

Memo



To: Board of Public Works & Safety
From: Todd Burtron, Fire Chief
CC: File
Date: 4/24/2012 *TB*
Re: Trade-In Transaction of Vehicular Equipment

On September 7, 2011 the City of Westfield entered into a sales agreement with Donley Safety and Kovatch Mobile Equipment for the purchase of a new ladder truck. As part of the sales transaction and the department's vehicle obsolescence and replacement strategy we have sought to trade-in a 1999 Pierce Manufacturing Fire Truck.

Three trade-in values were obtained for the aforementioned fire truck. These values are attached hereto. The range for trade-in values was \$50,000 to \$79,000 for the vehicle less loose equipment. After consultation with legal counsel regarding the parameters of the trade-in transaction a sales agreement was drafted by the city attorney and said agreement was entered into on Friday, April 20, 2012. At such time a check was issued to the City of Westfield, by Donley Safety, for the sum of \$79,000. The check has been placed in the custody of the Clerk Treasurer for deposit in the City's account(s).

At the advisement of legal counsel this transaction comes before the Board of Works and Safety for ratification.



Please visit us on the web at www.donleysafety.com

5546 Elmwood Ct.
Indianapolis, IN 46203

Phone 317-786-2268
Fax 317-786-2532

April 13, 2012

Chief Todd Burtron
Westfield Fire Department
17535 Dartown Road
Westfield, IN 46074

RE: Trade-In Offers

Dear Chief,

As we discussed, I obtained three (3) trade-in valuations for the 1999 Pierce Aerial and the 1999 International Pumper/Tanker. I will send you the three confirming emails as back-up to this letter, but to summarize:

- Offer #1 was from Brindlee Mountain – they offered \$100,000 for the pair.
- Offer #2 was from Steve Swails – he was interested in the pumper only. He offered \$51,000
- Offer #3 was from Jon's Mid America – they offered \$220,000 total if they could receive the trucks in a few weeks, \$200,000 if they had to wait. After our discussion, he split the offer into \$79,000 for the International and \$141,000 for the aerial. He also indicated that the value would hold until your new aerial was delivered. He also wanted me to inquire if he could drive the pumper home from the FDIC next Saturday (April 21).

Please contact me if you need any further information. Thank you very much for the opportunity.

Sincerely,

Mike Smith

Donley Safety

CASUAL SALES AGREEMENT

The Westfield Fire Department ("Seller") hereby offers for sale and/or trade in on the purchase of new firefighting equipment pursuant to a signed contract dated 4-20-2012 from:

BUYER: Donley & Associates, Inc. (d.b.a. Donley Safety)

ADDRESS: 5546 ELMWOOD CT.

CITY: INDIANAPOLIS ST: IN ZIP: 46203

Purchaser agrees to buy and credit Seller for the item and sum herein:

Description of Item: 1999 International Pumper (VIN # 1HTSDADRXXH611096)

Model #: # 1 for the sum of \$ 79,000. Total \$ 79,000.

The Westfield Fire Department ("Seller") offers these goods for sale "AS IS AND WITH NO EXPRESSED OR IMPLIED WARRANTIES, INCLUDING NO IMPLIED WARRANTY OF MERCHANTABILITY." Buyer accepts the full risk of use and such risks fall solely on the Buyer. The parties to this transaction agree and understand that the purchase price is for fair market value as determined by the parties and that this Casual Sales Agreement ("Agreement") has not been entered to influence or induce any other business opportunities between the parties. As a condition of the sale, Buyer hereby agrees to release, indemnify and hold Seller, its employees, affiliates, directors, officers, and agents, harmless for any damages or claims arising out of the item purchased and or traded in whether bought by or on behalf of Buyer or a third party or any future purchaser. The terms within are intended as a final expression of the Agreement and may not be contradicted by evidence of any prior agreement or of any contemporaneous oral agreement. Any changes to this Agreement must be done in writing and attached as an addendum hereto.

These goods are being disposed of by Seller as a casual sale and "not as part of the normal business of providing fire protection."

Seller Signature: Todd Burton

Printed Name/Title: Todd Burton, Fire Chief

Date: 4-20-2012

Buyer Signature: Michael Smith

Printed Name/Title: MICHAEL SMITH, PRESIDENT

Date: 4-20-2012