

WEDNESDAY, FEBRUARY 7, 2024:

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; Solicitor Molly R. Mott; Sean Mott, 1st Assistant Solicitor; Steve Nevada, County Administrator; President Judge Michael A. George; Judge Thomas Campbell; Judge Christina Simpson; Tammy Myers, Controller; Beth Cissel, Deputy Controller; Don Fennimore, Court Administrator; Michele Miller, HR Director; Candi Clark, Court HR Generalist; Melissa Devlin, Director of Budget & Purchasing; Phil Swope, Assistant Director of Budget & Purchasing; Todd Garrett, Budget Analyst II; Ellen Dayhoff, Rural Resources Manager; Rob Thaeler, Senior Planner; Warren Bladen, Department of Emergency Services Director; Angie Crouse, Elections Director; Susan Miller, Chief Assessor; Kristi Fields, Probation Services Chief; Phil Walter, CIO (phone) and Aaron Boyhunt, Network & Systems Support Specialist. News Reporter Vanessa Pellechio Sanders, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

Minutes:

Mr. Martin moved, seconded by Mr. Qually, to approve the Minutes of the January 24, 2024 Commissioner's Meeting as presented.

Motion carried.

Proclamation:

Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim the week of February 3 – 10, 2024 as "**COURT REPORTING AND CAPTIONING WEEK**" in Adams County. This proclamation was presented to Corrie Ondrizek and Jen Nice, Adams County Court Reporters.

Motion carried.

Commendation:

At this time Chairman Phiel recognized Warren Bladen, Department of Emergency Services Director, for a presentation of a Prehospital Delivery Commendation from the Emergency Health Services Federation for Dusty Lumpkin, Telecommunicator, for providing instructions over the phone for the delivery of a child.

Public Comment:

No Public Comment was presented to the Board at this time.

Public Meeting - Harry & MaryJane Hilbert Farm:

Chairman Phiel announced this is the date and time advertised to accept public comments on the purchase of the Conservation Easement for the Harry & MaryJane Hilbert Farm, 350 Hickory Road, Mt. Joy Township consisting of 45.54 acres. He called the public meeting to order at 9:10 a.m.

Solicitor Mudd noted that notices were sent by the AG Preservation Board Chairman to all adjoining landowners of the Ag Board's intention to recommend to the Adams County Commissioners that the County purchase an Agricultural Conservation Easement for landowners Harry & MaryJane Hilbert of 350 Hickory Road in Mt. Joy Township. This was confirmed by Ellen Dayhoff, Rural Resource Manager, that the notices were sent by certified mail. Ms. Dayhoff also confirmed that the general public was notified via publication of a Legal Notice in the *Gettysburg Times*, a newspaper of general circulation in the County.

Ms. Dayhoff provided an overview of the property noting the title search is complete. There is a small lien with PNC Bank which is being paid off at settlement. This is the second "Special Project/Brown Family Estate" easement to settle and is a 100% County Special

Project Easement. Solicitor Mudd asked if there was receipt of any challenge to the Ag Board's recommendations to the Commissioners on this easement purchase. Ms. Dayhoff replied that no written correspondence was received.

At this time, Solicitor Mudd asked if there were any adjacent landowners to the farm and any member of the public who wishes to come forward with comments. The record shall show no one came forward.

With no further public comment, Chairman Phiel closed this portion of the public meeting at 9:30 a.m.

Planning Department:

With recommendation from Sherri Clayton-Williams, Director, on behalf of the County Agricultural Land Preservation Board, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually to approve the Agreement of Sale with Harry and MaryJane Hilbert for the purchase of an Agricultural Conservation Easement for a 45.54 acre farm owned by Harry and MaryJane Hilbert in Mt. Joy Township. The purchase price of this easement is \$127,876.32 (\$2,808/acre), with \$3,620.73 in incidental costs, for a total cost of \$131,497.05. No state or federal funds will be used towards the purchase of the easement and all costs will be borne by the County. The Agreement is effective February 7, 2024.

Motion carried.

Adams County Planning Commission:

At this time, it is a recommendation that the Board of Commissioners review the record that was created at the January 24th Public Hearing regarding a proposed map amendment and a proposed text amendment to the Adams County Zoning Ordinance (Ordinance #1 of 2024), and to render a decision on both the map amendment and the text amendment.

The County was represented by Assistant Solicitor Sean Mott, and the landowner was represented by Attorney Dwight Yoder. Testimony and documentary evidence was provided by Mr. Rob Thaeler, Principal Planner, on behalf of the County and Dwight Wagner, Realtor, on behalf of the landowner. Exhibits #1 thru #5 were admitted as evidence.

A second public hearing was held on a proposed text amendment to the Adams County Zoning Ordinance (Section 1303.B), to address changes from one Non-conforming Use to another Non-conforming Use. Testimony from the parties were received and documentary evidence was received via U.S. Mail and admitted as evidence.

The records on both hearings have been held open for receipt of the Adams County Staff recommendation on each of the proposed Amendments. At this time Solicitor Mudd asked Assistant Solicitor Mott to have his witness offer a summary of the written recommendation.

Assistant Solicitor Mott noted for the record the Staff recommendations on both proposals were received on February 1, 2024. At this time Assistant Solicitor Mott recognized Rob Thaeler, Principal Planner to provide a summary of the Staff's written recommendations.

- A proposed map amendment to the Adams County Zoning Ordinance as it is applied in Germany Township to change the property at 6295 Baltimore Pike from Residential to Highway Commercial.

The Staff recommends denying the requested amendment to the Adams County Zoning Map, as applied in Germany Township. The primary concern is that it could create the potential that this property would become spot zoned – where a single property would be placed in one zoning district, and where all other properties are located in a separate zoning district. There is also a concern with the potential precedent of approving a map amendment involving a property with a non-conforming use, particularly if the map

amendment would result in a potential spot zoning issue if the solution to solving the occasional non-conforming use issue is amending the Zoning Map. Additionally, the map amendment is not consistent with the Adams County Comprehensive Plan Future Land Use Map.

- A proposed text amendment addressing non-conforming uses to the Adams County Zoning Ordinance, proposed by staff and the Adams County Planning Commission.

The Staff recommends approval of the proposed text amendment to Section 1303.B of the Adams County Zoning Ordinance. If adopted, the owner of a property with a non-conforming use could apply for Special Exception approval through the Zoning Hearing Board to establish a different non-conforming use with less than or equal impact to the current non-conforming use. This change would allow more flexibility to pursue other uses while at the same time offering protection to surrounding conforming uses of property by ensuring that the replacement non-conforming use does not increase the impact on surrounding property.

Solicitor Mudd noted that the Staff recommendations will be marked and admitted as an exhibit to both records. Is there any other public comment to be received. The record shall show no other public comment was received.

Since there is nothing further, and in summary of the Staff recommendations, I return the microphone to Chairman Phiel, for the Board to take action on both of the proposed amendments.

Mr. Qually moved, seconded by Mr. Martin to deny the proposed map amendment to the Adams County Zoning Ordinance as it is applied in Germany Township to change the property at 6295 Baltimore Pike from Residential to Highway Commercial.

Motion carried with Commissioner Qually opposed.

Mr. Qually moved, seconded by Mr. Martin to approve the proposed text amendment, Ordinance #1 of 2024, addressing non-conforming uses to the Adams County Zoning Ordinance, Section 1303.B, as proposed by Staff and the Adams County Planning Commission as follows:

ORDINANCE NO. 1 OF 2024

AN ORDINANCE OF THE COUNTY OF ADAMS COMMONWEALTH OF PENNSYLVANIA, AMENDING AND SUPPLEMENTING THE ADAMS COUNTY ZONING ORDINANCE (ORDINANCE NO. 2 OF 1990, AS REENACTED AND AMENDED)

BE IT ENACTED AND ORDAINED by the County of Adams Pennsylvania, by the Adams County Board of Commissioners, and it is hereby enacted and ordained by the authority of the same as follows:

SECTION I: Text Amendment

Section 1303.B of the Adams County Zoning Ordinance (Ordinance No. 2 of 1990, as reenacted and amended) is hereby amended to read as follows.

B. Change from One Nonconforming Use to Another Nonconforming Use: The Zoning Hearing Board may authorize, as a Special Exception, a change of an existing nonconforming use of a property to a different nonconforming use. Such a change shall be subject to the following standards.

1. The applicant shall demonstrate that the nonconforming use cannot, due to existing conditions of the site or of the building(s) on the site, be reasonably expected to be changed to a permitted use of the zoning district in which the nonconforming use is located.

2. The applicant shall demonstrate that the proposed use will have less than or equal impact with regard to the following measures.

a. Traffic: The volume of traffic shall not require higher volume access or

additional traffic control measures such as turning lanes or traffic signals.

b. Environmental: The extent of noise, smoke, dust, fumes, vapors, gases, heat, odor, glare (including but not limited to site illumination), and vibration for the proposed use shall be less than or equal to that of the existing use.

c. Outdoor Storage / Display: The extent of outdoor storage or display of items for sale or items associated with the conduct of the proposed use shall be less than or equal to that of the existing use.

d. Solid Waste: The volume of solid waste associated with the proposed use shall be less than or equal to that of the existing use.

3. Development Standards: The proposed use shall comply with the following development standards that are normally applied to said use in the zoning district where said use is normally authorized by right. Where the proposed use is not permitted by right in any zoning district, or where the permitted use is permitted by right in more than one (1) zoning district, the proposed use shall comply with the following development standards applied to uses in the zoning district that share the most similar character to the proposed use, as determined by the Zoning Hearing Board.

a. Parking. Where parking spaces must be added to the site to meet the minimum parking space requirement for the proposed use as established in Section 1201, all parking shall be provided in accordance with the location, design, and related requirements of Section 1203.

b. Loading. Where loading spaces must be added to the site to meet the minimum loading space requirement for the proposed use as established in Section 1204, all loading spaces shall be provided in accordance with the location, design, and related requirements of Section 1204.

c. Landscaping. The property shall be landscaped in accordance with the standards applied to the use in the zoning district where such use is normally authorized.

d. Signs. The property shall comply with the sign regulations of the zoning district where such use is normally authorized.

SECTION II: Effective Date

This Ordinance (Ordinance No. 1 of 2024) shall be effective on February 7, 2024.

IN WITNESS WHEREOF, the present Ordinance has been duly enacted, and ordained this 7th day of February, 2024.

**COUNTY OF ADAMS, PENNSYLVANIA
ADAMS COUNTY COMMISSIONERS**

ATTEST:

By: _____
Randy L. Phiel, Chairman

(SEAL) _____
Paula V. Neiman
Chief Clerk

By: _____
James E. Martin, Vice-Chairman

By: _____
Marty Karsteter Qually, Commissioner

Motion carried.

Adams County Parks, Recreation and Green Space Grant Program Funding (2023):

With recommendation from Sherri Clayton-Williams, Director, on behalf of the Parks, Recreation and Green space Committee, Mr. Martin moved, seconded by Mr. Qually, to approve the following for funding and to authorize the Planning Staff to coordinate with the Solicitors Office to prepare Grant Agreements for approval by the Commissioners at a future meeting:

- Freedom Township - \$25,000.00 for ADA Accessible Walking Trail
- Abbottstown Borough - \$19,047.33 for continuation of Phase 1 of the Recreation Park Master Plan (ADA steel benches, improvements to the pavilion, lighting and a volleyball court with net)
- GARA - \$18,746.60 for new swing set
- Adams County Library - \$7,616.00 to install Story Walk system at East Berlin & Carroll Valley Parks
- Conewago Township - \$18,145.00 for Cheetah Park Tennis Court Rehabilitation

Motion carried.

Court Administration:

With recommendation from Court Administrator Donald Fennimore, 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 Technical Support and Software Maintenance Agreement with Judicial Systems, Inc., a Texas company, for software support and maintenance for the Court's Jury Administration System, JURY2023PLUS, and annual Jury Wheel database updates. The term of the Agreement is one (1) year, commencing on January 1, 2024 and terminating December 31, 2024. Total cost to the County is \$10,231.00.

Motion carried.

Probation Services:

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

- Supervision Funds Agreement with Commonwealth of Pennsylvania, through the PA Department of Corrections. This Agreement affirms that the County has established policies and procedures for the administration of a County Offender Supervision Fee Program, as provided under 37 Pa. Code 68.71-68.73. This Agreement will permit the County to receive supervision fund grants from the Department of Corrections for the purpose of enhancing probation operations. This Agreement is effective February 7, 2024, for a five-year term, with an applicable coverage period of July 1, 2022 through June 30, 2027.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to approve and sign the Statement of Work from Corrections Development, Inc., of Penndel, PA, for modifications to the Adult Probation Case Management System and on-going maintenance and support for the system. The term of this Agreement is January 1, 2024 to December 31, 2024. Total cost to the County is \$17,100.00

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to approve and sign the Juvenile Probation Grant Agreement with the Commonwealth of Pennsylvania, acting through the Juvenile Court Judges' Commission. This Agreement provides the County with grant funding in the amount of \$71,777.00 for the purpose of enhancing juvenile probation operations and providing juvenile probation personnel pursuant to the County's Juvenile Justice System Enhancement Strategy. This Agreement is effective February 7, 2024 for the coverage period of July 1, 2023 through June 30, 2024.

Motion carried.

Information Technology:

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:

- Ratify the renewal of the Agreement with GoDaddy, an Arizona company, for SSL Licensing. This Licensing allows the County to utilize https:// and secure its public facing websites. The term of the Agreement is two (2) years, commencing on March 28, 2024 and terminating on March 27, 2026. Total cost to the County is \$599.98.
- Designate Chairman Randy L. Phiel to sign the Quote and Service Request from Presidio, of King of Prussia, PA, for deployment of County-owned Cisco ISE Software. It is further recommended that Chairman Phiel sign the Master Services Agreement with Presidio. The quote is effective February 7, 2024. The County will be charged at a rate of \$260.00 per hour. The estimated time for completion of the project is 80 hours, with an estimated total cost of \$20,800.00.

Motion carried.

Tax Services:

With recommendation from Susan Miller, Chief Assessor, Mr. Martin moved, seconded by Mr. Qually, to approve the Disabled Veterans Real Property Tax Exemption Certifications for the following effective with the 2024 County/Municipal Taxes:

- Parcel #30110-0036-000 for a home on .41 acres located in Mt. Joy Township
- Parcel #32H13-0029---040 for the home on .00 acres located in Mt. Pleasant Township

Motion carried.

Elections & Voter Registration:

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

- Ratify the Election Integrity Grant Program Post-Election Report. This Report is required by Act 88 of 2022 (25 P.S. 3260.2-A(h)) to be submitted to the Pennsylvania Department of State for the purpose of documenting the use of Grant Program funds used in the last municipal election. Total expenditure of the State Grant funds by the County in the last municipal election was \$152,887.65.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to approve and sign two (2) quotes to be paid for through Act 88 Election Integrity Grant funds:
 - Rifkin Co. (Quote 2220818) – This quote with A. Rifkin Co. provides 55 security bags (\$201.20/bag) and 55 long zipper bags (\$8.63/bag) for the purpose of securing election materials used on Election Day. Total cost of all bags with shipping included is \$11,961.80. This quote is effective February 7, 2024.
 - ES&S Purchase Proposal Quote – This quote, made pursuant to the COSTARS-39 State Contract, provides three (3) ExpressVote Universal Voting Systems (\$3,760/unit), three (3) soft-sided cases for the machines (\$250/case), and annual support and maintenance services (\$180/year). Total cost of all equipment, delivery/installation, and support fees is \$12,085.00. This quote is effective February 7, 2024.

Motion carried.

Department of 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 review and approve the following:

- Attachment 3A to the Hazardous Materials Incident Response Agreement between Adams County and York County, whereby the parties agree that the York County State-Certified Hazardous Materials Response Team will continue to provide primary hazardous material response coverage within Adams County, that complies with Act 165 and current Pennsylvania Emergency Management Agency (PEMA) Directives for Certified Hazardous Material Response Teams in Pennsylvania.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to approve and sign the Memorandum of Understanding ("MOU") with the American National Red Cross. This MOU permits the Red Cross to continue to use certain office space within the County's Department of Emergency Services Building for their operations, but the Agreement has been modified to remove access of the Red Cross to the office space now occupied by the County Elections & Voter Registration Office. This MOU is effective August 1, 2023 and expires July 31, 2028.

Motion carried.

Security:

With recommendation from Mark Masemer, Director and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners sign the Monitoring Services Agreement with LowV Systems, Inc., of Mechanicsburg, PA, for monitoring of the security systems at the Courthouse, the St. Francis Xavier Building, and the Human Services Building. The term of the Agreement is one (1) year, commencing on February 7, 2024 and terminating February 6, 2025. Total cost to the County is \$840.00.

Motion carried.

Adams County Adult Correctional Complex (ACACC):

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 Addendum to the Memorandum of Understanding dated December 14, 2022 with Arbor E&T, LLC (d/b/a Equus Workforce Solutions). This Addendum extends the term of the original MOU with Equus to December 31, 2024, for the purpose of providing employment readiness skills, education, and mentoring services for the inmate population at ACACC. There is no cost to the County. This Addendum is effective February 7, 2024.

Motion carried.

Adams County Library:

On behalf of the Adams County Library Board of Trustees, Mr. Qually moved, seconded by Mr. Martin, to appoint Jessica Boyer to the Adams County Library Board of Trustees to complete the term of Sheila Fleischer through 2026.

Motion carried.

Human Resources:

With recommendation from Assistant Director Danette Laughman, 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 Statement of Work (“SOW”) from WellSpan Medical Group. This SOW provides for Biometric and TSH (Thyroid-Stimulating Hormone) screenings for County employees. It is further recommended that Chairman Phiel sign the Master Services Agreement with WellSpan. The term of the SOW is one (1) year, commencing on February 1, 2024 and terminating January 31, 2025. Cost to the County is \$30.00 per Biometric screening and \$10.00 per TSH screening.

Motion carried.

Commissioners:

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

- Professional Services Agreement with Adams Regional Emergency Medical Services (“AREMS”) for provision of trainers to instruct first aid and CPR classes for any departments in need of these trainings. The term of the Agreement is two (2) years, commencing on February 7, 2024 and terminating February 6, 2026. The County shall pay AREMS \$25.00 per individual who undergoes the training.

Motion carried.

Personnel Report:

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

Courts:

- Domestic Relations –Promotion of Ernesto Fierro from Conference Officer to Director, effective March 11, 2024.
- MDJ Beauchat – Transfer of Kelly Nichols from General Clerk to Administrative Assistant, effective January 29, 2024.

Election/Voter Registration:

Recommendation from Angie Crouse, Director, to approve the employment of John Turner and Joan McNeal, Part Time as Needed General Clerk, Pay Grade S-3, effective January 31, 2024.

Adams County Adult Correctional Complex:

- Employment of the following Corrections Officers, pending successful completion of background screenings: Tyler Kunkel, effective February 5, 2024
- Revised date of hire for Connor Ludwig, Correctional Officer, effective March 4, 2024
- Promotion from Corrections Officer to Sergeant for Benjamin Whitmore, effective January 29, 2024
- Promotion from Corrections Officer to Sergeant for Timothy Weible, effective January 29, 2024
- Permission to post one (1) Paid Internship position in the Records Department

Separation of Employment with permission to post:

- Catalina Wilson, Caseworker 2, Children & Youth Services, effective February 9, 2024
- Lizset Diaz-Reyes, Caseworker 2, Children & Youth Services, effective February 16, 2024
- Retirement of Rusty Ryan, Resource Conservation Supervisor, effective June 28, 2024
- Gerry Scott, Assistant District Attorney, effective February 16, 2024
- Corrections Officers: Kara Smith, effective January 4, 2024; Rebecca Jordan, effective January 23, 2024; Dylan Fissel, effective January 31, 2024; Cristian (Courtney) Bonebrake, effective February 2, 2024

Motion carried.

Expenditures:

Mr. Qually moved, seconded by Mr. Martin, to approve the following expenditures for the period January 22, 2024 through February 2, 2024:

General Fund Total	\$ 1,836,822.89
General Fund	\$ 713,640.32
Payroll – Week #5	\$ 1,123,182.57
Children & Youth Services	\$ 231,416.27
HazMat Fund	\$ 12.00
Commissary Fund	\$ 1,019.22
Records Management	\$ 3,155.00
Hotel Tax Fund	\$ 6,000.00
911 Fund	\$ 56,180.72
Internal Service Fund	\$ 955,409.68

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 9:47 a.m. this date.

Motion carried.

Respectfully submitted,



Paula V. Neiman
Chief Clerk