



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
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PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

January 10, 2023

Hon. David G. Zappariello, Mayor, Borough of Buena
and Borough Council Members
Borough Hall
616 Central Avenue
Minotola, New Jersey 08341

RE: Buena Borough Fire District #1 Dissolution

Dear Mayor Zappariello and Council Members:

It has been brought to the Division of Local Government Services' attention that the transfer of the records and assets of now dissolved Buena Borough Fire District #1 (Fire District #1) to Buena Borough Fire District #2 (Fire District #2) is not being undertaken pursuant to the dissolution ordinance approved by the Local Finance Board and adopted by the governing body.

Pursuant to N.J.S.A. 40A:5A-20 of the Local Authorities Fiscal Control Law (Fiscal Control Law), the Borough submitted an application with a corresponding introduced ordinance to the Board seeking approval to dissolve Fire District #1. An introduced ordinance, along with the expansion plan for Fire District #2 outlining the safe, orderly, and efficient assumption of Fire District #1's firematic services by Fire District #2 (attached), was submitted to the Division and considered by the Board as part of the Borough's application for dissolution.

On July 14, 2021, the Board approved, without condition, the Borough's application to dissolve Fire District #1. Specifically, the Board determined that adequate provision had been made for the payment of all creditors or obligees of Fire District #1 and, based on the expansion plan for Fire District #2, that adequate provision had been made for the assumption by Fire District #2 of the services provided by the dissolved district and thus the health, safety, and welfare of the recipients of these services. Subsequent to the Board's approval, the Borough adopted the dissolution ordinance, Ordinance 701 (attached), which formally dissolved Fire District #1. Pursuant to the ordinance, Buena Borough Fire District #2 was expanded to assume the duties of Fire District #1. Section 3 of said ordinance required the transfer of "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 [to] be transferred to the Board of Commissioners of Fire District #2 and a copy of all documents and records pertaining to same [to] be delivered to the Borough Clerk of the Borough of Buena forthwith." The effective date of the ordinance was July 29, 2021. The Board Resolution approving the dissolution of Fire District #1 and the Borough's adoption of Ordinance 701 completed the dissolution process. As of July 29, 2021, Buena Borough Fire District #1 ceased to exist as a recognized local governmental unit in the State of New Jersey.

To this date, the former Board of Commissioners of the now-dissolved Fire District #1 is in violation of Ordinance 701 by failing to turn over all records and assets to Fire District #2. The Borough and the former Board of Commissioners of the now-dissolved district must honor the legal documents adopted and approved through the dissolution process to ensure the health, safety, and welfare of the community is properly served. Please be advised that the Board and the Division reserve the right to take such enforcement action as may be necessary to ensure the Board's resolution is carried out. Should the Borough wish to take any further action affecting firematic services, including but not limited to the dissolution of Fire District #2, the creation of an authority to handle such purposes, or the assumption of fire services itself, Board action would be required under the Fiscal Control Law.

Thank you in advance for your prompt attention to this letter.

Sincerely,

A handwritten signature in dark ink, reading "Jacquelyn A. Suárez". The signature is written in a cursive, flowing style.

Jacquelyn A. Suárez, Director
Division of Local Government Services