

WEDNESDAY, FEBRUARY 28, 2018:

The Adams County Board of Commissioners met this date in regularly scheduled session at 9:04 a.m. in the Ceremonial Courtroom with Vice-Chairman James E. Martin presiding. Others in attendance: Commissioner Marty Karsteter Qually; Albert Penksa, County Manager; John Hartzell, Solicitor; Molly Mudd, Assistant Solicitor; Beth Cissel, Deputy Controller; Sarah Finkey, Children & Youth Administrator; Daryl Crum, Director Tax Services; Barbara Walter, Chief Assessor; Melissa Devlin, Finance Director; Phil Swope, Staff Accountant; Donna Cassatt, Deputy Court Administrator; Robin Fitzpatrick, President, Adams Economic Alliance; News Reporters Vanessa Pellechio, *Gettysburg Times* and Chief Clerk Paula V. Neiman.

Pledge of Allegiance

Minutes:

Mr. Qually moved, seconded by Mr. Martin, to approve the Minutes of the February 21, 2018 Commissioners' Meeting as presented.

Motion carried.

Executive Session:

Executive Session will be called at the discretion of the Board of Commissioners to discuss attorney client/personnel issues.

Public Comment:

- Steve Rice, Gettysburg – attended today's meeting to express his concern and to ask the Adams County Commissioners to take a stand on the Straban Township Traffic Impact program and the Land Use Assumption Report that was prepared by the Adams County Planning Department. Mr. Rice purchased property at the Commerce Park and has encountered problems hindering his building and currently has a pending law suit. He distributed information to the Board members and noted he will be returning for future meetings.

Children & Youth Services:

With recommendation from Sarah Finkey, Administrator, Mr. Qually moved, seconded by Mr. Martin to approve the 2017-2018 Purchase of Service Agreement with Bethany Children's Home.

Motion carried.

Tax Services:

At this time Vice-Chairman Martin recognized Daryl Crum, Director, who announced for the matter of public record: Informing the Adams County Board of Commissioners and public in general of the intention of York Springs Borough and Reading Township, pursuant to Section 902 of the Borough Code, Section 1507 of the Second-Class Township Code and Section 4b of the Local Tax Collection Law, that the County real estate and per capita taxes issued to York Springs property owners and residents will be collected by the Reading Township Tax Collector, Jennifer Miller during the current tax collector term.

Personnel Report:

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

Courts – Separation of Employment with the Intent to Post:

- Shirley Kuhn, Tipstaff, effective February 21, 2018

Clerk of Courts:

Recommendation from Clerk of Courts Kelly Lawver to approve the employment of Sadrac Ramirez Esquivel, New Case Clerk, effective February 26, 2018.

IT Department:

Recommendation from Phil Walter, Director, to approve the employment of Samuel Tramontana, Intern, effective February 26, 2018.

Separation of Employment and Permission to Post:

- Kathy Keys, Custodian/Maintenance Helper, effective March 8, 2018
- Rescind the offer of employment to Courtney Little, Corrections Officer, effective February 26, 2018

Motion carried.

Expenditures:

Mr. Qually moved, seconded by Mr. Martin to approve the following expenditures for the period February 12, 2018 through February 23, 2018:

General Fund Total	\$ 1,155,980.21
General Fund	\$ 299,001.81
Payroll – Week #8	\$ 856,978.40
Children & Youth Services	\$ 108,479.52
HazMat Fund	\$ 108.57
Ag Land Funds	\$ 95,361.00
Law Enforcement	\$ 703.22
Commissary Fund	\$ 2,578.76
Records Management	\$ 4,054.36
Coroner VISA	\$ 235.00
Act 13 Bridge Improvements	\$ 24,095.85
Parks, Recs & Green Space Prgm	\$ 26.20
Capital Projects-Reserve	\$ 23,431.70
Human Services Building	\$ 80,806.58
911 Fund	\$ 27,578.21
Internal Service Fund	\$ 260,998.94

Motion carried.

Other Business:

Solicitor Hartzell:

At this time Solicitor Hartzell presented to the Board Ordinance #1 of 2018 authorizing the granting of tax exemption relief for certain new construction and improvements for designated deteriorated properties within the Borough of Gettysburg, pursuant to the Local Economic Revitalization Tax Assistance Act (LERTA). Mr. Hartzell provided an overview of the Ordinance and noted that Gettysburg Borough has adopted a LERTA Ordinance in support. Gettysburg Area School District also has to agree to support. Robin Fitzpatrick, President of the Adams Economic Alliance, noted they presented the LERTA to the Gettysburg Area School District and is waiting for their decision. The three (3) Ordinances need to adopt before the end of April.

With recommendation from Solicitor John M. Hartzell, Mr. Qually moved, seconded by Mr. Martin to approve to adopt Ordinance No. 1 of 2018 as follows:

ORDINANCE NO. 1 OF 2018

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, PENNSYLVANIA, FOR THE PURPOSE OF AUTHORIZING THE GRANTING OF TAX EXEMPTION RELIEF FOR CERTAIN NEW CONSTRUCTION AND IMPROVEMENTS FOR DESIGNATED DETERIORATED PROPERTIES WITHIN THE BOROUGH OF GETTYSBURG, PURSUANT TO THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE ACT, ESTABLISHING A MAXIMUM EXEMPTION AMOUNT AND EXEMPTION SCHEDULES, AND PROVIDING A PROCEDURE FOR SECURING AN EXEMPTION

WHEREAS, the County of Adams is a fifth class county of the Commonwealth of Pennsylvania (“County”), and a “taxing authority,” as that term is defined in the Local Economic Revitalization Tax Assistance Act, Act 76 of 1977, P.L. 237, codified at 72 P.S. § 4722 – 4727, (hereafter “LERTA,” or the “LERTA Act”), specifically in the definitional section at 72 P.S. § 4724; and

WHEREAS, the County, as a taxing authority, may provide tax exemption relief for the assessed valuation of improvements made to deteriorated properties, and the assessed valuation of new construction in certain designated deteriorated areas, pursuant to the LERTA Act; and

WHEREAS, pursuant to the requirements of the LERTA Act, on August 14, 2017, the Borough Council of the Borough of Gettysburg (hereafter “Borough Council”) held a public hearing for the purposes of receiving a recommendation from the Gettysburg Borough Planning Commission and receiving public comment relative to the matter of the determination of the boundaries of a deteriorated area or areas within the Borough of Gettysburg (“Borough”); and

WHEREAS, consistent with the recommendations and comments presented at the August 14, 2017 public hearing, the Borough Council adopted Resolution No. 091117-2 at a duly advertised general monthly business meeting held September 11, 2017, for the purposes of determining and affixing the boundaries of a deteriorated area within the Borough, which deteriorated area meets the criteria of a deteriorated area and deteriorated properties as set forth in the LERTA Act; and

WHEREAS, said deteriorated area contains real properties within the Borough of Gettysburg and within the County that would benefit from a financial incentive in the form of real property tax exemption relief in order to encourage new industrial, commercial and business development and redevelopment of the designated deteriorated properties comprising the designated deteriorated area.

NOW, THEREFORE, with the foregoing incorporated herein and made an essential part hereof, be it **ENACTED AND ORDAINED** by the County, by the Adams County Board of Commissioners, and it is hereby **ENACTED AND ORDAINED** by the authority of the same, as follows:

SECTION 1. DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the meanings 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 deteriorating area, as determined by the Borough Council and as provided for herein, or any such property which has been the subject of an order by a government agency 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 the Borough of Gettysburg, the Gettysburg Area School District, the County of Adams, or any other governmental entity having the authority to levy real property taxes within the Borough of Gettysburg.

SECTION 2. ELIGIBLE AREA.

A. By Gettysburg Borough Council Resolution No. 091117-2, adopted on September 11, 2017, the Borough Council of the Borough of Gettysburg determined and affixed the boundaries of the deteriorated area as those real properties designated and identified in the ROR - Residential Office Redevelopment District, as established and shown on the Official Zoning Map of the Borough of Gettysburg, adopted as part of the Gettysburg Borough Zoning Ordinance, Ordinance No. 1352-08, which was enacted by the Borough Council on May 5, 2008.

B. The six (6) real properties that comprise the deteriorated area are identified and designated as follows: (1) Adams County Tax Parcel ID No. 16007-0109---000 (103 Carlisle Street); (2) Adams County Tax Parcel ID No. 16007-0125A---000 (102 North Stratton Street); (3) Adams County Tax Parcel ID No. 16007-0125---000 (108 North Stratton Street); (4) Adams County Tax Parcel ID No. 16007-0126---000 (North Stratton Street); (5) Adams County Tax Parcel ID No. 16007-0141---000 (151 North Stratton Street); and (6) Adams County Tax Parcel ID No. 16007-0140---000 (153 North Stratton Street). The boundaries of the herein designated deteriorated area and the location of each parcel of deteriorated real property are identified and depicted within the above mentioned Gettysburg Borough Resolution No. 091117-2.

SECTION 3. EXEMPTION AMOUNT.

A. The amount to be exempt from County real estate taxes shall be limited to that portion of the additional assessment valuation attributable to the actual cost of new construction, or improvements to the deteriorated property, in accordance with the exemption schedule established by this Ordinance, and contained in Section 4, below.

B. The exemption from County real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a separate assessment has been made by the Adams County Tax Services Department.

SECTION 4. EXEMPTION SCHEDULES.

A. The percentage of the assessed valuation of the eligible improvements to be exempted where the approved land development plan provides for a **minimum of twenty-five (25%) percent** of the total occupiable building square footage to be developed or redeveloped as nonresidential use shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage</u>
1	100%
2	90%
3	80%
4	70%
5	60%
6	50%
7	40%
8	30%
9	20%
10	10%

B. The percentage of the assessed valuation of the eligible improvements to be exempted where the approved land development plan provides for a **minimum of fifty (50%) percent** of the total occupiable building square footage to be developed or redeveloped as nonresidential use shall be in accordance with the following schedule:

<u>Year</u>	<u>Percentage</u>
1	100%
2	100%
3	90%
4	90%
5	80%
6	80%
7	70%
8	70%
9	60%
10	60%

C. The exemption from real property taxes shall terminate following the tenth year, and the eligible tax exemption shall not exceed a total of ten (10) years.

D. The exemption from real property taxes granted under this Ordinance shall be upon the property exempted and shall not terminate upon the sale or exchange of the property.

E. If an eligible property is granted a tax exemption pursuant to this Ordinance, the improvements shall not, during the exemption period, be considered as a factor in determining the assessed value of other properties.

SECTION 5. NOTICE TO TAXPAYERS.

A. A notice shall be placed on the Borough of Gettysburg's application form for land use and building permits making taxpayers aware of the possible real estate tax exemptions available under this Ordinance, and any similar Ordinance or Resolution adopted by the Borough of Gettysburg or the Gettysburg Area School District.

B. At the time that a building permit is secured for the new construction or improvement for which an exemption is requested, the taxpayer shall apply to the Borough of Gettysburg, Office of Planning and Historic Preservation, for the County tax exemption provided in this Ordinance. The request for the exemption must be in writing on a form provided by the Borough of Gettysburg setting forth the following information:

- (1) The date the building permit was issued for said new construction or improvement;
- (2) The type of new construction or improvement;
- (3) A summary of the plan of the new construction or improvement;
- (4) The cost of the new construction or improvement; and
- (5) Any or all such additional information that the Borough may require.

SECTION 6. PROCEDURE FOR OBTAINING EXEMPTION. A copy of the request for exemption shall be forwarded by the Borough of Gettysburg to the Adams County Tax Services Department. Upon completion of the new construction or improvement, the taxpayer shall notify the Borough of Gettysburg and the Assessment Division of the Adams County Tax Services Department so that such assessment agency may assess the new construction or improvement 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 Borough of Gettysburg will then obtain from the assessment agency the amount of the assessment eligible for exemption and will notify the taxpayer, the County, and the Gettysburg Area School District. Appeals from the assessment and the amounts eligible for the exemption may be taken by the taxpayer or the Borough of Gettysburg as provided by law.

SECTION 7. TERMINATION DATE. Unless otherwise repealed by the Board of Commissioners, this Ordinance shall expire and terminate on December 31, 2028. Nothing contained herein shall act to prohibit the County from enacting a similar Ordinance or Resolution, or extending this Ordinance. Any property tax exemption granted under the provisions of this Ordinance shall continue according to the exemption schedules found in this Ordinance, even if this Ordinance expires, terminates, is amended, or is repealed by the Board of Commissioners.

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 9. SEVERABILITY. The provisions of this Ordinance are severable, and if any section, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the County that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 10. REPEALER. All Ordinances, or parts of Ordinances, Resolutions, or parts of Resolutions, conflicting with this Ordinance shall be, and the same are hereby, repealed, insofar as the same affect this Ordinance.

SECTION 11. CONTINGENCY. This Ordinance is contingent upon the enactment or adoption of similar Ordinances or Resolutions by the Gettysburg Area School District and the Borough of Gettysburg, no later than April 30, 2018. Should the Gettysburg Area School District and/or the Borough of Gettysburg fail to enact or adopt such similar Ordinances or Resolutions by that date, then this Ordinance shall be automatically repealed and of no further force or effect.

SECTION 12. EFFECTIVE DATE. This Ordinance shall become effective immediately upon enactment hereof.

ENACTED AND ORDAINED this 28th day of February 2018.

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.

Commissioner Qually:

With regards to the presentation from Steve Rice on the Straban Township Traffic Impact Program, Commissioner Qually noted it is difficult to find a happy medium. The public needs to be informed of the impact this has on development.

Executive Session:

Vice-Chairman Martin called for an Executive Session at 9:31 a.m. this date to discuss attorney client/personnel issues.

Meeting Reconvened:

Vice-Chairman Martin reconvened the Commissioner's Meeting at 11:03 a.m. this date with no further business to come before the Board.

Adjournment:

Mr. Qually moved, seconded by Mr. Martin to adjourn the Commissioner's Meeting at 11:05 a.m. this date.

Motion carried.

Respectfully submitted,

Paula V. Neiman
Chief Clerk