

WEDNESDAY, MARCH 6, 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; Steve Nevada, County Administrator; Sean Mott, 1st Assistant Solicitor; Beth Cissel, Deputy Controller; Crissy Redding, Treasurer; Francis Dutrow, Coroner; Michele Miller, HR Director; Todd Garrett, Budget Analyst II; Sherri Clayton-Williams, Planning Director; Deana Duvall, Grants Coordinator; Warren Bladen, Emergency Services Director; Phil Walter, CIO (phone) and Sarah Finkey, CYS Administrator (phone); Land Conservancy Members Norma Calhoun, Betsy Meyer, Sarah Kipp and Eric Duffy; Lyric Gallagher, Collaborating for Youth and Erin Sunday, American Red Cross. 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 February 21, 2024 Commissioner’s Meeting as presented.

Motion carried.

Public Comment:

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

Presentation:

At this time Chairman Phiel recognized Darlene Resh, 4-H Youth Development Educator, Adams County Penn State Extension. Ms. Resh is being recognized today for her 44 years of dedicated service to the County. The Board members thanked her for her dedication and enthusiasm on her involvement with the community on various activities. Michael Martin, Penn State 4-H Educator, who worked with Darlene on various activities over her many years, thanked her and noted her knowledge and enthusiasm will be missed.

Commendation:

At this time Chairman Phiel recognized Warren Bladen, Director of the Department of Emergency Services, who is attendance today to present a Clinical Save Commendation from the Emergency Health Services Federation (EHSF) to Maxwell Nease, Telecommunicator-in-training, for providing excellent emergency medical dispatching on a call for a cardiac arrest and providing accurate CPR instructions that resulted in a successful resuscitation.

Proclamations:

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim March 14 – April 22, 2024 as “**Land Conservancy of Adams County Month**”. This proclamation was presented to Norma Calhoun, Betsy Meyer, Sarah Kipp and Erica Duffy of the Land Conservancy.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to adopt and proclaim March 6, 2024 as “**Black Balloon Day**” in Adams County. This proclamation was presented to Lyric Gallagher of Collaborating for Youth.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to adopt and proclaim March 2024 as “**American Red Cross Month**” in Adams County. This proclamation was presented to Erin Sunday of the Red Cross.

Motion carried.

Court Administration:

With recommendation from District Court Administrator Don Fennimore, and after review by Solicitor Molly R. Mudd, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners ratify and approve a Quote from Quality Digital Office Technology/Kyocera Group of York for a SitMatic High Back Adjustable Task Chair at a cost of \$835.00, pursuant to State Contract Number 4400025608. Payment to be made from the General Fund, with reimbursement to the County from Court-controlled funds.

Motion carried.

Treasurer:

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

- Agreements and Resolutions related to the collection of municipal and county taxes:
 - Germany Township Tax Collection Agreement and Resolution No. 4 of 2024 – This Agreement with Germany Township provides that the County will collect municipal taxes in the Township due to an existing vacancy in the Township’s tax collector office for 2024 and 2025. Resolution No. 4 effectuates this Agreement, as required by the Local Tax Collection Law. The Agreement and Resolution are effective March 6, 2024. Resolution as follows:

**RESOLUTION NO. 4 OF 2024
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF
ADAMS THAT THE COUNTY TREASURER COLLECT COUNTY AND MUNICIPAL
TAXES FOR GERMANY TOWNSHIP**

WHEREAS, the Local Tax Collection Law, Public Law 1050 of 1945, as amended, codified at 72 P.S. § 5511.1, et seq., (the “Act”) provides for the administration of duties for municipal tax collectors in the Commonwealth of Pennsylvania; and

WHEREAS, there exists a vacancy in the Germany Township Tax Collector office, which has neither been filled by municipal election nor by the Borough’s efforts to appoint an interim tax collector; and

WHEREAS, the Act requires that tax collectors be available at least three days during the last week of the discount payment week for the payment of local and county taxes, pursuant to 72 P.S. § 5511.13; and

WHEREAS, the Adams County Board of Commissioners, by action taken this date, have directed the County Treasurer, Ms. Christine Redding, to collect taxes due and owing to the County in Germany Township, pursuant to 72 P.S. § 5511.4d(a), due to a vacancy in the position of the Germany Township Tax Collector; and

WHEREAS, the County Treasurer may collect the taxes for the local municipality when a vacancy exists in the office of local tax collector, the County Treasurer has been appointed or directed by the Board of County Commissioners to collect County taxes in that municipality, and an agreement is made between the governing body of the local municipality and the Board of County Commissioners providing that the County Treasurer undertake such collection for the municipality, 72 P.S. § 5511.4d(a); and

WHEREAS, the County and Germany Township wish to mutually acknowledge this assignment of responsibilities to the County Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the Adams County Board of Commissioners as follows:

1. The Adams County Treasurer, Ms. Christine Redding, as assisted by her duly appointed and bonded staff, is appointed to collect all municipal and county taxes for the calendar year 2024 and 2025, ending December 31, 2025, in Germany Township, Adams County.
2. This collection shall occur at the Adams County Courthouse, at the times and dates noted in the municipal and county tax bills provided to Germany Township real property owners, or at such other location as may be duly determined and advertised by the Adams County Treasurer.
3. The Board of Commissioners of the County of Adams (“Board”) hereby authorizes the County to enter into an agreement between the County of Adams and Germany Township, under the terms and conditions set forth in the agreement which is attached hereto as Exhibit “A,” and incorporated herein by reference.
4. The Office of the Adams County Treasurer shall have the duties and responsibilities to bill and collect all municipal and county taxes due and owing in Germany Township, to properly manage all collected revenue, to pay over all collected taxes as required by statutes, laws and regulations, and to properly update all related tax duplicates and records.
5. The agreement between the County of Adams and the Germany Township shall continue through the end of the 2025 calendar year, that being December 31, 2025. Such tax collector duties shall then be undertaken by a duly elected Germany Township Tax Collector, who will be elected in the 2025 Municipal Election, and who shall take office January 1, 2026, or by such other successor as elected or appointed in accordance with the law.

THIS RESOLUTION IS DULY ADOPTED ON this 6th day of March 2024, at a duly advertised meeting of the Board of Commissioners of the County of Adams.

ATTEST

ADAMS COUNTY COMMISSIONERS

By: /s/
Paula V. Neiman, Chief Clerk

By: /s/
Randy L. Phiel, Chairman

By: /s/
James E. Martin, Vice-Chairman

By: /s/
Marty Karsteter Qually, Commissioner

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to approve and sign the Agreements and Resolutions related to the collection of Upper Adams School District taxes:
 - Upper Adams School District (Arendtsville) Tax Collection Agreement and Resolution No. 5 of 2024 – This Agreement with Upper Adams School District (UASD) provides that the County will collect school district taxes in Arendtsville Borough on behalf of UASD due to an existing vacancy in the Borough’s tax collector office for 2024 and 2025. Resolution No. 5 effectuates this Agreement, as required by the Local Tax Collection Law. The Agreement and Resolution are effective March 6, 2024. Resolution as follows:

RESOLUTION NO. 5 OF 2024
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS THAT THE COUNTY TREASURER COLLECT SCHOOL TAXES IN ARENDSVILLE BOROUGH ON BEHALF OF UPPER ADAMS SCHOOL DISTRICT

WHEREAS, the Local Tax Collection Law, Public Law 1050 of 1945, as amended, codified at 72 P.S. § 5511.1, et seq., (the “Act”) provides for the administration of duties for municipal tax collectors in the Commonwealth of Pennsylvania; and

WHEREAS, there exists a vacancy in the Borough of Arendtsville’s Tax Collector office, which has neither been filled by municipal election nor by the Borough’s efforts to appoint an interim tax collector; and

WHEREAS, the Act requires that tax collectors be available at least three days during the last week of the discount payment week for the payment of local and county taxes, pursuant to 72 P.S. § 5511.13; and

WHEREAS, the Adams County Board of Commissioners, by action taken this date, have directed the County Treasurer, Ms. Christine Redding, to collect taxes due and owing to Upper Adams School District (“School District”) in the Borough of Arendtsville, pursuant to 72 P.S. § 5511.4b, due to a vacancy in the position of the Borough of Arendtsville Tax Collector; and

WHEREAS, the County Treasurer may collect the taxes for the local municipality when a vacancy exists in the office of local tax collector, the County Treasurer has been appointed or directed by the Board of County Commissioners to collect County taxes in that municipality, and an agreement is made between the governing body of the local municipality and the Board of County Commissioners providing that the County Treasurer undertake such collection for the municipality, 72 P.S. § 5511.4b; and

WHEREAS, the County and the School District wish to mutually acknowledge this assignment of responsibilities to the County Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the Adams County Board of Commissioners as follows:

1. The Adams County Treasurer, Ms. Christine Redding, as assisted by her duly appointed and bonded staff, is appointed to collect all school district taxes for the calendar year 2024 and 2025, ending December 31, 2025, in Arendtsville Borough, Adams County.
2. This collection shall occur at the Adams County Courthouse, at the times and dates noted in the school district tax bills provided to Arendtsville Borough residents, or at such other location as may be duly determined and advertised by the Adams County Treasurer.
3. The Board of Commissioners of the County of Adams (“Board”) hereby authorizes the County to enter into an agreement between the County of Adams and the School District, under the terms and conditions set forth in the agreement which is attached hereto as Exhibit “A,” and incorporated herein by reference.
4. The Office of the Adams County Treasurer shall have the duties and responsibilities to bill and collect all School District taxes due and owing in Arendtsville Borough, to properly manage all collected revenue, to pay over all collected taxes as required by statutes, laws and regulations, and to properly update all related tax duplicates and records.
5. The agreement between the County of Adams and the School District shall continue through the end of the 2025 calendar year, that being December 31, 2025. Such tax collector duties shall then be undertaken by a duly elected Arendtsville Borough Tax Collector, who will be elected in the 2025 Municipal Election, and who shall take office January 1, 2026, or by such other successor as elected or appointed in accordance with the law.

THIS RESOLUTION IS DULY ADOPTED ON this 6th day of March 2024, at a duly advertised meeting of the Board of Commissioners of the County of Adams.

ATTEST

By: _____
Paula V. Neiman, Chief Clerk

ADAMS COUNTY COMMISSIONERS

By: _____
Randy L. Phiel, Chairman

By: _____
James E. Martin, Vice-Chairman

By: _____
Marty Karsteter Qually, Commissioner

- Upper Adams School District (Bendersville) Tax Collection Agreement and Resolution No. 6 of 2024 – This Agreement with Upper Adams School District (UASD) provides that the County will collect school district taxes in Bendersville Borough on behalf of UASD due to an existing vacancy in the Borough’s tax collector office for 2024 and 2025. Resolution No. 6 effectuates

this Agreement, as required by the Local Tax Collection Law. The Agreement and Resolution are effective March 6, 2024. Resolution as follows:

RESOLUTION NO. 6 OF 2024
A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS THAT THE COUNTY TREASURER COLLECT SCHOOL TAXES IN BENDERSVILLE BOROUGH ON BEHALF OF UPPER ADAMS SCHOOL DISTRICT

WHEREAS, the Local Tax Collection Law, Public Law 1050 of 1945, as amended, codified at 72 P.S. § 5511.1, et seq., (the “Act”) provides for the administration of duties for municipal tax collectors in the Commonwealth of Pennsylvania; and

WHEREAS, there exists a vacancy in the Borough of Bendersville’s Tax Collector office, which has neither been filled by municipal election nor by the Borough’s efforts to appoint an interim tax collector; and

WHEREAS, the Act requires that tax collectors be available at least three days during the last week of the discount payment week for the payment of local and county taxes, pursuant to 72 P.S. § 5511.13; and

WHEREAS, the Adams County Board of Commissioners, by action taken this date, have directed the County Treasurer, Ms. Christine Redding, to collect taxes due and owing to Upper Adams School District (“School District”) in the Borough of Bendersville, pursuant to 72 P.S. § 5511.4b, due to a vacancy in the position of the Borough of Bendersville Tax Collector; and

WHEREAS, the County Treasurer may collect the taxes for the local municipality when a vacancy exists in the office of local tax collector, the County Treasurer has been appointed or directed by the Board of County Commissioners to collect County taxes in that municipality, and an agreement is made between the governing body of the local municipality and the Board of County Commissioners providing that the County Treasurer undertake such collection for the municipality, 72 P.S. § 5511.4b; and

WHEREAS, the County and the School District wish to mutually acknowledge this assignment of responsibilities to the County Treasurer.

NOW, THEREFORE, BE IT RESOLVED by the Adams County Board of Commissioners as follows:

1. The Adams County Treasurer, Ms. Christine Redding, as assisted by her duly appointed and bonded staff, is appointed to collect all school district taxes for the calendar year 2024 and 2025, ending December 31, 2025, in Bendersville Borough, Adams County.
2. This collection shall occur at the Adams County Courthouse, at the times and dates noted in the school district tax bills provided to Bendersville Borough residents, or at such other location as may be duly determined and advertised by the Adams County Treasurer.
3. The Board of Commissioners of the County of Adams (“Board”) hereby authorizes the County to enter into an agreement between the County of Adams and the School District, under the terms and conditions set forth in the agreement which is attached hereto as Exhibit “A,” and incorporated herein by reference.
4. The Office of the Adams County Treasurer shall have the duties and responsibilities to bill and collect all School District taxes due and owing in Bendersville Borough, to properly manage all collected revenue, to pay over all collected taxes as required by statutes, laws and regulations, and to properly update all related tax duplicates and records.
5. The agreement between the County of Adams and the School District shall continue through the end of the 2025 calendar year, that being December 31, 2025. Such tax collector duties shall then be undertaken by a duly elected Bendersville Borough Tax Collector, who will be elected in the 2025 Municipal Election, and who shall take office January 1, 2026, or by such other successor as elected or appointed in accordance with the law.

THIS RESOLUTION IS DULY ADOPTED ON this 6th day of March 2024, at a duly advertised meeting of the Board of Commissioners of the County of Adams.

ATTEST

ADAMS COUNTY COMMISSIONERS

By: _____ /s/
Paula V. Neiman, Chief Clerk

By: _____ /s/
Randy L. Phiel, Chairman

By: _____ /s/
James E. Martin, Vice-Chairman

By: _____ /s/
Marty Karsteter Qually, Commissioner

Motion carried.

Controller:

With recommendation from Controller Tammy Myers, 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 approve the Quote from Visual Lease, a New Jersey company, for renewal of the Controller’s Lease Management Software. The term of the Lease is three (3) years, commencing on December 1, 2024 and terminating November 30, 2027. The yearly cost is \$11,560.00, with a total cost to the County of \$34,680.00 over the course of the term.

Motion carried.

Children and Youth Services:

With recommendation from Administrator Sarah Finkey, 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 Equipment Lease Agreement with Kyocera Document Solutions Mid Atlantic Inc., of York, PA, for four (4) new desktop scanners to digitize files. It is further recommended that Commissioner Phiel sign the Amendment to Equipment Lease Agreement, which incorporates the County’s standard terms and conditions into the Agreement. The term of the Agreements is sixty (60) months and shall commence upon delivery of the equipment. Total cost to the County is \$3,291.60 over the term of the lease, to be paid in monthly installments of \$54.86.

Motion carried.

Planning Department:

- 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 approve the Community Development Block Grant (“CDBG”) Program Contract (#C000086571) with the Commonwealth of Pennsylvania, acting through the Department of Community and Economic Development (“DCED”). This Agreement provides \$553,465.00 in State CDBG grant funds for eligible County improvement projects from September 27, 2023 through September 26, 2027. This Agreement is effective March 6, 2024.

Motion carried.

- With recommendation by the Act 137 Housing Committee, Mr. Martin moved, seconded by Mr. Qually, that the Board of Commissioners review to approve the following grants from the Housing Trust Fund totaling \$760,000.00:
 - South Central Community Action Programs, Inc. - \$300,000.00 for Stratton Street Apartments
 - Habitat for Humanity - \$130,000.00 for construction of affordable housing project assisted by Adams County Tech Institute students.
 - Servants - \$80,000.00 for critical home repairs for low-income homeowners
 - PICPI - \$250,000.00 for rehabilitation project at Old Friend’s at New Oxford Preservation

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 ratify the renewal from Tenable, a Maryland company, for the Nessus Professional Software. Nessus is a security scan tool that can provide detailed vulnerability scans and assessments on the network environment, detecting a wide range of vulnerabilities, configuration issues, and malware in physical or virtual environments. The term of the license is one (1) year, commencing on March 12, 2024 and terminating on March 11, 2025. Total cost to the County is \$3,575.00.

Motion carried.

Department of Emergency Services (DES):

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

- Mr. Martin moved, seconded by Mr. Qually, to designate Chairman Randy L. Phiel to sign the Quote from Link Computer Corporation, a Pennsylvania Company, for the renewal of the license for the Paessler PRTG 500 Software. This Software is used by DES to monitor the server components on the Computer Aided Dispatch (CAD) system and alert them of any issues. This Quote is made pursuant to Co-stars Contract #006-E22-223. The term of the Agreement is one (1) year, commencing on March 6, 2024 and terminating on March 5, 2025. Total cost to the County is \$435.00.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin to review and approve the FY 2023 Hazardous Materials Emergency Response Preparedness Report (“HMERP”), including but not limited to, certification of appropriate expenditure of Act 165-generated funds.

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 approve the Professional Services Agreement with All Around Abstract, LLC. This Agreement provides that All Around Abstract will perform real estate title searches on behalf of the Tax Services Department at a rate of \$105.00/search, as needed. This Agreement is effective March 15, 2024 and expires March 14, 2025.

Motion carried.

Elections & Voter Registration:

With recommendation from Director Angie Crouse, and after review by Solicitor Molly R. Mudd, Mr. Qually moved, seconded by Mr. Martin, that the Board of Commissioners approve the following two (2) Agreements:

- Amendment to ES&S Purchase Proposal Quote – This Amendment further describes the warranty and maintenance services relating to the purchase of three (3) ExpressVote machines through the Purchase Proposal Quote from ES&S previously approved by the Board on February 7, 2024. This Amendment is effective March 6, 2024. There is no additional cost to the County.

- Acco Brands Quote # 00160607 – This Quote from Acco Brands USA, LLC provides for the purchase of one (1) GBC Combbind C800 Pro Binding Machine and a 1-year extended Maintenance Agreement for use with poll books and results books. Total cost of the Binding Machine, Maintenance Agreement, and shipping is \$3,927.13, to be paid out of the Election Integrity Grant funding. The Quote is effective March 6, 2024.

Motion carried.

Adams County Adult Correctional Complex (ACACC):

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

- Mr. Martin moved, seconded by Mr. Qually, to designate Chairman Randy L. Phiel to sign the quote from Governmentjobs.com, Inc., D/B/A NEOGOV, a California company, for renewal of the ACACC’s PowerDMS and Power Ready software. PowerDMS is the ACACC’s Policy Management Software and allows the ACACC to provide documentation to the Pennsylvania Department of Corrections for Title 37 Inspections. PowerReady is utilized in conjunction with the field training officer program for the on-the-job training portion of the Basic Training Academy. The term of the Agreement is one (1) year, commencing April 24, 2024 and terminating April 23, 2025. Total cost to the County is \$14,559.60.

Motion carried.

- Mr. Qually moved, seconded by Mr. Martin, to designate Chairman Randy L. Phiel to sign the Quote from Sage Technology Solutions, of Mount Joy, PA, to provide and install a new Exacq server to replace the current CCTV 3 server, which has reached end of life. This quote is made pursuant to CoStars Contract Number 040-E22-170. It is further recommended that the Board sign the Terms and Conditions between the County and Sage. The Quote is effective March 6, 2024. Total cost to the County is \$31,405.00.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to sign the Addendum to the Memorandum of Understanding 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, accompaniment to 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 staff of the ACACC. This Addendum extends the term of the existing MOU, with the new term commencing on February 22, 2024 and terminating on February 23, 2025. There is no additional cost to the County.

Motion carried.

Commissioners:

Recommendation from Solicitor Molly R. Mudd that the Board of Commissioners approve and sign the following:

- Mr. Qually moved, seconded by Mr. Martin, to ratify and approve a Professional Services Agreement with Killian & Gephart, LLP of Harrisburg, for legal services related to the Investigating Grand Jury, at a rate not to exceed \$300.00/hour.

Motion carried.

- Mr. Martin moved, seconded by Mr. Qually, to Change Order #1 in favor of Contractor Jay Fulkroad & Sons, Inc. of McAllisterville, PA for Project No. ADAMS22002 Maintenance Repairs 40 County Bridges for a net increase in contract cost totaling \$112,148.67, bringing the total adjusted contract price to \$601,776.86, and reflecting numerous changes to the contract as described in Change Order #1, including but not limited to removal of debris in the streams at Bridge Nos. 50 and 95.

Motion carried.

- Adopt the following two (2) proposed Ordinances that were duly advertised in accordance with County Code Section 509:
 - Proposed Ordinance No. 2 of 2024 – Mr. Qually moved, seconded by Mr. Martin, to adopt and approve an Ordinance providing tax exemption relief for the assessed valuation of improvements to certain deteriorated properties totaling approximately 221 acres of vacant land along Oxford Avenue in Conewago Township, Adams County, as authorized by the Local Economic Revitalization Tax Act (“LERTA”). The local taxing authorities previously determined these properties to qualify under LERTA after public comment and hearing and have passed resolutions authorizing tax exemption as follows:

ORDINANCE NO. 2 of 2024

AN ORDINANCE PROVIDING FOR TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO DESIGNATED DETERIORATED AREAS PURSUANT TO PENNSYLVANIA ACTS NO. 42 OF 1977 AND 76 OF 1977, DEFINING CERTAIN EXEMPT PROPERTY, PROVIDING FOR AN EXEMPTION PERIOD, AND ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD

WHEREAS, the County of Adams (the “County”), Pennsylvania, is a local taxing authority authorized by the Local Economic Revitalization Tax Act (72 P.S. §4722 et seq.) (hereinafter, the “LERTA Act”) to provide tax exemption relief for the assessed valuation of improvements to certain deteriorated properties; and

WHEREAS, the Board of Supervisors of Conewago Township, Adams County (the “Township”), in accordance with the LERTA Act, held a duly advertised public hearing on June 19th, 2023, and the Board of School Directors of the Conewago Valley School District held a duly advertised public meeting on September 18th, 2023, for the purpose of determining the boundaries of a deteriorated area, comprised of certain deteriorated areas, to be eligible for tax exemption relief; and

WHEREAS, at said public hearings, the local taxing authorities considered public comment and recommendations concerning the location of the boundaries of the deteriorated area and their advocacy for the implementation of a LERTA program; and

WHEREAS, consistent with the public comments and recommendations, the Township passed Resolution No. 2023-N on June 19th, 2023, and the School District passed Resolution No. 129 on September 18th, 2023, both of which determined that the real property parcels identified herein meet the criteria of a deteriorated area as set forth in the LERTA Act and constitute an area within Conewago Township that would benefit from a financial incentive in the form of real property tax exemption relief aimed at incentivizing investment and encouraging economic development within said deteriorated area; and

WHEREAS, consistent with the public comments and recommendations of the Township and School District’s public hearings, as reflected in Resolutions 2023-N and 129 respectively, Adams County has determined that the real property parcels identified herein meet the criteria of a deteriorated area as set forth in the LERTA Act and constitute an area within the county that would benefit from a financial incentive in the form of real property tax exemption relief aimed at incentivizing investment and encouraging economic development within said deteriorated area; and

WHEREAS, the deteriorated area eligible for the LERTA Program, as defined by the tax exemption schedules provided herein, include the property identified as follows: Adams County Tax Parcel ID Nos. 08K13-0060---000 and 08K13-0061---000, containing approximately 221 acres of vacant land along Oxford Avenue in Conewago Township, Adams County.

NOW THEREFORE, the County hereby ordains as follows:

Section 1. Definitions

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

- (a) “Deteriorated Property” means any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorated area, as determined by the Board, or any such property which has been the subject of an order by Conewago Township requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.
- (b) “Improvement” means repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity; or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an Improvement.
- (c) “Local taxing authority” means Conewago Township, Conewago Valley School District, the County of Adams or any other governmental entity having the authority to levy real property taxes within Conewago Township.

Section 2. Exemption

The County hereby exempts from real property taxation the assessed valuation of improvements to deteriorated properties in the deteriorated area in the amounts and in accordance with the provisions and limitations hereinafter set forth.

Section 3. Exempted Area

The Township and School District, by Resolution Nos. 2023-N and 129 respectively, designated the following real property as the deteriorated area: Adams County Tax Parcel ID No. 08K13-0060---000 and 08K13-0061---000, containing approximately 221 acres of vacant land along Oxford Avenue in Conewago Township, Adams County. A map of the deteriorated area is attached herein as “Exhibit A.”

Section 4. Exemption Amount

- (a) The amount to be exempted shall be limited to the additional assessment attributable to the actual cost of improvements.
- (b) The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Tax Services Department of Adams County.

Section 5. Exemption Schedule

- (a) The percentage of real property taxes to be exempted for improvements to deteriorated properties in the deteriorated area is as follows:

Year	Percent of Real Property Tax Exempted
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%

8	30%
9	20%
10	10%
11+	0%

- (b) The Exemption Schedule for applicable buildings shall commence on January 1st of the first full year following the assessment of the Improvements to which the Exemption Schedule applies. Interim tax bills shall be issued by the Adams County Tax Services Department for the intervening partial tax year and shall be paid by the Applicant.
- (c) The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- (d) If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.
- (e) Without exception, the eligible tax exemption shall not exceed a total of ten (10) years.

Section 6. Notice to Taxpayers

There shall be on the application form for building, zoning and alterations permits, the following notice:

“Notice to Taxpayer.

Under the provisions of Ordinance No. 2 of 2024, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from a Code Enforcement Officer and must be filed with Conewago Township at the time the building or alteration permit is secured.”

Section 7. Procedure for Obtaining Exemption

- A. **Request for Exemption.** A person desiring tax exemption pursuant to ordinances or resolutions of the local taxing authorities shall, at the time a building or alteration permit and/or County Property Improvement Certification is secured for the construction of an improvement for which an exemption is requested, notify each local taxing authority granting such exemption in writing on a form provided by it containing the following information:
 - i. The name and address of the property owner;
 - ii. The Adams County Tax Parcel Identification Number of the property;
 - iii. The initial assessed valuation of the property;
 - iv. The current year real estate taxes on the property;
 - v. The date the building permit was issued for said new construction or improvement;
 - vi. The type of new construction or improvement;
 - vii. A summary of the plan of the new construction or improvement;
 - viii. The anticipated date of completion;
 - ix. The estimated cost of the new construction or improvement; and

- x. Any or all such additional information that the Township and County may require.

If no building or alteration permit and/or County Property Improvement Certification has been obtained or such permit is not required, the taxpayer seeking exemption shall apply in the same manner outlined in this subsection at the time he or she commences construction.

- B. **Department of Tax Services Review.** A copy of the Request for Exemption shall be forwarded by the local taxing authorities to the Adams County Tax Services Department for review of eligibility in accordance with the ordinances/resolutions and applicable statutory guidelines. The Tax Services Department may consult with the Adams County Solicitor's Office for legal guidance. Upon review, the Tax Services Department shall make a determination in writing as to eligibility for exemption and forward that written determination to the local taxing authorities and to the taxpayer.
- C. **Completion of Improvement.** Upon completion of the improvement, the taxpayer shall notify local taxing authorities including the Tax Services Department so that the Tax Services Department may assess the improvements separately for the purpose of calculating the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance. The local taxing authorities will then obtain from the Tax Services Department the amount of the assessment eligible for exemption and will notify the taxpayer.
- D. **Appeals.** Appeals from the reassessment and the amounts eligible for the exemption may be taken by aggrieved parties as provided by law.

Section 8. Revocation of Exemption

The exemption from real estate taxes provided for herein shall be forfeited by the applicant or any subsequent owner of the property for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of a notice of nonpayment of nonexempt real estate taxes, the exemption shall be discontinued.

Section 8. Amendments

No amendments to this Ordinance shall be effective unless enacted by the Adams County Board of Commissioners.

Section 9. Termination

Unless otherwise repealed by the Adams County Board of Commissioners (the "Commissioners"), this Ordinance shall terminate on December 31, 2033, or upon termination of the similar Ordinances or Resolutions of the local taxing authorities covering the same deteriorated area. Nothing contained herein shall act to prohibit the County from enacting a similar ordinance or extending this one. Any property tax exemption granted under the provisions of this Ordinance shall continue according to the exemption schedule found in this Ordinance even if this Ordinance expires or is amended or repealed.

Section 10. Severability

The provisions of this Ordinance are severable, and if any of its sections, sentences, or clauses shall be held illegal, invalid or unconstitutional, such provisions shall not affect or impair any of the remaining sections, sentences or clauses. It is hereby declared to be the intent of the Commissioners that this Ordinance would not have been enacted if such illegal, invalid, or unconstitutional sections, sentences, or clauses had not been included herein.

Section 12. Effective Date

This Ordinance shall take effect immediately.

Enacted and ordained this 6th day of March, 2024.

COUNTY OF ADAMS, PENNSYLVANIA

By: _____ /s/
Randy L. Phiel
Chairman

By: _____ /s/
James E. Martin
Vice Chairman

By: _____ /s/
Marty Karsteter Qually
Commissioner

Attest:

_____ /s/
Paula V. Neiman
Chief Clerk

Motion carried.

- **Proposed Ordinance No. 3 of 2024** – Mr. Martin moved, seconded by Mr. Qually, to adopt and approve an Ordinance providing tax exemption relief for the assessed valuation of improvements to certain deteriorated properties totaling approximately 30 acres of vacant land along Carlisle Pike in Berwick Township, Adams County, as authorized by the Local Economic Revitalization Tax Act (“LERTA”). The local taxing authorities previously determined these properties to qualify under LERTA after public comment and hearing and have passed resolutions authorizing tax exemption as follows.

ORDINANCE NO. 3 of 2024

AN ORDINANCE PROVIDING FOR TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO DESIGNATED DETERIORATED AREAS PURSUANT TO PENNSYLVANIA ACTS NO. 42 OF 1977 AND 76 OF 1977, DEFINING CERTAIN EXEMPT PROPERTY, PROVIDING FOR AN EXEMPTION PERIOD, AND ESTABLISHING A SCHEDULE OF PERCENTAGE EXEMPTION FOR THAT TIME PERIOD

WHEREAS, the County of Adams (the “County”), Pennsylvania, is a local taxing authority authorized by the Local Economic Revitalization Tax Act (72 P.S. §4722 et seq.) (hereinafter, the “LERTA Act”) to provide tax exemption relief for the assessed valuation of improvements to certain deteriorated properties; and

WHEREAS, the Board of Supervisors of Berwick Township, Adams County (the “Township”), in accordance with the LERTA Act, held a duly advertised public hearing on July 10th, 2023, and the Board of School Directors of the Conewago Valley School District held a duly advertised public meeting on September 18th, 2023, for the purpose of determining the boundaries of a deteriorated area, comprised of certain deteriorated areas, to be eligible for tax exemption relief; and

WHEREAS, at said public hearings, the local taxing authorities considered public comment and recommendations concerning the location of the boundaries of the deteriorated area and their advocacy for the implementation of a LERTA program; and

WHEREAS, consistent with the public comments and recommendations, the Township passed Resolution No. 2023-10 on August 14th, 2023, and the School District passed Resolution No. 130 on September 18th, 2023, both of which determined that the real property parcels identified herein meet the criteria of a deteriorated area as set forth in the LERTA Act and constitute an area within Berwick Township that would benefit from a financial incentive in the form of real property tax exemption relief aimed at incentivizing investment and encouraging economic development within said deteriorated area; and

WHEREAS, consistent with the public comments and recommendations of the Township and School District's public hearings, as reflected in Resolutions 2023-10 and 130 respectively, Adams County has determined that the real property parcels identified herein meet the criteria of a deteriorated area as set forth in the LERTA Act and constitute an area within the county that would benefit from a financial incentive in the form of real property tax exemption relief aimed at incentivizing investment and encouraging economic development within said deteriorated area; and

WHEREAS, the deteriorated area eligible for the LERTA Program, as defined by the tax exemption schedules provided herein, include the property identified as follows: Adams County Tax Parcel ID Nos. 04L12-0096-000, 04L12-0144-000, and 04L12-0144A-000, containing approximately 30 acres of vacant land along Carlisle Pike in Berwick Township, Adams County.

NOW THEREFORE, the County hereby ordains as follows:

Section 1. Definitions

As used in this Ordinance, the following words and phrases shall have the meaning set forth below:

- (d) "Deteriorated Property" means any industrial, commercial or other business property owned by an individual, association or corporation, and located in a deteriorated area, as determined by the Board, or any such property which has been the subject of an order by Berwick Township requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinances or regulations.
- (e) "Improvement" means repair, construction or reconstruction, including alterations and additions, having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity; or is brought into compliance with laws, ordinances or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an Improvement.
- (f) "Local taxing authority" means Berwick Township, Conewago Valley School District, the County of Adams or any other governmental entity having the authority to levy real property taxes within Berwick Township.

Section 2. Exemption

The County hereby exempts from real property taxation the assessed valuation of improvements to deteriorated properties in the deteriorated area in the amounts and in accordance with the provisions and limitations hereinafter set forth.

Section 3. Exempted Area

The Township and School District, by Resolution Nos. 2023-10 and 130 respectively, designated the following real property as the deteriorated area: Adams County Tax Parcel ID Nos. 04L12-0096-000, 04L12-0144-000, and 04L12-0144A-000, containing approximately 30 acres of vacant land along Carlisle Pike in Berwick Township, Adams County. A map of the deteriorated area is attached herein as “Exhibit A.”

Section 4. Exemption Amount

- (c) The amount to be exempted shall be limited to the additional assessment attributable to the actual cost of improvements.
- (d) The exemption shall be limited to that improvement for which an exemption has been requested in the manner set forth below, and for which a separate assessment has been made by the Tax Services Department of Adams County.

Section 5. Exemption Schedule

- (f) The percentage of real property taxes to be exempted for improvements to deteriorated properties in the deteriorated area is as follows:

Year	Percent of Real Property Tax Exempted
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%
11+	0%

- (g) The Exemption Schedule for applicable buildings shall commence on January 1st of the first full year following the assessment of the Improvements to which the Exemption Schedule applies. Interim tax bills shall be issued by the Adams County Tax Services Department for the intervening partial tax year and shall be paid by the Applicant.
- (h) The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- (i) If an eligible property is granted tax exemption pursuant to this Ordinance, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.
- (j) Without exception, the eligible tax exemption shall not exceed a total of ten (10) years.

Section 6. Notice to Taxpayers

There shall be on the application form for building, zoning and alterations permits, the following notice:

“Notice to Taxpayer.

Under the provisions of Ordinance No. 3 of 2024, you may be entitled to a property tax exemption on your contemplated alteration or new construction. An application for exemption may be secured from a Code Enforcement Officer and must be filed with Berwick Township at the time the building or alteration permit is secured.”

Section 7. Procedure for Obtaining Exemption

E. **Request for Exemption.** A person desiring tax exemption pursuant to ordinances or resolutions of the local taxing authorities shall, at the time a building or alteration permit and/or County Property Improvement Certification is secured for the construction of an improvement for which an exemption is requested, notify each local taxing authority granting such exemption in writing on a form provided by it containing the following information:

- xi. The name and address of the property owner;
- xii. The Adams County Tax Parcel Identification Number of the property;
- xiii. The initial assessed valuation of the property;
- xiv. The current year real estate taxes on the property;
- xv. The date the building permit was issued for said new construction or improvement;
- xvi. The type of new construction or improvement;
- xvii. A summary of the plan of the new construction or improvement;
- xviii. The anticipated date of completion;
- xix. The estimated cost of the new construction or improvement; and
- xx. Any or all such additional information that the Township and County may require.

If no building or alteration permit and/or County Property Improvement Certification has been obtained or such permit is not required, the taxpayer seeking exemption shall apply in the same manner outlined in this subsection at the time he or she commences construction.

F. **Department of Tax Services Review.** A copy of the Request for Exemption shall be forwarded by the local taxing authorities to the Adams County Tax Services Department for review of eligibility in accordance with the ordinances/resolutions and applicable statutory guidelines. The Tax Services Department may consult with the Adams County Solicitor’s Office for legal guidance. Upon review, the Tax Services Department shall make a determination in writing as to eligibility for exemption and forward that written determination to the local taxing authorities and to the taxpayer.

G. **Completion of Improvement.** Upon completion of the improvement, the taxpayer shall notify local taxing authorities including the Tax Services Department so that the Tax Services Department may assess the improvements separately for the purpose of calculating the amounts of the assessment eligible for tax exemption in accordance with the limits established by this Ordinance. The local taxing authorities will then obtain from the Tax Services Department the amount of the assessment eligible for exemption and will notify the taxpayer.

General Fund Total	\$ 1,975,919.89
General Fund	\$ 888,426.38
Payroll – Week #9	\$ 1,087,493.51

Children & Youth Services	\$ 323,000.32
Liquid Fuels	\$ 19,462.68
HazMat Fund	\$ 62.00
Ag Land Funds	\$ 127,876.32
Law Enforcement	\$ 1,695.99
Commissary Fund	\$ 6,678.58
Records Management	\$ 3,155.00
911 Fund	\$ 93,068.46
Internal Service Fund	\$ 539,809.72

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 10:23 a.m. this date.

Motion carried.

Respectfully submitted,



Paula V. Neiman
Chief Clerk