

# TOWNSHIP OF MAPLE SHADE

## ORDINANCE 2024-11

SECTION 1. Ordinance 2023-12 is hereby repealed in its entirety.

SECTION 2. Chapter 16 “Fire Department” is deleted in its entirety and replace with the following:

16-1. Designation of volunteer fire company as fire service.

In consideration of its continuous service to the people of Maple Shade since 1912, Independent Fire Company No. 1 of Maple Shade (“Fire Company”) is hereby designated as the official protective fire service agency for the Township of Maple Shade and will also utilize the services of both paid and volunteer members to provide this service.

16-2. Creation of paid firefighter positions within Independent Fire Company No. 1 of Maple Shade.

In accordance with N.J.S.A. 40A:14-7 and 40A:14-42, the Township of Maple Shade (the “Township”) hereby creates paid positions within the Independent Fire Company No. 1 of Maple Shade. In accordance with N.J.S.A. 40A:14-7 and 40A:14-42, the Independent Fire Company No. 1 of Maple Shade shall be composed of both paid and volunteer firefighters.

In accordance with N.J.S.A. 40A:14-42: “In any municipality where there is a volunteer fire company or force, maintained and controlled by the municipality, having no paid fireman and thereafter a paid position therein is created or established by the governing body of said municipality, such position shall be filled by a member of the volunteer fire company or force who shall have served as an active fireman for at least two years next preceding said appointment or by an exempt fireman of the company or force. If no such member or exempt fireman is available for such appointment, the appointment may be made to any qualified person. Said appointee shall not be under 21 or over 40 years of age at the time of the appointment.”

Paid positions within Independent Fire Company No. 1 of Maple Shade shall consist of full-time and part-time employees.

16-3. Supervision and Control.

The Fire Company shall operate in accordance with applicable New Jersey statutes. The appointment of the Chief of the Fire Company as well as subordinate line officers and administration of the independent corporation known as “Independent Fire Company No. 1 of Maple Shade” shall remain the prerogative of the membership of Independent Fire Company No. 1 of Maple Shade in accordance with its bylaws and policies. Actual day-to-day operation of the Fire Company shall be the responsibility of the line officers and elected corporate officers. The Fire Chief shall have full operational authority with regard to the provision of day to day fire service and paid personnel.

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### 16-4. Township Contribution.

In addition to expenditures for apparatus and other items which remain titled to the Township of Maple Shade, and in addition to any payments made under any Lease with Independent Fire Company No. 1 of the Maple Shade, in consideration of the provision of protective fire services and other emergency services to the township, the township shall make such annual contributions to Independent Fire Company No. 1 of Maple Shade in the maximum amount permitted under N.J.S.A.40A:14-34.

### 16-5. Service of Township employees, officers and/or elected officials as volunteers

As allowed by law, employees, officers and elected officials of the Township of Maple Shade are encouraged and permitted to serve as volunteer firefighters. Such service shall be in accordance with any and all policies contained in the Township of Maple Shade's Handbook for Elected Officials, Appointed Officials, and Volunteers.

### 16-6. Volunteer retention / reimbursement stipends.

The Township recognizes that the role of a volunteer is an extremely demanding vocation with extraordinary costs to volunteers and that there is a need for incentives for volunteer recruitment and retention and that stipend programs are being utilized throughout the United States of America in furtherance of same. The Township acknowledges and supports the efforts Independent Fire Company No. 1 of Maple Shade to develop a workable volunteer retention/reimbursement stipend program, which the Township shall fund. The Township further recognizes the increasing demand of everyday life and the difficulties and costs associated with volunteer service.

### 16-7. Stipends for volunteers.

The Fire Chief shall develop criteria for payment of a monthly stipend to certain firefighters providing fire service. Those criteria shall be presented to Council simultaneous with the adoption of this chapter and thereafter on an annual basis no later than October 31 for consideration by Township Council. If ultimately acceptable to Council, such criteria shall be accepted by resolution of the Township Council. Thereafter, the Fire Chief shall, no later than the 10<sup>th</sup> day of each month, present to Township Council the names of those firefighters entitled to receive a stipend and the amount of stipend to be paid to each individual. The Township Council shall thereafter place the list of such stipends on its agenda for consideration and approval at its next regular meeting, and the Township's Chief Financial Officer shall issue payment of such stipends when so approved. In no event shall any such stipend paid by the Township in accordance with this chapter be considered as salary or other remuneration. The stipend is intended for the purposes aforesaid and, other than issuance of the stipend checks, shall be administered by the Fire Company in accordance with the accepted criteria. Each individual

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receiving a stipend shall be issued a form 1099 for tax purposes and any and all tax payment associated with such stipend shall be the responsibility of the individual such stipend.

16-8. Annual review of stipend programs.

Under and subject to 16-7, commencing in 2024, the stipend program shall be subject to acceptance by resolution at the annual reorganization meeting of the Township Council.

16-9. Construal of payments.

The payments set forth hereinabove shall not be considered as salary. No person receiving such stipend shall be considered an employee of the Township by payment of such stipend.

16-10. Execution of waivers.

No volunteer member of the Fire Company shall be entitled to any stipend payment hereunder until he/she shall first have executed a waiver waiving any and all claim to pension, civil service or employment status of any kind whatsoever as a result of receiving any stipend.

16-11. Monthly reports by Chief.

The Fire Chief shall provide monthly reports regarding the operation of the program on the volunteer firefighting force.

16-12. Lease of Property for Firehouse.

The Township is permitted to enter into a lease agreement with Independent Fire Company No. 1 of Maple Shade for portions of property located at 53 S Maple Ave, Maple Shade, NJ 08052. In the event a Lease is agreed upon, Independent Fire Company No.1 of Maple Shade shall be compensated for the use of those subject portions of the property located at 53 S Maple Ave, Maple Shade, NJ 08052 at fair market value based on the square footage leased by the Township.

16-13. Rules and Regulations of Fire Company.

Independent Fire Company No. 1 of Maple Shade shall be governed by the laws of the State of New Jersey, Independent Fire Company No. 1 of Maple Shade's By-Laws, and Independent Fire Company No. 1 of Maple Shade's Standard Operating Procedures and Guidelines.

16-14. Minimum Requirements for Firefighters.

Each Fire Chief, Deputy Fire Chief, Battalion Chief, Fire Lieutenant, Engineering Officer, Fire Marshall (Official), Fire Inspector, and firefighter shall be subject to the minimum training and

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certification requirements as set forth by the State of New Jersey, Department of Community Affairs, Division of Fire Safety.

16-15. Apparatus and Equipment Replacement.

The Township Council shall provide the following funding for firefighting services on an annual basis for the purpose of eliminating any need for volunteer fundraising:

a. Replacement of capital equipment and apparatus, including vehicles, on a cycle of twenty years for diesel powered apparatus, fifteen years for gasoline powered apparatus, and ten years, or as needed, for other vehicles or equipment.

SECTION 3. This Ordinance shall take effect upon final passage and publication according to law.

SECTION 4. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Automatic Introduction: May 23, 2024

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman						
Nunes						
Volpe						
Wiest						
Schmidt						

Public Hearing: June 12, 2024

Denied: May 12, 2024      Comments: none

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman			x			
Nunes			x			
Volpe	x		x			
Wiest		x	x			
Schmidt			x			