
From: Minotola Secretary <minotola112secretary@gmail.com>
Sent: Monday, December 19, 2022 6:04 PM
To: Rick Tonetta
Cc: David Zappariello; Patricia Andalaro; Douglas Adams; Gina Andalaro; Jorge Alvarez; Joseph Fabrizio; Marina Barsuglia; Maryann Coraluzzo; Pam Johnston
Subject: ***EXTERNAL*** Re: ***EXTERNAL*** Re: ***EXTERNAL*** Re: FW: ***EXTERNAL***
Minotola Fire Company

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Mr. Tonetta,

The membership remains willing to meet with members of Borough Council to discuss whatever it is Council would like to share. In November, Councilman Doug Adams asked to address the membership of the Minotola Fire Company at our next membership meeting. We informed him of our next meeting being held on Tuesday, December 20, 2022. The membership agreed to have Councilman Adams attend but not open the meeting to the public. Our membership meetings are not and will not be open to the public.

At one point during the conversation, Councilman Adams remarked he would have to check on the number of Councilmembers attending to avoid a quorum and not violate the Open Public Meetings Act. Perhaps the Public Safety Committee could attend and open the dialogue between the membership and Council? This would not violate the OPMA, it would allow for dialogue between Council and the membership, and it would not require the public to attend.

A joint session of the Fire Company and Borough Council was never discussed when Councilman Adams requested to attend our meeting. The details of this potential meeting have been changing with every communication.

Councilman Adams asked to attend our meeting on December 20, we agreed that he could address the membership. Somehow it has morphed into a joint session with the public at the municipal building.

We remain willing to meet with members of Council. We feel as though the most productive start is to have the meeting that was originally requested by Councilman Adams.

Kevin M. Chapman
President

On Dec 14, 2022, at 15:28, Rick Tonetta <solicitor@buenaboro.org> wrote:

President Chapman,

Thank you for getting back to me. A couple Council members cannot speak on behalf of the Borough or the governing body. Local government functions best when it is transparent and the public is aware of the actions of their elected officials as that is who they serve. I am sorry for the misunderstanding regarding who will meet. I have been very clear in my letters to you that Council (that means all of them) welcome a meeting in according with the law. That offer remains open at any time. Your members have attended meetings of the governing body in the past and have expressed their views and I am sure they

will again. No need to be behind closed doors. I am unsure why you feel a public meeting is unacceptable. Council meetings are run by the Mayor and no arguments, outbursts or name calling is permitted by anyone. While I have been sitting, everyone has been cordial to one another despite having differing opinions. Also, members of the Franklin Township Police Department are typically at the meetings to give reports of activities, so that provides comfort to Councilmembers that no public outbursts or discourteous behavior will occur.

I respect your decision not to meet in a public forum and therefore I will assume we will not have a joint meeting of the boards. Again, thank you for your service to the Borough and a Merry Christmas and Happy Holidays to your members.

Rick Tonetta

Richard P. Tonetta, Esq.
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From: Minotola Secretary <minotola112secretary@gmail.com>
Sent: Tuesday, December 13, 2022 12:13 PM
To: Rick Tonetta <solicitor@buenaboro.org>
Subject: ***EXTERNAL*** Re: ***EXTERNAL*** Re: FW: ***EXTERNAL*** Minotola Fire Company

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Solicitor Tonetta

It was my understanding that Borough Council wanted to have a couple representatives attend our membership meeting to talk with the membership. From your email I am assuming they are no longer interested in attending our membership meeting on December 20th as they were invited.

Please let me know by Friday December 16th 2022 if a couple of representatives of Borough Council will be attending the closed to public meeting of the Minotola Fire Company.

As previously stated, our company meeting have never been and never will be open to the public.

Kevin M. Chapman

On Dec 13, 2022, at 10:36, Rick Tonetta <solicitor@buenaboro.org> wrote:

Mr. President,

At last night's Buena Borough Council meeting, I was instructed to reach out to you one more time to attempt to set up a meeting between the Borough Council and the

Minotola Fire Company Board. The meeting by law must be public. Please email me after your December 20th meeting either way. I would appreciate our correspondences be cordial. If I do not hear from you, I will assume there is no interest in meeting. In any event, again on behalf of the Governing Body and Administration I want to thank you and your men and women for your service to the community and wish everyone a Merry Christmas and Happy Holidays.

Richard P. Tonetta, Esq.
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From: Rick Tonetta
Sent: Monday, December 12, 2022 5:40 PM
To: Minotola Secretary <minotola112secretary@gmail.com>; David Zappariello <mayordave@buenaboro.org>; Patricia Andalaro <patricia.andalaro@buenaboro.org>; Douglas Adams <douglas.adams@buenaboro.org>; Gina Andalaro <gina.andalaro@buenaboro.org>; Jorge Alvarez <jorge.alvarez@buenaboro.org>; Joseph Fabrizio <joseph.fabrizio@buenaboro.org>; Marina Barsuglia <marina.barsuglia@buenaboro.org>; Maryann Coraluzzo <administrator@buenaboro.org>; Pam Johnston <pam.johnston@buenaboro.org>; Chief Habersham <11200minotolafireco112@gmail.com>
Subject: RE: ***EXTERNAL*** Re: FW: ***EXTERNAL*** Minotola Fire Company

Mr. President.

I apologize, but I gave you misinformation regarding the next Borough Council meeting. I was corrected by the Administrator that there is only one meeting in December. There is no scheduled meeting on December 20, 2022.

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From: Rick Tonetta
Sent: Monday, December 12, 2022 1:56 PM
To: Minotola Secretary <minotola112secretary@gmail.com>; David Zappariello <mayordave@buenaboro.org>; Patricia Andalaro <patricia.andalaro@buenaboro.org>; Douglas Adams <douglas.adams@buenaboro.org>; Gina Andalaro <gina.andalaro@buenaboro.org>; Jorge Alvarez <jorge.alvarez@buenaboro.org>; Joseph Fabrizio <joseph.fabrizio@buenaboro.org>; Marina Barsuglia <marina.barsuglia@buenaboro.org>; Maryann Coraluzzo

<administrator@buenaboro.org>; Pam Johnston <pam.johnston@buenaboro.org>;
Chief Habersham <11200minotolafireco112@gmail.com>

Subject: RE: ***EXTERNAL*** Re: FW: ***EXTERNAL*** Minotola Fire Company

Mr. President,

Without addressing the insults, suffice it to say that Council is obligated under the Open Public Meetings Act to meet with the public having the ability to watch how their government functions. I am sorry, but a private meeting is not legally permissible unless it meets certain exceptions which such a meeting does not. Based upon your email, I will assume your board has no intention of meeting with Borough Council in a public meeting. Thank you for reaching out and explaining the position of the Fire Company.

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From: Minotola Secretary <minotola112secretary@gmail.com>

Sent: Monday, December 12, 2022 10:21 AM

To: Rick Tonetta <solicitor@buenaboro.org>

Subject: ***EXTERNAL*** Re: FW: ***EXTERNAL*** Minotola Fire Company

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Solicitor Tonetta

Dear Mr. Tonetta:

We concur, there have been misstatements and misinformation circulated by Borough Council and you.

We concur, no formal agreement is required, by Statute, to exist between the District and the Fire Company.

We are well aware of the process; however, Council's actions to date are inconsistent with that procedure. In fact, Council has started the process, as borne out by the Meeting Minutes available on the Borough's website:

"Councilman Adams addressed mayor and council stating he had created a petition for the Dissolution of Fire District#2 in the Borough of Buena with 223 signatures. Petition was passed to Acting Clerk for certification."

Councilman Adams made his intention to dissolve clear during the New Business portion of Borough Council's Special Meeting on Monday, October 31, 2022.

We have never claimed Council has portrayed us negatively. We do know that false, negative assertions have been made to Council in an effort to impugn our integrity.

Our membership meetings have never been public and never will be public. As previously stated, we have, in fact agreed to meet with members of Borough Council at a Membership meeting. Council appears to want to meet only in a public forum which, at this point in the process, serves no purpose.

A simple Google search will easily provide you with a list of the many small towns in New Jersey, and specifically South Jersey, under the management of fire districts. Your assertion we are the exception is a clear misstatement intended to mislead the public and to support Council's position. In fact, there is a recent trend in Cape May County where municipal fire companies have transitioned to fire districts.

The manner in which Council has proceeded with this dissolution attempt has clearly made Minotola Fire Company a political football. Let me be very clear, the members of Minotola Fire Company have made no threats. The resignations are and were intended to put Council on notice. To characterize them as threats is offensive to each and every one of us. Please forgive us if we choose to have our safety and wellbeing at the forefront of this decision. To say nothing will change if Council establishes a municipal department or takes over administering fire services is obviously a misrepresentation of the management transition.

By continuing this tactic, you are putting the members of Minotola Fire Company in an unreasonably bad light. It is this kind of inappropriate behavior by Council that strengthens our members' collective resolve to avoid ever working for a municipal fire company under the control of this Borough Council. If you somehow think this approach will shame or convince us to work with you, think again. Our 28 firefighters have given over 480 collective years volunteering and protecting our residents. You and Council should be ashamed of characterizing our members as anything but dedicated and honorable. It is unreasonable to ask them not to put the safety, welfare, and well-being of themselves and our residents first when considering the choice of working for a municipal fire company under the control of this Borough Council. It is clear to all of us that you just do not get it.

Once again, let me clearly state that we will meet with members of Council at a closed membership meeting. We will not subject our membership to a public free-for-all under any circumstances. The men and women of this fire company deserve better.

Consider this our final word; we have no intention of further entertaining these issues in writing. This matter can be discussed in a closed joint meeting between Council and Minotola Fire Company membership.

Thank You

Kevin M Chapman

President

On Tue, Dec 6, 2022 at 10:55 AM Rick Tonetta <solicitor@buenaboro.org> wrote:

Dear President Chapman,

Thank you for your letter of November 30. I read it and feel it is necessary to address some of the misstatements of facts contained therein. I understand that the misinformation is due to the lack of communication as you rightly point out in your letter and hopefully we will all address this joint problem.

In your letter, you advise that your Solicitor indicated that no agreement is necessary for the Fire Company to operate within the Borough. While your Solicitor is correct that no "formal" agreement is required under the statute, some understanding which is considered an agreement must exist to give the Fire Company the authority to do what they thankfully do within the Borough. I am aware that many fire companies do not have formal agreements with their town or district as the case may be, having represented a fire district since 1984.

In your letter you reference "the process and methodology to dissolve Fire District No. 2 which the Council has chosen." This statement is incorrect. Council has not made any decisions regarding the dissolution or addition of a fire district, and cannot do so without first having a public hearing with reasons to consider either one or the other. Council has received two petitions, one to add a district in accordance with NJSA 40A:14-70 which is begun "upon application of at least 5% of the registered voters..." and the other to dissolve all fire districts in accordance with NJSA 40A:14-90, also upon receipt of a petition as set forth above. Council cannot simply ignore the petitions and must act upon them by law after a public hearing by either voting them in the affirmative or negative..

You further state that the Minotola Fire Company has been negatively portrayed. I have no information relative to this claim, but I can assure you that no one from the governing body or the Mayor's Office has ever said anything but praise for the first responders of Minotola Fire Company. I am also quite sure that on numerous occasions members of the governing body have indicated that at no time do they want Minotola Fire Company to stop fighting fires in the Borough. Quite the contrary, they implore the Company to continue in the same fashion they have existed for so many years.

As for the statement that "Council has not extended the courtesy of one meeting with them (Minotola Fire Company) to inform them of their decision to dissolve District 2 or offer any reason for this action." Again, no decision has been made on either petitions submitted to Council and this statement is simply untrue. As for meetings with the Fire Company, I am sure you know that requests for meetings were made much before your letter to which I am addressing. Further, the issue will and must be the subject of a public hearing. It is important that the governing body be as transparent as possible, which is the reason I requested a joint public meeting.

In your letter you also address fire companies being under the governing body rather than a fire commission. You state that this application is left to large municipalities. If you check throughout the state of New Jersey, most small towns such as Buena are not under the guise of a fire district, but the governing body. As such, Buena was and still is the exception. The reason is quite clear. With a small municipality, there is no need for duplicative services including legal, auditing, etc. which you get with fire districts combined with governing bodies. That is why most communities such as Buena do not have both. Fire Districts work well in large townships such as Pittsgrove or Buena Vista where towns are spread over many miles.

I am a bit confused, however when you state that the fire company is somehow becoming a "political football" as whatever the governing body decides, no change is or would occur to the fire company. Quite frankly, it is disheartening when it is the fire company that wishes to prohibit the governing body of a municipality from carrying out their oath of office and following through with the will of the voters whatever that may be by threatening to abandon their mission and oath to protect property and the lives of the Borough if the vote goes one way or the other.

It is agreed, however that no one knows fire suppression better than our first responders, certainly not the governing body. However, being a great fire fighter does not assure that the needs and best interests of all of the taxpayers are being considered. That is why the combined knowledge of the Minotola Fire Company and Borough Council would be a consideration, however, that is for Council to decide, not me.

I hope Council and the Fire Company can find some common ground to assure the safety and financial concerns of the residents are in everyone's best interest. To that end I will again ask you to advise if the meeting to be held on December 20 can be a public meeting so it is as transparent as possible. I would generally copy your Solicitor, however I do not know who that may be and I would appreciate it if you could please forward it to him/her and advise who is the solicitor for the Fire Company.

Rick Tonetta

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From: Minotola Secretary <minotola112secretary@gmail.com>

Sent: Monday, November 28, 2022 9:16 PM

To: Rick Tonetta <solicitor@buenaboro.org>

Subject: ***EXTERNAL*** Minotola Fire Company

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Solicitor Tonetta

Kevin M. Chapman
President
Minotola Fire Company