeting as presented.

Motion carried.

**Proclamations:**

- Mr. Qually moved, seconded by Mr. Martin to adopt and proclaim the month of April 2023 as "**CHILD ABUSE PREVENTION MONTH**" in Adams County. This proclamation was presented to Children & Youth staff.

Motion carried.

**Public Comment:**

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

**Courts:**

With recommendation from Don Fennimore, Court Administrator, Mr. Martin moved, seconded by Mr. Qually, to approve and authorize Commissioner Randy L. Phiel, to sign the Affiliation Agreement with Shippensburg University of Pennsylvania for the Courts to utilize interns from Shippensburg University. This agreement is for a five-year term.

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 approve the following:

- Designate Chairman Randy L. Phiel to approve Quotes #1019655, #1019809, and #1019891 from Link Computer Corporation, of Bellwood, PA, for new Cisco hardware for the VOIP telephone servers at the Courthouse and Human Services Building, and voice gateway routers at the Courthouse, Human Services Building, Ag Center, Adams County Adult Correctional Complex, and Department of Emergency Services. Link will also provide professional services to configure and install the hardware. This hardware refresh is necessary because the current equipment will reach end-of-life this year. These quotes are made pursuant to Costars Contract #'s 003-E22-583 and 006-E22-223. The quotes are effective April 5, 2023. Total cost to the County is \$133,992.72.
- In coordination with Department of Emergency Services Director Warren Bladen, and after review by Solicitor Molly Mudd, that the Board of Commissioners designate Chairman Randy L. Phiel to sign Quote #1019855 from Link Computer Corporation, of Bellwood, PA, for two (2) Meraki MR Enterprise Cloud Controller Licenses, which will

enable DES to operate their Internal Wireless Access Points for public Wi-Fi. This quote is made pursuant to Co-stars Contract #006-E22-223 and is for a one (1) year term, commencing on May 10, 2023 and terminating on May 9, 2024. Total cost to the County is \$218.00.

Motion carried.

**Controller:**

With recommendation from Controller John Phillips, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners approve the March 27, 2023 Engagement Letter with Zelenkofske Axelrod LLC, Certified Public Accountants, for the audit of the County's basic financial statements as well as major federal and Department of Human Services award programs compliance as of December 31, 2022. The cost for the audit services, including expenses, will not exceed \$76,352.00. This Agreement is effective April 5, 2023.

Motion carried.

**Children & Youth Services:**

With recommendation from Sarah Finkey, Administrator, Mr. Qually moved, seconded by Mr. Martin, to approve the following Adoption Assistance Agreements:

- J.M. & L.H. on behalf of D.W. in the amount of \$912.50/month
- J.M. & L.H. on behalf of I.W. in the amount of \$912.50/month

Motion carried.

**Adams County Adult Correctional Complex:**

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

- Designate Chairman Randy L. Phiel to approve the quote from William Hoak, Radiation Safety Consultant, of Boalsburg, PA. Mr. Hoak will perform the annual evaluation of x-ray based personnel security scanners at the ACACC, as required by the Radiation Control Bureau of the Pennsylvania Department of Environmental Protection. The quote is effective April 5, 2023. Total cost to the County is \$950.00.

Motion carried.

**Planning and Development:**

With recommendation from Director Sherri Clayton-Williams, 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 Full Service Maintenance Contract with Print-o-Stat, of York, PA, for maintenance of the Planning Department's Hewlett Packard Plotter machine. It is further recommended that the Board sign the Addendum to the Full Service Maintenance Agreement, which incorporates the County's standard terms and conditions into the Agreement. The term of the Agreement is one year, commencing on April 28, 2023 and terminating April 27, 2024. Total cost to the County is \$1,168.

Motion carried.

**Tax Services:**

- With recommendation from Director Daryl Crum, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners designate Chairman Randy L. Phiel to sign the Full Service Maintenance Contract with Print-o-Stat, of York, PA, for maintenance of Tax Services' Hewlett Packard Plotter machine. It is further recommended that the Board sign the Addendum to the Full Service Maintenance Agreement, which incorporates the County's standard terms and conditions into the Agreement. The term of the Agreement is one year, commencing on April 28, 2023 and terminating April 27, 2024. Total cost to the County is \$1,168.

Motion carried.

- With recommendation from Susan Miller, Assistant Director/Chief Assessor, Mr. Martin moved, seconded by Mr. Qually, to approve the following:
  - Personal Tax Exemption Requests meeting the guidelines of County policy: Oxford Township – Ralph Beaver, Ruth Brenner, William Cover, Merle Fisher, Ruella Funner, Charles Griffin Sr., Margaret Hoffheins, Gloria Soullaird, Paul Steich, Alice Williams, Kenneth Williams Jr., Richard J. Wolfe, Jean Zumbrum, Harold Sentz, Ella Lein and Harold Baker; Cumberland Township – Marion Peters, Marie Medcalf, Anna Harris, Cathlene Hernandez and Myrna Sanborn; Straban Township – Emma M. Kauffman.
  - Veterans Real Property Tax Exemption Request effective beginning with the 2023-2024 School Taxes for Parcel #09F18-0178---000, home on .05 acres, located in Cumberland Township.
  - Veterans Real Property Tax Exemption Request effective beginning with the 2023 County/Municipal Taxes for Parcel #12D11-0091D---000, home on 7.72 acres, located in Franklin Township.

Motion carried.

**Commissioners:**

With recommendation from Molly R. Mudd, Solicitor, to approve the following:

- Mr. Qually moved, seconded by Mr. Martin, to approve and sign Ordinance No. 2 of 2023 – An Ordinance Requiring Submission of Municipal Building and Demolition Permits and Substantial Improvement Information to the Adams County Tax Services Department, effective April 5, 2023 as follows:

**ORDINANCE NO. 2 OF 2023**

**AN ORDINANCE REQUIRING SUBMISSION OF MUNICIPAL BUILDING AND DEMOLITION PERMITS AND SUBSTANTIAL IMPROVEMENT INFORMATION TO THE ADAMS COUNTY TAX SERVICES DEPARTMENT**

**WHEREAS**, the Pennsylvania legislature, by and through Act 41 of 2022, amended Title 53 of the Pennsylvania Consolidated Statutes, known as the Consolidated County Assessment Law (hereinafter, "CCAL"), at 53 Pa.C.S. § 8861, wherein the requirements for submission of permit information for building and demolition activities and substantial improvement values to the County Assessment Office have been revised; and

**WHEREAS**, Act 41 became effective (60) days from the date of enactment on or about July 7, 2022; and

**WHEREAS**, the County, by and through its Board of Assessment Appeals (“Board”), may adopt rules and regulations related to the making of assessments, as stated in §8831 and §8851 of the CCAL, 53 Pa.C.S. §8831(c)(2) and (5), and 53 Pa.C.S. §8851(b)(2); and

**WHEREAS**, the CCAL, at 53 Pa.C.S. §8861, provides that municipalities within the County shall forward a copy of all building and demolition permits issued by the municipality to the Department on or before the first day of every month, and further requires persons making substantial improvements to real property to furnish information to the Board of Assessment Appeals (“the Board”); and

**WHEREAS**, the location and value of house trailers and mobile homes must be known by the Department to ensure accurate records in light of the mobility of such structures; and

**WHEREAS**, house trailers and mobile homes permanently attached to land, or connected to water, gas, electric, or sewage, are subject to real estate taxation, pursuant to § 8811(a)(1)(ii) and § 8821 of the CCAL, 53 Pa.C.S. §8811(a)(1)(ii) and §8821, and improvements thereto are subject to these permitting and disclosure requirements; and

**WHEREAS**, the failure to receive notification of all substantial improvements including those solely occurring in the interior of buildings or in construction of agricultural buildings, and the failure to receive notice of the placement of mobile home and house trailers in a municipality, are anomalies and gaps that undermine the uniformity of the assessment system used by the County; and

**WHEREAS**, the County desires a standardized procedure to ensure that Municipalities and persons comply with §8861 of the CCAL, and such improvements or changes are captured so as to best support the maintenance of tax uniformity, as required by The Pennsylvania Constitution, Article VIII, clause 1.

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

**Section I: Incorporation.** The foregoing are incorporated herein and made an essential part hereof.

**Section II: Definitions.** Unless otherwise expressly stated, the following words shall for purposes of the present Ordinance, have the meanings herein indicated:

- Adjusted Value Threshold – shall mean Four Thousand Dollars (\$4,000) or the Consumer Price Index adjusted value, rounded to the nearest One Hundred Dollars (\$100) applicable January 1, 2023 and adjusted annually thereafter, at which time, the current threshold in effect will be adjusted, if necessary, by the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent twelve (12) month period that figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect.
- Alteration – shall mean a change in internal layout, or finish of any Building; a change in external cladding, siding or material; or the addition of a new structure, room, or Building; such that the work undertaken for any of the foregoing is beyond that normally carried out for Normal Regular Repairs, and which leads to significant improvements in function, capability or finish, or changes the use of any Building.
- Building – shall include any structure, home, or Mobile Home.
- Building Permit – shall mean any documentation issued by an Adams County municipality granting permission to a Person to undertake a construction project on Person’s property located within the municipality granting that permission. This documentation may also be known as a Zoning Permit, or any other permit that clearly states that the proposed project has received approval to commence work.
- Demolition Permit – shall mean any documentation issued by an Adams County municipality granting permission for a person to demolish a structure on a Person’s property located with the municipality granting that permission.
- Department – shall mean the Adams County Tax Services Department located

in Room 202 of the Adams County Courthouse, Gettysburg, Pennsylvania with the telephone number (717) 337-9837 and email address [taxoffice@adamscountypa.gov](mailto:taxoffice@adamscountypa.gov).

- Mobile Home – shall mean and include mobile homes, house trailers, or unregistered travel trailers, when any of the above are permanently attached to the land or connected with water, gas, electric or sewage facilities, as provided for in 53 Pa. C.S. § 8811(a)(1)(ii).
- Municipality – shall mean any borough or township located within Adams County.
- Normal Regular Repairs – shall include (1) the repair or replacement of materials or components of property features for the purpose of maintenance and (2) the replacement of existing property features with new versions reasonably similar in function, quality, material and dimension.
- Person – shall mean any natural person or persons, corporation, partnership, unincorporated association, or other legal entity, or combination of the above.
- Property Features – shall include roofing, siding, flooring, heating and air conditioning systems and windows.
- Substantial Improvement – shall mean any improvements to real property, not including painting or normal regular repairs, aggregating more than Four Thousand Dollars (\$4,000) in value, as adjusted annually by the percentage change in the Consumer Price Index for All Urban Consumers (“CPI-U”) beginning January 1, 2023.

**Section III: Municipality Submission of Permits Requirement.** All Municipalities shall forward copies of all building and demolition permits issued during the month to the Department no later than the first day of each subsequent month. To account for administrative costs incurred in complying with this section, Municipalities may charge a ten-dollar (\$10) fee to each person to whom a permit is issued. If a Municipality fails to comply with this requirement, the Department shall provide written notice via certified mail to the Municipality. Upon receipt of said notice, the Municipality shall be afforded the opportunity to investigate and consult with the Department to remediate the situation. If, after proper notice has been given, remediation efforts are not commenced and noncompliance continues, the Department may institute an action in mandamus before the Adams County Court of Common Pleas to compel compliance. If it is determined that noncompliance by the Municipality is intentional, the Court shall award costs, disbursements, reasonable attorneys’ fees and witness fees to the Department.

**Section IV: Property Improvement Certification Requirement.** It shall be unlawful for any Person to undertake Substantial Improvements or Alteration of any Building in Adams County, where the value of the proposed work or project is estimated to exceed the Adjusted Value Threshold, without first having submitted a Property Improvement Form (“Form”) to, and having obtained a Property Improvement Certificate (“Certificate”) from the Department, in accordance with the provisions and procedures set forth in this Ordinance.

**Section V: Property Improvement Form.** The person submitting a Form for a Certificate shall exhibit to Department staff a current approved Building Permit issued by the Municipality in which the property is located or a statement on Municipality letterhead which indicates that a Municipality Building Permit is not required for the planned Alteration; shall furnish a description of the property sufficient to identify it; and shall furnish the nature of the Alteration and the estimated value thereof. The above information shall be provided on the Form made available by the Department. It is understood that an approved Municipality Building Permit, or statement that a Permit is not required, will suffice to meet the requirement of determining existence of a sewage

disposal permit, as Building Permits are not issued by Municipalities unless proof is provided that adequate sewage disposal capabilities exist where applicable to the type of construction or Alteration being undertaken. It is understood that Municipalities within Adams County have primacy concerning the issuance of Building Permits, and any requester for a County Certificate will be referred to his or her Municipality if the requester does not possess either a Building Permit from that Municipality, or a letter indicating that one is not required.

**Section VI: Display of Property Improvement Certificate.** During the period of Substantial Improvements or Alterations, the Certificate must be prominently displayed on the exterior front side of the Building, so as to be visible to someone approaching the Building. The Certificate may be displayed on the inside of a window, provided the above visibility requirement is met.

**Section VII: Mobile Home Requirement.** It shall be unlawful for any Person to move any Mobile Home onto a lot or tract of land in Adams County without having first submitted a Mobile Home Property Improvement Form to, and having obtained a Certificate from, the Department.

**Section VIII: Application for Relocation of Mobile Home.** Any Person submitting a Mobile Home Certification Form to move a Mobile Home onto a lot or tract of land shall furnish on the Form to the Department the following information:

- a. Make, model, year and size (width and length not including hitch) of the Mobile Home.
- b. Serial number.
- c. Estimated value of Mobile Home.
- d. Proof of the attainment of an approved Municipality building permit, which is understood to demonstrate compliance with sewage disposal permit requirements, as well as proof of compliance with any other Municipality requirements.

**Section IX: Certificate Expiration.** Any Certificate issued under the authority of the Ordinance shall expire two (2) years from the date of issue. If Construction or Alteration is not completed within two (2) years from the date of issue of a Certificate, a new Certificate must be obtained from the Department. All County Property Improvement Permits issued prior to the date of enactment of this Ordinance shall expire two (2) years from their current issue date.

**Section X: Establishment of Property Improvement Certification Cost.** The cost of a Form Submission, including the issuance of a Certificate, shall be Five Dollars (\$5.00). However, the Adams County Board of Commissioners may elect to change the cost by a Resolution of the Board of Commissioners, from time to time, duly enacted, at an appropriately scheduled and advertised meeting of the Board of Commissioners.

**Section XI: Construction Value Requiring Certification.** The estimated value that serves as a minimum for requiring a Form to be submitted for a Certificate, as provided by Section II of this Ordinance and by Section 8861 of the CCAL, shall be the Adjusted Value Threshold. The County Chief Assessor shall maintain an accurate record of the Adjusted Value Threshold applicable for each year.

**Section XII: Enforcement and Penalties.** Any Person who fails to comply with the material provisions of this Ordinance, or intentionally furnishes false information to the Department, shall be assessed and required to pay a civil penalty of One Hundred Dollars (\$100), as stated in Section 8861 of the CCAL, 53 Pa.C.S. §8861(c). Any assessment change as a result of the Alteration done without first submitting a Form and obtaining a Certification will be recorded in the tax records as having an effective date as of the first day of the current taxable year.

**Section XIII: General Repealer.** 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 as the same is affected by or inconsistent with the provisions of the present Ordinance.

**Section XIV: Specific Repealer.** Ordinance No. 6 of 2018 is hereby repealed in its entirety and replaced with this Ordinance.

**Section XV: Severability.** In the event that any provision of this Ordinance is held to be unenforceable, invalid, or unconstitutional by any Court of competent jurisdiction, such provision shall be deemed separate, distinct, and independent, and the remaining provisions shall remain valid, and shall have full force and effect.

**Section XVI: Effective Date.** This Ordinance shall become effective as of the 5<sup>th</sup> day of April 2023.

**ENACTED AND ORDAINED** this 5th day of April 2023.

**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.

- With recommendation by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners Ratify action taken by the County to participate in the following five (5) Wave 2 National Opioid Settlements, to receive and commit Settlement Funds in a manner consistent with the Pennsylvania Opioid Misuse and Addiction Abatement Trust Order as follows and in accordance with all other terms of the Settlements:

- Participate as a Political Subdivision in the Settlement Agreement with Defendant Teva;
- Participate as a Political Subdivision in the Settlement Agreement with Defendant Allergan;
- Participate as a Political Subdivision in the Settlement Agreement with Defendant CVS;
- Participate as a Political Subdivision in the Settlement Agreement with Defendant Walgreens; and
- Participate as a Political Subdivision in the Settlement Agreement with Defendant Walmart.
- Participate in all (5) Wave 2 Settlements as a Litigating Subdivision.

Settlement amounts dependent upon the Political Subdivision Participation rate.

Motion carried.

**Personnel Report:**

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

Court:

Note employment of the following:

- Gobielle "Gaby" Francis, Law Clerk Intern for Judge Simpson, part time (up to 29.5 hours/week), effective March 31, 2023.
- Domestic Relations - Mary A. Churchey, General Clerk, effective March 27, 2023
- Probation Services
  - Tricia Mutchler, General Clerk, effective March 27, 2023
  - Joshua Paul, Probation Officer, effective April 10, 2023
- Court Administration – Separation of Employment of Paul Ketterman, Tipstaff, effective April 17, 2023
- Probation Services – Separation of Employment for Matthew Wagaman, Probation Officer, effective April 14, 2023

Planning:

Transfer of Cecilia Billingsley from Information Coordinator to Administrative Specialist-Planning/GIS, effective March 22, 2023.

Department of Emergency Services:

Status change for Brett Allison from Part time as Needed to Fulltime (40) Telecommunicator, effective March 27, 2023.

Adams County Adult Correctional Complex:

Recommendation from Warden Katy Hileman to approve the following:

- Corrections Officers, pending successful completion of background screenings: Troy Olp, Greg Pritchard, Ronald Sellman, and John Mellott, effective April 10, 2023; Emma Lady, effective May 1, 2023
- Note the leave of absence for Kahla Kittrell, Corrections Officer, effective March 7 through March 28, 2023

Separation of Employment with permission to post:

- Marcus Holder, Corrections Officer, effective March 8, 2023
- Rescind offer of employment for John Mellott, Corrections Officer, effective April 10, 2023

Motion carried.

**Expenditures:**

Mr. Martin moved, seconded by Mr. Qually, to approve the following expenditures for the period March 17, 2023 through March 31, 2023:

|                               |                 |
|-------------------------------|-----------------|
| General Fund Total            | \$ 1,722,771.23 |
| General Fund                  | \$ 628,130.54   |
| PCard Payment                 | \$ 8,911.98     |
| Payroll – Week #13            | \$ 1,085,728.71 |
| Children & Youth Services     | \$ 214,542.32   |
| Liquid Fuels                  | \$ 15,673.25    |
| Domestic Relations            | \$ 366.20       |
| HazMat Fund                   | \$ 12.00        |
| CDBG                          | \$ 203,294.00   |
| Ag Land Funds                 | \$ 521,300.19   |
| Commissary Fund               | \$ 571.79       |
| Records Management            | \$ 3,155.00     |
| Hotel Tax Fund                | \$ 72,373.36    |
| American Rescue Plan Act 2021 | \$ 127.47       |
| Capital Project-Reserve       | \$ 11,462.50    |
| Capital Projects              | \$ 144,656.09   |
| 911 Fund                      | \$ 354,534.23   |
| Internal Service Fund         | \$ 225,740.98   |

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 9:41 a.m. this date.

Motion carried.

Respectfully submitted,

A handwritten signature in blue ink that reads "Paula V. Neiman". The signature is written in a cursive, flowing style.

Paula V. Neiman  
Chief Clerk