



COUNTY of FREDERICK, VIRGINIA

DEPARTMENT OF PUBLIC SAFETY COMMUNICATIONS

1080 Coverstone Dr. Winchester, VA 22602

540-665-6356

Tamara Perez
Director

FREDERICK COUNTY
PUBLIC SAFETY COMMITTEE
AGENDA

April 15, 2021

8:30 A.M.

*****CID conference room – second floor (department next to elevator)*****

Public Safety Building
1080 Coverstone Dr., Winchester, Virginia

Call to Order: Thursday April 15, 2021 at 8:30 a.m.

Agenda Items:

1. Introduction of new Committee members
2. Chapter 90 (see attached) - Rod Williams
3. Fire & Rescue departmental requests (see attached)– Chief Majchrak
4. Sheriff's Office departmental information (see attached) – Sheriff Millholland

New Business:

Next Meeting Date: Thursday June 17th .



COUNTY OF FREDERICK

Roderick B. Williams
County Attorney

540/722-8383
Fax 540/667-0370
E-mail rwillia@fcva.us

MEMORANDUM

TO: Public Safety Committee

FROM: Roderick B. Williams, County Attorney

DATE: March 30, 2021

RE: County Code Chapter 90 – Proposed Amendment to Clarify Law Enforcement Authority of Fire Marshal and Assistant Fire Marshals

Attached please find a proposed revision to Section 90-2 of the County Code, regarding the powers of the Fire Marshal and Assistant Fire Marshals. The reason for the proposed revision is to provide clarity to training agencies that the Fire Marshal and Assistant Fire Marshals have certain law enforcement powers. Various training agencies require that individuals seeking training have law enforcement powers and, by Frederick County having an ordinance that explicitly makes such provision, we avoid any concerns by such agencies. At present, the County Code does not do so, resulting in some training agencies raising questions regarding the eligibility of the Fire Marshal and Assistant Fire Marshals to participate in their programs. State law, however, makes clear the allowance for the Fire Marshal and Assistant Fire Marshals having such powers, as set forth in Virginia Code Sections 27-34.2 and 27-34.2:1 (copies attached). A favorable recommendation on the revision is requested.

Attachments

cc: Steven A. Majchrzak, Fire Chief
S. Mark Showers, Fire Marshal



ORDINANCE

_____, 2021

The Board of Supervisors of Frederick County, Virginia hereby ordains that Section 90-2 (Administration, enforcement, and appointment of Fire Marshal; interpretation; applicability; appeals) of Article I (General Standards) of Chapter 90 (Fire Prevention and Protection) of the Code of Frederick County, Virginia be, and the same hereby is, amended as follows (additions are shown in **bold underline**):

ARTICLE I GENERAL STANDARDS

§ 90-2 Administration, enforcement, and appointment of Fire Marshal; interpretation; applicability; appeals.

- A. There is hereby established in and for the County the position of Fire Marshal, who shall be responsible for the administration and enforcement of this chapter and, in addition, such official shall have the powers outlined in § 27-98.1 of the Code of Virginia. The Board of Supervisors authorizes the appointment of such Fire Marshal as designated by the System Chief of the Frederick County Department of Fire and Rescue. The investigation into the origin and cause of every fire and explosion occurring within the limits for which he/she is appointed, investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances, and fire bombs, and environmental crimes shall be the responsibility of the Fire Marshal and/or a designated representative. **The Fire Marshal and his designated representative(s) shall have the power to arrest, to procure and serve warrants of arrest, and to issue summonses in the manner authorized by general law in connection with the violation of fire prevention and fire safety laws and related ordinances, all as provided in § 27-34.2 of the Code of Virginia. The Fire Marshal and his designated representative(s) shall further have the same police powers as a sheriff, police officer, or law enforcement officer, as provided in § 27-34.2:1 of the Code of Virginia.**
- B. The requirements in this chapter shall be administered and enforced by the Frederick County Fire Marshal or a designated representative as referred to as the "Authority Having Jurisdiction."

- C. Subject to the provisions of Subsection E, the Fire Marshal or a designated representative shall interpret this section, where necessary, and that interpretation shall be binding and final.
- D. This chapter shall apply to all matters affecting or relating to structures, processes and premises as set forth in Sections 101 and 102 of the FCFPC, except that this chapter shall not apply within the boundaries of any incorporated town in the County that has a duly appointed Fire Code Official.
- E. Appeals concerning the administration, enforcement, interpretation, and/or application of this chapter by the Fire Marshal or a designated representative shall first lie to the County Board of Building Code Appeals created under § 52-8 of this Code and then to the State Building Code Technical Review Board. Appeals hereunder to the County Board of Building Code Appeals shall be subject to the payment of the same fees as apply to appeals of matters involving the Virginia Uniform Statewide Building Code. Appeals from the application of the VSFPC by the State Fire Marshal shall be made directly to the State Building Code Technical Review Board as provided in § 36-108 et seq. of the Code of Virginia (1950, as amended), and as may be subsequently amended.

Enacted this ____ day of _____, 2021.

Charles S. DeHaven, Jr., Chairman	_____	Shawn L. Graber	_____
J. Douglas McCarthy	_____	Robert W. Wells	_____
Blaine P. Dunn	_____	David D. Stegmaier	_____
Judith McCann-Slaughter	_____		

A COPY ATTEST

 Kris C. Tierney
 Frederick County Administrator

§ 27-34.2. Power to arrest, to procure and serve warrants and to issue summons; limitation on authority

In addition to such other duties as may be prescribed by law, the local fire marshal and his assistants appointed pursuant to § 27-36 shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances. The authority granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a training course designed specifically for local fire marshals and their assistants, which course shall be approved by the Virginia Fire Services Board.

The Department of Fire Programs in cooperation with the Department of Criminal Justice Services shall have the authority to design, establish and maintain the required courses of instruction through such agencies and institutions as the Departments jointly may deem appropriate and to approve such other courses as such Departments determine appropriate.

The authority granted in this section shall not be construed to authorize a fire marshal or his assistants to wear or carry firearms.

1974, c. 334; 1975, c. 173; 1979, c. 402; 1984, c. 779; 1986, c. 60; 1988, c. 65; 1997, c. 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 27-34.2:1. Police powers of fire marshals

In addition to such other duties as may be prescribed by law, the local fire marshal and those assistants appointed pursuant to § 27-36 designated by the fire marshal shall, if authorized by the governing body of the county, city or town appointing the local fire marshal, have the same police powers as a sheriff, police officer or law-enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal or his designee, if authorized by the governing body of the county, city or town appointing the local fire marshal. The police powers granted in this section shall not be exercised by any local fire marshal or assistant until such person has satisfactorily completed a course for fire marshals with police powers, designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which course shall be approved by the Virginia Fire Services Board.

In addition, fire marshals with police powers shall continue to exercise those powers only upon satisfactory participation in in-service and advanced courses and programs designed by the Department of Fire Programs in cooperation with the Department of Criminal Justice Services, which courses shall be approved by the Virginia Fire Services Board.

1977, c. 209; 1979, c. 446; 1984, c. 779; 1986, c. 60; 1988, c. 65; 2000, cc. 39, 390.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.



Steven A. Majchrzak
Chief

MEMORANDUM

TO: Public Safety Committee (PSC)

FROM: Steven Majchrzak, Chief
Frederick County Fire and Rescue Department

SUBJECT: Items for April 15, 2021 PSC Agenda

DATE: April 7, 2021

I would respectfully request that the following three items be added to the Public Safety Committee Agenda for April 15, 2021 for Fire and Rescue.

The items are:

- 1) Fire and Rescue request to purchase two reserve apparatus.
- 2) Proffer request for Round Hill Community Fire Rescue.
- 3) Proffer Request for Clearbrook Volunteer Fire & Rescue



Steven A. Majchrzak
Chief

M E M O R A N D U M

TO: Kris Tierney, County Administrator
Frederick County Virginia

FROM: Steven Majchrzak, Chief *SM*
Frederick County Fire and Rescue Department

SUBJECT: Reserve Apparatus Funding Request

DATE: April 2, 2021

Frederick County Fire and Rescue System is requesting an appropriation in the amount of **\$182,000** for the purchase of two fire apparatus to serve as reserve units for the entire system. Specifically:

- 1) Purchase of Rescue Engine 12 from the Middletown Volunteer Fire Rescue Company for **\$120,000**;
- 2) Purchase of Wagon 19 from the North Mountain Volunteer Fire Rescue Company for **\$62,000**.

Background

As part of the FY 2022 Budget request, the Volunteer Association requested Frederick County explore the possibility of funding the purchase of sufficient apparatus to serve as a System-wide reserve fleet, to fill-in for front-line units when they were out of service for repairs or maintenance.

An inventory of the System fire apparatus owned by the eleven volunteer companies showed the average age of the fleet vehicles to be 20.6 years. Per National Fire Protection Association (NFPA) 1901: Standard for Automotive Fire Apparatus, typically fire apparatus should be rotated out of regular service into a reserve status after 15 years and completely removed from field service after 25 years. Data collected from the companies illustrate the point showing numerous service days lost and high repair and maintenance costs for the aging fleet.

In January 2021, three companies were identified as being significantly involved in securing replacement vehicles for their front-line apparatus and looking to sell their existing units that were being replaced.

An evaluation committee was created to look at the three apparatus and determine their suitability as potential reserve units to serve the entire System. An evaluation of the functionality, age, condition, service history and pricing of the apparatus resulted in the recommendation that two apparatus be considered for purchase by the County.

Both apparatus have relatively low mileage and a well-documented repair and maintenance history and are competitively priced for re-sale based on the research of the evaluation committee. In addition to the direct benefit of having readily available reserve apparatus for use when front-line apparatus are out of service for repair or maintenance, the purchase of the reserve apparatus would serve two additional purposes.

First, the apparatus will be used to supplement the Training Division in providing hands on training for both career and volunteer firefighters without reducing the number of available front-line apparatus. The Training Division currently maintains two apparatus for training, which are 36 and 27-year-old units respectively. With the purchase of the two proposed reserve apparatus, the oldest unit will be sold and the remaining unit dedicated to the Training Division, supplemented with the two reserve apparatus as necessary. It is anticipated that as the two proposed reserve apparatus near their end of field service life, we can extend their use as purely training apparatus due to their relatively low mileage and quality maintenance history.

Second, the purchase of the reserve apparatus will allow companies to rationalize the size of their fleet since they will no longer be solely dependent on providing their own reserve apparatus if a unit goes out of service for whatever reason. Historically, companies have maintained multiple units and kept units past their useful life to assure that a reserve piece was available in the event of repair or maintenance. Now that there is common reserve capability, the System and companies can rationalize the fleet-size going forward.

Conclusion

The purchase of the two reserve apparatus will greatly enhance the readiness of the System to respond to emergency incidents by assuring there are appropriate resources available to address front-line apparatus being out of service for repair or maintenance. The allocation of funds to purchase the vehicle is requested by June 1, 2021 to timely complete the sale and transfer. In the event the replacement apparatus for the two vehicles are delayed, the County would continue to utilize them in their respective stations until the replacement vehicles are placed in service.

The two apparatus provide a relatively low-cost option to create a reserve fleet that offers multiple operational advantages and system efficiencies. Your favorable consideration of the proposal is greatly appreciated.

ROUND HILL COMMUNITY FIRE AND RESCUE COMPANY

P.O. Box 1368
Winchester, VA 22604
Phone: 540-667-6855
President: Rodney Snapp

April 6, 2021

Dear Cheryl Shiffler,
Finance Director

We are writing to request our available proffers money toward the purchase of a new Rescue Engine for Round Hill Community Fire and Rescue Company. We believe this amount to be \$41,652.00 currently available. After completing a bid process, Pierce was awarded the contract to build our new Rescue Engine. This truck has been purchased off the HGAC Contract pricing. We have already signed a contract with Pierce Manufacturing for the new Rescue Engine, a Pierce Velocity HDRP Gen 3 at a price of \$933,822.00. We have paid a pre-payment of \$860,059.00

We appreciate your attention to this matter and look forward to continuing to provide the best possible service to the community.

Sincerely,

A handwritten signature in cursive script that reads "Rodney Snapp".

Rodney Snapp
President

FREDERICK COUNTY SHERIFF'S OFFICE



Sheriff Lenny Millholland

Major Steve A. Hawkins

1080 COVERSTONE DRIVE
WINCHESTER, VIRGINIA 22602

540-662-6168
FAX 540-504-6400

April 7, 2021

Information from Frederick County Sheriff's Office

Voyager Cards

P-Cards

Vehicle Ordering and equipment ordering

Vehicles and the budget cycle

Radio system 591 attempts to contact Communications or the Deputy since 2016

\$400,000 no match grant for Dive Truck

Pray for our Deputies.... We need it...

Salaries



Winchester Police Department

8h · 🌐



Know a Virginia law enforcement officer interested in a change? The WPD is offering a signing bonus to those already DCJS law enforcement certified! Contact Officer Slonaker to learn more at 540-545-4720.

