

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

**JUNE 17, 2008
APPROVED**

The York Area United Fire and Rescue Commission held a Regular Meeting on Tuesday, June 17, 2008, at 7:00 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
Richard Guyer, Spring Garden Commission Member
Don Bishop, Springettsbury Commission Member

NOT IN

ATTENDANCE: Chief McCoy, Chief, YAUFRR
John Holman, Springettsbury Township Manager

ALSO IN

ATTENDANCE: Steve Hovis, Solicitor
Barry Emig, Deputy Chief, YAUFRR
Dave Eckman, Greater York Professional Firefighters
Les Rhoads, Greater York Professional Firefighters
Ed Morin, Greater York Professional Firefighters
Don Eckert, Springettsbury Merger Committee
Scott Curtis, Grantley Merger Committee
Tom Stees, Victory Merger Committee
Various other members of the fire companies
Linda Bayman, Administrative Assistant, YAUFRR
Jean Abrecht, Stenographer

1. CALL TO ORDER

A. Opening Ceremony

SCHENCK Chairman Schenck called the meeting to order at 7 p.m.

1. Pledge of Allegiance

SCHENCK Chairman Schenck led the Pledge of Allegiance. He stated that a Quorum was present.

2. ANNOUNCEMENT OF EXECUTIVE SESSIONS

SCHENCK Chairman Schenck announced that there had been no Executive Sessions since the last meeting, and none were planned for this date.

3. COMMUNICATION FROM CITIZENS

There were no citizen comments.

4. MANAGEMENT/ATTORNEY REPORTS

A. Steve Hovis, Solicitor

HOVIS Solicitor Hovis reported that he had nothing to bring to the attention of the Commission.

B. Robert McCoy, Fire Chief, YAUFRR

SCHENCK Chairman Schenck reported that Chief McCoy was on vacation. He had provided his written report in the meeting packet. It had been a straight-forward month. Chairman Schenck questioned the incident counts listed, which were the same numbers as previously reported.

EMIG Deputy Chief Barry Emig responded that since it began in May, the numbers are basically the same, but the next report will be different.

SCHENCK Chairman Schenck stated that the Charter Agreement called for the funding of the offer to be split 45/55% between Spring Garden and Springettsbury Townships, and over time that ratio will be adjusted by call volume. Year-to-date the numbers are right in that 45% of the calls for Spring Garden calls and 55% of the Springettsbury calls.

EMIG Deputy Chief Emig responded that he was sure that would change slightly.

5. ACCOUNTS PAYABLE

A. Payable Listing as of May 31, 2008

SCHENCK Chairman Schenck indicated that the listing was more of a budget status report year-to-date. Further into the report documented the actual check runs.

MR. HUNT MOVED TO APPROVE ACCOUNTS PAYABLE LISTING OF MAY 31, 2008. MR. GUYER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

6. BIDS, PROPOSALS AND CONTRACTS

There were none for action.

7. COMMUNICATION FROM COMMISSIONERS

HUNT Mr. Hunt asked whether more should be done to explain to the residents exactly what the York Area United Fire and Rescue does. He happened to drive by a sign that indicated the area was protected by a certain fire department. Another idea would be to have a pamphlet to hand out at a public service event. He asked

whether anyone saw a need to broaden the public's awareness as to who to call, etc.

FULLMER Mr. Fullmer responded that residents should call 911 and it would be dispatched accordingly.

HUNT Mr. Hunt asked whether there was a fire prevention budget for materials.

EMIG Deputy Chief Emig responded that they had created a number of pamphlets for handout material for various kinds of fire prevention public education programs. There is a panel inside that describes YAUFRR.

HUNT Mr. Hunt stated that he had not been aware of that, and he asked Ms. Bayman to add that to the packet for next month's meeting.

BAYMAN Ms. Bayman stated that she was not certain that YAUFRR has a fire prevention listing as a line item in the budget. She asked whether the board would want to see that as a line item. If so, she would relay the information to Sandy Ratcliffe.

HUNT Mr. Hunt commented that somehow the money is spent on it. He was not aware of where it comes from, but there had been promotions.

EMIG Deputy Chief Emig responded that the Spring Garden Relief Association paid some of it. That was the only place there was money for fire promotion in recent years. He stated that Spring Garden had about \$800.

FULLMER Mr. Fullmer commented that it all comes out of one budget.

BISHOP Mr. Bishop noted that residents will call 911. Promoting the identity is not really critical to the mission.

HUNT Mr. Hunt stated that branding is always important.

BISHOP Mr. Bishop noted that it may be in business, but he was not sure that when public service is involved it really mattered. Since YAUFRR is only in the second month of actual operations, the need is to focus on operations and putting effort into that side. Mr. Bishop noted that he was not saying it wasn't a good idea, but rather not to take Chief McCoy off his primary duties of which he has a list of operating procedures that still need to be completed.

SCHENCK Chairman Schenck commented that within Springettsbury Township, there had been an article about YAUFRR in nearly every issue informing the residents. However, he did not think that the average citizen, unless they used the service, are aware of the relationship or really understand it. It might not be a priority today because of other items; however, handouts should be a part of it.

8. SUBCOMMITTEE REPORTS

A. Budget Subcommittee

FULLMER Mr. Fullmer reported that the final budget had been approved by both townships and is being implemented by Sandy Ratcliffe. He added that there is a need to begin planning and preparing a budget for next year. The strict deadlines are not just for the operations budget, but for the capital expenditures budget for five years.

SCHENCK Chairman Schenck indicated he knew that Chief McCoy was well aware of that. He asked Ms. Bayman to put together some proposed schedules and email them.

HUNT Mr. Hunt visualized that it would be similar to the Spring Garden budget; that staff would develop it for conversation and strategic ideas, develop deadlines and bring the overall budget back to the board.

SCHENCK Chairman Schenck stated that it must be finalized and presented to the townships by the end of September.

FULLMER Mr. Fullmer asked whether the Budget Subcommittee could be eliminated as its job is done.

HUNT Mr. Hunt responded that he thought that Mr. Fullmer was taking charge and getting the mechanics of the whole finance operation in place. He asked whether he was recommending that the Budget Subcommittee be thanked for a wonderful job and dismissed.

FULLMER Mr. Fullmer responded that he was correct.

BISHOP Mr. Bishop indicated he would like to see him come up with a schedule for the creation of the new budget.

FULLMER Mr. Fullmer responded that he would meet with Chief McCoy and coordinate the individuals.

HUNT Mr. Hunt noted that there was a September time line.

SCHENCK Chairman Schenck commented that Mr. Fullmer could make that the final project of the Subcommittee.

FULLMER Mr. Fullmer responded that he would do so.

B. Negotiation Subcommittee

FULLMER Mr. Fullmer reported that, unfortunately, there had not been any joint contract negotiations between the bargaining unit and the Subcommittee. However, Spring Garden Township had worked out an arrangement with its union to extend

the contract for another two years, which will coordinate with the Springettsbury Township agreement. Mr. Fullmer noted that it was a positive step.

C. Volunteer Subcommittee

ECKERT Mr. Eckert reported that at the last board meeting the Springettsbury Fire Company voted to proceed with the formation of a non-profit corporation, which is in process. The attorney is on vacation at this time. This was done in conjunction with the other two presidents.

STEEES Mr. Stees stated that they had discussed the issues with Mr. Eckert and did not want to reinvent the wheel. They will be meeting with Chief McCoy to determine exactly what he wants at this point.

ERCKERT Mr. Eckert added that it would be in terms of bylaws and things of that nature rather than re-invent new ones. They want to keep it simple.

CURTIS Mr. Scott Curtis noted that another item to keep in mind is that the new organization would be primarily focused on volunteer fire fighters and fire police. They will create something to make the discussion simple. EMS is not included in this initially as it is a separate entity.

SCHENCK Chairman Schenck noted that it sounded like there had been a very productive meeting with the Police Chiefs as far as the Fire Police. He asked whether the organization of the Volunteer Fire Company would help.

ECKERT Mr. Eckert responded that the two police departments are waiting until the new Volunteer Fire Company is formed since fire police originate from a fire company. As soon as the new company is up and running, another meeting will be held. Everything else is ready for the combined YAUFR unit. He stated that there are clear lines of authority working under the police department and with Chief McCoy and the Deputy Chief.

9. RESOLUTIONS AND AGREEMENTS

A. Resolution No. 2008-09 – A Resolution of the York Area United Fire and Rescue Commission Authorizing a 457 Deferred Compensation Plan and Appointing the Trustee and Coordinator of the Plan.

SCHENCK Chairman Schenck stated that there are two Resolutions for action, both of which deal with retirement plans. At this time there are two employees, and action needed. He asked Solicitor Hovis if he had any comments.

HOVIS Solicitor Hovis stated that one does provide for a 457 plan and another a 401 benefit plan for non-union employees. He noted that Chief McCoy had been working with staff to review certain proposals. They came forward with a proposal that was acceptable by Resolution. As part of that proposal there was a

format which was provided by the provider which indicated that the firemen would be accepted into that plan.

FULLMER Mr. Fullmer commented that Solicitor Hovis had mentioned the word “non-union”, but the Resolution did not state that.

HOVIS Solicitor Hovis responded that it may not be in the Resolution, but within the text of the Plan itself it references who would be provided for in the plan.

HUNT Mr. Hunt commented that the board knows the intent, but if the union were interested he asked if there would be any legal ramifications.

HOVIS Solicitor Hovis responded that it would be legal to the extent that it would be negotiated into any collective bargaining agreement. There may be an amendment to the Resolution and the Plan, but that is something that the collective bargaining agreement would stipulate, i.e., that they are part of the 457 and 401 Plan.

FULLMER Mr. Fullmer stated that his comment had been made towards making sure there is a document geared toward the Resolution and Plan that does not hinder any negotiations with the union, and that something might be set up indicating a wrong direction. If it is strictly set up for the two current non-union employees, he wanted that stated in the record and then that it could be amended in the future if there were other parties joining.

HOVIS Solicitor Hovis asked whether he feared that somehow a contract could be negotiated and they would slip into a 401 Plan. He did not see that occurring because there would need to be specific negotiation and agreement reached. It is a separate plan.

FULLMER Mr. Fullmer noted that at this time each union has its own plan. He asked if they enter into one or the other in their separate plans, how they would enter into this separate plan. Mr. Fullmer stated that he wanted to be sure that it is worded such that there is no co-mingling or that there is some confusion in the future, whether it be in negotiations or whether it be in actuality. At this time there are two non-union employees and eventually there will be at least three that would be under this plan. We have two other union plans that, if they stay the same or if they're combined, they would be separate from this.

HOVIS Solicitor Hovis stated that under the 457 plan documents, it is required to list the number of eligible employees of which there are presently two. The number of people are specified in that plan.

FULLMER Mr. Fullmer noted an additional concern with service agreements which are for five years. By enacting this, it is locked for five years, and it is not written as though it is non-union personnel. He just wanted to be sure there are no conflicts

when contract negotiations take place. It is something separate and not part of this plan.

HOVIS Solicitor Hovis responded that at the time of negotiations the 457 Plan will be reviewed to see if they fit into it or whether a new 457 Plan needed to be created. It would not automatically occur without that process.

BISHOP Mr. Bishop suggested that by going back to Mr. Fullmer's first comment, would it be just as simple to change the first "whereas" to say "as certain non-union employees."

HOVIS Solicitor Hovis did not have a problem with that. It could be negotiated in the future.

BISHOP Mr. Bishop added that it can always be changed to remove any ambiguity.

HUNT Mr. Hunt asked whether there would be any advantage to limiting it. What Solicitor Hovis had stated was that by having it the way it is, the union would be allowed to join if they so choose, but they are not choosing because of their current contract. The converse of that says to specifically exclude them, and he saw no advantage to doing so. In two years when a contract is being negotiated and they review the 457 Plan, they might say it is a better deal and want to be included. The eligible employee rules would have to be changed, but this document would allow for that.

HOVIS Solicitor Hovis read several paragraphs from the Plan document, which identified employee individuals as common law employees. He stated that the phrase common law employee was used to exclude employees in the collective bargaining agreement. That phrase, common law employee, was not used in the Resolution, which would be inconsistent with the Plan document.

FULLMER Mr. Fullmer acknowledged that if Solicitor Hovis was comfortable with the description for common law/non-union employees, he would rest his case.

HOVIS Solicitor Hovis responded that he was comfortable with it. He added that if negotiations came down to a point where there was a need for a 401 or 457 Plan and it became a pivotal issue, it would need to be negotiated.

HUNT Mr. Hunt noted that the Agenda item did not identify names.

HOVIS Solicitor Hovis responded that the Resolution should identify the Fire Chief of York Area United Fire and Rescue and not the name.

MR. HUNT MOVED TO ADOPT RESOLUTION 2008-09, SETTING UP A 457 DEFERRED COMPENSATION PLAN AND APPOINTING THE FIRE CHIEF OF YAUFR AS THE COORDINATOR AND ICMA AS TRUSTEE. MR. BISHOP WAS SECOND.

- ECKMAN** Mr. Dave Eckman mentioned that Springettsbury Township currently offered a 457 Plan to the employees outside of the collective bargaining process. He wasn't sure if he understood the entire discussion.
- SCHENCK** Chairman Schenck responded that they were aware of the Township offering the 457 Plan. This action was to extend that optional plan to the current YAUFRR employees.
- HOVIS** Solicitor Hovis asked whether that was done voluntarily or as a benefit to the firefighters.
- ECKMAN** Mr. Eckman responded that it was made available to the 17 firefighters.
- HOVIS** Solicitor Hovis asked whether that was done by way of Resolution authorizing each participant in the plan.
- ECKMAN** Mr. Eckman responded that he did not know the answer to that question.
- HOVIS** Solicitor Hovis asked whether they had negotiated that as part of their collective bargaining unit or whether it was voluntarily provided.
- ECKMAN** Mr. Eckman responded that it had not been negotiated, but he sensed that because it was a deferred comp plan and there was no employer money going into it that it was voluntarily provided. He was not aware of the mechanics of how it transpired or what took place at the administration level. He stated that it was managed by ICMA.
- SCHENCK** Chairman Schenck stated that it would be the same plan with the same administrator providing for the employees of YAUFRR.
- ECKMAN** Mr. Eckman stated that he wanted to make sure that everyone understood that the 457 Plan was currently in place in Springettsbury. He thought he heard that what was about to happen was exclude the firefighters.
- HOVIS** Solicitor Hovis responded that Mr. Holman and Chief McCoy had coordinated this, but unfortunately, neither of them were present. He did not know what their intent was.
- SCHENCK** Chairman Schenck stated that the discussion was to get the plan started for the two particular associates. He thought the discussion should be deferred because it is an optional benefit to employees, union or non-union.
- FULLMER** Mr. Fullmer asked whether there was a time period where this would be in place for Chief McCoy and Ms. Bayman.

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

**JUNE 17, 2008
APPROVED**

HUNT Mr. Hunt stated that the pressure he felt was to get it enacted for Chief McCoy and Ms. Bayman. He did not want to defer it a month to make sure.

HOVIS Solicitor Hovis stated that adopting it today would not automatically include firefighters.

MOTION UNANIMOUSLY CARRIED.

B. Resolution No. 2008-10 – A Resolution of the York Area United Fire and Rescue Commission Designating a Money Purchase Retirement Plan and Appointing the Trustee and Coordinator of the Plan.

MR. HUNT MOVED TO ADOPT RESOLUTION 2008-10, A RESOLUTION OF THE YORK AREA UNITED FIRE AND RESCUE COMMISSION DESIGNATING A MONEY PURCHASE RETIREMENT PLAN AND APPOINTING THE FIRE CHIEF OF YAUFR AS THE COORDINATOR AND ICMA AS TRUSTEE.

GUYER Mr. Guyer wanted to make sure that, even though the professional firefighters have the 457 presently, in two years when negotiations take place, the 457 can be changed.

SCHENCK Chairman Schenck responded that they are still technically Springettsbury Township employees, and nothing would change. This Resolution does not apply to Springettsbury Township employees.

GUYER Mr. Guyer indicated he understood.

MR. GUYER WAS SECOND. MOTION UNANIMOUSLY CARRIED.

10. ACTION ON MINUTES

A. Approval of Minutes: May 20, 2008 Commission Meeting

MR. FULLMER MOVED FOR THE APPROVAL OF MAY 20, 2008 COMMISSION MEETING MINUTES. MR. BISHOP WAS SECOND. MOTION UNANIMOUSLY CARRIED.

11. OLD BUSINESS

There was no Old Business for discussion.

12. NEW BUSINESS

A. Proposal letter from St. Reality regarding the purchase of the property at 3013 East Market Street (Station 89-1)

SCHENCK Chairman Schenck noted that item A required no action since YAUFRR does not own the property in question. He wanted the board to be aware that there was some interest in the property.

B. York Area United Fire and Rescue requesting assistance from Spring Garden and Springettsbury Townships for applying for a DCED Shared Services grant for start up costs.

SCHENCK Chairman Schenck stated that item B requested action by a motion to request assistance from both townships for YAUFRR to apply for the DCED Shared Services grants.

MR. FULLMER MOVED FOR APPROVAL OF ASSISTANCE FROM BOTH SPRING GARDEN AND SPRINGETTSBURY TOWNSHIP IN THE APPLICATION FOR DCED SHARED SERVICES GRANTS. MR. GUYER WAS SECOND.

HUNT Mr. Hunt added that specific to this action would prompt Chief McCoy's office to send a letter to the municipalities. Springettsbury Township is requested to be lead agency and Spring Garden to be a co-signer.

MOTION UNANIMOUSLY CARRIED.

Title and Inspection of Vehicles

HOVIS Solicitor Hovis reported that there had been some difficulty in the title and inspection of vehicles. He had been directed to call Chief Gross to see how they handled such items. Chief Gross reported that they had been using York Township for a while and had no problem, but it had become cost prohibitive. They are now using an outside contractor for less money. Therefore, they really had not dealt with that issue and were not aware of the mechanic being able to do inspections. With respect to the titling issue, they were unaware of any problems that they had. They did not experience problems that our administrative staff had as a municipal titled entity.

SCHENCK Chairman Schenck asked whether there would ever be a need to have that cleaned up.

HOVIS Solicitor Hovis responded that it was worth investigation. They are having a meeting on June 23rd with the delegation, and they can discuss why YAUFRR is being treated this way. He added that he believed the appropriate designation is a political subdivision.

HUNT Mr. Hunt asked how the issue had been managed when the Springettsbury fire trucks were titled to the volunteer company.

HOVIS Solicitor Hovis responded that one of the boxes on the form for titling is "volunteer fire company."

SCHENCK Chairman Schenck stated that the question is whether either township's licensed inspection mechanics can do inspections on this fire apparatus. Generally their license is only good for the municipal fleet and the question is whether that would stretch to include these vehicles.

HUNT Mr. Hunt commented that it was interesting that the PennDOT form has 20 specific boxes and there was a very specific exclusion.

13. ADJOURNMENT

SCHENCK Chairman Schenck asked for any further discussion. Hearing none he adjourned the meeting at 8 p.m.

Respectfully submitted,

John Fullmer
Secretary

ja