

RESOLUTION NO. 2022

**RESOLUTION OF THE BOROUGH OF
TUCKERTON, COUNTY OF OCEAN, STATE OF
NEW JERSEY, SUSPENDING EMERGENCY
SERVICE FROM THE TUCKERTON VOLUNTEER
FIRE COMPANY NO. 1 FOR THE BOROUGH OF
TUCKERTON AND PROVIDING FOR ALTERNATE
EMERGENCY SERVICE COVERAGE**

WHEREAS, the Borough of Tuckerton (hereinafter "Borough") has designated the Tuckerton Borough Volunteer Fire Company No. 1 (hereinafter "Fire Company") as the first responder for emergency fire services within the Borough; and

WHEREAS, the governing body of the Borough finds and declares that a properly operating fire company is essential to the health, safety and welfare of the residents of Tuckerton; and

WHEREAS, the governing body has become increasingly concerned regarding the operation of the Fire Company and its ability to adequately respond to fire emergencies in a manner that not only protects the life and property of the Borough's inhabitants but also the safety and wellbeing of its responders; to wit:

1. On or about May 16, 2022 the New Jersey Department of Labor and Workforce Development, Office of Public Employees Occupational Safety and Health (PEOSHA) issued a Notice of unsafe or unhealthful working conditions and Order to Comply as a result of a New Jersey Department of Health (NJDOH) PEOSHA Inspection of the Tuckerton Fire Company, a copy of which is attached hereto and made a part hereof as **Exhibit A**. The inspection was conducted in response to a referral complaint alleging fit testing was not

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
FORKED RIVER, N.J. 08731

current. An inspection of the fit test records revealed that the Fire Company was not in compliance with the annual fit testing requirements for all active members. Furthermore, a search of the previously PEOSHA inspections and related violations, revealed that the Fire Company had been previously cited for not providing fit testing to all active members. Consequently, the Borough has been levied a repeat penalty violation assessment in the amount of \$24,500.00 which is currently under appeal.

2. On June 6, 2022, the Borough Administrator received a letter from the Shore Region Fire Coordinator Senior Planner, Emergency Management-Fire, Office of Fire Department Preparedness, New Jersey Department of Community Affairs, Division of Fire Safety, Bureau of Fire Department Services (hereinafter "Division") which enumerated numerous deficiencies of the Fire Company and concerns of the Division in the ability of the Fire Company to provide adequate fire protection to the residents of the Borough, a copy which is attached hereto and made a part hereof as **Exhibit B**.

The letter states in part:

Each and every one of the more than a dozen certification applications encompassing every active member of the Tuckerton Volunteer Fire Company were deficient and thus returned.

Neither of the two automatic mutual aid dispatch Memorandums of Agreement were worded appropriately to facilitate the timely arrival of enough firefighters to combat a building or structure fire in your Borough.

The one-word disposition descriptions of sixty-five plus firefighting members no longer active in the Tuckerton Fire Department – occurring over the last year, was wholly inadequate and evasive.

The Self-Contained Breathing Apparatus (SCBA) ?rules? are not the requested Respiratory Protection Program standard operating guidelines or procedures requested as they did not cover '2 in / 2 out' standards, personal protective equipment other than SCBA, etc. These exact two items are what brought a complaint to our desks and caused this investigation.

In answer to the question posed as to whether the residents of Tuckerton are adequately protected by their current Volunteer Fire Company operations, the answer is a resounding NO. . . . (emphasis added).

In addition to outlining the deficiencies in required certifications of active members of the Fire Company and Line Officers, the Division states:

If the Insurance Services Organization (ISO) were to test the Tuckerton Volunteer Fire Company on their abilities to provide fire protection to the Borough, they would fail miserably. They do not have adequate staffing to respond timely and establish and maintain adequate flow of water to combat a building or structure fire. As a result, the Borough ISO rating would suffer and fire insurance premiums for businesses and residences would correspondingly increase.

The Division further states:

No matter the measure, the current and immediate past leadership of the Tuckerton Volunteer Fire Company is an abysmal failure. They have demonstrated noncompliance to basic fire safety regulations through Public Employee Occupational Safety and Health regulations, the Uniform Fire Code, the Uniform Construction Code, and in this matter - fire training regulations and operational aspects regulated under the Uniform Fire Safety and Emergency Deployment Acts.

WHEREAS, as a result of the reports of inspection and findings of the New Jersey Department of Labor and Workforce Development; the New Jersey Department of Health;

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and, the New Jersey Department of Community Affairs, Division of Fire Safety, the Borough Administrator took timely, appropriate executive action to temporarily suspend the services of the Fire Company, secure the Borough's assets and to make immediate arrangements with the Ocean County Fire Coordinator for alternate emergency service coverage (**Exhibits C and D**, respectively) pending further action of the governing body; and

WHEREAS, it is the desire by the governing body to memorialize the actions of the Borough Administrator and to suspend the services of the Fire Company.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Borough of Tuckerton, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby find and declare that the executive actions of the Borough Administrator in temporarily suspending the services of the Tuckerton Volunteer Fire Company No. 1 as the Borough's first responder for emergency services within the Borough as an appropriate measure to protect the health, safety and welfare of the Borough of Tuckerton and its residents, as well as active members of the Fire Company, as well as the actions in securing adequate emergency services and fire protection for the Borough.

2. That the governing body does hereby suspend the services of the Tuckerton Volunteer Fire Company No. 1 as its designated first responder for the Borough indefinitely pending further determination and action of the governing body.

3. That the Mayor and/or Borough Administrator are hereby authorized to execute and the Borough Clerk to attest to any and all documents necessary to effectuate emergency service coverage for the Borough of Tuckerton on an interim basis pending further action of the governing body.

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4. That a certificated copy of this resolution shall be forwarded by the Municipal

Clerk to:

1. The Ocean County Sheriff
2. The Ocean County Fire Coordinator
3. The New Jersey Department of Community Affairs,
Division of Fire Safety
4. The New Jersey Department of Labor (PEOSHA)
5. The New Jersey Department of Health (PEOSHA)

MOTION TO ADOPT BY _____ SECONDED BY _____

VOTE:

Vreeland _____ Martin _____ Colangelo _____ D'Amore _____ Taylor _____ Peterson _____

CERTIFICATION

I, **JENNY GLEGHORN**, Clerk of the Borough of Tuckerton, do hereby certify that the foregoing resolution is a true copy of a resolution adopted by the governing body of the Borough of Tuckerton on this _____ day of _____, 2022.

JENNY GLEGHORN, Borough Clerk

IN WITNESS WHEREOF, I have hereunto set my hand and the official

seal of the Borough of Tuckerton this _____ day of _____, 2022.

JENNY GLEGHORN, Borough Clerk

**DASTI, MURPHY
McGUICKIN, ULAKY,
KOUTSOURIS & CONNORS**

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EXHIBIT A

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name:	Borough of Tuckerton	Inspection Number:	1567082
Inspection Site:	Tuckerton Fire Department 111 North Green Street Tuckerton NJ 08087	Inspection Date:	12/03/2021-12/03/2021
		Issuance Date:	05/16/2022
		UPA Number:	1838732
		CSHO:	E8170
		Reason:	Referral - Repeat Penalty

On December 3, 2021, a New Jersey Department of Health (NJDOH) PEOSH inspection of the Tuckerton Fire Department, was conducted in response to a referral complaint alleging fit testing was not current. During the inspection, the Compliance Officer requested copies of the Respiratory Protection Program and current Fit Test records.

The three sets of Fit Test records that were provided for the Tuckerton Fire Department were dated 6/21/2018, 5/14/2019, and 5/7/2020. The Employer was not in compliance as the standard requires fit testing annually for all active members/employees.

A search of the previous PEOSH inspections and related violations, revealed the Borough of Tuckerton had been previously cited for not providing fit testing to all active members/employees.

The PEOSH inspection and related violation applied to all workplaces controlled by the Borough of Tuckerton who ultimately abated these violations.

The repeat violation is as follows:

- 1. Respiratory Protection Standard (29 CFR 1910.134(f)(2): The employer had not provided respirator fit testing for employees using the MSA Ultra Elite self-contained breathing apparatus (SCBA) in the previous 12 months.**

The Borough of Tuckerton was previously cited for a violation of this occupational safety and health standard 29 CFR 1910.134(f)(2), which was contained in PEOSH inspection number 1317020, Citation 1, Item 3, and was affirmed as a final order on July 19, 2018, with respect to the workplace located at the Borough of Tuckerton Fire Department located at 111 North Green Street, Tuckerton, New Jersey.

Based on these findings, PEOSH has concluded that the Borough of Tuckerton was aware that the items stated above were not in compliance, and therefore had repeatedly violated the PEOSH standard 29 CFR 1910.134(f)(2) requiring fit testing for the employees of the Borough of Tuckerton Fire Department.

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name:	Borough of Tuckerton	Inspection Number:	1567082
Inspection Site:	Tuckerton Fire Department 111 North Green Street Tuckerton NJ 08087	Inspection Date:	12/03/2021-12/03/2021
		Issuance Date:	05/16/2022
		UPA Number:	1838732
		CSHO:	E8170
		Reason:	Referral - Repeat Penalty

The Borough Administrator and the Fire Chief were advised via closing conference on December 3, 2021, that the fit testing records were outdated. The Fire Chief stated they had difficulty getting the fit testing scheduled due to COVID-19 hardships of the private company used to conduct the fit testing, however the Chief was unable to provide any documentation of those requests. The Chief stated he did not follow-up with additional providers for fit testing the Department's members during the seven months the Department remained out of compliance from May 2021 through the opening conference on December 3, 2021. Once the PEOSH inspection was initiated, the Chief was able to immediately schedule fit testing with two separate private companies. Both the Borough Administrator and the Fire Chief were advised that they were out of compliance, and this was considered a repeat violation. CSHO informed all parties of the employer's rights for contesting the violations and requesting an informal conference.

On December 10, 2021, CSHO conducted a follow-up phone call with the Borough Administrator and again confirmed that this would be a repeat violation. The Borough Administrator was again advised of employer's rights for contesting the violations and requesting an informal conference.

On December 14 and December 28, 2021, the members of the Tuckerton Fire Department were fit tested to abate the citation.

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name:	Borough of Tuckerton	Inspection Number:	1567082
Inspection Site:	Tuckerton Fire Department 111 North Green Street Tuckerton NJ 08087	Inspection Date:	12/03/2021-12/03/2021
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		CSHO:	E8170
		Reason:	Referral - Repeat Penalty

Citation 1 Item 1 Violation: Repeat Penalty - Serious

29 CFR 1910.134(f)(2): The employer shall ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator, whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter.

Employee(s) using a tight-fitting facepiece respirator were not annually fit tested.

LOC: Facility Wide - 11 active firefighters on 12/3/2021

The employer had not provided respirator fit testing for employees using the MSA Ultra Elite self-contained breathing apparatus (SCBA) since May 7, 2020.

The Borough of Tuckerton - Tuckerton Fire Department was previously cited for a violation of this Occupational Safety and Health Respiratory Protection standard, which was contained in OSHA inspection number 1317020, citation number 1, item number 3, and was affirmed as a final order on 6/1/2018, with respect to a workplace located at 111 North Green Street, Tuckerton, NJ 08087.

Immediate Repeat Penalty Due Now:

\$24,500.00

Abated on December 28, 2021

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health



Notice of Unsafe or Unhealthful Working Conditions

Employer Name:	Borough of Tuckerton	Inspection Number:	1567082
Inspection Site:	Tuckerton Fire Department 111 North Green Street Tuckerton NJ 08087	Inspection Date:	12/03/2021-12/03/2021
		Issuance Date:	05/16/2022
		UPA Number:	1838732
		CSHO:	E8170
		Reason:	Referral - Repeat Penalty

Signed on 05/16/2022 pursuant to the authority vested by law
in the New Jersey Department of Labor and Workforce Development.

Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health

BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

DISCRIMINATORY ACTS AGAINST EMPLOYEES ARE UNLAWFUL – N.J.S.A. 34:6A-45 – No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this section, may within 180 days after the employee first has knowledge such violation did occur, file a complaint with the Commissioner of Labor and Workforce Development alleging that discrimination.

c: Thomas Lipski, Chief
Fire Chief

See pages 1 through 3 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
1 John Fitch Way - 3rd Floor
P.O. Box 386
Trenton, NJ 08625
Phone: (800) 624-1644 Fax: (609) 292-3749



NOTICE OF ORDER TO COMPLY

To:
Jenny Gleghorn, Borough Administrator
Borough of Tuckerton
420 East Main Street
Tuckerton NJ 08087

Inspection Number: 1567082
UPA Number: 1838732
Inspection Date (s): 12/03/2021-12/03/2021
Issuance Date: 05/16/2022
CSHO: E8170
Reason: Referral - Repeat Penalty

Inspection Site:
Tuckerton Fire Department
111 North Green Street
Tuckerton NJ 08087

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

The enclosed Order to Comply describes violations of the Public Employees' Occupational Safety and Health Act. The violations referred to in this Order must be abated by the dates listed unless within 15 working days (excluding weekends and State holidays) from the issuance of this Order to Comply you mail a notice of intent to contest to the Department of Labor and Workforce Development at the address shown above. Please refer to the enclosed Public Employees' Occupational Safety and Health Act which outlines your rights and responsibilities and which should be read in conjunction with this form. The Order will become the Final Order if no notice of intent to contest is filed as provided for in the Act or, if contested, the Order is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Notice and the Order to Comply be posted immediately in a prominent place at or near the location of each violation cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Order must remain posted until each violation cited herein has been abated, or for 15 working days (excluding weekends and State holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Office of Public Employees' Occupational Safety and Health during the 15 working day contest period by contacting the office shown above. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s).

If you are considering a request for an informal conference to discuss any issues related to the Order to Comply, a written letter of intent to contest must be submitted to the Office of Public Employees' Occupational Safety and Health within 15 working days of issuance of the Order. The contest period is not interrupted by a request for an informal conference.

If you decide to request an informal conference, the Office of Public Employees' Occupational Safety and Health will schedule the conference, which will be conducted within 30 days of receipt of the request. Employees and/or

employee representatives will be notified of their right to attend the conference. The Office of Public Employees' Occupational Safety and Health will arrange for representatives of the Department of Health to conduct conferences requested from Orders to Comply issued pursuant to a certification from the Commissioner of Health that an employer violation has been determined to exist within the Department of Health jurisdiction under the Act.

Any and all supporting documentation of existing conditions as well as any abatement steps taken thus far must be brought to the conference. If conditions warrant, an informal settlement agreement, which amicably resolves this matter without litigation or contest may be entered into.

Right to Contest - You have the right to contest this Order to Comply. You may contest all citation items or only individual items. You may also contest abatement dates without contesting the underlying violations. Unless you inform the Office of Public Employees' Occupational Safety and Health in writing that you intend to contest the citation(s) and/or abatement dates within 15 working days of the issuance of this Order to Comply, then this Order to Comply shall become a final order.

Penalties - The Act provides that if the time for compliance with an order of the Commissioner elapses, and the employer has not made a good faith effort to comply, the Commissioner shall impose a civil administrative penalty of up to \$7,000 per day for each violation of a provision of N.J.S.A. 34:6A-25 et seq., or of a standard or regulation promulgated under that act, or of an order to comply. Any employer who willfully or repeatedly violates the requirements of this section or any standard, rule, order or regulation promulgated under that act shall be assessed a civil administrative penalty of up to \$70,000 for each violation. Penalties imposed under this section may be recovered with costs in a civil action commenced by the Commissioner by a summary proceeding under "the penalty enforcement law" (N.J.S.A. 2A:58-1 et seq.) in the Superior Court or a municipal court, either of which shall have jurisdiction to enforce "the penalty enforcement law" in connection with this act. If the violation is of a continuing nature, each day during which it continues after the date given for compliance in accordance with the order of the Commissioner shall constitute an additional separate and distinct offense. If this penalty remains unpaid for more than 30 days, this order shall be recorded on the Judgment docket of the Superior Court.

Penalties will be based upon factors such as gravity of the violation, the probability that an injury or illness would result from the hazard, the good faith efforts of the employer to comply, the presence of meaningful safety and health programs and the history of previous violations.

Request to Delay Issuance of Penalty Order to Comply - When an employer submits a request to delay the issuance of an Order to Comply establishing penalties, the employer shall submit such written request 10 calendar days prior to the abatement date(s) established in the original Order to Comply.

Notification of Corrective Action - For each violation which you do not contest, you are required by 29 CFR 1903.19 to submit an Abatement Certification to the New Jersey Department of Health, PEOSH Program. This certification must be sent by you prior to the abatement date indicated on the citation. For **Willful and Repeat** violations, documents (example: photos, copies of receipts, training records, etc.) demonstrating that abatement is complete must accompany the certification. Where the citation is classified as **Serious** and the citation states that abatement documentation is required, documents such as those described above are required to be submitted along with the abatement certificate. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item.

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has

been discriminated against may file a complaint, no later than 180 days after the employee first had knowledge that such discrimination occurred, with the Office of Public Employees' Occupational Safety and Health at the address shown above.

Employer Rights and Responsibilities - The enclosed copy of the Public Employees' Occupational Safety and Health Act outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees - The law gives an employee or an employee representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Office of Public Employees' Occupational Safety and Health at the address shown above and postmarked within 15 working days (excluding weekends and State holidays) of the issuance of this Order to Comply.

Thomas Lipski, Chief
Office of Public Employees Occupational Safety and Health



BY: _____
Thomas Wilson, Assistant Chief
Office of Public Employees Occupational Safety and Health

**New Jersey Department of Labor and Workforce Development
Office of Public Employees' Occupational Safety and Health
(OPEOSH)**

NOTICE TO EMPLOYEES

An informal conference has been scheduled with OPEOSH to discuss the Notice of Unsafe or Unhealthy Working Conditions (Notice) issued on 05/16/2022. The conference will be held at the OPEOSH office located at: 1 John Fitch Way, 3rd Floor, P.O. Box 386, Trenton, NJ 08625 on _____ at _____. Employees and/or representatives of employees have a right to attend an informal conference.

EXHIBIT B



Department of Community Affairs



Division of Fire Safety

Bureau of Fire Department Services

TO: Tuckerton Borough Administrator Jenny Gleghorn
FR: OFDP Senior Planner – EMF Donald Nelsen
RE: Tuckerton Fire Department
DA: Monday 6 June 2022

Good evening Mrs. Gleghorn,

As you are aware, I sent Fire Chief Dale Eggert of the Tuckerton Volunteer Fire Company a reply earlier today in follow up to our Wednesday 1 June 2022 meeting. In short, not one of the items of direction needed were provided in any sort of bolstering manner to give the Division of Fire Safety confidence in the successful operation of your municipal fire department under the current circumstances. Seven points were spelled out in my Friday 22 April 2022 memorandum to Chief Eggert for our scheduled meeting. Only one (1) of the seven (7) points were adequately addressed – number three (3) regarding an Incident Safety Officer certification of Firefighter Lewis Eggert Jr.

Each and every one of the more than a dozen certification applications encompassing every active member of the Tuckerton Volunteer Fire Company were deficient and thus returned.

Neither of the two automatic mutual aid dispatch Memorandums of Agreement were worded appropriately to facilitate the timely arrival of enough firefighters to combat a building or structure fire in your Borough.

The one-word disposition descriptions of sixty-five plus firefighting members no longer active in the Tuckerton Fire Department – occurring over the last year, was wholly inadequate and evasive.

The Self-Contained Breathing Apparatus (SCBA) ?rules? are not the requested Respiratory Protection Program standard operating guidelines or procedures requested as they did not cover '2 in / 2 out' standards, personal protective equipment other than SCBA, etc. These exact two items are what brought a complaint to our desks and caused this investigation.

In answer to the question posed as to whether the residents of Tuckerton are adequately protected by their current Volunteer Fire Company operations, the answer is a resounding NO. This answer is evidenced by the non-compliance of the answers and expectations to the afore noted issues as well as the following:

Of the twelve listed active firefighters, including the Chief, each and every one has at least one certification issue. Some have several issues. In short, a firefighter is not recognized as a firefighter by the State unless

he/she has the following certifications issued by the NJ Division of Fire Safety: Fire Fighter 1, Hazardous Materials Awareness, Hazardous Materials Operations, and now recently Incident Command Systems level 200.

Five (5) of the twelve active firefighters of the Tuckerton Volunteer Fire Company do not have a valid Fire Fighter 1 certification and more than adequate time was given for several of these alleged firefighters from other jurisdictions to affiliate with the Tuckerton Fire Department.

Seven of the twelve active firefighters of the Tuckerton Volunteer Fire Company do not have a valid Hazardous Materials Awareness and/or Hazardous Materials Operations certification.

Nine of the twelve active firefighters of the Tuckerton Volunteer Fire Company do not have the appropriate Incident Command Systems level 200 training certificate, which are required to be in person attendance in a classroom led by an instructor – not the online version. To be fully transparent, the requirement was recently promulgated and a fixed date for compliance has not been set yet. Technically, nobody is out of compliance at this very moment. However, other similarly situated volunteer fire companies which are progressive and proactive have already had their staff trained and/or are training them now.

One of the Fire Company line officers does not have the required Incident Command Systems level 300 / Incident Management Level 2 certifications necessary for acting Incident Commanders. With only a Chief, Captain, and a Lieutenant and nine other active firefighters, the likelihood of this company line officer being an acting Incident Commander is very likely. As a company officer, he should have had this training last year.

Chief Eggert was advised verbally of each of these deficiencies on 30 March 2022 by me with you present as a witness. Chief Eggert was advised in writing of each of these deficiencies on 22 April 2022 by me via electronic mail with you copied. Chief Eggert had over two calendar months to cure the deficiencies of the firefighters under his charge. For whatever the reason, he squandered the opportunity to make necessary corrections in a timely fashion and better position your fire department for a road toward recovery.

If the Insurance Services Organization (ISO) were to test the Tuckerton Volunteer Fire Company on their abilities to provide fire protection to the Borough, they would fail miserably. They do not have adequate staffing to respond timely and establish and maintain adequate flow of water to combat a building or structure fire. As a result, the Borough ISO rating would suffer and fire insurance premiums for businesses and residences would correspondingly increase.

Four (4) of the twelve (12) active firefighters are available substantially less than forty hours a week as they only work in the Tuckerton area and allegedly are members of other volunteer fire companies, only one being in the same county as Tuckerton. There are two additional firefighters on leave, one military and one medical. That leaves eight active firefighters available for round the clock response to Tuckerton fires. NFPA standard 1720 calls for fourteen or fifteen firefighters to be on scene of a reported or actual structure or building fire in ten minutes to fight the fire. Even if the Tuckerton Volunteer Fire Company were not to utilize the newest aerial ladder apparatus, and the eight active hometown members were to respond to one hundred percent (100%) of the emergency calls – they are still half a dozen short of the standard requirements – on every single call. Nobody responds to 100% of all emergency calls, anywhere, ever; unless a result of mere happenstance due to low call volumes of less than one a week.

I recently spoke with Ocean County Fire Coordinators past and present, Ocean County Fire Academy Directors past and present, and the present Ocean County Fire Training Coordinator, and multiple active firefighters of the Parkertown, West Tuckerton, Mystic Island, and Eagleswood fire companies. Many of these firefighters and officials live in Tuckerton and/or in the contiguous area. Not one (1) active firefighter is willing to return to

the Tuckerton Volunteer Fire Company so long as "the Eggerts" (Lee Sr, Lee Jr, and Dale) have anything to do with it. By my unscientific means, I estimate approximately a dozen and a half to two dozen former active firefighters would gladly return 'home' to Tuckerton Fire Department if the Eggerts were removed from their caused toxic atmosphere in the Borough's fire department.

No matter the measure, the current and immediate past leadership of the Tuckerton Volunteer Fire Company is an abysmal failure. They have demonstrated non compliance to basic fire safety regulations through Public Employee Occupational Safety and Health regulations, the Uniform Fire Code, the Uniform Construction Code, and in this matter - fire training regulations and operational aspects regulated under the Uniform Fire Safety and Emergency Deployment Acts.

The citizens and residents and business owners and employees and visitors of Tuckerton Borough are entitled by law to fire protection. They are not receiving acceptable or adequate fire protection under Fire Chief Dale Eggert's charge.

Respectfully submitted,
Donald Nelsen, Shore Region Fire Coordinator
Senior Planner, Emergency Management-Fire
Office of Fire Department Preparedness

EXHIBIT C

Founded 1699



BOROUGH OF TUCKERTON

COUNTY OF OCEAN

420 E. MAIN STREET
TUCKERTON, NEW JERSEY 08087
tuckertonborough.com

NOTICE OF TEMPORARY SUSPENSION OF FIRE SERVICE
TUCKERTON VOLUNTEER FIRE COMPANY NO. 1

SUSAN R. MARSHALL
MAYOR

JENNY GLEGHORN, RMC
ADMINISTRATOR/CLERK

609-296-2701
FAX 609-296-9247

June 7, 2022

Tuckerton Volunteer Fire Department No. 1
Attn: Chief Dale Eggert and President Julio Cerrato
111 North Green Street
Tuckerton, NJ 08087

Dear Chief Eggert,

Please accept this letter as a cease of all fire operations for the Borough of Tuckerton effective immediately and will remain that way until further notice. I am in receipt of a letter from the New Jersey Department of Community Affairs Division of Fire Safety Bureau of Fire Department Services that states the residents of the Borough are not adequately protected by our current volunteer fire company because of non-compliance with certain rules and standards on fire protection.

After reviewing the opinion of the State, as an Administrator for the Borough it is my duty to protect the citizens until the Mayor and Council can proceed with action that is necessary to correct the issues; therefore I must take action and stop the Tuckerton Volunteer Fire Company from answering any type of emergency calls and remove Borough owned equipment from the current facility in which it is being held. I will also be letting the County dispatch know of the change in operations. I appreciate your cooperation on this matter as we all want is best for the residents of the Borough of Tuckerton.

If you have any questions, please let me know.

Sincerely,

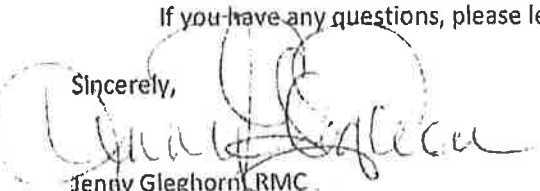

Jenny Gleghorn, RMC
Borough Administrator/Clerk

EXHIBIT D

Meagan Cahill

From: Jenny Gleghorn <JGleghorn@TuckertonBorough.com>
Sent: Tuesday, June 07, 2022 12:46 PM
To: Mastronardy, Michael
Subject: Tuckerton Borough Fire and First Aid

Hello Sheriff,

Please be advised that effective June 7, 2022 at 1:30 pm the Borough of Tuckerton will be using Station 71 West Tuckerton Fire Department for 24 hour fire service with mutual aid temporarily until the Borough has a permanent plan in place for fire protection.

Also, please remove Tuckerton Fire Department as a first responder for medical calls and keep the remaining Emergency Medical Providers as is.

If any of this does not make sense please let me know, but as for the fire response I am in contact with Joe Jubert the County Fire Coordinator and he advised me that all is set up on his end. Let me know if you need anything else.

Thank you

Jenny

Jenny Gleghorn, RMC
Borough Administrator/Municipal Clerk
420 East Main Street
Tuckerton, New Jersey 08087
609-296-2701