

BOROUGH OF BUENA
SPECIAL MEETING
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MEETING CALLED TO ORDER: 6:00 P.M.
MEETING ADJOURNED: 7:04 P.M.

Moment of silence

Council Member	Present	Absent
WALKER	X	
D'ALESSANDRO	X	
BAKER	X	
MANCUSO	X	
ALVAREZ	X	

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD FRIDAY, JULY 19, 2021 VIA TELE-CONFERENCING COMMENCING AT 6:00 P.M. AT THE BOROUGH HALL WITH MAYOR ZAPPARIELLO PRESIDING. MAYOR ZAPPARIELLO CALLED FOR A MOMENT OF SILENCE FOR THOSE AFFECTED BY COVID-19 AND ANNOUNCED THAT THIS MEETING WAS BEING HELD IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT AND NOTICES OF THIS MEETING HAVE BEEN PROVIDED, VIA EMAIL, TO THE PRESS OF ATLANTIC CITY, THE DAILY JOURNAL AND THE ATLANTIC COUNTY RECORD ON DECEMBER 1, 2020 AS WELL AS BEING POSTED ON THE BULLETIN BOARD IN BOROUGH HALL

Mayor Zappariello called for a moment of silence for those affected by COVID-19.

Public Portion of the Meeting:

Bruno Romeo, Landisville, stated since the membership abated all violations, there is no reason to close the Landisville Fire Company. Mr. Romeo further expressed his disappointment that no Q&A meeting was held.

Susan Romeo, Landisville, pointed out discrepancies between the information presented at the meeting of May 26, 2021, and the District 1 Commissioner meeting minutes.

Pat Andaloro, newly elected District 1 Fire Commissioner, commended the volunteers for their hard work in bringing the department up to code. Commissioner Andaloro suggested opening the department under a probationary period.

Dennis Cheli of Landisville questioned why the Council votes in opposition to the will of the residents of Buena Borough. Mayor Zappariello responded that this is helping the community.

Dave Romeo of Landisville pointed out discrepancies between the information presented at the May 26, 2021, meeting and District 1 Commissioner meeting minutes.

Betty Testa of Landisville addressed a refusal to compromise. Ms. Testa stated she is a lifelong resident who has served the community. Chief Barbagli was

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credited for leading the department and assisting in correcting the violations. Lastly, Ms. Testa expressed her disappointment with the governing body. Brian Rowan of Vineland stated the commissioners rejected plans to implement purchasing procedures for items relating to safety.

Joseph Kasper addressed statements made by the public. Mr. Kasper also stated that EMS was driven out of the Landisville Fire House because members had little experience in medical service operations.

Joanne Rosemont of Landisville stated the District 1 closure should be on the ballot, so all voters have a voice. Ms. Rosemont credited Mayor Zappariello with his professionalism during this tumultuous period and said his late father, Jerry Zappariello would have been proud of him.

Mark Dixon of Minotola discouraged anyone from visiting the home of any member of the governing body. Mr. Dixon gave an overview of violations with a timeline.

Charles Gazzara of Landisville asked why other meeting participants have their questions answered when members and supporters of District 1 do not.

Christina Saccomanno of Landisville stated that the issue regarding the closure of District 1 has deeply divided the community and asked Council to consider the community as a whole when casting their vote.

Jenna Baruffi-Talarico of Minotola stated her father was in public service for many years, and many residents telephoned him and went to his home. Ms. Talarico suggested delaying the vote until September, when an in-person meeting can be held.

An email sent to Council from Robert James, follows:

July 18, 2021

Mayor & Members of Borough Council,

I've had the privilege and the honor to serve the Borough of Buena in various capacities since 1982, emergency medical technician, firefighter, dispatcher, police officer, board of education and councilman.

I know and understand the issues that face this council this evening. Suffice to say the inability of public to attend public meetings has done nothing but add frustration to this matter. Not to mention a schism, that lay dormant for 80 years has reopened, pitting one area against another

I took the opportunity to review ordinance 701, this is the tool that council would use to dissolve fire district number 1. Your evidence in support of the dissolution are the violations as cited by NJPEOSHA, and the financial violations that were found by your audit.

The NJPEOSHA violations have been corrected to the satisfaction of the State of New Jersey.

The financial violations have also been corrected, as stated by your auditor. Furthermore, district 2 committed the same financial violations, but no corrective action was undertaken by the borough against that district. It was in their meeting minutes with Mayor Zappariello and Councilman D'Allesandro in attendance, that these diffencies were discussed. There is a legal term that describes that type of non-feasance, and its called disparative treatment. Your borough solicitor can familiarise you with the legal meaning of that term.

Once you normalize these violations, you end up with nothing, because they were corrected to the satisfaction of the citing authorities. So then what is this matter all about at this point? It's pride and personalities, and that is why you are looking at

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removing a 100 year old organization from serving the community, pride and personalities. You need to be better than that and rise to the challenge for the community.

I recommend that Ordinance 701 be tabled, and that a resolution be offered for council's consideration. This resolution should permit fire district one to reopen under certain terms and conditions, much like a probationary period. The conditions can include maintaining training, equipment certifications, and proficiencies. These conditions can be reported to the appropriate authority in a manner, time and format that is acceptable. Under these conditions council gets what it wants, accountability, and the fire district is able to continue to serve and protect the residents of Buena Borough. Moreover, the community wins because it will be protected by trained and qualified firefighters, because when those whistles blow, you want as many volunteers as possible.

Sincerely,

Robert L. James, Jr

Public Portion Closed:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			x				
D' ALESSANDRO	X		x				
BAKER		X	x				
MANCUSO			x				
ALVAREZ			x				
			x				

INTRODUCED AND PASSED ON FIRST READING:

ORDINANCE NO. 701 AN ORDINANCE OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY DISSOLVING THE BUENA BOROUGH FIRE DISTRICT NUMBER ONE PURSUANT TO N.J.S.A. 40A:5A-20 AND EXPANDING BUENA BOROUGH FIRE DISTRICT NUMBER TWO PURSUANT TO N.J.S.A. 40A:14-90

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
WALKER			x				
D' ALESSANDRO	x		x				
BAKER			x				
MANCUSO			x				
ALVAREZ		x	x				

WHEREAS, there is established in the Borough of Buena, County of Atlantic, State of New Jersey the Buena Fire District #1 which provides fire suppression services to the residents of the Borough of Buena in its Landisville section and Buena Borough Fire District #2 which provides fire suppression services to the residents in the Minotola section; and

WHEREAS, it has come to the attention of the Mayor and Council that there are serious health and safety issues within the Borough of Buena Fire District #1; and

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WHEREAS, the Mayor and Council have authorized an audit of the Fire District # 1;
and

WHEREAS, Ford Scott Associates, certified public accountants, has issued an audit report on the Financial Condition of the Board of Commissioners, Fire District #1, Borough of Buena, dated April 2, 2021 and attached hereto as Exhibit "A" and made a part hereof, wherein Michael Garcia, CPA has rendered the opinion that there are violations of statutory obligations and duties by the Board of Fire Commissioners in the operation and administration of the funds of the Borough of Buena Fire District #1; and

WHEREAS, the governing body has received an expansion plan prepared by the Buena Borough Fire Commissioners of Fire District #2, dated April 2, 2021 along with a membership certification list, apparatus list, line officer list, and commissioner list attached hereto as Exhibit "B," and made a part hereof which provides for the safe, efficient and orderly expansion of the Buena Borough Fire District #2 ;
and

WHEREAS, after careful examination and analysis, the governing body has determined that it is in the best interest of the Borough and its residents to dissolve the Borough of Buena Fire District #1 and to expand Fire District #2 to assume responsibility for the fire suppression services of the Borough of Buena Fire District #1 as set forth herein; and

WHEREAS, the governing body recognizes a compelling public safety and health interest and a financial savings to the residents of the Borough of Buena in dissolving Fire District #1 and expanding the Fire District #2; and

WHEREAS, the governing body finds that the efficient, proficient, fiscally responsible and effective delivery of fire suppression services shall be achieved by the dissolution of Fire District #1 and expansion of Fire District #2; and

WHEREAS, the Mayor and Council of the Borough of Buena adopted Resolution No. 49- 2021, RESOLUTION OF THE BOROUGH OF BUENA, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AUTHORIZING AN APPLICATION TO THE LOCAL FINANCE BOARD FOR THE DISSOLUTION OF BOROUGH OF BUENA FIRE DISTRICT NUMBER ONE PURSUANT TO N.J.S.A. 40A:5A-20 AND EXPANSION OF FIRE DISTRICT NUMBER TWO PURSUANT TO N.J.S.A. 40A: 14-90; 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, the Local Finance Board approved the application for Dissolution and Expansion on July 14, 2021; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Buena to dissolve the Borough of Buena Fire District #1 and to expand Buena Borough Fire District #2 who will provide all services previously provided by said Borough of Buena Fire District #1; and

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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 good government, order and the 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 Council of the Borough of

Buena of the County of Atlantic and State of New Jersey as follows:

SECTION 1. DISSOLUTION. Borough of Buena Fire District #1 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 Borough of Buena Fire District #1 are hereby terminated.

SECTION 2. EXPANSION. The Borough of Buena Fire District #2 shall assume all fire suppression services of Fire District #1.

SECTION 3. TRANSFER OF TITLE OF ALL FACILITIES. All real and personal property owned or titled in the name of Borough of Buena Fire District #1 and all monies remaining in Borough of Buena Fire District #1 treasury shall be transferred to the Board of Commissioners of Fire District #2 and a copy of all documents and records pertaining to same shall be delivered to the Borough Clerk of the Borough of Buena forthwith.

SECTION 4. PAYMENT OF ALL CREDITORS AND OBLIGEES. The Board of Commissioners of Fire District #2 shall assume responsibility for the payment of all lawful debts and obligations of the Borough of Buena Fire District #1 and the Board of Commissioners of Fire District #2 hereby covenants and agrees to comply with and perform all covenants, obligations and agreements of Borough Fire District #1 except as may be modified between the Board of Commissioners and said creditors and obligees.

SECTION 5. RESERVATION OF RIGHTS. The Board of Commissioners of Fire District #2 reserves the right to challenge the validity of any and all debts, covenants, obligations and/or agreements of the Borough of Buena Fire District #1 and to determine whether it is truly a lawful debt, covenant, obligation and/or agreement incurred by the Borough of Buena Fire District #1.

SECTION 6. INJUNCTION AGAINST FURTHER ACTION WITHOUT CONSENT. Borough of Buena Fire District #1 is hereby enjoined from taking any further action without the consent of the Board of Commissioners of Fire District #2 including, but not limited to, taking any and all legal action. Simultaneously, upon the effective date of this dissolution as set forth above, the Borough of Buena Fire District #1 shall cease all operations and activities and all operations and activities shall be transferred to the Fire District Number Two automatically and without further action either by the Borough of Buena or Borough of Buena Fire District #1.

SECTION 7. BOROUGH AUTHORITY. The Mayor, Council, Clerk, Solicitor, and other appropriate employees and professionals of the Borough of Buena 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 Borough of Buena Fire District# 1 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. The Board of Commissioners of Fire District #2 along with its members, officers, employees and representatives are hereby authorized and directed to undertake any and all such acts and execute any and all

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such documents as may be necessary to effectuate and accomplish the purposes hereof.

SECTION 8. APPROVAL OF LOCAL FINANCE BOARD. Pursuant to the provisions of 40A:5A-20, a copy of this ordinance must be forwarded 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 9. EFFECTIVE DATE OF DISSOLUTION. The dissolution of the Borough of Buena Fire District #1 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District #1 to the Board of Commissioners of Fire District #2 and the assumption of all duties by Fire District Number Two shall be effective upon adoption of this ordinance.

SECTION 10. 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 11. REPEAL OF ALL INCONSISTENT ORDINANCES. All ordinances of the Borough of Buena that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon its passage and publication, as required by law and upon approval by the Local Finance Board.

MEETING ADJOURNED: M/Baker S/Mancuso RCVU

PAMELA JOHNSTON
CLERK 1