

Borough of West Mayfield  
Mayor  
Members of Council  
Secretary-Treasurer  
Code Enforcement Officers  
Solicitor  
Tax-Collector



Dear Borough of West Mayfield official:

As a professional courtesy, the West Mayfield Fire Service Review Committee (FSRC) respectfully directs your attention to the following areas of inquiry and questions within the scope of matters pertaining to fire prevention and fire protection.

At our public FSRC Local Government meeting on June 19, 2024, we will be directing our concerns and questions to the panel of borough officials. We look forward to your participation.

## **Ordinances & Legislation**

Please visit our [FSRC Community Survey](#) to view citizens' feedback regarding this area.

Information and comments requested from, but not limited to, the following:

Council, Fire & Police Committee, Finance & Litigation Committee, Solicitor, Office of Mayor

FSRC has reviewed West Mayfield ordinances and other regulations related to fire protection and fire prevention matters. We have been particularly interested in how borough leaders (elected or appointed) manage their authority and oversight duties within the scope of their statutory and legal powers regarding fire prevention and fire protection matters.

The public records we reviewed include state statutes, the Borough Code, and West Mayfield borough ordinances. To better understand how borough officials carry out their duties and obligations as defined by law and customary practice within the local government, we also reviewed council meeting minutes, council committee reports, and other public documents.

For a comparative perspective, we also looked to municipalities locally and across the Commonwealth for a wider understanding of their fire prevention and fire protection legislation. You can see examples on our [FSRC Committee page](#).

## **Borough Ordinances**

Regarding fire prevention and fire protection matters, the borough's ordinances are neither well organized or up to date. Many municipalities across the Commonwealth have created a unified or omnibus "Fire Prevention and Fire Protection" ordinance.

Council has long recognized that the borough's ordinances are outdated and need to be recodified, especially ordinances that deal with public safety.

1. Does council have any comprehensive plan to update and recodify borough ordinances, especially those related to public safety? If so, what would be the timeline?
2. Would the Ordinance Committee manage a recodification project?
3. What recommended changes or amendments to the public safety ordinances would be favored by the Fire & Police Committee?
4. What recommended changes or amendments to the public safety ordinances would be favored by other council members, other committees, and other borough officials such as the Emergency Management Coordinator, Code Enforcement team, Fire Chief?

### **Fire Service Agreement**

A public records request to the borough secretary-treasurer reveals that the borough does not have a formal written fire service agreement with the West Mayfield Volunteer Fire Department.

1. Does any other borough official or officer of the fire service know of and have access to a written service agreement between the Borough of West Mayfield and the West Mayfield Volunteer Fire Department?
2. If currently no written fire service agreement exists defining the legal terms, conditions, operational duties, and financial obligations of the working relationship between the municipality and the WMVFD, would the Solicitor recommend the drafting of such a contract?

### **Mutual Aid Agreements**

County-wide mutual aid agreements exist between and among all fire departments and other emergency responders, including emergency management agencies. These mutual aid agreements are available in the public record. However, it is unknown if specific mutual aid agreements exist between WMVFD and other fire services. State statute Title 35 seems to suggest that such agreements are the prerogative of municipalities, and local municipalities such as Hopewell Township and Potter Township have codified this authority.

1. Has council vetted (read, reviewed, and approved) any specific mutual aid agreements created by or entered into by WMVFD and other municipal fire services?

2. Are the Fire and Police and Finance & Litigation Committees aware of any such agreements?
3. Is the Solicitor aware of any such mutual aid agreements? If so, are these agreements legal and proper?

### **Fire Prevention Code**

Part 16, Chapter 1604 (Fire Prevention Code) of our borough ordinances requires the municipality to have a fire prevention code as “recommended by the American Insurance Association, being particularly the 1970 Abbreviated Edition, save and except such portions as are hereinafter deleted, modified, or amended.” There is no information in the ordinance indicating when the Fire Prevention Code was last reviewed or amended, but this section survived the 1976 borough ordinance recodification, making our official Fire Protection Code 48 years old.

During a Fire & Police Committee report delivered on April 14, 2022, committee chair and Assistant Fire Chief Wendy Harker stated, “The ISO insurance inspection has been complete and the fire department received a rating of 6. In order to get a higher rating you must have paid firefighters. *The borough needs to adopt an international fire code and adopt an ordinance for it.*” [emphasis added]

1. Has council taken any legislative action regarding the 2022 fire department and ISO insurance inspection recommendation to adopt an international fire code?
2. Does the Fire & Police Committee work with the fire service provider to regularly review and update if necessary the borough’s Fire Prevention Code?
3. Currently, what fire prevention code is used by the borough’s code enforcement team?

### **ISO Public Protection Classification**

Also known as the ISO Fire Service Audit, this periodic insurance industry assessment affects fire insurance premiums and, in extreme cases, if property owners can obtain fire insurance at all. A search of public records reveals that council may not be fully aware of our community’s PPC standing.

1. Does the borough require from the WMVFD or the insurance organization (Verisk) a current, complete, and unabridged copy of the ISO PPC report?
2. Has the Fire & Police Committee ever reviewed and evaluated the ISO PPC report, communicated these findings to council, and offered corrective action plans to improve upon the report’s shortcomings and weaknesses?

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## **Municipal Leadership, Authority, Oversight Duties**

Please visit our [FSRC Community Survey](#) to view citizens' feedback regarding this area.

Information and comments requested from, but not limited to, the following:

Councilmembers, Fire & Police Committee, Finance & Litigation Committee, Office of Borough Secretary-Treasurer, Emergency Management Coordinator, Solicitor, Office of Mayor

FSRC has reviewed many public records to help us understand the borough's municipal leadership structure regarding fire prevention and fire protection matters. We have been particularly interested in how borough leaders (elected or appointed) manage their authority and oversight duties regarding fire prevention and fire protection matters that are within the scope of their statutory and legal powers. These public records include state statutes, the Borough Code, and West Mayfield borough ordinances. To better understand how borough officials carry out their duties and obligations as defined by law and customary practice within the local government, we reviewed council meeting minutes, council committee reports, and other public documents. For a comparative perspective, we also looked to neighboring municipalities for a wider understanding of how others carry out their authority and oversight duties. You can read summaries of our conversations with local municipalities on our [FSRC Committee page](#).

### **Council's Fire & Police Committee**

Council has ultimate legal and legislative authority over fire prevention and fire protection matters. However, it seems that council has delegated its oversight and managerial authority to the Fire & Police Committee, which typically consists of three councilmembers, one of which serves as the committee chair. .

1. [Is there a formal, written committee description that defines mission and scope, powers, duties, and obligations of the Fire & Police Committee?](#)
2. [What are the qualifications of council members serving on this committee, especially the chair?](#)
3. [What are the specific duties and responsibilities of the committee chair?](#)
4. [Is it permissible for citizen representatives to serve on the Fire & Police Committee?](#)

### **Professional Reports & Confirmation of Public Safety Readiness**

Borough officials are charged with providing citizens with adequate public safety services. Regular and meaningful public safety reporting to council helps elected and appointed officials (and the public) understand current public safety issues. Moreover, these reports attest to the overall state of readiness of our police, fire, and emergency management services. However, a search of public records regarding official reports from the Fire & Police Committee, Emergency Management Coordinator, and fire

department representatives shows reporting to be lacking uniform structure and continuity, incomplete, delivered irregularly if at all, and oftentimes superfluous.

1. Does council have a written policy that sets forth requirements and expectations for monthly Fire & Police Committee reports?
2. Beyond the ordinance requirement for a mandatory annual report of the Volunteer Fire Department to council, does council have a written policy that sets forth requirements and expectations for the annual fire department report?
3. Does council have a written policy that sets forth requirements and expectations for monthly and annual Emergency Management reports?

### **Public Education & Communication**

Regarding fire prevention and fire protection public education, there seems to be no evidence in the public record over the past five years demonstrating that the borough has initiated or funded any such program on behalf of the WMVFD for the good and welfare of citizens.

1. Is there any public record, such as motions, resolutions, or discussions in council meeting minutes that demonstrate such activities?
2. Does the borough have a designated public safety spokesperson or communications coordinator for such purposes?

### **Confirmation of West Mayfield Special Fire Police**

To generalize, the mayor has relatively few statutory powers and duties regarding fire prevention and fire protection, except in emergencies. However, there is one statutory duty of borough mayors mentioned in Pennsylvania Consolidated Statutes Title 35, Chapter 74 Volunteer Firefighters, Subchapter D Special Fire Police:

*§ 7434. Confirmation. Special fire police nominated under this subchapter shall, before they enter upon their duties, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township or the chief executive officer of a home rule municipality, as the case may be.*

As we understand the law, the mayor of the Borough of West Mayfield has the express statutory obligation (“shall”) to confirm by oath any persons duly nominated by the West Mayfield Volunteer Fire Department to serve as a special fire police agent of the department.

1. For those WMVFD members currently serving as special fire police, does the borough have a record of confirmation(s) by the current mayor or past mayors?

## Budget & Finances

Please visit our [FSRC Community Survey](#) to view citizens' feedback regarding this area.

Information and comments requested from, but not limited to, the following:

- Fire & Police Committee
- Finance & Litigation Committee
- Office of Borough Secretary-Treasurer
- Office of Tax Collector

FSRC has reviewed many public records to help us understand the full range of borough financial support for municipal fire prevention and fire protection services. These records include our municipal budgets, municipal annual financial audits, monthly financial reports, council meeting minutes, council committee reports, and other public records related to the West Mayfield Volunteer Fire Department. We mostly limited the scope of our inquiry to the past five years, 2020-2024, but we did review financial records as far back as 16 years ago. For a comparative perspective, we also reviewed similar public records and data of neighboring municipalities. You can see comparative financial data on our [FSRC Committee page](#).

We have been particularly interested in understanding a true and accurate record of municipal spending in support of our community's fire prevention and fire protection needs and obligations. Based on public records, here is an overview of the borough's annual budgeting for Public Safety-Fire (2020-2024). The following budget categories account for 99.67% of all budgeted expenses between these years.

Without actual financial data to verify spending, borough officials have no way of knowing if they are from year to year over or under budgeting for public safety. However, there is an assumption based on the recommendation of the secretary-treasurer that the borough did, in fact, have the necessary funds to cover these budgeted expenses.

### Budgeted Amounts / What are the Actuals?

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| <p><b>Public Safety-Fire, 2020-2024</b></p> <p>Based on public records, here is an</p> | <ul style="list-style-type: none"> <li>• Five year budgeted total: \$75,340</li> <li>• Five year average annual budgeted amount: \$15,068</li> <li>• 2023-2024 Actuals unknown (data unavailable, incomplete, or unverified)</li> </ul> <p>Public Safety-Fire (2020-2022)</p> |
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| overview of the borough's annual budgeting and known actual spending | <ul style="list-style-type: none"> <li>• 2022: Budgeted (\$20,550), Actual spending (\$23,089)</li> <li>• 2021: Budgeted (\$15,900), Actual spending (\$13,893)</li> <li>• 2020: Budgeted (\$15,700), Actual spending (\$15,783)</li> <li>• 3 year average for actual spending: \$17,588/year</li> </ul> <p>For a wider understanding of what West Mayfield spends for Public Safety-Fire compared to surrounding municipalities, visit the <a href="#">FSRC Fire Service Ecosystem page</a>.</p> |
| <b>Vehicle Fuel</b>  | <ul style="list-style-type: none"> <li>• On average, the borough earmarks 0.81% of its Public Safety-Fire budget for fuel provisions to the WMVFD.</li> <li>• Five year budgeted total: \$750.</li> <li>• Actuals unknown (data unavailable, incomplete, or unverified)</li> </ul>  |
| <b>Insurance and Bonding</b>   | <ul style="list-style-type: none"> <li>• 31.79% of the budget pays for liability insurance and bonding.</li> <li>• Five year budgeted total: \$29,340.</li> <li>• Actuals unknown (data unavailable, incomplete, or unverified)</li> </ul>  |
| <b>Foreign Fire Insurance Premium Tax</b>                            | <ul style="list-style-type: none"> <li>• 27.52% of the budget is paid for by the state's Foreign Fire Insurance Tax distribution.</li> <li>• Five year budgeted total: \$25,400.</li> <li>• PFIPT (2006-2022) actual 17 year avg. (\$5,893)</li> </ul>  |
| <b>Cash Contribution to Volunteer Fire Dept</b>                      | <ul style="list-style-type: none"> <li>• 33.05% of the budget is earmarked as a cash contribution to the fire department.</li> <li>• Five year actual total: \$30,500.</li> <li>• Five year actual average: \$6,100</li> </ul>  |
| <b>Minor Machinery &amp; Equipment</b>                               | <ul style="list-style-type: none"> <li>• 6.50% of the budget is earmarked to pay for the fire department's machinery and equipment needs.</li> <li>• Five year budgeted total: \$6,000.</li> <li>• Actuals unknown (data unavailable, incomplete, or unverified)</li> </ul>   |

**Budgeting Process**

Appropriations

1. How does the borough assess, evaluate, and prioritize identified, need-based financial and in-kind support for our fire protection and fire service needs?
2. Does the Fire and Police Committee (or any other public safety representative in local government) work with other borough officials and/or the fire service to request a listing of needs based on documentary evidence (e.g., financial

records, invoices, receipts, cost increase notices, inflationary projections) that help justify appropriations requests?

3. Does the borough budget section, "Public Safety-Fire" accurately categorize and account (itemize) for all fire prevention and fire protection needs?
4. The municipal budget does not itemize the cost of workers compensation insurance for volunteer fire department staff, which costs taxpayers about \$7,000 per year (as noted in council meeting minutes, February 2022). Why is this specific support for the fire service not noted in the budget in the same way that liability insurance is itemized for the fire department?
5. Based on fire department reporting, if and when provided to council and appearing in the council meeting minutes, the borough's budget line item for the cash value of fuel provisioned in support of the fire department appears to be grossly and consistently miscalculated between 2020-2024. How can this be explained?

### Budget Construction

1. When do borough officials begin the process of deliberating and drafting the annual municipal budget?
2. Is there a budget committee that directs the borough secretary in drafting the annual municipal budget?
3. What role does the Finance & Litigation Committee play in formulating the budget?
4. What role does the Fire & Police Committee play in formulating the public safety budget?
5. How are budget figures calculated (e.g., based on multi-year actual spending trends, documented needs, invoicing, contract agreements)?
6. Where can actual spending data be found?
7. How can this fiscal data be made readily accessible to the public?

### Budget Forecasting

1. With respect to near and long-term future support for fire prevention and fire protection needs and trends, who is responsible for calculating these figures and conveying this information to council and the public?
2. Should the Fire & Police Committee be tasked with this duty?
3. What role would the Finance & Litigation Committee play in preparing for these future budgetary needs?

## **Tax Base**

### Fire Tax



Section 1302(6) of the Pa Borough Code permits municipalities to impose a fire tax:

*For the purchase of fire engines, fire apparatus and fire hose for the use of the borough or for assisting any fire company in the borough in the purchase, renewal or repair of any of its fire engines, fire apparatus or fire hose, for the purposes of making appropriations to fire companies both within and without the borough and of contracting with adjacent municipalities or volunteer fire companies in adjacent municipalities for fire protection, for the training of fire personnel and payments to fire training schools and centers or for the purchase of land upon which to erect a firehouse, or for the erection and maintenance of a firehouse or fire training school and center, not exceeding three mills.*

It is not known if the borough has ever had a fire tax in its one hundred year history. Currently there is no fire tax. A search of public records over the past five years reveals that the subject of fire taxation has been brought up a few times at council meetings, with many citizens opposing the idea unless it is absolutely necessary. The record also shows that council has never formally investigated the pros and cons of a fire tax. In short, the merits of a fire tax are unknown.

1. Given the current tax base of the borough, what would be the estimated revenue generated by the following millage rates: .33 mill, 1 mill, 2 mills, and 3 mills?
2. What would be the estimated tax burden on residents and businesses for the above tax millages?

#### Tax Credit Incentives

In 2016, the state passed Act 172 permitting incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies by providing municipalities with the option to offer a real estate or earned income tax credit to active members of volunteer fire companies and nonprofit emergency medical service agencies through a volunteer service credit program. In 2020, Act 91 expanded the tax relief incentive to counties and school districts. Act 91 also increased the allowable value of the real estate tax credit from 20% of the tax liability to 100% of the tax liability imposed by a unit of local government. See [Volunteer Tax Credit Incentive Program](#).

A search of public records over the past five years reveals that council has never entertained the prospect of incentivising volunteer firefighters with real estate or earned income tax credits. The public record also shows that the WMVFD has never requested that the borough examine the merits of such a proposal.

1. Would there be any appreciable impact upon the borough's property tax base (revenue) if the borough were to implement a tax credit incentive program for members of the volunteer fire department?

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**Please mark your calendar. We look forward to meeting with you in council chambers from 6p-8p, June 19, 2024.**

If you have any questions or concerns about this meeting, please feel free to contact me directly.

PS: Before our FSRC meeting with borough officials, you may find it helpful and informative to review our current research regarding local government and other areas of inquiry. We encourage your comments regarding the accuracy and completeness of any information presented.

You can find this information online by following [this link](#):

<https://www.westmayfieldborough.us/fire-service-review-committee-fsrc/fsrc-local-government/>

Sincerely,



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