

BOROUGH OF BUENA
SPECIAL MEETING
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MEETING CALLED TO ORDER: 6:31 P.M.
MEETING ADJOURNED: 7:20 P.M.

ROLL CALL OF ATTENDANCE:

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

THE REGULAR MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF BUENA WAS HELD FRIDAY, MARCH 12, 2021 VIA TELE-CONFERENCING COMMENCING AT 6:31 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

The purpose of the special meeting was to discuss the Landisville Fire District #1 letters of violations from the New Jersey Public Employees Occupation Safety and Health.

Mayor Zappariello began by stating the public would have the opportunity to speak later in the meeting.

Mayor Zappariello read aloud violation notices received and the follow up from the New Jersey Public Employees Occupation Safety and Health (PEOSH) concerning the Landisville Fire Company.

PUBLIC PORTION OF THE MEETING:

John Pilles, Attorney, representing Buena Boro Fire District #1, read his statements and comments pertaining to the initial violations and actions taken.

Keith Kemery, representing Buena Borough Fire District#1 stated his written report had been forwarded to the Buena Borough Solicitor at 5:48 p.m. that day with current developments of the Department of Labor, and the Public Employee Occupation Safety and Health concerned violations and follow up inspection to be conducted.

Lexi Zahn, Landisville, commended the volunteers on their service and stated she did not want to see the department close.

Brian Rowan, Vineland, stated he had been a member of the Landisville Fire since 2009 holding many positions. Rowan stated

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that his filed complaints were concerns for health and safety violations.

Debra Casazza read her questions of her concerns.

Anna Bernadini recalled her memories of the family's involvement in the company and expressed her concerns for the department closing. David Zahn expressed his concerns for closing of the department Joseph Kaspar stated he had been a member of the fire company and offered personal documentation with concerns he had, for possible review.

Susan Romeo stated what her understanding was for this special meeting being held.

Public Portion Closed.

Mayor Zappariello asked Council for remarks.

Councilwoman Baker motioned Resolution 38-21, further suspending Buena Borough Fire District#1 for 90 days.

Solicitor Angela Costigan commented that although the Depart of Labor violations are abated, there are serious Health Violations that have not been abated as of this date. Solicitor stated the seriousness of the violations is the recommendation for the 90-day suspension.

RESOLUTION NO 38-21 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 90 DAYS

Council Member	By	2 nd	Aye	Nay	Abstain	Absent	Recuse
Walker			X				
D' ALESSANDRO			X				
BAKER	X		X				
MANCUSO			X				
ALVAREZ		X	X				
PALMIERI			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 90 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

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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 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, 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 Borough 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 90 days, effective from the date of passage of this resolution.

BE IT FURTHER RESOLVED that during the 90 day period of suspension, the following shall continue to be done:

1. All fire suppression duties during the 90 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 90 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,

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- vehicles, turnout gear, air packs, air bottles, portable radios, pagers and tools must be moved to the 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 90 day period of suspension of operations.
 5. No operational training or drills that require safety equipment shall be conducted during the 90 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 90 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 90 day suspension without Mayor and Council approval.
 8. At the end of the 90 day suspension, Mayor and Council will determine further suspension and/or further action.

**MEETING ADJOURNED: M/Baker S/Mancuso All in favor? Any opposed?
RCVU**

**PAMELA JOHNSTON
BOROUGH DEPUTY CLERK**