**BEFORE THE DELAWARE STATE FIRE PREVENTION COMMISSION**

IN RE: BOUNDARY DISPUTE ) FINDINGS OF FACT

ROBBINS HOSE COMPANY ) CONCLUSIONS OF LAW

And CAMDEN-WYOMING ) ORDER

FIRE COMPANY )

 BEFORE, Marvel, Chairman, Kelly, Vice Chairman, Truitt, Majewski, Leonetti, Eisenbrey, and O’Neal.

On June 3, 2024, the State Fire Prevention Commission (“Commission”) received a letter from Mr. Nicholas H. Rodriguez, Esq., City Solicitor for the City of Dover writing on behalf of David Carey, Fire Chief of the Dover Fire Department.[[1]](#footnote-1) The letter informed the Commission of annexations by the City of Dover of real property within the fire districts of Cheswold, Camden-Wyoming, and Little Creek.[[2]](#footnote-2) The letter explained the involved companies were unable to reach a mutual agreement regarding fire district boundaries. The letter further requested a ruling from the Commission that future annexations would become part of Robbins Hose’s fire district automatically.

The Commission held a hearing on August 20, 2024. Robbins Hose Company was represented by Liam Gallagher, Esq., Deputy City Solicitor. Camden-Wyoming Fire Company was represented by Chief Philip Lewis,[[3]](#footnote-3) who requested 60 days to work towards a mutual agreement. The Commission moved to table Robbins Hose’s request to amend the boundary lines and asked the companies to work towards a resolution. The Commission voted to deny Robbins Hose’s request to automatically change boundary lines for all future annexations. The Commission further requested Robbins Hose re-submit the boundary change request with specificity and annexation documents.

Robbins Hose provided the requested documentation by letter dated December 23, 2024. The following areas are implicated: “Wendy’s at Webbs Lane and the property adjacent to include the intersection at Rt. 13 and Webbs Lane.” Robbins Hose included a copy of Council Resolution No. 2016-02 describing the area as well as three maps. The effective date of the resolution was May 10, 2016 at 12:01am.

Because the parties were unable to reach a resolution, the Commission held another public hearing on February 18, 2025. Robbins Hose was represented by Nicholas H. Rodriguez, Esq., City Solicitor for the City of Dover. Camden-Wyoming was represented by Chief Lewis.

The Commission heard testimony from all parties. Robbins Hose Chief David Carey explained the company’s membership and financial status as positive. Robbins Hose relied on language in the City of Dover’s Charter. Section 20 addresses fire protection:

The council shall have power to adopt all measures requisite or appropriate for protection against fire. To this end the council may adopt ordinances prohibiting the use of building materials that the council deem would create a fire hazard, and may zone or district the city and make particular provisions for particular zones or districts with regard to buildings and building materials. This power shall be deemed to embrace new buildings or additions to or alterations of existing structures of every kind. The council shall have the power to condemn any building or structure or portion thereof that it deems to be a health hazard or constitutes a fire menace or to require or cause the same to be torn down, removed, or so altered as to eliminate the health hazard or menace of fire.

Robbins Hose argued the language in the City charter requires fire services be provided to the City’s residents by Robbins Hose, as the designated fire company, rather than surrounding fire companies without regard to which company would provide better service to the area.

 Camden-Wyoming argued the Commission should deny the boundary change request. Chief Lewis felt Camden-Wyoming provided adequate service to the area in question. He said his department is reasonably manned, financed, organized, and disciplined to continue to provide adequate fire protection. The Commission voted to maintain the fire district boundaries finding public safety was not furthered by a change.

The Commission received a letter dated February 25, 2025 from Mr. Rodriguez on behalf of Robbins Hose. The letter urged the Commission to reconsider the decision. The Commission heard arguments for reconsideration at the public hearing on March 18, 2025. Chief Carey listed statistics concerning the number of calls and response times for his company. He stated that Robbins Hose meets and exceeds national standards with plans to continue to improve. While commendable, the Commission was not persuaded to reconsider the decision made at the February meeting. There was no evidence presented that Camden-Wyoming cannot provide adequate service. No one moved to take action.

While the Commission encourages mutual resolution, it has the authority to set boundaries and resolve boundary disputes.[[4]](#footnote-4) The Commission further has the authority to resolve grievances between fire companies.[[5]](#footnote-5) Above all else, the Commission has a statutory mandate. “The objective of the State Fire Prevention Commission, *to which all other objectives and purposes are secondary*, is to protect the general public, specifically those persons who are the direct recipients of services regulated by this chapter, from unsafe practices.”[[6]](#footnote-6) In all decisions, the Commission finds safety and the provision of adequate services of utmost importance.

The Delaware Superior Court addressed fire district boundary disputes in *City of Dover v. State Fire Prevention Comm’n*[[7]](#footnote-7) and *City of Wilmington v. State Fire Prevention Comm’n.*[[8]](#footnote-8) In both cases, the Court found that the Commission did not have the authority to authorize a company other than the City’s designated company to fight fires within the City. However, the Court acknowledged the City’s opportunity to “provide otherwise,” recognizing the ability of a city to utilize additional fire companies for the residents’ services.

The Commission has significant concerns over the reasonableness of this boundary change request as it relates to fire protection. The undisputed testimony showed Camden-Wyoming provides adequate services, is sufficiently financed, and is a valued partner with Robbins Hose. Conversely, the Commission received conflicting information from Robbins Hose. Chief Carey reported statistics showing Robbins Hose meets and exceeds the national standards. However, Mr. Rodriguez’s letter says, “the City of Dover through Robbins Hose is charged with the same responsibility toward citizens of the City of Dover, along with furnishing those citizens utilities, police protection, snow removal and many other protections, which services are extremely expensive, *to the point where the City has been forced to charge a fee on their utility bills for furnishing emergency services*.”[[9]](#footnote-9) This additional fee occurred even while Camden-Wyoming serviced the area in question. The need for this additional fee causes the Commission great concern.

The determination of fire district boundaries must always be guided by safety first, with all other considerations secondary. Today, effective fire companies near incorporated areas are in danger of being forced out by annexation such as these. The Commission finds, pursuant to its statutory mandate, that changing the fire district boundaries of Robbins Hose and Camden Wyoming does not protect the general public.[[10]](#footnote-10)

After due consideration, the Commission will not take an action that does not further fire protection for the citizens of Delaware. Robbins Hose’s request to change the fire district boundary is DENIED.

IT IS SO ORDERED this 16th day of April 2025.

*/s/ Ronald Marvel*  */s/ William Kelly*
Ronald Marvel, Chairman William Kelly, Vice Chairman

*/s/ Lynn Truitt /s/ J. David Majewski, Sr.*Lynn TruittJ. David Majewski, Sr.

*/s/ Joe Leonetti, Sr. /s/ Ronald O’Neal*
Joe Leonetti, Sr. Ronald O’Neal

Abstained
Jeffrey Eisenbrey[[11]](#footnote-11)

1. Discussion at the hearing revealed the Dover Fire Department and the Robbins Hose Fire Company are the same entity. Although varying permutations of the names appear on paperwork and apparatuses, it is a singular fire company with two stations within the City of Dover. City of Dover Ordinance §46-41 adopted Robbins Hose Company No. 1 as the designated fire company of the City of Dover. [↑](#footnote-ref-1)
2. This Order will only discuss the fire district boundary involving Camden-Wyoming. Separate orders will discuss the remaining disputes. [↑](#footnote-ref-2)
3. Chief Lewis held the office of Deputy Chief during the August meeting and became chief before the February meeting. [↑](#footnote-ref-3)
4. 16 *Del. C.* §6607(a)(3) and (4). [↑](#footnote-ref-4)
5. 16 *Del. C.* §6604(15). [↑](#footnote-ref-5)
6. 16 *Del. C.*§6601 (emphasis added). [↑](#footnote-ref-6)
7. 2006 WL 2361707 (Del. Super. Ct. Jul 17, 2006). [↑](#footnote-ref-7)
8. 1990 WL 1223796 (Del. Super. Ct. Nov. 24, 1999). [↑](#footnote-ref-8)
9. Letter from N. Rodriguez dated 12/23/24, page 2. (emphasis added) [↑](#footnote-ref-9)
10. Although not discussed in the hearings, the Commission wonders if City of Dover authorized Camden-Wyoming to provide services in the area at issue through inaction. According to the documents provided by Robbins Hose, the annexation order became effective May 10, 2016. In the intervening time between the annexation and the letter requesting the boundary charge on June 3, 2024, Camden-Wyoming provided fire protection services without interference. Without any accusation of inadequate services, the City of Dover now claims this area should become part of Robbins Hose’s district. The City of Dover does so after receiving the benefit of Camden Wyoming’s services for the intervening 8 years. Under Robbins Hose’s argument framework, Robbins Hose has been responsible for this area since the annexation. By doing nothing and allowing Camden Wyoming to provide the services, did the City of Dover tacitly choose Camden Wyoming as the designated fire company for the area in question? Should fairness not prevent Robbins Hose from claiming the disputed area? [↑](#footnote-ref-10)
11. Commissioner Eisenbrey was present for the arguments and deliberation. However, he abstained from the vote and did not participate during the hearing. [↑](#footnote-ref-11)