

O: 2016-001

**ORDINANCE OF THE TOWNSHIP OF LUMBERTON,  
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,  
REPEALING ORDINACNE O-2011-03-003 IN ITS  
ENTIRETY AND REPLACING WITH THE FOREGOING  
ORDINANCE ESTABLISHING EMERGENCY MEDICAL  
SERVICES WITHIN THE TOWNSHIP.**

**WHEREAS**, the Mayor and Township Committee hereby wishes to repeal the previous Ordinance 2011-03-003 in its entirety and replacing it with the foregoing Ordinance outlined herein; and

**WHEREAS**, the Mayor and Township Committee hereby desires to fully designate and officially authorize an entity for handling of emergency medical services for the Township of Lumberton; and

**WHEREAS**, the Mayor and Township Committee are granted the authority to recognize and authorize an emergency medical service company within the Township of Lumberton by New Jersey State Statute; and

**WHEREAS**, the Township has in the past and continues to require an emergency medical service's efficiency and reliability to be consistently performed so that the emergency medical service's necessary personnel arrive at the Township's facility and responding to the place of the emergency call within the standards that are generally consistent and acceptable to the New Jersey Department of Health's Office of Emergency Medical Services and

**WHEREAS**, the Township continues to require the above mentioned standards as established by the New Jersey Department of Health's Office of Emergency Medical Services and meet those standards 90% of the time that the provider is dispatched to a medical emergency; 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 travelling through the Township of Lumberton, to insist upon the greatest degree of quality performance and efficiency from any medical service provider or rescue service provider so that the 90% standards articulated in the previous two Whereas Clauses are achieved and maintained; and

**WHEREAS**, the Township of Lumberton finds it to be in the best long term interests of the citizens, residents, and taxpayers of Lumberton Township, as well as those persons entering into and/or passing through the Township, for the Township to make reliable emergency medical service functions ones for which the Township has ultimate responsibility;

**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:

Emergency Medical Services shall mean emergency medical services provided by an entity licensed to perform such services, whether such entity is a private or public entity;

Emergency Medical Services Provider shall mean the entity that provides emergency medical services to the residents and taxpayers of Lumberton Township or to those individuals passing through Lumberton Township. At the time of the introduction of this amendment to the Code of Lumberton Township, the Lumberton Emergency Squad, Inc is serving in the capacity of the emergency medical service provider;

Emergency Service is defined as either emergency medical services.

Provider shall mean either a provider of emergency medical services as defined herein.

**SECTION 3. Emergency Medical Services**

A. It is the policy of Lumberton Township to establish standards for and to assist in the provision of emergency medical services to the residents, citizens and taxpayers of Lumberton Township and to those persons who are within Lumberton Township temporarily, whether for business or personal reasons or while passing through the Township.

B. The Township may implement this policy through any technique known to be available, including but not necessarily limited to:

- i. the provision of emergency medical services through agreement with one or more properly licensed medical service providers;
- ii. shared services or inter local services with another municipality or municipalities, in sufficiently close proximity to provide those services pursuant to the standards set forth herein;

- iii. through competitive bidding;
  - iv. municipal employees of Lumberton Township; or
  - v. through any other technique available to Lumberton Township for the safety and well - being of persons within the Township.
- C. Any for profit or not for profit providers of emergency medical services, other than those provided pursuant to mutual aid systems in place within Burlington County, shall enter into agreements with the Township for the provision of those services.

#### **SECTION 4. Third Party Billing**

Whether the Township utilizes any of the four methodologies identified in Section 3 hereof, or if the Township utilizes a different system, the Township Committee requires a third party billing system such as the one currently in place. The purpose of such system is to assist in the funding of emergency medical services utilized within Lumberton Township. The funds collectible and/or collected through any such third party system are determined to be funds imbued with a public trust to be utilized exclusively for the purposes identified herein and not for the benefit of any person, entity, official, officer or member of any organization, whether the Township or any other entity fitting within the definitions of sections 3 B (i through iv) hereof. The Township shall from time to time review the provisions of this section and make further adjustments to these provisions to effectuate the purposes identified herein. The Township shall make reasonable inquiries as set forth herein, or additional reasonable inquiries if not set forth herein, that all funds coming into the hands of the Township or any provider of emergency services are treated in the manner identified herein.

- A. Regardless of what model the Township chooses to provide the emergency medical services defined herein (as set forth in Section 3 (B) ( i. thru v.) the third party billing system must have the following attributes:
- i. Persons who have health insurance to cover any emergency services as defined herein who receive Lumberton Township emergency medical services are expected to cooperate with said emergency service's professional billing system to secure full payment for services rendered to the full extent that those services are covered by insurance. It is recognized by the Township that the breadth of services covered by insurance varies over time and the scope of such insured services contracts

and expands. It is the purpose of this ordinance that any service provided to any person by a Lumberton Township emergency provider shall be the subject of an appropriate billing system, including an appropriate third party billing system, if permitted by law, and that all monies recovered by that system shall be utilized in the manner set forth herein.

- ii. In the event a taxpayer or domiciled resident of the Township of Lumberton does not have health insurance or if their health insurance only pays a partial payment, full payment shall still be required as provided by federal law with relief being granted upon a hardship being presented.
- iii. Due to the complexities of the preparation and processing of insurance claims, interest shall not be charged on Lumberton emergency services billing.
- iv. After providing emergency services, the provider of the emergency medical service shall transmit all pertinent billing information to the professional medical billing service for collection. The professional medical billing service shall be responsible for receipt of payment and proper record-keeping of its collections. Payments received by the professional billing service shall, thereafter, be transmitted electronically to a designated account of the provider of the emergency medical service provider or, if the provider is the Township, then to the Township of Lumberton. In the event those funds are transmitted to the Township, such funds shall be administered by the Lumberton Township Chief Financial Officer (CFO) under the direction and supervision of the Township Committee and be subject to audit in a manner similar to current auditing requirements imposed upon municipal government in the State of New Jersey. The provider of the billing services shall prepare a reconciliation report and shall self-monitor its operations, including billing activities and receipt of funds.

#### **SECTION 5. Documentation to Township**

In the event the provision of emergency services is by a method set forth in paragraph 3B, the provider of the services 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 emergency service provider, 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 Comprehensive Activity Report shall include average dispatch times supported by Central Communications reports. The said Report must report all active members of the provider's organization, the number of new members actively involved since the last Report, current efforts at further recruitment, the nature of recruitment goals, and all members' current training records.
- B. Monthly call reports, detailing the number of calls that month with corresponding times and activities render are required to be submitted at the Monthly Public Safety Meetings held with the Township Administrator and Township Committee Liaisons.
- C. A copy of all policies and procedures utilized by the emergency service provider.
- D. A Reviewed Income Statement.
- E. A Reviewed Balance Sheet

The reports identified in subsections D and E hereof shall be prepared by an independent auditor. 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 emergency service provider's operation;
- (2) whether providers are meeting the standards set forth within these provisions for arrival at the provider's location (standards as established by the New Jersey Department of Health's Office of Emergency Medical Services), arrival at the location where the emergency services are to be performed (standards as established by the New Jersey Department of Health's Office of Emergency Medical Services) 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 annual provision to the Township, no later than February 15 of each calendar year for all documents other than the, reviewed audited

financial statements of the provider(s) prepared by an independent firm, which shall be handed in no later than May 15 of each calendar year.

**SECTION 6. Time for Production of all Annual Paperwork**

All paperwork submitted pursuant to Section 5 hereof shall be in the hands of the Township no later than February 15 of every calendar year and for the audit of financial operations of the provider(s) prepared by an independent firm no later than May 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 and May 15 deadline. Reports shall be considered as submitted in a timely fashion if they are in the hands of the Township Administrator and/or 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 emergency medical service that fits within the definition of providers 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 provider or otherwise not renew an annual contract when the Township obtains information that the provider is not satisfying the standards or obligations set forth herein, in the sole discretion of the Township. Nothing herein shall preclude the provider of the emergency services to request the Township to assist in effectuating changes to the manner of operation of the provider if the provider believes such assistance can add to the quality of the services provided and contribute to the maintenance of the standards identified herein.

**SECTION 8. No denial of service**

All persons needing emergency services within the Township of Lumberton shall be serviced, to the extent that such services are available, without discrimination on any basis, and without respect to residency, ability to pay, or any other factor. No person located within

Lumberton Township at the time that either emergency medical services are needed shall be denied available service when such services are available.

**SECTION 9. No delay of service**

There shall be no delay in providing available service identified in this ordinance due to any third party billing, prior interaction between the person needing emergency medical services and the billing companies or the emergency service provider.

**SECTION 10. Performance Standards Required**

These standards have been articulated hereinbefore within the Whereas provisions of this ordinance. Even though said Whereas clauses were incorporated herein by reference, the Township Committee of Lumberton Township specifically determines the standards of performance for all emergency medical and emergency rescue services to be as follows:

Emergency medical service provider's personnel must arrive at the Township's Emergency Squad's facility within standards as established by the New Jersey Department of Health's Office of Emergency Medical Services of the emergency call being placed so that the emergency medical care provided to persons within the Township can be on location where the emergency service is need within standards as established by the New Jersey Department of Health's Office of Emergency Medical Services of such emergency call being placed. These standards must be executed by the medical service provider no less frequently than 90% of the time that there is a dispatch to provide emergency medical services.

**SECTION 11. Township Real and Personal Property**

**A. Real Property**

The real property located at or adjacent to Municipal Drive, Lumberton, New Jersey is the property of the taxpayers of Lumberton Township. During a large portion of that time, the property has been occupied by the Lumberton Emergency Squad, Inc. A condition of any future agreement between the Township and the Lumberton Emergency Squad, Inc., or any other provider of emergency medical services that will utilize the said real property, is 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 emergency medical provider by which such provider. The Township requires the utilization of the said real property for the provision of public services consisting of either or both of emergency medical services. In furtherance thereof, the Township shall not allow the building to be occupied by any persons or entity not this emergency service to the Township pursuant to this ordinance and pursuant to a written lease.

## **B. Personal Property**

The Township owns ambulances and/or specialized vehicles, as well as substantial amounts of equipment as set forth in Exhibit A hereto . The failure to list such further equipment that may exist or to describe with specificity items utilized currently by the Lumberton Emergency Squad, including but not limited to motor vehicles, shall not constitute a waiver of the Township's rights in said equipment and rolling stock.

The Township shall make available all of this property to any provider of emergency medical services if such property can be utilized by such emergency service provider. The Township shall require each lease of the real property, identified hereinbefore, to contain provisions that the use of the personal property is exclusively related to the provider's fulfillment of its contract with the Township to provide the emergency services identified. In the event there is a failure to renew a contract between the Township and an emergency service provider, the said provider that had the right to enter into the real property pursuant to prior contract and/or lease agreement shall vacate the real estate within 48 hours of receiving notice from the Township that the tenant will not be reappointed and/or the contract between them will not be renewed. Such notice shall be provided in writing and delivered to the leased premises. The Township shall take all reasonable measures to insure that all officials and officers of the current occupant of the real estate are notified that it's rights to maintain possession of the property are concluded.

Upon the tenant's vacation of the premises, the emergency provider/tenant must leave all Township property and all other property acquired by it that is utilized in the performance of the emergency service(s) at the location of the real estate in the normal location where such personal property is generally kept. Upon such notice and vacation, the tenant shall also make full disclosure to the Township of all cash that it maintains on hand. In the event that the emergency service provider is not utilizing the Township's real estate in the performance of its services, it shall nevertheless surrender all non-realty items identified herein or referred to herein. Such items shall have been made available to the emergency service provider at the time of its commencement of providing services to the Township. In the event that the emergency service provider possessed neither the Township's real property or any of its equipment, the said provider shall also provide an accounting of moneys it received and expended as a result of its provision of emergency services within Lumberton Township. This accounting will also demonstrate the extent of monies on hand and in the possession of the emergency service



provider so that the Township can understand the extent of such monies derived by the provider's services within Lumberton Township. The public's ownership of the real and personal property identified herein and/or, as well, the public trust imposed upon all funds coming into the hands of the emergency service provider or its professional billing company provides to the Township the right to make a proper request for information or otherwise take formal action to protect the public's rights in such property and/or funds.

**SECTION 12.** All ordinances or parts of ordinances inconsistent with this ordinance are repealed to the extent of such inconsistency.

**SECTION 13.** 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 14.** 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.

**SECTION 15:** This ordinance shall take effect 20 days after final adoption and publication as provided by law.

**SECTION 16:** Any ordinance provisions inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

**SECTION 17:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**LUMBERTON TOWNSHIP COMMITTEE**

ACTION ON INTRODUCTION: January 5, 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) January 26, 2016  
Motion made by: Committeeman Jackson  
Motion seconded by: Committeeman Dinneen

**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>	<u>No</u>	Abstain	Not Present
Mayor Earlen:	<u>Yes</u>	No	Abstain	Not Present

Attest:


  
\_\_\_\_\_  
Brandon E. Umba  
Township Administrator/Deputy Municipal Clerk

  
\_\_\_\_\_  
Sean Earlen, Mayor

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**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 January 5, 2016 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on January 26, 2016.

  
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Brandon E. Umba  
Township Administrator/Deputy Municipal Clerk

Introduced: January 5, 2016  
Published: January 12, 2016  
Adopted: January 26, 2016  
Published: January 29, 2016