

**TOWNSHIP OF LUMBERTON, NEW JERSEY
ORDINANCE O-2016-04**

**ORDINANCE OF THE TOWNSHIP OF LUMBERTON, COUNTY
OF BURLINGTON, STATE OF NEW JERSEY, ESTABLISHING
FIRE SUPPRESSION AND PREVENTION SERVICES AND
EMERGENCY RESCUE SERVICES WITHIN THE TOWNSHIP.**

WHEREAS, Lumberton Township has historically utilized the Lumberton Fire Company #1, a non-profit corporation of the State of New Jersey, for emergency fire prevention and firefighting purposes; and

WHEREAS, Lumberton Township historically provided taxpayer funds to the said Lumberton Fire Company #1 to assist in the management, operation and efficiencies of the said organization; and

WHEREAS, on April 6, 2010 the Township of Lumberton formally entered into an agreement with Lumberton Fire Company #1 to provide emergency fire prevention and firefighting services with the Township; and

WHEREAS, the Township Committee of Lumberton Township believes it is in the best interests of the health, safety and welfare of Lumberton Township residents and taxpayers, as well as those traveling through the Township of Lumberton, to insist upon the greatest degree of quality performance from any the Township's fire service; and

WHEREAS, the Township of Lumberton desires the Lumberton Fire Company #1 to be the sole provider of emergency rescue services with the Township due to the Lumberton Emergency Squad Inc. relinquishing said duties;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey that:

SECTION 1. Incorporation by Reference

All of the terms, provisions and statements contained within the Whereas clauses that form a preface to this ordinance are hereby repeated and incorporated herein by reference, as if set forth at length, and the terms of those Whereas clauses are specifically made findings of the Township Committee of Lumberton Township.

SECTION 2. Definitions

For purposes of this ordinance, the following words shall have the meaning set forth hereafter:

“Fire Company,” “Fire Service” and “Company” shall mean the Lumberton Fire Company #1, Inc., located within the Township of Lumberton, New Jersey.

SECTION 3. Fire and Rescue Services Provided

The Township hereby appoints the Lumberton Fire Company #1, Inc. as the provider of fire service, including fire prevention and firefighting, along with emergency rescue services. The

appointment of the Lumberton Fire Company #1 is based upon the traditional relationship between the Company and the Township, and the excellent record of the Company, which the Township hopes to maintain in the best interests of the residents and taxpayers of the Township. The appointment of the Lumberton Fire Company #1 is subject, nevertheless, to maintenance of an appropriate agreement between the Township and the said Company. Such agreement shall be in writing and shall contain provisions requiring any firefighting and prevention services and emergency rescue services to operate, administer and report to the Township of Lumberton in the manner required by these provisions.

SECTION 4. Emergency Rescue Services Billing

Lumberton Fire Company #1 shall be permitted to bill for extrication and rescue costs when such Equipment is utilized by said department at the following rates for service:

- (1) Light Rescue: Batteries, Fluid, Stabilization. There shall be a fee of \$350.00 for light rescue operations, such as stabilization, use of hand tools, hazard control and other scene-related light rescue operations.
- (2) Medium Rescue: There shall be a fee of \$700.00 for medium rescue operations including the use of power tools and hydraulic rescue tools to perform activities such as opening or removing doors to provide access to patients as well as stabilizing vehicles and performing hazardous assessments.
- (3) Heavy Rescue: There shall be a fee of \$1,250.00 for heavy rescue operations including any technical rescue procedures, including but not limited to water and ice rescue, rope rescue, confined space rescue, high angle rescue, trench rescue or structural collapse rescue. Heavy rescue also included mother vehicle rescue where the rescue includes the use of power tools and hydraulic equipment to perform operations such as partial or full roof removal, front dash displacement, third door access and separating vehicle from one another.

SECTION 5. Documentation to Township

Lumberton Fire Company #1 shall provide specific documentation to the Township. This documentation shall include:

- A. An annual Comprehensive Activity Report, sometimes commonly referred to as a Chief's Report that shall provide information and data reporting the total calls received by the Lumberton Fire Company #1, the number of such calls responded to, the number of such calls not responded to and the number of calls responded to by other providers. The Chief's Report shall include average dispatch times supported by Central Communications reports. The Chief's Report must report all active members of the provider's organization, the

number of new members actively involved since the last Chief's Report, current efforts at further recruitment, the nature of recruitment goals, and all members' current training records.

B. A copy of all policies and procedures utilized by the emergency service provider.

C. A Reviewed Income Statement.

D. A Reviewed Balance Sheet.

The reports identified in subsections C and D hereof shall be prepared by an independent accountant. The purposes for which the Township requires the submission of such reports include: (1) the need for the Township to understand the efficiencies within the Company's operation; (2) whether the Company is meeting the standards set forth within these provisions for arrival at the fire or rescue service's location (standards as established by the New Jersey Division of Fire Safety), arrival at the location where the fire or rescue services are to be performed (standards as established by the New Jersey Division of Fire Safety) and the frequency with which these standards are being met. The Township's standard on such frequency is articulated hereinbefore as 90% of the time; (3) to provide to the public at large the ability to know and understand the use of all funds coming into the hands of non-public entities that are performing public functions on behalf of Lumberton Township and (4) to generally maintain the highest integrity, transparency and professionalism in the performance of public functions.

To effectuate this, the Township requires the provision to the Township, no later than February 15 of each calendar year, an audit of the operations of the Company(s) prepared by an independent firm.

SECTION 6. Time for Production of all Annual Paperwork

All paperwork submitted pursuant to Section 4 hereof shall be in the hands of the Township no later than February 15 of every calendar year. The reports shall cover the period of time consisting of the entire calendar year ending on December 31 immediately prior to the February 15 deadline. Reports shall be considered as submitted in a timely fashion if they are in the hands of the Municipal Clerk on or before February 15 at 4:00 o'clock p.m. In the event that February 15 falls on a weekend or other day that the Township is not open for business, the report shall be submitted no later than 4 p.m. on the next immediately following business day of the Township.

SECTION 7. Management of Emergency Service Providers

The Township does not have and shall not acquire the right of management over any private fire company identified herein. The Township may not cause there to be hiring, firing, discipline, or other personnel action between the provider and its employees or volunteers, the expenditure of funds in a particular manner or other management prerogative upon a private provider's operation. The

Township's sole remedy for non-performance of all requirements imposed herein upon any service provider is to terminate the contract between the Township and the Company or otherwise not renew an annual contract when the Township obtains information that the Company is not satisfying the standards or obligations set forth herein, in the sole discretion of the Township.

SECTION 8. Performance Standards Required

The Township Committee of Lumberton Township specifically determines the standards of performance for all fire company fire eradication efforts to be as follows:

Fire Company's personnel must arrive at the Township's Fire Company #1's facility within acceptable standards of the emergency call being placed as established by the New Jersey Division of Fire Safety, so that the firefighting services provided within the Township can be on location where the service is needed within acceptable standards of the emergency call being placed as established by the New Jersey Division of Fire Safety. The time for arrival at the location where the service is needed shall be within standards as established by the New Jersey Division of Fire Safety from the time of dispatch. These standards must be executed by the Company no less frequently than 90% of the time that there is a dispatch.

Since all services performed by the Company pursuant to these provisions are public services, all equipment acquisition, whether consisting of rolling stock or otherwise, and real estate in the manner imposed upon municipal government in the State of New Jersey by complying with the provisions of the New Jersey Local Contract Law (*NJSA 40A:11-1 et seq*) and the New Jersey Municipal Lands and Buildings Law (*NJSA 40A:12-1 et seq*) and any other provisions of law that guarantee taxpayers, citizens and residents that the procedures of acquiring property are being utilized to guarantee the proper transparency of operations.

SECTION 9. Township Real and Personal Property

A. Real Property

The real property located at 561 Main Street, Lumberton, New Jersey is the property of the Lumberton Fire Company #1. If in the future, the Township of Lumberton were to acquire and provide a building to house a provider of firefighting and emergency rescue services, then all those future agreements between the Township and said provider utilizing the said real property are to enter into a lease agreement for the property. The term of such lease shall be equal to the length of any contract between the Township and the firefighting and emergency rescue services provider by which such provider. The Township will require the utilization of the said real property for the provision of public services consisting of either or both of firefighting or emergency rescue services.

SECTION 10. All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

SECTION 11. If for any reason any section of this ordinance shall be declared unconstitutional or illegal by any court of competent jurisdiction, the remaining sections hereof shall remain in full force and effect.

SECTION 12. This ordinance shall take effect upon final passage and publication according to law. The tax provisions of this ordinance shall take effect on the first day of the first full month occurring 30 days after the date of transmittal to the State Treasurer. Notice of adoption shall be published as provided by law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION: March 22, 2016

Motion made by: Committeeman Mansdoerfer

Motion seconded by: Committeeman Conway

VOTE:

Committeeman Conway:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Jackson:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Earlen:	<u>Yes</u>	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing) April 12, 2016

Motion made by: Committeeman Mansdoerfer

Motion seconded by: Committeeman Dinneen

VOTE:

Committeeman Conway:	Yes	No	Abstain	<u>Not Present</u>
Committeeman Dinneen:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Jackson:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present
Mayor Earlen:	<u>Yes</u>	No	Abstain	Not Present

Attest:



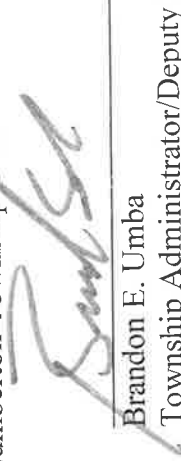
Brandon E. Umba
Township Administrator/Deputy Municipal Clerk



Sean Earlen, Mayor

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on March 22, 2016 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on April 12, 2016.



Brandon E. Umba
Township Administrator/Deputy Municipal Clerk

Introduced: March 22, 2016
Published: March 30, 2016
Adopted: April 12, 2016
Published: April 15, 2016