

**YORK AREA UNITED FIRE AND RESCUE COMMISSION
REGULAR MEETING**

**MARCH 18, 2008
APPROVED**

The York Area United Fire and Rescue Commission held a Regular Meeting on Tuesday, March 18, 2008, at 7 p.m. at the Springettsbury Township Offices located at 1501 Mt. Zion Road, York, PA.

MEMBERS IN

ATTENDANCE: Bill Schenck, Chairman
Austin Hunt, Vice Chairman
John Fullmer, Secretary/Treasurer
Holly Gumke, Spring Garden Commission Member
Don Bishop, Springettsbury Commission Member
Nick Gurreri, Springettsbury Alternate
Richard Guyer, Spring Garden Alternate

ALSO IN

ATTENDANCE: John Holman, Springettsbury Township Manager
Greg Maust, Spring Garden Township Manager
Steve Hovis, Solicitor
Les Adams, Consultant, Buracker & Associates
Bob McCoy, Chief, YAUFR
Barry Emig, Deputy Chief, YAUFR
Dan Hoff, Springettsbury Township Fire/Rescue Service
Sandy Ratcliffe, Finance Officer/Assistant Treasurer, YAUFR
Don Eckert, Springettsbury Merger Committee
Scott Curtis, Grantley Merger Committee
Tom Stees, Victory Merger Committee
Dave Eckman, FF Local 2377
George Mount, Springettsbury Fire/Rescue Service
Various other members of the fire companies
Linda Bayman, Administrative Assistant, YAUFR
Jean Abreght, Stenographer

1. CALL TO ORDER:

A. Opening Ceremony

1. Pledge of Allegiance

SCHENCK Chairman Schenck called the meeting to order at 7:10 p.m. and led the Pledge of Allegiance.

2. Oath of Office – Fire Chief and Deputy Fire Chief

B. Mike Waugh, State Senator

SCHENCK Chairman Schenck announced that the Commission spent considerable time searching for the right man for the Fire Chief position and found two. He stated

that the Commission was especially pleased to have State Senator Mike Waugh present to administer the oaths. Senator Waugh had been an early supporter of the merger. He asked Senator Waugh for his comments.

WAUGH Senator Waugh responded and thanked the Commission for inviting him to be a part of this historic ceremony for both Springettsbury and Spring Garden Townships and the York community, York County and the state. He noted that the process had been a five-year endeavor, which is the first merger of career municipal departments and one which he had supported from the beginning. He acknowledged the support of the volunteer organizations, Springettsbury Township Volunteer Fire Company, Grantley Fire Company and Victory Fire Companies, Spring Garden Township's Board of Commissioners, Springettsbury Township's Board of Supervisors, the professional career firefighters the organizations that represent them, the County of York, Department of Community and Economic Development, and the citizen volunteers who served on the joint fire regionalization study committee and the township managers who are a vital part of this process on a day-to-day basis. In addition, Senator Waugh noted that he, along with Senator Gib Armstrong, Representatives Keith Gillespie, Eugene DePasquale and Stan Saylor, all had supported this effort. Senator Waugh elaborated on the fact that as a young man he had been an active volunteer firefighter. Senator Waugh administered the Oaths of Office to Fire Chief Robert McCoy, Jr. and to Deputy Fire Chief Barry E. Emig. He congratulated them both. He introduced Chris Naylor, Executive Director in his Harrisburg office, who was in attendance as well.

HUNT Mr. Hunt thanked him for taking his time to administer the oaths.

SCHENCK Chairman Schenck thanked him as well and congratulated Chief McCoy and Deputy Chief Emig. He stated that it was quite an event, a long time in the planning stages, and the Commission was especially pleased that Senator Waugh could be present for this occasion.

3. ANNOUNCEMENT OF EXECUTIVE SESSIONS

A. Executive Session of February 19, 2008 Regarding Personnel Matters

SCHENCK Chairman Schenck announced that an Executive Session had been held after the last meeting regarding personnel matters. He anticipated that there should be one held following the meeting this date.

3, COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. MANAGEMENT/ATTORNEY REPORTS

A. Steve Hovis, Solicitor

- 1. Lease Agreement**
- 2. Services Agreement**

HOVIS Solicitor Hovis reported that the lease and services agreements that were approved at last month's meeting had been amended and Mr. Holman had provided him with some additional information regarding maintenance of personnel records, employment services, EEO, HPPA compliance, Workers' Compensation and health benefits, etc. One clarification was made in the financial end of matters that it would not include any auditing services that would be independent in the contract. They are in a final form ready for signature.

B. Robert McCoy, Fire Chief, YAUFR

MCCOY Chief McCoy stated that he had nothing to add to his report. He introduced the new YAUFR Administrative Assistant, Miss Linda Gotwalt to the Commission.

5. ACCOUNTS PAYABLE

A. Payable Listing as of February 29, 2008

SCHENCK Chairman Schenck asked for a motion to approve the payable listing.

MR. FULLMER MOVED TO APPROVE THE PAYABLE LISTING AS OF FEBRUARY 29, 2008. MS. GUMKE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS AND CONTRACTS

There were no Bids, Proposals or Contracts for discussion.

7. COMMUNICATION FROM COMMISSIONERS

SCHENCK Chairman Schenck congratulated Chief McCoy and his staff for the preparation of the official meeting packet that the Commission received. It was very thorough and he indicated that they had done a great job.

8. CONSULTANTS REPORT

A. Les Adams

ADAMS Mr. Adams reported that he met with Chief McCoy and reviewed some work items where he will be assisting. Those projects will come through the Commission. The first projects include promotional procedures and a professional development process.

9. SUB COMMITTEE REPORTS

A. Budget Subcommittee

FULLMER Mr. Fullmer reported that the budget committee reviewed the annual budget and minimized them down to a three-month budget for approval. He noted that there are some up front costs, such as legal fees, in the initial start up, which would not be multiplied out four times to equal an annual budget.

HUNT Mr. Hunt asked about hydrant services and whether they are being split 45/55.

FULLMER Mr. Fullmer responded that the 45/55 split is based on the total budgets for both townships. Items like hydrants should not be put into the mix piece meal because it would result in inaccurate numbers.

HUNT Mr. Hunt noted that the second part of that is the intention to handle the hydrant fees as previous discussed.

FULLMER Mr. Fullmer responded that he was correct.

HUNT Mr. Hunt stated that it would seem very easy to have the hydrants built based on geography and not necessarily split.

FULLMER Mr. Fullmer stated that it works out within the good faith of both townships working together to get this far. The budgets originally were prepared several years ago, and what is actually happening in today's environment, is still in the 45/55. He was very comfortable with the direction moving ahead.

B. Negotiation Subcommittee

FULLMER Mr. Fullmer stated that the Negotiating Subcommittee met on March 14th with the union and both sets of attorneys. He reported that it had been a cordial meeting and there are some discussions that need to be dealt with on both sides. The next meeting is scheduled for April 14, 2008.

C. Volunteer Subcommittee

ECKERT Don Eckert provided copies of his documentation to the Commission. The subject of his letter, as President of the Springettsbury Township Volunteer Fire Company, was the transfer of ownership of specified fire apparatus. He read the letter, which indicated that the board of directors of the Springettsbury Township Volunteer Fire Company voted unanimously to transfer ownership of specific fire apparatus at its regular monthly meeting on March 3, 2008. The apparatus was listed with specific fire service numbers:

- E17-2 - 1990 Pierce engine pumper;
- E16 - 1997 Spartan engine pumper;

- E17-1 - 1997 Spartan;
- P-16 - 2002 American LaFrance ladder truck;
- Air 16 - 1994 Mack Air Cascade truck.

All VIN numbers were provided. The transfer of ownership was contingent upon the Commission and Springettsbury Township Volunteer Fire Company agreeing to specific conditions as follows:

- The Commission immediately assumes full responsibility for the three outstanding loans on apparatus E16, E17-1 and truck 16 with loan numbers 18735, 18737 and 19583, which are owed to the Pennsylvania Emergency Management Agency with a total pay-off amount of \$147,193.58.
- The Commission acknowledges the existing fixed equipment and portable equipment on the transferred apparatus and mutually agrees with the Springettsbury Firemen's Relief Association relative to the value of the inventoried equipment. The agreed-upon value shall revert to the Springettsbury Firemen's Relief Association.

SCHENCK Chairman Schenck clarified that it is a requirement of the State Relief Act.

ECKERT Mr. Eckert responded that he was correct, and the state performed an audit every year.

HOVIS Solicitor Hovis asked whether the value remained for the useful life of a piece of equipment.

ECKERT Mr. Eckert responded that items such as light bars would be replaced due to the age of the equipment. He added that the Relief Association meets every month and specific items could be discussed at that time.

SCHENCK Chairman Schenck commented that it would matter if a piece of equipment was disposed of or replaced.

ECKERT Mr. Eckert continued with the specific required conditions of the transfer:

- Upon payment of the existing loans, the fire company will convey the titles.
- All future operational and maintenance requirements and costs on the transferred equipment shall be the full responsibility of the York Area United Fire and Rescue Commission.
- Insurance coverage shall be the responsibility of the York Area Fire and Rescue Commission immediately following the transfer. The existing coverage expires on April 1, 2008.

Mr. Eckert provided a complete listing of each piece of equipment including the coverage paid on each piece with policy numbers and dates. He stated that the

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Springettsbury Township Volunteer Fire Company agreed that the action was timely and appropriate.

SCHENCK Chairman Schenck thanked Mr. Eckert and the Volunteer Fire Company for the generous offer, which will make the operations much smoother for the new organization.

ECKERT Mr. Eckert continued that the Merger Committee met on March 8, 2008 and had agreed to use Attorney Jeff Rehmeyer with the Countess Gilbert and Andrews firm to do the legal work of forming a new non-profit corporation in the state of Pennsylvania. The cost, which will include approximately \$550 filing fee and state costs, will total approximately \$2,400. The Volunteer Fire Company requested that the Commission consider underwriting that cost.

SCHENCK Chairman Schenck thanked him for a great job, and indicated the Commission would consider that request.

GUMKE Ms. Gumke agreed and asked Solicitor Hovis whether the Commission could legally donate money to the volunteer organization.

HOVIS Solicitor Hovis responded that part of the purpose recognized within the Charter Agreement is to provide a good working relationship, not only with the paid firefighters but also with the volunteers. That would be considered a proper use of funds.

BISHOP Mr. Bishop commented that a long tradition exists of the community supporting volunteer organizations. There may be opportunities to facilitate that kind of support to assist them raising some money rather than using taxpayer funding.

FULLMER Mr. Fullmer asked whether the pay off of the loans would be paid at one time. He was concerned with the insurance expiring April 1st.

SCHENCK Chairman Schenck responded that it was Springettsbury Township's intent to pay off the loan out of the separate capital fire fund and the amount would be part of its contribution to the new organization. He indicated that Mr. Holman has the pay-off figures and a settlement date scheduled prior to April 1.

HOLMAN Mr. Holman noted that the pay-off figure he has is good to March 25th. As soon as all the VIN numbers and documentation on the vehicles is received, that will be provided to the insurance carrier and all insurances will be in place.

BISHOP Mr. Bishop noted that the Springettsbury Township Board previously had approved the action to pay off the loans.

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HUNT Mr. Hunt asked Mr. Fullmer whether he was familiar with the documentation that Mr. Eckert had provided. He recalled some questions concerning the agreed value of the equipment.

FULLMER Mr. Fullmer responded that a review of the insurance standpoint would be first and what would be paid if there was a loss. The value related to the replacement costs.

HUNT Mr. Hunt asked Chief McCoy whether he had an opportunity to do any follow up investigation with VFIS.

MCCOY Chief McCoy responded that he met with them and determined that they continue with the agreed values which were set about two years ago, and they will repair up to 75% of the value.

HUNT Mr. Hunt asked whether there was any background formula as to how the agreed value is determined.

MCCOY Chief McCoy responded that he was advised the agreed values are placed by the department.

ECKERT Mr. Eckert noted that he was correct in the way it was established.

SCHENCK Chairman Schenck indicated it sounded rather subjective.

MCCOY Chief McCoy stated that they made telephone calls to the manufacturers of each piece of apparatus. Pictures will be sent with mileage in order to get an assessment from the actual manufacture of the values.

SCHENCK Chairman Schenck stated that the issue could be discussed further.

MS. GUMKE MOVED TO GRACIOUSLY ACCEPT THE TRANSFER OF FIRE VEHICLES FROM THE SPRINGETTSBURY TOWNSHIP VOLUNTEER FIRE COMPANY AS DOCUMENTED IN DON ECKERT'S MEMORANDUM TO THE COMMISSION SUBJECT TO REACHING MUTUAL TERMS AND CONDITIONS ACCEPTABLE TO BOTH THE VOLUNTEER FIRE COMPANY AND THE COMMISSION GIVEN THE FACT THAT THEY HAVE LISTED A NUMBER OF ITEMS THAT NEED TO BE SATISFIED. MR. HUNT WAS SECOND. MOTION UNANIMOUSLY CARRIED.

10. RESOLUTIONS AND AGREEMENTS

A. Resolution No. 2008-04 – Approval of 2008 YAUFR Temporary Budget

SCHENCK Chairman Schenck noted that the Commission members had received copies of

the temporary budget. He noted that the budget did not include salaries due to the lack of the labor agreement. It is a good line item by line item budget that will enable the operation during the first quarter of 2008. He called for a motion approving Resolution 2008-04, the YAUFR Temporary Budget.

MR. BISHOP MOVED TO ADOPT RESOLUTION 08-04 AUTHORIZING APPROVAL OF THE TEMPORARY BUDGET. MS. GUMKE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

SCHENCK Chairman Schenck commented that Chief McCoy brought to his attention copies of letters he wanted to send to some other fire companies in the state of Pennsylvania that suffered some fatalities. It was a great thing to bring forward and support.

B. Approval of Deputy Fire Chief Job Description

MR. HUNT MOVED TO APPROVE THE JOB DESCRIPTION FOR THE DEPUTY FIRE CHIEF, MR. FULLMER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

C. Approval of Administrative Assistant Job Description

HUNT Mr. Hunt mentioned the first bullet point under duties, "takes and transcribes minutes of meetings." He asked whether Chief McCoy was implying that Ms. Gotwalt should come to the Commission and/or township meetings.

MCCOY Chief McCoy responded that it would include meetings associated with his course of work in the office.

HUNT Mr. Hunt noted a requirement on both job descriptions that they must possess a valid Pennsylvania driver's license. He asked whether the individual could still function in their respective positions if they lost their license.

MCCOY Chief McCoy responded that it was a catch-all phrase he had noted in many job descriptions for a valid driver's license to be able to get to work.

HUNT Mr. Hunt noted that if, for some reason, the Chief or the Deputy Chief lost his license, he would have a serious time performing his job duties. He asked whether that should be an on-going job requirement.

MCCOY Chief McCoy responded yes, that it should be an on-going requirement.

BISHOP Mr. Bishop asked what the result would be if someone lost their driver's license and whether they would be fired.

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HUNT Mr. Hunt added that alternative arrangements could be made, such as being confined to desk duty or take vacation. He pointed out that the Chief and Deputy Chief and firefighters need to be relatively portable to perform their jobs.

MCCOY Chief McCoy noted that there definitely would be different circumstances.

BISHOP Mr. Bishop indicated that the question in those circumstances would be what the job description controlled.

HUNT Mr. Hunt responded that it was a good question. He added that it was only an opinion voiced for comment.

MS. GUMKE MOVED TO APPROVE THE ADMINISTRATIVE ASSISTANT JOB DESCRIPTION. MR. HUNT WAS SECOND. MOTION UNANIMOUSLY CARRIED.

11. ACTION ON MINUTES

A. Approval of Minutes: February 19, 2008, Commission Meeting

MR. FULLMER MOVED TO APPROVE MINUTES OF THE FEBRUARY 19, 2008 COMMISSION MEETING. MS. GUMKE WAS SECOND. MOTION UNANIMOUSLY CARRIED.

12. OLD BUSINESS

There was no Old Business for discussion.

13. NEW BUSINESS

A. Approval of Amended Charter Agreement dated March 12, 2008 as approved by ordinance by Spring Garden Township and Springettsbury Township

SCHENCK Chairman Schenck requested acknowledgment that both townships approved the Amended Charter Agreement.

HOVIS Solicitor Hovis indicated the item was for acknowledgment only. However, it needed to be circulated for execution. The document had been approved by both municipalities, and it amended the September 6, 2007 agreement. The new agreement will be effective March 12, 2008.

MR. HUNT MOVED TO ACKNOWLEDGE RECEIPT OF THE AMENDED CHARTER AGREEMENT DATED MARCH 12, 2008. MR. FULLMER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

B. Authorization for employee contracts for Chief and Deputy Chief

HOVIS Solicitor Hovis stated that now that there are two sworn officers, a Deputy Chief and the Chief, the thought was that not only should they be acting in that capacity for the regional department but also Springettsbury Township and Spring Garden Township. And, therefore, in order to ensure that all the municipalities and the commission were operating on the same page, an agreement was prepared that set forth the status of those two gentlemen with respect to the three entities. It sets forth that Chief McCoy will be the Acting Chief for Spring Garden Township and Springettsbury Township and that Barry Emig will be the Acting Deputy Chief for Springettsbury Township as well as Spring Garden Township. So, therefore, both townships and the commission will be acknowledging that. One exception is that Mr. Emig will remain an employee of Spring Garden Township for the remainder of 2007 as a result of his ongoing pension obligation. And, therefore, the agreement does set forth that Spring Garden is contracting him out to the Commission as well as to Springettsbury Township.

HUNT Mr. Hunt asked when the structure will be effective and whether any action was needed by the municipal boards.

HOVIS Solicitor Hovis responded that it will be effective on March 19th, and each municipality previously had approved the agreement.

MAUST Mr. Maust added that Spring Garden Township had approved it at one of the last meetings subject to consideration of final details and conditions to the satisfaction of Solicitor Hovis.

MS. GUMKE MOVED TO APPROVE THE AGREEMENT AMONG YORK AREA UNITED FIRE AND RESCUE, SPRING GARDEN TOWNSHIP AND SPRINGETTSBURY TOWNSHIP RESPECTING THE EMPLOYMENT OF BARRY E. EMIG AS DEPUTY FIRE CHIEF AND ROBERT H. MCCOY, JR. AS FIRE CHIEF. MR. HUNT WAS SECOND. MOTION UNANIMOUSLY CARRIED.

Appraised Value

SCHENCK Chairman Schenck brought forward the issue of resolving and/or determining the value of the equipment.

HOVIS Solicitor Hovis reverted back to the agreement, which indicated that the fair market value of the assets shall be determined by an appraisal or appraisers appointed by Spring Garden and Springettsbury and shall be based primarily upon fair market value for like-used equipment and materials.

BISHOP Mr. Bishop asked whether the language was specific as to the name of or qualifications for an appraiser.

HOVIS Solicitor Hovis responded that it is not a defined term with some flexibility as to who that individual or firm can be. Springettsbury and Spring Garden Townships both need to be satisfied with the values being placed on the equipment.

- SCHENCK** Chairman Schenck noted that whatever process is chosen, consideration should be given that it would be replicated in the future if other communities join.
- GURRERI** Mr. Gurreri asked whether there are appraisers that specifically appraise fire trucks.
- SCHENCK** Chairman Schenck responded that he was sure there are but it would depend on how much money should be spent. He added that he was not in favor of spending a lot of money, as long as both townships agree. He noted that he was not comfortable with using the insurance company's determination process because it seemed very arbitrary.
- GURRERI** Mr. Gurreri noted that with other municipalities coming in the future, they'll think their truck is worth \$600,000 and the Commission will think it's worth \$300,000. He did not think it could be resolved without having an appraisal.
- SCHENCK** Chairman Schenck agreed that there should be some type and level of appraisal. He was not sure it would be worth a \$20,000 investment.
- BISHOP** Mr. Bishop commented that it was not realistic to think there was an entity or individual available that is an authority upon which to really rely.
- MCCOY** Chief McCoy noted that the VFIS agency pulls from the manufacturer and that was why they are working with VFIS. He added that the manufacturer probably has a much better idea on value.
- SCHENCK** Chairman Schenck commented that he recalled a proposal of approximately \$40,000 for an appraisal.
- HOLMAN** Mr. Holman indicated that \$40,000 was what it cost Springettsbury to get an appraisal of the sewer system and facility. An industrial appraisal was a requirement to obtain insurance. He stated that VFIS, along with a number of other agencies do appraisals of fire equipment. It not only included the trucks, but all of the equipment. Each item on the asset list must be valued. He was sure that Chief McCoy could contact various agencies and obtain quotes or estimates on costs for an industrial appraisal, which will help with insurance going forward.
- SCHENCK** Chairman Schenck suggested that Chief McCoy investigate what additionally might be available to support organizations and come back with a recommendation.
- HUNT** Mr. Hunt added a suggestion that a minimum number be agreed upon in order to not inventory everything. He suggested using \$10,000 as a guide since at some point there should be a cut off. Some of it is consumable and will be turned over in about a month.

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MCCOY Chief McCoy added that it would be beneficial to the Relief Association as far as all the equipment to be evaluated.

BISHOP Mr. Bishop stated that consumables are not really capital assets, and perhaps that would be another way to draw the line.

HUNT Mr. Hunt added that the useful life of more than a year or more than two years could be defined. There needed to be some definition of when to stop.

SCHENCK Chairman Schenck asked whether there was a standard.

RATCLIFFE Ms. Ratcliffe responded that the standard is \$5,000 for capital assets, which assets must have a useful life of greater than one year.

SCHENCK Chairman Schenck asked whose standard made the determination.

RATCLIFFE Ms. Ratcliffe responded that it was determined by the Government Financial Officers Association.

HOVIS Solicitor Hovis commented that it was up to each township to buy into that theory. Each township would make reasonable recommendations, disclose how it was investigated, and present the value.

HUNT Mr. Hunt summarized the discussion. Chief McCoy and Deputy Chief Emig are asked to locate a firm or individual to obtain market price or an appraisal and value of all of the assets that are over \$5,000 with a useful life of greater than one year.

SCHENCK Chairman Schenck agreed. He asked whether there was any further business to discuss.

ECKERT Mr. Eckert noted that Chief McCoy and the three fire company presidents, Scott Curtis, Tom Stees and he will be meeting on March 19, 2008.

14. ADJOURNMENT

SCHENCK Chairman Schenck adjourned the meeting at 8:10 p.m.

Respectfully submitted,

John Fullmer
Secretary

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