

President Noble convened the meeting of Hanover Borough Council on Wednesday Evening, December 28, 2016, 7:00 PM, in the Hanover Municipal Building, 44 Frederick Street, Hanover, Pennsylvania as advertised.

The meeting began with the Pledge of Allegiance to the Flag of the United States of America, followed by a moment of silence. On roll call the following answered as present: Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Roth and Mr. Shea; Mayor Adams; Solicitor Yingst; Manager O'Rourke and Secretary Neiderer. Mr. Angel and Mr. Reichart were absent.

It was moved by Mr. Roth, seconded by Mr. Shea to approve the minutes of Hanover Borough Council from November 22, 2016 as presented. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve the payment of the bills. Motion carried.

It was moved by Mr. Baumgardner, seconded by Mr. Roth to approve the report of the Mayor and the Report of the Fire Chief. Motion carried.

It was moved by Mr. Baumgardner, seconded by Mr. Funke to approve the reports of the following Borough Administrators:

Reports of the following Borough Administrators:

- a.) Report of the Borough Manager
- b.) Supervisor of Public Works
- c.) Superintendent of Water & Wastewater Treatment
- d.) Supervisor of Water Treatment Plant
- e.) Supervisor of Water Distribution
- f.) Supervisor of Water Meter Department

Acknowledgement of Executive Sessions – Chairman Noble noted the following executive sessions were held:

- a.) Tuesday, December 6th at 5:30 PM and Wednesday, December 21st at 5:30 PM on the proposed Hanover Borough/Penn Township Fire Department merger involving the transfer of real estate, personnel, legal advice and information.
- b.) Wednesday, December 14th at 5:30 PM with representatives of the Department of Environmental Protection for a question and answer session on the future of Sheppard Myers Dam and the evaluation of Slagle's Run as a water source.
- c.) Wednesday, December 21st at 5:30 PM with Penn Township Fire Department Merger Steering Committee Representatives.

PROCLAMATION – Mayor Adams read the following proclamation in honor of the Hanover Fire Department's 200th Anniversary:

- P R O C L A M A T I O N -

“200th ANNIVERSARY OF THE HANOVER FIRE DEPARTMENT”

- WHEREAS,** On December 21, 1816 a charter was given to the Hanover Fire Department to be called Hanover Fire Company No. 1; and
- WHEREAS,** In 1903 our growing community formed a second fire company which was designated as Eagle Fire Company No. 2; and
- WHEREAS,** Clearview Fire Company No. 3 was formed in 1956 to assist on the north side of the railroad tracks since there were no companies yet established in that area; and
- WHEREAS,** Hanover Borough Council passed an ordinance in 1966 which united all three (3) fire companies together; and

PROCLAMATION

WHEREAS, Wirt Park Fire Station was built in 1982 which took the place of Chestnut Street Station and Eagle Station to serve as a combined headquarters for both Fire Company No. 1 and Fire Company No. 2.

NOW, THEREFORE, I, Ben J. Adams, Mayor of The Borough of Hanover, York County, Pennsylvania charge all citizens to recognize the **“200th ANNIVERSARY OF THE HANOVER FIRE DEPARTMENT”** and to honor our firefighters for their continued hard work and dedication to our community throughout the years.

In witness whereof, I hereunto set my hand and cause my seal to be affixed this 28th day of December, 2016.

/s/ Ben J. Adams

Mayor Adams presented the proclamation to Fire Chief Cromer and Former Fire Commissioner Councilman Roth. Council Members and those present gave a round of applause and congratulated the Fire Department in honor of their 200th anniversary.

219 BALTIMORE STREET

Mr. John T. Rea, P.E. Project Manager with C. S. Davidson, Inc. was present this evening to review progress on 219 Baltimore Street. The bid specifications for demolition and property plans were emailed to Council members earlier in the week for their review. Mr. Rea would like Council to review and comment, and notify him of any questions or concerns so advertisement could be the fourth week of January with bids due February 17th and final award at the February 22nd Council meeting. Mr. Rea will remain after tonight’s meeting so any questions or concerns can be addressed.

CITIZENS WITH ITEMS OF BUSINESS TO BE BROUGHT BEFORE COUNCIL

None was presented.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Shea to ratify the action of the Borough Officers in making the following investments with People’s Bank for a period of 31 days, November 30, 2016 to December 31, 2016 at an interest rate of 0.73%:

<u>Funds</u>	<u>Investments</u>
General Fund	\$6,034,800.00
Sewer Fund	\$1,595,700.00
Guthrie Memorial Library Fund	\$0.00
Regional Wastewater Treatment Fund	\$552,900.00
Market House Fund	\$26,000.00
Liquid Fuels Fund	\$64,000.00
Equipment Fund	\$92,200.00
Local Services Tax Fund	\$291,900.00
Business Privilege Tax Fund	\$364,500.00
Sewer Projects Fund	\$0.00

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

<u>Funds</u>	<u>Investments</u>
Library Projects Fund	\$18,800.00
Hanover Recreation Endowment Fund	\$296,800.00
Water Revenue Fund	\$4,000,000.00
Water Projects Fund	\$186,500.00
Hanover Recreation Boars Fund	\$40,300.00
Library Endowment Fund	\$1,660,003.93
2013 Water Bonds	\$0.00
2013 Sewer Bonds	\$80,000.00
2013 General Bonds	\$165,000.00
2015 Water Bonds	\$7,550,000.00
Total	<u>\$23,005,430.60</u>

Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to adopt Ordinance No. 2253 entitled: **AN ORDINANCE AMENDING ORDINANCE NO. 601 ENTITLED “AN ORDINANCE FIXING SALARIES, COMPENSATION, BONDS, AND CERTAIN DUTIES OF BOROUGH OFFICIALS.”** On roll call, the following voted in favor of the motion: Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Roth and Mr. Shea. The motion passed with eight (8) voting in favor of and zero voting against. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to adopt Ordinance No. 2254 entitled **AN ORDINANCE LEVYING TAXES FOR THE FISCAL YEAR 2017 IN THE BOROUGH OF HANOVER AND FIXING COLLECTION RATES THEREON.** On roll call, the following voted in favor of the motion: Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Roth and Mr. Shea. The motion passed with eight (8) voting in favor of and zero voting against. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1170 adopting budgets for fiscal year 2017 for all Hanover Borough accounts. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to approve Resolution No. 1171 fixing salaries for the position of Chief of the Hanover Borough Police Department effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1172 fixing salaries for the Fire Commissioner/Chief, Acting Fire Commissioner/Chief, and Deputy Fire Commissioner/Chief effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1173 fixing pay of special policemen, laborers, and certain supervisory employees effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve Resolution No. 1174 fixing salaries for staff personnel in the Recreation Department of The Borough of Hanover effective January 1, 2017. Motion carried.

REPORTS OF THE STANDING COMMITTEES

Finance & Personnel Committee – Mr. McLin

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1175 fixing salaries for certain salaried personnel and officers of The Borough of Hanover effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve Resolution No. 1176 revising a schedule of fees for permits, licenses and services provided by The Borough of Hanover effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve Resolution No. 1177 revising the fee schedule for services performed by various pieces of equipment owned and operated by the Borough of Hanover effective January 1, 2017. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to approve the tuition reimbursement for Police Officer Jose Gonzalaz, Jr. in the amount of \$1,185.50 for courses successfully completed toward his degree in Criminal Justice Administration. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Shea to approve Health Insurance Coverage with Capital Blue Cross for 2017 in the amount of \$2,831,580.00 which includes a PPO HRA in the amount of \$5,000 representing a 7.1% premium increase. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Roth to approve the lease of a Market House stall to Desiree Noblett & Daneille Mostoller in the amount of \$305.00. Motion carried.

It was moved by Mr. McLin, seconded by Mr. Funke to grant a sewer billing credit, one time only, in the amount of \$791.35 for Mr. and Mrs. Armando Malvone, 693 Washington Avenue for a leak that did not enter the sewer system and has since been repaired. Motion carried.

Public Safety Committee – Mr. Funke

It was moved by Mr. Funke, seconded by Mr. Roth to approve Ordinance No. 2255 for the Intergovernmental Cooperation Agreement between Hanover Borough and Penn Township for Fire, Rescue and Related Services. On roll call, the following voted in favor of the motion: Mr. Baumgardner, Mr. Funke, Ms. Libertini, Mr. Marcoccio, Mr. McLin, Mr. Noble, Mr. Roth and Mr. Shea. The motion passed with eight (8) voting in favor of and zero voting against. Motion carried.

Planning & Traffic Committee – Mr. Roth

It was moved by Mr. Roth, seconded by Mr. Funke to approve the Revised Preliminary Land Development Plan for Royal Building, Inc. owner/developer of Cherry Tree Phase 4, Ridge Avenue (Parcel # 0186) for the purpose of phasing in sections at a time to decrease the total number of final approved lots for recordation as real estate taxes in York County are assessed on the individual units immediately upon recordation. This will permit the owner/developer to record same among the land records of York County. Plans drawn by Sharrah Design Group, Inc. 20 Chambersburg Street, Gettysburg, PA bearing drawing number T101-1601 and dated 7/29/16. Motion carried.

It was moved by Mr. Roth, seconded by Mr. Shea to reapprove the Final Subdivision and Land Development Plan for York Area Development Corporation owner of 227 Baltimore Street (Parcel # 0425) to subdivide the property at 219 and 227 Baltimore Street and requesting approval for land development to build four (4) single-family attached dwelling units. Plans drawn by First Capital Engineering, 48 South Richland Avenue, York, PA bearing project number FCE # 959-1 and dated 08/30/16; to facilitate the ability to record the plan within 90 days of the approval. Motion carried.

Public Service & Communications Committee – Mr. Shea

It was moved by Mr. Shea, seconded by Mr. Funke to approve the request of Mason Dixon Ruffnecks, New Freedom, PA for use of two (2) fields at Moul Field for a price of \$50.00 per tournament and \$15.00 per game per field on Friday, June 16th, Saturday, June 17th and Sunday, June 18th, 2017. Motion carried.

MAYOR'S REPORT

Mayor Adams hoped all had a Merry Christmas and wished all a Happy New Year.

VIDEO REPORT

Mr. Dale, Ault, Water Distribution Supervisor narrated a Powerpoint presentation outlining the improvements by staff at Lawrence Baker Sheppard Dam raising the height of the embankment, and grading, noting Conewago Enterprises donated all the fill ground for the project; a thank you letter will need to be generated. And a photo of the broken twelve (12") inch transmission line that was leaking near the Water Filtration plant, noting the piping has held up well considering it was installed in 1909; crews replaced a fifteen (15') foot section of this pipe.

President Noble thanked Mr. Ault for his presentation.

OTHER MATTERS

New Business

It was moved by Mr. McLin, seconded by Mr. Shea to approve the reappointment of the following citizens to their respective Boards or Commissions effective January 1, 2017:

<u>Board or Position</u>	<u>Name</u>	<u>Term</u>
Zoning Hearing Board	James Zartman	3 years
Zoning Hearing Board	John Hollinger	3 years
Property Maintenance Code Appeals Board	Eric Kenworthy	3 years
Area Wage Tax Governing Board	R. Samuel Miller	1 year

Motion carried.

Communications

President Noble thanked the Fire Merger Steering Committee along with Penn Township and Hanover Borough Officials for their hard work on the Fire Merger for the past three (3) years. This endeavor has finally come to fruition. President Noble noted that the original agreement that was proposed by Penn Township was passed along with the ordinance this evening.

Unfinished Business

There were no other concerns or comment from staff or citizens present.

Adjournment

It was moved by Mr. Funke, seconded by Mr. Roth to adjourn the meeting at 7:29 PM to an executive session regarding personnel matters. Motion carried.

Respectfully submitted,



Dorothy C. Neiderer
Borough Secretary

NO. 2253

AN ORDINANCE

AN ORDINANCE AMENDING ORDINANCE NO. 601
ENTITLED, "AN ORDINANCE FIXING SALARIES,
COMPENSATION, BONDS, AND CERTAIN DUTIES
OF BOROUGH OFFICIALS."

Be it enacted and ordained by The Borough of Hanover, and it is hereby enacted and ordained by the authority of the same as follows:

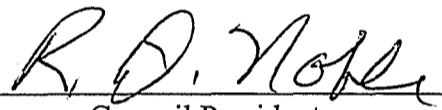
SECTION 1: That Section 1, Subsection A, of said Ordinance No. 601 be and the same is hereby amended to provide and read as follows:

A. MAYOR, No Dollars and No Cents (\$0.00) effective January 1, 2017.

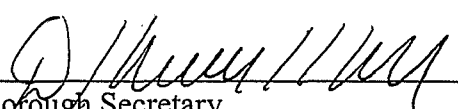
Enacted and ordained this 28th day of December, A.D., 2016.

THE BOROUGH OF HANOVER

ATTEST:



Council President



Borough Secretary

Approved this 28th day of December, A.D., 2016.



Mayor

NO. 2254

AN ORDINANCE

AN ORDINANCE LEVYING TAXES FOR THE FISCAL YEAR 2017 IN THE BOROUGH OF HANOVER AND FIXING COLLECTION RATES THEREON.

BE IT ENACTED AND ORDAINED by The Borough of Hanover, and it is hereby enacted and ordained by the authority of the same, as follows:

SECTION 1. That a tax of 5.65 mills be, and the same is hereby levied and assessed for the fiscal year 2017 on each dollar of taxable real property and made taxable by the Commonwealth of Pennsylvania for County rates and levies.

SECTION 2. That the taxes herein levied are available for expenditures in the adopted budget or its supplements for the fiscal year 2017 as the same is set forth in the minutes of Council.

SECTION 3. That the compensation payable to the Tax Collector for the collection of taxes for the fiscal year 2017 is hereby fixed at ninety-five hundredths (0.95%) percent of the amount collected.

SECTION 4. That the proper officers of The Borough of Hanover be and they are hereby authorized and directed to prepare, and issue to the Tax Collector of The Borough of Hanover his warrant for the collection thereof.

Enacted and ordained this 28th day of December, A.D., 2016.

THE BOROUGH OF HANOVER

ATTEST:

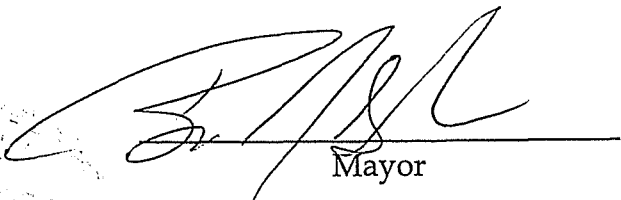


President of Council



Borough Secretary

Approved this 28th day of December, A.D., 2016.



Mayor

AN ORDINANCE

AN ORDINANCE OF THE BOROUGH OF HANOVER, YORK COUNTY, PENNSYLVANIA, AUTHORIZING INTERGOVERNMENTAL COOPERATION BY AGREEMENT BETWEEN HANOVER BOROUGH AND PENN TOWNSHIP, BOTH OF YORK COUNTY, PENNSYLVANIA, TO COMBINE FIRE, RESCUE AND RELATED SERVICES.

The Council of The Borough of Hanover hereby ordains as follows:

Section 1. Intergovernmental Cooperation. The cooperation with Penn Township to combine fire, rescue and related services is hereby authorized.

Section 2. Execution of Agreement. The proper officers of The Borough of Hanover are authorized and directed to execute and deliver the Intergovernmental Cooperation Agreement between Penn Township and Hanover Borough for Fire, Rescue and Related Services attached hereto and made a part hereof.

Section 3. Financing. To the extent that either party requires funds to comply with the Agreement, each party shall draw from its general fund or such other funds available for costs incurred under the Agreement.

Section 4. Effectiveness and Amendment. The Agreement shall remain in full force and effect until otherwise terminated by the parties or by operation of law.

Section 5. Agreement. The conditions, purpose and objective, scope and authority delegated, extent of financing, organizational structure and manner in which personnel shall be managed are set forth in the attached Intergovernmental Cooperation Agreement between Penn Township and Hanover Borough for Fire, Rescue, and Related Services. This Agreement is incorporated by reference as though set forth fully herein, and is made a part hereof.

Section 6. Adoption of Ordinance. This Ordinance is adopted pursuant to the Intergovernmental Cooperation Act, 53 Pa. C.S.A. Section 2301 *et seq.*, and the authority granted herein shall continue from year to year while the Municipality cooperates pursuant to the Agreement.

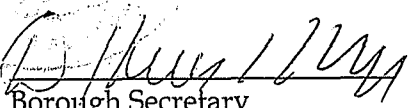
Section 7. Staff and Officials. The staff and officials of the Municipality are directed and empowered to take all actions necessary or convenient to implement this Ordinance and the Agreement.

Section 8. Inconsistency. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

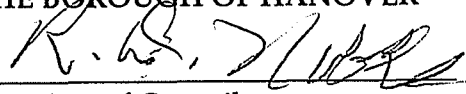
Section 9. Effective Date. The Ordinance shall become effective five (5) days after date of enactment as provided by law.

Enacted and ordained this 28th day of December, A.D., 2016.

ATTEST:


Borough Secretary

THE BOROUGH OF HANOVER


President of Council

Approved this 28th day of December, A.D., 2016.


Mayor

INTERGOVERNMENTAL COOPERATION AGREEMENT
BETWEEN HANOVER BOROUGH AND PENN TOWNSHIP
FOR FIRE, RESCUE AND RELATED SERVICES

This Agreement is made pursuant to the Intergovernmental Cooperation Act, Act of December 19, 1996, P.L. 1158, No. 177, found at 56 Pa. C.S. A. §2301 et seq., which provides that two or more municipalities in this Commonwealth may jointly cooperate in the exercise or performance of their respective governmental functions, powers, or responsibilities.

The municipalities that are parties to this Inter-Municipal Cooperation Agreement are the Borough of Hanover and the Township of Penn, both situate in York County, Pennsylvania, and herein referred to as the "Municipalities."

WHEREAS, the Municipalities desire to enter into this Inter-Municipal Cooperation Agreement to provide for the pooling of resources and funds for the purpose of establishing and operating a regional fire and emergency services response district, herein referred to as the "**Hanover Area Fire and Rescue**" district, hereinafter referred to as "**District**", cooperating in the bidding, purchasing and use of fire and other emergency response equipment and supplies and hiring and employment of employees; and

WHEREAS, the governing bodies of the Municipalities believe the interest of the taxpayers in the Municipalities is best served by the pooling of resources and funds for the purpose of establishing and operating the District, rather than operating as individual and independent municipalities in this capacity; and

WHEREAS, the Municipalities are in agreement as to the manner, creation and operation of a legally independent unincorporated, nonprofit association herein referred to as the "**Hanover Area Fire and Rescue Commission**" (the "**Commission**") governing and operating the District; and

WHEREAS, the Municipalities shall jointly assume responsibility for implementing this Agreement in each respective Municipality.

NOW THEREFORE, in consideration of the mutual promises, covenants and undertakings herein contained, and intending to be legally bound hereby, the Municipalities mutually agree as follows:

1. Establishment of the Commission.

- a. **Services.** The Municipalities agree that the Commission shall be established and that the Commission shall assume the responsibilities and functions of the individual Municipalities for the operation and management of the District to include providing the following services, either directly or through third party contractors: firefighting services; rescue services; and

ambulance emergency and transport services. The fire protection and emergency services provided shall include education; fire prevention programs; fire extinguisher inspections; residential rental unit inspections; commercial, business, industrial and school inspection services; standby ambulance service at public events; fire police; SCUBA water rescue services.

- b. Authority.** The Commission shall have the authority and power to raise and expend funds for the purpose of providing its services, specifically, the authority to engage in fundraising activities and acquire supplies, vehicles and major equipment. The individual Municipalities will retain power to enact fire codes and regulations but hereby empower to the Commission the responsibility for the enforcement of same, including but not limited to fire inspections.

2. Term. The Municipalities agree to establish the Commission effective on the date that the governing bodies for all the Municipalities have adopted and approved this Agreement by ordinance, and authorize the proper municipal officials to execute the same to govern and operate the District; provided that the Commission will commence the provision of Services on January 1, 2018. The Commission will deliver the Services set forth in Section 1(a) above for an initial term of seven (7) years commencing on January 1, 2018. Neither Municipality shall withdraw from the Commission within the initial seven (7) year term. If either Municipality desires to withdraw from the Commission at the end of the initial seven (7) year term, it shall provide written notice of such intention no later than the date twelve (12) months prior to the end of the initial term of this Agreement and the Commission shall be dissolved in accordance with the provisions of Section 9 below. Upon dissolution, the Commission shall return to the withdrawing Municipality property in proportion to the property contributed at the creation of the commission.

3. Financial matters. The fiscal year of the Commission shall be the calendar year. The Municipalities agree to supply the necessary resources, funding and personnel to effectively maintain the functions of the District and to assist the Commission in carrying out its duties and responsibilities under this Agreement to better serve the residents of each of the respective Municipalities.

- a. Start-up period.** Initial start-up costs of the Commission shall be shared equally by the Municipalities. The Commission shall periodically invoice the Municipalities during the start-up period for costs and expenses incurred or anticipated and the Municipalities shall promptly remit payment.
- b. Fiscal year 2018.** The costs and expenses of the Commission shall be shared equally by the Municipalities in accordance with the budget for FY 2018 attached hereto and incorporated herein and marked "Exhibit A."

- c. **Budget.** On or before October 1st of each fiscal year of the Commission, the Commission shall submit a draft budget for the following fiscal year to each of the Municipalities. Each Municipality shall approve or reject the draft budget prior to December 1st of the then current fiscal year. If approved by each of the Municipalities, the Commission shall adopt the budget; if rejected by one or more of the Municipalities, the Commission shall operate in accordance with its then current budget with adjustments for personnel costs and expenses (including health insurance) as reflected in the Commission's collective bargaining agreement and for any new debt service.
- d. **Ongoing funding.** Beginning with FY 2018 the Municipalities shall contribute financial funding for the operation of the District, each bearing fifty percent (50%) of such costs and expenses. Each Municipality will make a quarterly payment to the Commission with payment dates being January 2, April 1, July 1 and October 1. The Commission will maintain an operational fund and a capital fund. The operational fund budget will include a transfer to the capital fund.

4. Capital Contributions.

The physical assets of the fire departments of each of the Municipalities will be transferred to the Commission prior to January 1, 2018.

- a. **Hanover Borough Contribution.** The following constitutes the capital contribution of Hanover Borough: The Wirt Park Fire Station, 201 North Franklin Street, Hanover, PA 17331; The Clearview Fire Station, 411 N. George Street, Hanover, PA 17331; miscellaneous furnishings and equipment and the following fire vehicles:

2011	KME Engine
2003	KME Engine
2001	KME Engine
2015	Sutphen Aerial
2011	Ford Expedition
2012	Chevy P/U Utility

- b. **Penn Township Contribution.** The following constitutes the capital contribution of Penn Township: The station located at 204 Clover Lane, Hanover, PA 17331; miscellaneous furnishings and equipment and the following fire vehicles:

2004	Sutphen Engine
2008	Sutphen Engine
2001	E-One Aerial
2011	Ford Expedition

On January 1, 2018, the Commission will assume any and all debt associated with any of the physical assets contributed to the Commission by the Municipalities.

5. Governance. The Commission shall consist of seven voting members and three non-voting members selected as follows:

- a. Volunteer Representatives.** Two members shall be selected by the volunteer fire company or companies serving the District. The term of these members shall be for one year but the same members can be reappointed yearly by the volunteer fire company or companies.
- b. Municipal Representatives.** Each Municipality shall select from its respective governing council or commission two members to serve as members of the Commission. These members will serve two year terms with provided that in the initial year, one member appointed by each Municipality shall have an initial term of one year.
- c. Member at Large.** One member shall be a resident and/or local business owner appointed at large by the six (6) appointed Commission members. The member at large of the Commission shall not be an elected official of the Municipalities. The representative shall serve for three years.
- d. Non-voting Members.** The three non-voting members of the Commission shall be the appointed Fire Chief, or designee and the appointed Manager of each Municipality, or his or her appointed designee.

There shall be no term limits for any member of the Commission. No paid employee of the Commission shall be eligible to serve as a voting member of the Commission. Members of the Commission shall serve without pay. The Commission shall select one of its members as Chairman and one of its members as Vice Chairman. The Commission shall also select a Secretary who may be a member of the Commission or a non-member. In the event the Secretary is a non-member of the Commission; the Secretary may receive compensation as determined by the Commission. Each voting member of the Commission shall have one vote. Each member (other than the Member at large) shall serve as a representative of the entity appointing that member and as a representative of that entity shall report on the actions of the Commission to the governing body of the appointing entity. A copy of the initial By-laws of the Commission is attached hereto, incorporated herein and marked "Exhibit B."

6. Personnel. The Commission shall hire a fulltime employee to be known as the "Fire Chief" who shall be the chief operating officer of the Fire District and who shall serve under the direction and supervision of the Commission. The Fire Chief shall serve as an ex officio member of the Commission but with no voting rights. The Fire Chief shall appoint assistant /deputy chiefs/administrative assistant subject to the approval of the Commission. The Commission shall designate rank and job

descriptions to all positions created by the Commission. All paid firefighters of the Municipalities on December 31, 2017 shall become employees of the Commission on January 1, 2018.

7. Collective Bargaining Agreements. Current firefighters employed by each of the Municipalities are covered under collective bargaining agreements. Effective January 1, 2018 the collective bargaining unit will be recertified to represent the firefighters then employed by the Commission.

8. Expansion of Commission. Effective January 1, 2018, the Commission will expand the scope of the District in accordance with an agreement with Penn Township Volunteer Emergency Services, the Eagle Volunteer Fire Department, the Clearview Volunteer Fire Department and the Penn Township Fire Police to incorporate each of their operations into the Commission. Thereafter, the Commission may enter into agreements with additional municipalities or volunteer fire companies to further expand the Commission. Additional members may be added to the Commission after approval by the joining municipality by ordinance or resolution, agreeing to the terms and conditions of the Commission and by contribution all of its fire suppression assets to the commission, and a payment of an amount equal to what its proportional share the operational budget would have been if it had been a member at the beginning of the fiscal year reduced by the percentage of the fiscal year that has expired on the date the municipality becomes a member of the commission. The joining municipality's yearly contribution will be calculated the same as all other members with the adoption of the next fiscal budget.

9. Dissolution of Commission

The Municipalities agree that, in the event of the dissolution of this Agreement, by agreement of all the members of the Commission at the time of dissolution; or the cessation of operation of the District; or the withdrawal from the Commission of one of the Municipalities, all property, equipment and assets of any kind belonging to the Commission, shall become the property of the Municipalities in proportion to their respective contributions to the Commission. Such proportionate share is to be determined at the time of the dissolution of the agreement and shall be in the same proportion as the withdrawing Municipality's capital contribution.

10. Immunity and Claims

a. Immunity. The services performed and the expenditures incurred under this Agreement shall be deemed for public and governmental purposes, and all immunities from liabilities enjoyed by the Municipalities within their boundaries shall extend to their participation in services outside their boundaries and within the District.

b. Insurance. The Commission shall maintain liability insurance coverage

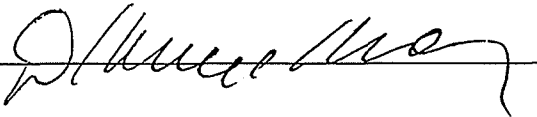
against claims arising out of its activities in amounts deemed adequate by the Commission. Each Municipality and the Commission agree to cause any insurance policy providing liability coverage against claims arising out of the Commission's activities, whether within or outside its municipal boundaries, to contain a waiver of subrogation clause or endorsement under which the insurance company waives its right of subrogation against any Municipality as to any and all causes of action or claims against all other Municipalities hereto which may arise out of activities hereunder. The Commission shall be a named insured under such policies, and a certificate evidencing such coverage shall be supplied to the Municipalities annually. The Municipalities shall be named as additional insureds under such policies.

- c. **Apportionment.** For purposes of liability, in actions arising out of regional fire services, to the extent any such claims are not covered by liability insurance, each Municipality shall be liable in the same proportion as it is for the funding assessment during the period the services in question were rendered.

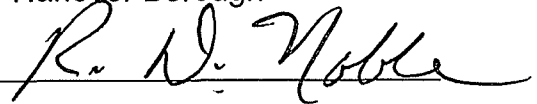
11. Amendments and Execution. The Agreement shall become effective on the date that the governing body for all of the Municipalities has adopted and approved the Agreement by ordinance, and authorizes the proper municipal officials to execute the same. The implementation of the District shall proceed on the following timetable:

- a. The Municipalities shall approve the Agreement by Ordinance, execute this Agreement; and cause the name, "Hanover Area Fire and Rescue Commission" to be filed with the Pennsylvania Department of State.
- b. Commission shall begin operations on the date that both of the Municipalities shall have approved and executed this Agreement; provided that the District shall be fully operational and provide the services contemplated in this Agreement on January 1, 2018.

Attest: _____



Hanover Borough



Penn Township

Attest: _____

Exhibit B

(These items to be spelled out in more specificity in by-laws to be attached.)

The Commission with the assistance of its Secretary, shall keep a record of all of its meetings. The record shall be kept on file available for public inspection during regular business hours. The records shall be maintained by the Secretary and are subject to the provisions of the Right to Know laws of the Commonwealth of PA.

The Commission shall form Committees as it deems appropriate for the reasonable and efficient operation of the Commission's activities. Such committees may include but shall not be limited to fund raising, public education, training, safety and maintenance, finance and personnel.

The Commission upon recommendation of the Fire Chief shall review and approve operational procedures and training programs that will or may affect the health and safety of the members to assure compliance with nationally recognized practices and policies.

The Commission will authorize the hiring of firefighters/apparatus drivers and EMS personnel.

The Commission has the power to enter into contracts for policies of group insurance and other employee benefits, for employees retained in accordance with this agreement.

The Commission shall ensure that it participates in an appropriate Fireman's Relief Association and is authorized to receive or dispose of any interest in any Fireman's Relief Association of any fire department formerly providing services in the Commission's area of jurisdiction.

The Commission shall have the power and authority to organize the fire police in the Commission's area of jurisdiction.

The Commission may enter into agreement with other fire protection and/or emergency service organizations for mutual aid/assistance and to enter into contracts for services.

Meetings

The Commission shall meet as often as necessary to transact its business. The Commission shall meet not less than once a quarter. All meetings of the Commission shall be advertised

and open to the public. Regular meetings shall be established and, in addition, special meetings may be called at any time by the Chairman with at least 24 hours notice to the other board members. A simple majority of the appointed members shall constitute a quorum. No action of the Commission shall be valid unless it receives a favorable vote of at least a majority of the voting members of the Board regardless of how many members are present at the meeting. The place of the meetings shall be designated by the Commission.

Commission Headquarters

The Commission will have a physical address and a mailing address as designated by the Commission.

Commission Boundaries