

BOROUGH OF BUENA
SPECIAL MEETING
MINUTES
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MEETING CALLED TO ORDER: 4:01 P.M.
MEETING ADJOURNED: 4:13 P.M.

ROLL CALL OF ATTENDANCE:

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 THURSDAY, JUNE 10, 2021 VIA TELE-CONFERENCING COMMENCING AT 4:01 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 BOROUGH OF BUENA WEBSITE. WWW.BUENABORO.ORG

The purpose of the special meeting is to discuss the suspension of Fire District #1 to protect the welfare and safety of residents, as well as firefighters, Mayor Zappariello continued to state that this was the last day of the second suspension and tomorrow, a tentative inspection is scheduled by the state.

PUBLIC PORTION OF THE MEETING:

Loretta Gazzara, Landisville, read aloud the letter from solicitor, Peter L. Frattarelli of the Borough Fire District #1 to the Borough Solicitor, Angela Costigan as follows:



June 9, 2021

VIA EMAIL (amcostigan@costiganllc.com)

Angela Maione Costigan, Esq. Costigan and Costigan, LLC 1222 Spruce
Street
Philadelphia, PA 19107

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Re: Borough of Buena – Special Meeting – June 9, 2021

Dear Ms. Costigan:

As you know, I am the Solicitor for Borough of Buena Fire District No.1, and on behalf of the Fire District No. 1, we ask that this letter be submitted into the public record at the June 10, 2021 Special Meeting of the Borough of Buena, scheduled for 4:00 p.m.

According to the notice of this public meeting, the purpose of this Special Meeting is “to consider and potentially take formal action upon the State of New Jersey Department of Health’s (PEOSH) six remaining unabated violations against Fire District Number One.” Without knowing what possible “formal action” the Borough plans, and without conceding that the Borough has the legal authority to take formal action, the Borough should be aware of the following:

First, as explained in Fire District No. 1’s June 1, 2021 Opposition (“Opposition”) to the Borough’s Application for the Dissolution of Fire District No. 1, the Commissioners of Fire District No. 1 believe that these six PEOSH violations have been fully abated, and have been abated for some time.

Second, PEOSH’s on-site re-inspection is scheduled for June 11, 2021, one day after the Borough’s hastily-called Special Meeting. The Borough has been aware of this upcoming re- inspection date since at least June 1, 2021, because Fire District No. 1 in its Opposition (which was served to The borough’s Solicitor) advised of the June 10th re-inspection date (which PEOSH rescheduled to June 11th). If the true intent of the June 10 Special meeting is to consider formal action, obviously, such formal action should await PEOSH’s determination as to whether the six remaining violations have been abated, which is anticipated to occur less than 24 hours after the Special Meeting.

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Mark Dixon, S Lincoln Ave., Vineland, voiced his concerns after hearing the letter read by Ms. Gazzara, of extending the suspension until the infractions have been abated and inspection from PEOSH is complete and in writing to the Borough.

Betty Testa, Landisville, stated that she had sent emails to Mayor and Council of her proposal to bring the community together, since the violations had been corrected, with a benefit breakfast for the support of the both fire companies, for the show for brotherhood to the community. Ms. Testa concluded by asking for consideration of her proposal.

Motion to close public portion:

Council Member	By	2nd	Aye	Nay	Abstain	Absent	Recuse
Walker			X				
D’ ALESSANDRO		X	X				
BAKER	X		X				
MANCUSO			X				

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ALVAREZ			X				

RESOLUTION NO. 66-21

A RESOLUTION FURTHER SUSPENDING THE FIRE SUPPRESSION OPERATIONS OF THE BUENA BOROUGH FIRE DISTRICT NUMBER ONE, AND, THE LANDISVILLE VOLUNTEER FIRE/RESCUE COMPANY, INC, FOR A PERIOD OF 45 DAYS

Councilman Walker motioned to continue the suspension for 45 days.

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

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact ordinances and pass resolutions for the protection of person and property and for the preservation of the public health, safety and general welfare of the municipality and its inhabitants; and,

WHEREAS, the Mayor and Council has deemed that it in the best interests of the public health, safety and welfare to further suspend the fire suppression operations of the Buena Borough Fire District Number One, and the Landisville Volunteer Fire/Rescue Company, Inc., for a period of 45 days for the following reasons:

- A. On November 18, 2020, the Landisville Volunteer Fire/Rescue Company, Inc. received a Notice of Order to Comply and abate nine (9) violations of the Public Employees Occupational Safety and Health Act from the New Jersey Department of Labor and Workforce Development as a result of an inspection of the site performed on October 16, 2020. Six (6) violations were found to be serious.
- B. On December 16, 2020, the State found nineteen (19) more violations at the site as a result of the inspection of October 16, 2020, thirteen (13) were found to be serious.
- C. On February 22, 2021, the Landisville Fire/Rescue Company Inc. received a letter from for the New Jersey State Department of Health stating that 13 out of 19 violations were abated. 6 serious violations were considered "Not Completed-Employer out of Business" because the fire suppression operations were currently suspended; and the case was closed. However, the state directed that it be notified if the fire company should be placed back in service because of the serious nature of the PEOSH health violations which remain unabated and that failure to notify PEOSH would result in the issuance of repeat/willful citations with applicable fines, if

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any, of the unabated serious PEOSH health violations cited prior to cessation upon resumption of operations.

WHEREAS, by Resolution dated December 14, 2021, the fire suppression operations of the Fire District Number One were suspended for a period of 90 days; and

WHEREAS, by Resolution dated March 11, 2021, the fire suppression operations of Fire District Number One were further suspended for a period of 90 days; and

WHEREAS, during this ninety- day period, the nine violations found in the November 18, 2020 Notice of Order to Comply were abated but 6 violations found in the December 16, 2020 Notice of Order continue to be outstanding; and

WHEREAS, the Buena Borough Fire District Number One, was created by Ordinance found in Chapter 18 of the Code of the Borough of Buena to serve the needs of the residents of the Borough of Buena; and,

WHEREAS, the Borough of Buena Fire District Number One contracted with the Landisville Volunteer Fire/Rescue Company, Inc., to provide fire suppression services on its behalf to the residents of the Borough; and

WHEREAS, all of the Brough of Buena Emergency Services organizations including the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., are named insureds on the insurance policies obtained and paid for by the Borough of Buena; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that the fire suppression operations of the Buena Borough Fire District Number One, and the Landisville Volunteer Fire/Rescue Company Inc., shall be further suspended for another period of 45 days, effective from the date of passage of this resolution.

BE IT FURTHER RESOLVED that during the 45 day period of suspension, the following shall continue to be done:

1. All fire suppression duties during the 45 day period of suspension shall be performed by the Borough of Buena Board of Fire Commissioners Zone Two and the Minotola Fire District Commission.
2. All assets of the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., shall be frozen, except for the payment of salaries, LOSAP and routine monthly expenditures. No loans and/or CDs shall be opened or renewed during the 45 day suspension without Mayor and Council approval.
3. All members of the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc, must return all operational equipment to the apparatus room at Station 11-1 and all such equipment, including but not limited to, vehicles, turnout gear, air packs, air bottles, portable radios, pagers and tools must be moved to the

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Apparatus Room with the exception of items in the outside storage buildings.

4. No member of the Buena Borough Fire District Number One and the Landisville Volunteer Fire /Rescue Company, Inc., shall respond to Station 11-1 or to the scene of any emergency call in any capacity during the 45 day period of suspension of operations.
5. No operational training or drills that require safety equipment shall be conducted during the 45 day period of suspension of operations.
6. No member of the Buena Borough Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., shall utilize, take out, loan or extend any equipment or apparatus at any time during the 45 day period of suspension, for any reason.
7. All current, auto-payment and future financial obligations, including LOSAP, are to remain in good-standing utilizing Buena Fire District Number One's funds. During the suspension period all financial obligations will be added to Mayor and Council's agenda for review and approval. No loans and/or CDs shall be opened or renewed during the 45 day suspension without Mayor and Council approval.
8. At the end of the 45 day suspension, Mayor and Council will determine further suspension and/or further action.

MEETING ADJOURNED: M/BAKER S/Alvarez RCVU

Pamela Johnston

Pamela Johnston

Clerk 1