

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
JULY 29, 2021
PAGE 1

MEETING CALLED TO ORDER: 6:00 P.M.
MEETING ADJOURNED: 7:00 P.M.

ROLL CALL OF ATTENDANCE:

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

A SPECIAL MEETING WAS HELD BY THE BOROUGH OF BUENA MAYOR AND COUNCIL VIA VIRTUAL DIAL IN ACCESS FOR PUBLIC PARTICIPATION. MAYOR ZAPPARIELLO 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 JULY 26, 2021 AS WELL AS BEING POSTED ON THE BULLETIN BOARD IN BOROUGH HALL AND ON THE BOROUGH OF BUENA WEBSITE.

The purpose of the meeting was to have a public hearing and vote on the second reading of Ordinance No.701.

PUBLIC PORTION OF THE MEETING:

Mayor Zappariello announced that he was opening the meeting for public comment. **Anyone wishing to address Mayor and Council please step forward and state your name for the record.** A roll call vote was not taken for this comment period.

MOTION TO OPEN THE PUBLIC HEARING ON ORDINANCE NO.701 OF THE MEETING:

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

The following individuals commented during the public hearing portion of the meeting. Individuals wanting to comment were asked to unmute themselves and state their names and addresses for the record.

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
JULY 29, 2021
PAGE 3

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

ADOPTION OF ORDINANCE NO. 701

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

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

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
JULY 29, 2021
PAGE 4

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

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 OBLIGEEES. 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

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
JULY 29, 2021
PAGE 5

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 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.

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
JULY 29, 2021
PAGE 6

Borough Attorney Angela Costigan requested a motion and roll call vote to publish Ordinance No. 701 in the newspapers of record for the Borough of Buena.

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

MEETING ADJOURNED: M/Baker S/D'Alessandro All in favor? Yes Any opposed? No Voice vote taken

FERN A. BROWN
BOROUGH TAX CLERK I