

**VOORHEES TOWNSHIP COMMITTEE  
AGENDA FOR THE SPECIAL MEETING OF TUESDAY, JANUARY 17, 2017  
REGULAR MEETING 8:00 PM**

**FLAG SALUTE  
ROLL CALL**

**SUNSHINE STATEMENT**

**PUBLIC HEARING ON THE DISSOLUTION OF VOORHEES FIRE DISTRICT #3**

A. PRESENTATION BY SPECIAL LEGAL COUNSEL AND OTHER REPRESENTATIVES

B. PUBLIC PORTION ON DISSOLUTION OF VOORHEES FIRE DISTRICT #3 AND ASSOCIATED RESOLUTIONS

MOTION TO CLOSE

PUBLIC PORTION:

AYES:

SECONDED:

NAYS:

**FIRST READING ON ORDINANCE**

ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY DISSOLVING VOORHEES FIRE DISTRICT NO. 3 PURSUANT TO N.J.S.A. 40A:14-91 AND 40A:5A-20

MOTION TO CLOSE

PUBLIC PORTION:

SECONDED:

AYES:

NAYS:

MOTION TO APPROVE:

SECONDED:

ROLL CALL: FRIEDMAN RAVITZ

PLATT NOCITO

MIGNOGNA

RESOLUTION NO. 48-17

RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD FOR THE DISSOLUTION OF VOORHEES FIRE DISTRICT NO. 3 PURSUANT TO N.J.S.A. 40A:14-91 AND 40A:5A-20

ROLL CALL:

FRIEDMAN  
PLATT  
MIGNOGNA

RAVITZ  
NOCITO

RESOLUTION NO. 49-17

RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN, NEW JERSEY APPROVING THE FINDINGS OF ACACIA FINANCIAL GROUP, INC., AS RELATED TO THE DISSOLUTION OF VOORHEES TOWNSHIP FIRE DISTRICT NO. 3

ROLL CALL:

FRIEDMAN  
PLATT  
MIGNOGNA

RAVITZ  
NOCITO

RESOLUTION NO.

EXECUTIVE SESSION

COMMENTS FROM COMMITTEE  
COMMENTS FROM THE PUBLIC

ADJOURNMENT

**ORDINANCE NO.**

**ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY DISSOLVING VOORHEES FIRE DISTRICT NO. 3 PURSUANT TO N.J.S.A. 40A:14-91 AND 40A:5A-20**

**WHEREAS**, there is established in the Township of Voorhees, County of Camden, State of New Jersey the Voorhees Fire District No. 3 (“VFD”) which provides fire and emergency medical services to the residents of Voorhees Township (“Township”); and

**WHEREAS**, it has come to the attention of the Mayor and Township Committee that there is substantial and serious financial mismanagement of the VFD by the Board of Fire Commissioners which has resulted in serious public safety issues; and

**WHEREAS**, the Mayor and Township Committee have authorized various evaluations of the VFD; and

**WHEREAS**, Harry R. Carter, Ph.D., an expert in fire administration and public fire safety matters has rendered a report dated October 14, 2016 attached hereto and made a part hereof as Exhibit “A” wherein he has rendered the opinion that there is serious financial mismanagement by the Board of Fire Commissioners in the operations and administration of the VFD which has had a negative impact on the level and quality of fire services in the Township and it has created serious public safety issues; and

**WHEREAS**, Dr. Carter has opined that in his entire career, the Voorhees Township Board of Fire Commissioners is perhaps the most poorly managed fire district with which he has ever interacted and he recommends that the VFD be dissolved; and

**WHEREAS**, the Township is in receipt of the Standard and Poor’s May 4, 2016 credit profile regarding the Voorhees Township Fire Commissioners entitled “Voorhees Township Commissioners Fire District No. 3, New Jersey; General Obligation” wherein it states, “S&P Global Ratings lowered its rating on Voorhees Township Commissioners Fire District No. 3 N.J.’s General Obligation (“GO”) debt one notch to AA from AA+. The outlook is negative. The rating action reflects our opinion of the district’s significant financial deterioration. Officials are projecting the combined general and capital fund balance totaling \$303,000 at fiscal year-end 2015, down from the roughly \$2 million of general fund balance in the past. The negative outlook reflects our opinion that there is, at least, a one-in-three chance the district will not return reserves to their former strong levels over the next couple of years;” and

**WHEREAS**, the Mayor and Township Committee have received a Resolution of a Vote of “NO CONFIDENCE” in the Board of Fire Commissioners, Voorhees Fire District No. 3 and Deputy Fire Chief Michael J. Wharton, attached hereto as Exhibit “B” from the International Association of Fire Fighters, Local 3249 which represents the full-time professional firefighters, fire officers and emergency medical technicians which outlines multiple financial and safety failures of the part of the Board of Fire Commissioners of the VFD and Deputy Fire Chief Michael J. Wharton; and

**WHEREAS**, the Mayor and Township Committee have also received a letter from the International Association of Fire Fighters, Local 3249 dated October 11, 2016 attached hereto as Exhibit “C” which states in pertinent part, “Voorhees Township’s current fire, rescue and emergency medical services delivery system is broken” and “public safety and service would be best served by disbanding Voorhees Fire District #3 and transferring the current emergency and other related service functions to the control of Voorhees Township as a municipal fire department;” and

**WHEREAS**, Koerner & Koerner, P.A., certified public accountants, has issued a report entitled, “Analysis, Evaluation and Recommendations on the Financial Condition of the Board of Commissioners, Fire District No. 3, Township of Voorhees,” dated December 14, 2016, attached hereto as Exhibit “D” and made a part hereof, wherein Oliver S. Walling, III, CPA has rendered the opinion that there is serious

financial mismanagement and violation of statutory obligations and duties by the Board of Fire Commissioners in the operation and administration of the VFD and recommends that the Township dissolve the VFD; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-91, the Township adopted Resolution 217-16 authorizing the circulation of a petition to consider the dissolution of the VFD; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-91, upon written application of at least five percent (5%) of the registered voters of the Township, the Mayor and Township Committee shall consider the dissolution of the VFD and upon receipt of such an application the Mayor and Township Committee shall fix a time and place for a hearing thereon. After the hearing the Mayor and Township Committee shall determine the question of the proposed dissolution; and

**WHEREAS**, there are 20,503 registered voters in the Township of Voorhees; and

**WHEREAS**, the Mayor and Township Committee have received a report from Stampede Consulting, LLC, which administered the circulation of the petition, a copy of which is attached hereto as Exhibit "E," confirming that no less than 1,447 registered voters of the Township have signed the petition seeking the dissolution of the VFD where a minimum of 1,026 registered voters is required, thus satisfying the five percent (5%) requirement pursuant to N.J.S.A. 40A:14-91; and

**WHEREAS**, the Township has received a report entitled, "Voorhees Public Safety Consolidation Transition Plan," prepared by Voorhees Chief of Police Louis Bordi and reviewed by Dr. Carter and Mr. Walling, dated December 14, 2016, attached hereto as Exhibit "F," and made a part hereof which provides for the safe, efficient and orderly transition of the consolidation of the VFD into a department of the Township; and

**WHEREAS**, the Mayor and Township Committee held a special meeting on January 17, 2017 on notice to the public for the purpose of conducting a public hearing on the question of the dissolution of the VFD, where public input on the question was solicited and comments from the public were received; and

**WHEREAS**, after careful examination and analysis of independent firematic and municipal finance experts, the governing body has determined that it is in the best interest of the Township and its residents to dissolve the VFD and to assume responsibility for the services and financial obligations of the VFD as set forth herein; and

**WHEREAS**, the governing body recognizes a compelling public safety interest in consolidating the VFD into a department of the Township; and

**WHEREAS**, the Township finds that the efficient, proficient, fiscally responsible and effective delivery of fire and emergency management services shall be achieved by the dissolution and consolidation of the VFD; and

**WHEREAS**, the Voorhees Township Committee adopted Resolution No. 48-17, RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD FOR THE DISSOLUTION OF VOORHEES FIRE DISTRICT NO. 3 PURSUANT TO N.J.S.A. 40A:14-91 AND 40A:5A-20; and

**WHEREAS**, the Voorhees Township Committee adopted Resolution No. 49-17, RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN, NEW JERSEY APPROVING THE FINDINGS OF ACACIA FINANCIAL GROUP, INC., AS RELATED TO THE DISSOLUTION OF VOORHEES TOWNSHIP FIRE DISTRICT NO. 3; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5A-20, any municipal governing body which has established a Fire District, is empowered to dissolve the Fire District by ordinance, providing said

ordinance is approved by the Local Finance Board within the Department of Community Affairs, prior to adoption; and

**WHEREAS**, the Local Finance Board must approve the dissolution if it finds that said ordinance makes adequate provision for the payment of all creditors or obligees of the authority and that adequate provision has been made for the assumption of those services provided by the Fire District which are necessary for the health, safety and welfare of the recipients of those services; and

**WHEREAS**, it is the desire of the Township Committee of the Township of Voorhees to dissolve the VFD, to assume the debts and obligations of said VFD and to itself provide all services previously provided by said VFD; and

**WHEREAS**, N.J.S.A. 40:48-2 provides that any municipality may make, amend, repeal and enforce such ordinances, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Voorhees, County of Camden and State of New Jersey as follows:

**SECTION 1. DISSOLUTION.** Voorhees Fire District No. 3 is hereby dissolved and abolished subject to the terms and conditions hereof and the terms of the offices of the members of the Board of Commissioners of the Voorhees Fire District No. 3 are hereby terminated.

**SECTION 2. TRANSFER OF TITLE OF ALL FACILITIES.** All real and personal property owned or titled in the name of Voorhees Fire District No. 3 and all monies remaining in Voorhees Fire District No. 3's treasury shall be transferred to the Township of Voorhees and all documents and records pertaining to same shall be delivered to the Township Clerk of the Township of Voorhees forthwith.

**SECTION 3. PAYMENT OF ALL CREDITORS AND OBLIGEEES.** The Township of Voorhees shall assume responsibility for the payment of all lawful debts and obligations of the Voorhees Fire District No. 3 and the Township of Voorhees hereby covenants and agrees to comply with and perform all covenants, obligations and agreements of Voorhees Fire District No. 3, except as may be modified between the Township of Voorhees and said creditors and obligees.

**SECTION 4. RESERVATION OF RIGHTS.** The Township of Voorhees reserves the right to challenge the validity of any and all debts, covenants, obligations and/or agreements of the Voorhees Fire District No. 3 and to determine whether it is truly a lawful debt, covenant, obligation and/or agreement incurred by the Voorhees Fire District No. 3.

**SECTION 5. INJUNCTION AGAINST FURTHER ACTION WITHOUT CONSENT.** Voorhees Fire District No. 3 is hereby enjoined from taking any further action without the Township of Voorhees's consent including, but not limited to taking any and all legal action. All pending legal actions against the Township shall be dismissed with prejudice. Simultaneously, upon the effective date of this dissolution as set forth above, Voorhees Fire District No. 3 shall cease all operations and activities and all operations and activities shall be transferred to the Township automatically and without further action either by the Township of Voorhees or Voorhees Fire District No. 3.

**SECTION 6. TOWNSHIP AUTHORITY.** The Mayor, Township Committee, Clerk, Solicitors, and other appropriate employees and professionals of the Township of Voorhees are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes hereof. The members of Voorhees Fire District #3, its officers, employees, and representatives are hereby authorized and directed to undertake any and all such acts and execute any and all such documents as may be necessary to effectuate and accomplish the purposes hereof.

**SECTION 7. APPOINTMENT OF FIRE AND EMERGENCY SERVICES DIRECTOR.**

Voorhees Chief of Police Louis Bordi is hereby appointed as the Township Fire and Emergency Services Director in order to implement the Voorhees Public Safety Consolidation Transition Plan as may be amended from time to time by the Mayor and Township Committee. Chief Bordi shall have full operational and management control of the Voorhees Fire Department during the transition subject to the direction and approval of the Mayor and Township Committee.

**SECTION 8. ESTABLISHMENT OF FIRE ADVISORY BOARD.** A Voorhees Fire Department Advisory Board is hereby established consisting of ten (10) members. The purpose of the Advisory Board shall be to provide advice, information and assistance to the Township of Voorhees regarding fire department matters during the transition period. The initial ten (10) members are:

1. Lawrence Spellman – Township Administrator;
2. Dean Ciminera – Township CFO;
3. Michelle Nocito – Township Committeewoman and Public Safety Director;
4. Deputy Mayor Jason Ravitz;
5. Chief of Police Louis Bordi;
6. Special Fire Counsel – Stuart A. Platt, Esquire;
7. Former Fire Commissioner – Vaughn Vandegrift;
8. One Career Firefighter – James Poland;
9. One Volunteer Firefighter – Harry Lauletta;
10. One EMS Member – Craig Fallstick; and

**SECTION 9. APPROVAL OF LOCAL FINANCE BOARD.** Pursuant to the provisions of N.J.S.A. 40A:5A-20, after its introduction and before its adoption, a copy of this Ordinance and application for dissolution shall be submitted to the Local Finance Board of the State of New Jersey (“Board”) for review and approval. Final adoption of this ordinance shall be subject to the Board’s approval. A copy of the ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of the State of New Jersey.

**SECTION 10. EFFECTIVE DATE OF DISSOLUTION.** The dissolution of the Voorhees Fire District No. 3 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Voorhees Fire District No. 3 to the Township.

**SECTION 11. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 12. REPEAL OF ALL INCONSISTENT ORDINANCES.** All ordinances of the Township of Voorhees that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 13. EFFECTIVE DATE.** This Ordinance shall take effect upon its passage and publication, as required by law, and upon approval by the Local Finance Board.

TOWNSHIP OF VOORHEES

BY: \_\_\_\_\_  
MICHAEL R. MIGNOGNA, MAYOR

Introduced:

Adopted:

I, Dee Ober, Clerk of the Township of Voorhees, County of Camden, State of New Jersey hereby certify the foregoing to be a true and correct copy of an Ordinance introduced by the Mayor and Township Committee of the Township of Voorhees at a special meeting on January 17, 2017, held at the Municipal Building, 2400 Voorhees Town Center, Voorhees, New Jersey.

**RESOLUTION NO. 48-17**

**RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD FOR THE DISSOLUTION OF VOORHEES FIRE DISTRICT NO. 3 PURSUANT TO N.J.S.A. 40A:14-91 AND 40A:5A-20**

**WHEREAS**, there is established in the Township of Voorhees, County of Camden, State of New Jersey the Voorhees Fire District No. 3 (“VFD”) which provides fire and emergency medical services to the residents of Voorhees Township (“Township”); and

**WHEREAS**, it has come to the attention of the Mayor and Township Committee that there is substantial and serious financial mismanagement of the VFD by the Board of Fire Commissioners which has resulted in serious public safety issues; and

**WHEREAS**, pursuant to N.J.S.A. 40A:14-91, upon written application of at least five percent (5%) of the registered voters of the Township, the Mayor and Township Committee shall consider the dissolution of the VFD and upon receipt of such an application the Mayor and Township Committee shall fix a time and place for a hearing thereon. After the hearing the Mayor and Township Committee shall determine the question of the proposed dissolution; and

**WHEREAS**, the Mayor and Township Committee held a special meeting on January 17, 2017 on notice to the public for the purpose of conducting a public hearing on the question of the dissolution of the VFD, where public input on the question was solicited and comments from the public were received; and

**WHEREAS**, the Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1, *et seq.*, permits a municipality that has established an authority to dissolve such authority and sets forth the process whereby same may be accomplished; and

**WHEREAS**, after a careful examination and analysis, the Governing Body has determined that it is in the best interests of the Township and its residents to dissolve the VFD and to assume responsibility for the services and financial obligations of the same as set forth herein; and

**WHEREAS**, dissolution of the VFD is authorized by N.J.S.A. 40:14-91 and by ordinance pursuant to N.J.S.A. 40A:5A-20, subject to the review and approval of the Local Finance Board; and

**NOW THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Voorhees that the making of an application to the Local Finance Board for dissolution of Voorhees Fire District #3 is hereby approved and the Clerk, CFO and Special Counsel, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto; and

**BE IT FURTHER RESOLVED** that the Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

**BE IT FURTHER RESOLVED**, the Township Clerk is hereby authorized to publish notice of this Resolution as required by law.

DATED: JANUARY 17, 2017

MOVED:

AYES:

SECONDED:

NAYS:

APPROVED BY: \_\_\_\_\_  
Michael R. Mignogna, Mayor

I, Dee Ober, Municipal Clerk of the Township of Voorhees hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Mayor and Township Committee of the Township of Voorhees at their reorganization meeting of January 17, 2017 held in the Municipal Building, 2400 Voorhees Town Center, Voorhees, NJ 08043

\_\_\_\_\_  
Dee Ober, RMC  
Municipal Clerk



**RESOLUTION NO. 49-17**

**RESOLUTION OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE FINDINGS OF ACACIA FINANCIAL GROUP, INC., AS RELATED TO THE DISSOLUTION OF VOORHEES TOWNSHIP FIRE DISTRICT NO. 3**

**WHEREAS**, pursuant to the provisions of the Local Authorities Fiscal Control Law, Chapter 313 of the Laws of 1983 of the State, as amended and supplemented (N.J.S.A. 40A:5A-1 *et seq.*) ("Local Authorities Fiscal Control Law"), the governing body of a local unit which has established an authority shall have the power and is authorized by ordinance to dissolve the authority upon approval by the State Department of Community Affairs, Division of Local Government Services ("LFB"); and

**WHEREAS**, pursuant to the Fire District Law of the State of New Jersey ("State") (N.J.S.A. 40A:14B-70 *et seq.*), and the acts amendatory thereof and supplemental thereto, the Board of Commissioners of Fire District No. 3 of the Township of Voorhees ("Fire District") was created, upon application of at least 5% of the registered voters of the Township of Voorhees, County of Camden, State of New Jersey ("Township"), by virtue of an ordinance adopted by the Township Committee; and

**WHEREAS**, the Fire District has certain series of bonds outstanding in the principal amount of \$4,035,000, consisting of the Fire District's: (i) General Obligation Bonds, Series 2008, of which \$550,000 are currently outstanding; and (ii) General Obligation Refunding Bonds, Series 2016 ("2016 Bonds" and, together with the 2008 Bonds, the "Outstanding Bonds"), of which \$3,485,00 are currently outstanding; and

**WHEREAS**, the Outstanding Bonds were issued to finance and refinance certain capital improvements and capital equipment in and for the Fire District; and

**WHEREAS**, the Township Committee has determined that the dissolution of the Fire District is in the public interest of, and will better serve the health, welfare and convenience of, the inhabitants of the Township, and that dissolution will achieve a more efficient means for providing the services provided by the Fire District, including the financing of the costs of operation thereof; and

**WHEREAS**, the Township, as part of the dissolution of the Fire District and in connection with the provision for the payment of all creditors or obligees of the Fire District, desires to assume the responsibility for the payment of the Outstanding Bonds; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5A-20, as a requirement of the dissolution of the Fire District, the governing body of the local unit dissolving the authority shall adopt a resolution setting forth facts that constitute the basis for the determination that the assumption of such Outstanding Bonds, as compared with issuance by the Township of its own debt obligations to refund or repay the Outstanding Bonds, will be a cost effective means of meeting the debt obligations of the Fire District; and

**WHEREAS**, in furtherance of such requirement, the Township obtained the services of Acacia Financial Group, Inc., an independent financial advisory firm ("Financial Advisor"), to review the Fire District's outstanding debt and for purposes of making a recommendation to the

Township as to the most cost effective means of dissolution of the Fire District; and

**WHEREAS**, in furtherance of such engagement, the Financial Advisor has undertaken a comprehensive review and analysis of the Outstanding Bonds of the District and has made a recommendation to the Township as to the most cost effective means of dissolving the Fire District by formal written report dated January 10, 2017, a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, in particular, the Financial Advisor Report has concluded that the direct assumption of the Outstanding Bonds by the Township in lieu of the refunding of such Outstanding Bonds, would be the most cost effective means of dissolving the Fire District; and

**WHEREAS**, the Township Committee, in accordance with N.J.S.A. 40A:5A-20, desires to adopt this Resolution to formally approve the findings of the Financial Advisor set forth in the Financial Advisor Report.

**BE IT ORDAINED** by the Township Committee of the Township of Voorhees, County of Camden, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Authorities Fiscal Control Law, as follows:

**SECTION 1.** The Township Committee hereby certifies that each member of the Township Committee has reviewed the findings and recommendations contained in the Financial Advisor Report attached hereto and made a part hereof with respect to the proposed assumption of the Outstanding Bonds of the Fire District by the Township, and hereby approves the recommendation set forth therein.

**SECTION 2.** The Township Clerk is hereby authorized and directed to submit a certified copy of this resolution to the LFB to demonstrate evidence of compliance with the provisions of N.J.S.A. 40A:5A-20.

**SECTION 3.** All resolutions, or parts thereof, inconsistent herewith are hereby rescinded or repealed to the extent of any such inconsistency.

**SECTION 4.** This Resolution shall take effect immediately upon adoption this 17<sup>th</sup> day of January, 2017.

**BE IT FURTHER RESOLVED**, the Township Clerk is hereby authorized to publish notice of this Resolution as required by law.

DATED: JANUARY 17, 2017

MOVED:

AYES:

SECONDED:

NAYS:

APPROVED BY: \_\_\_\_\_  
Michael R. Mignogna, Mayor

I, Dee Ober, Municipal Clerk of the Township of Voorhees hereby certify the forgoing to be a true and correct copy of a resolution adopted by the Mayor and Township Committee of the Township of Voorhees at their reorganization meeting of January 17, 2017 held in the Municipal Building, 2400 Voorhees Town Center, Voorhees, NJ 08043

\_\_\_\_\_  
Dee Ober, RMC  
Municipal Clerk