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INITIAL NOTICE OF CLAIM FOR DAMAGES AGAINST THE STATE OF NEW JERSEY

FORWARD TO: TORT AND CONTRACT UNIT
Borough of Buena
Municipal Center
616 Central Ave.
Minotola, NJ 08431

FORM MUST BE FILED WITHIN 90 DAYS OF THE ACCIDENT OR YOU MAY FORFEIT YOUR RIGHT

1. CLAIMANT: SEE EXHIBIT A - LIST OF ADDITIONAL CLAIMANTS

Landisville Volunteer Fire & Rescue Co. 1922
LAST NAME FIRST MIDDLE DATE OF BIRTH
102 W. Arbor Ave. P.O. Box 305
STREET ADDRESS MAILING ADDRESS IF OTHER THAN STREET ADDRESS
Landisville NJ 08326 Landisville, NJ 08326
CITY STATE ZIP CODE SOCIAL SECURITY NUMBER

2. IF NOTICES AND CORRESPONDENCE IN CONNECTION WITH THIS CLAIM ARE TO BE SENT TO A PERSON OTHER THAN CLAIMANT, COMPLETE ITEM #2.

Corinne Mullen - The Mullen Law Firm 110a Meadowlands Parkway, Suite 101
NAME MAILING ADDRESS
Secaucus, NJ 07094
CITY STATE ZIP CODE

RELATIONSHIP TO CLAIMANT: ATTORNEY AT LAW ☒ OR EXPLAIN RELATIONSHIP

THE OCCURRENCE OR ACCIDENT WHICH GAVE RISE TO THIS CLAIM:

3a. 7/29/21 n/a
DATE TIME

b. DESCRIBE THE LOCATION OR PLACE OF THE ACCIDENT OR OCCURENCE.

Buena Borough 102 W Arbor Ave, Landisville, NJ 08326
MUNICIPALITY EXACT LOCATION OF THE OCCURRENCE

c. DESCRIBE HOW THE ACCIDENT OR OCCURENCE HAPPENED: IF A DIAGRAM WILL ASSIST YOUR EXPLANATION, PLEASE USE THE REVERSE SIDE OF THIS FORM.

Firehouse shut down despite best efforts to try to reopen. Destroyed Fire Department Sign

d. STATE THE NAME AND ADDRESS OF THE STATE AGENCY OR AGENCIES THAT YOU CLAIM CAUSED YOUR DAMAGE.

Buena Borough Mayor & Council.
1111 Central Ave, Minotola, NJ 08341

STATE THE NAMES OF STATE EMPLOYEES WHOM YOU CLAIM WERE AT FAULT, INCLUDING ANY INFORMATION THAT WILL ASSIST IN IDENTIFYING AND LOCATING THEM.

Buena Borough Mayor & Council
Joseph Kasper
Brian Rowan

*This list is non-exhaustive. All town, mayor, and council members shall be named in this court claim.

e. STATE THE NEGLIGENCE OR WRONGFUL ACTS OF THE STATE AGENCY AND STATE EMPLOYEES WHICH CAUSED YOUR DAMAGES.

Unregulated meetings between D.E.M. and Fire Chiefs which led to Mayor & Council having no executive meetings. Mayor & Council also released the names and addresses of Landisville Fire Co.

f. STATE THE NAME AND ADDRESS OF ALL WITNESSES TO THE ACCIDENT OR OCCURRENCE.

Vincent Sciarraone Frank Scanacella Judy Testa
Judith D'Annunzio Nick Sciarraone Glenda Martinelli
Ricky Corluzzo Jr. William Mason Greg McAvaddy
Enricho Corluzzo Sr. Vincent Jones

g. STATE THE NAMES OF ALL POLICE OFFICERS AND POLICE DEPARTMENTS WHO INVESTIGATED THIS ACCIDENT.

N/A

4a. CLAIM FOR DAMAGES (CHECK APPROPRIATE BLOCK):

☒ PERSONAL INJURY ☒ PROPERTY DAMAGE

☒ OTHER - EXPLAIN IN DETAIL Defamation / Slander

Disparate treatment, age discrimination, improper conduct, retaliation, loss of income, "LOSAP" employment benefits, financial losses, loss of professional opportunities, damage to reputation, loss of community standing.

b. IF YOU CLAIM PERSONAL INJURY:**(1) DESCRIBE YOUR INJURIES RESULTING FROM THIS ACCIDENT OR OCCURRENCE.**

Emotional distress

(2) DO YOU CLAIM PERMANENT DISABILITY RESULTING FROM THIS INJURY:☐ YES ☒ NO**IF YES, DESCRIBE THE INJURIES BELIEVED TO BE PERMANENT.****(3) FOR EACH HOSPITAL, DOCTOR OR OTHER PRACTITIONER RENDERING TREATMENT, EXAMINATION OR DIAGNOSTIC SERVICES, STATE:**

NAME OF HOSPITAL, DOCTOR OR OTHER FACILITY	ADDRESS	DATES OF TREATMENT OR SERVICE	AMOUNT OF CHARGE TO DATE	AMT. PAID OR PAYABLE BY OTHER SOURCE SUCH AS INSURANCE

(4) IF YOU CLAIM LOSS OF WAGE OR INCOME AS A RESULT OF THE INJURY STATE:

Landisville Volunteer Fire and Rescue Company

NAME OF EMPLOYER

102 W Arbor Ave, Landisville, NJ 08326

ADDRESS OF EMPLOYER

Volunteer Fire Fighter

YOUR OCCUPATIONLength of service award program was denied
because the Fire Station was shut down.**RATE OF PAY**

\$1550 per individual plaintiff/per year

TOTAL LOSS WAGES TO DATE**DATE YOU BECAME EMPLOYED****DATE OF ABSENCE FROM WORK****IF STILL OUT, EXPECTED DATE OF RETURN****NOTE: IF YOUR CLAIMED LOSS OF INCOME ARISES FROM SELF-EMPLOYMENT OR OTHER THAN WAGE, ATTACH A CALCULATION SHOWING THE BASIS OF YOUR CALCULATION OF LOST INCOME.**

(5) SET FORTH ANY AND ALL OTHER LOSSES OR DAMAGE CLAIMED BY YOU.

Took away 10WSEP FROM FIRE MEMBERS

C. IF YOU CLAIM PROPERTY DAMAGE:

(1) DESCRIBE THE PROPERTY DAMAGED.

Landisville Fire Company Sign

(2) THE PRESENT LOCATION AND TIME WHEN THE PROPERTY MAY BE INSPECTED.

102 W Arbor Ave, Landisville, NJ 08324

(3) DATE PROPERTY ACQUIRED.

Unknown

(4) COST OF PROPERTY

\$

(5) VALUE OF PROPERTY AT TIME OF ACCIDENT: \$

(6) DESCRIPTION OF DAMAGE.

Bricks and surroundings of sign taken apart

(7) HAS THE DAMAGE BEEN REPAIRED?

NO

IF SO, BY WHOM, WHEN AND COST OF REPAIRS.

(8) ATTACH EACH ESTIMATE OF REPAIR COSTS TO THIS FORM.

(9) SET FORTH IN DETAIL THE LOSS CLAIMED BY YOU FOR PROPERTY DAMAGE.

d. SET FORTH IN DETAIL ALL OTHER ITEMS OF LOSS OR DAMAGES CLAIMED BY YOU AND THE METHOD BY WHICH YOU MADE THE CALCULATION.

5. THE AMOUNT OF THE CLAIM. _____

6. HAVE YOU MADE A CLAIM AGAINST ANYONE ELSE FOR ANY OF THE LOSSES OR EXPENSES CLAIMED IN THIS NOTICE?

no

IF YES, SET FORTH THE NAME AND ADDRESS OF ALL PERSONS AND INSURANCE COMPANIES AGAINST WHOM YOU HAVE MADE SUCH CLAIMS:

7. ARE ANY OF THE LOSSES OR EXPENSES CLAIMED HEREIN COVERED BY ANY POLICY OF INSURANCE?

no

FOR EACH SUCH POLICY, STATE THE NAME AND ADDRESS OF THE INSURANCE COMPANY, POLICY NUMBER AND BENEFITS PAID OR PAYABLE

8. HAVE YOU RECEIVED OR AGREED TO RECEIVE ANY MONEY FROM ANYONE FOR THE DAMAGES CLAIMED HEREIN?

☐ YES ☒ NO

IF YES, SET FORTH THE DETAIL OF SUCH AGREEMENT.

9. THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS NOTICE:

- (1) COPIES OF ITEMIZED BILLS FOR EACH MEDICAL EXPENSE AND OTHER LOSSES AND EXPENSES CLAIMED.
- (2) FULL COPIES OF ALL APPRAISALS AND ESTIMATES OF PROPERTY DAMAGE CLAIMED BY YOU.
- (3) COPIES OF ALL WRITTEN REPORTS OF ALL EXPERT WITNESSES AND TREATING PHYSICIANS.
- (4) A LETTER FROM YOUR EMPLOYER VERIFYING YOUR LOST WAGES. IF SELF-EMPLOYED, A STATEMENT SHOWING THE CALCULATION OF YOUR CLAIMED LOST INCOME.

I HEREBY CERTIFY THAT THE FOREGOING STATEMENTS MADE BY ME ARE TRUE. THAT THE ATTACHED STATEMENTS, BILLS, REPORTS AND DOCUMENTS ARE THE ONLY ONES KNOWN TO ME TO BE IN EXISTENCE AT THIS TIME. I AM AWARE THAT IF ANY STATEMENT MADE HEREIN IS WILLFULLY FALSE OR FRAUDULENT, THAT I AM SUBJECT TO PUNISHMENT PROVIDED BY LAW.

9/23/21
DATE

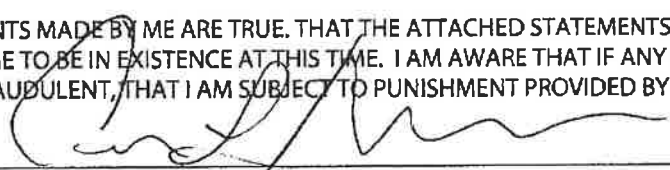

CLAIMANT OR PERSON FILING ON BEHALF OF CLAIMANT

EXHIBIT A

ADDITIONAL CLAIMANTS

Kenneth Barbagli

Street Address: [REDACTED]

Mailing Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

In addition to each individual firemen of Landisville Volunteer Fire & Rescue Co. who will act as an individual claimant in addition to the Landisville Volunteer Fire & Rescue Co. as a whole.



Ken Barbagli <kbsepticllc@gmail.com>

Roster of Landisville Firefighters

2 messages

Keith Kemery <kbkemery1@gmail.com>

Thu, Apr 22, 1:21 PM

To: <kbsepticllc@gmail.com>

Cc: Keith Kemery <kbkemery1@gmail.com>, chazgazzara <chazgazzara@gmail.com>, Landisville Fire <lvfco5@gmail.com>

Good Afternoon Chief,

Following up to our telephone conversation of just now, the following is the list of firefighters that I intend to submit to the NJDOL and PEOSH.

Barbagli, Ken
 Coraluzzo Jr., Richard
 Garzon, Santiago
 Jones, Raymond
 Martinelli, Glenda
 Mason, Bill
 Peters, Ted
 Pomerleu, Lianel
 Sciarrone, Nicholas
 Sciarrone, Vincent
 Scancella, Frank
 Smith, Lenny

Please review this list to ensure that the list is accurate. I also want to check the fit testing and other training records against the above list to ensure that all of the listed firefighters have completed the training required to abate all outstanding violations.

Please do not hesitate to contact me should you have any questions or other need.

Sincerely,

Keith Kemery
 Consultant to Buena Borough Fire District 1

Charles Gazzara <chazgazzara@gmail.com>

Thu, Apr 22, 5:03 PM

To: Keith Kemery <kbkemery1@gmail.com>

Cc: Kenny <kbsepticllc@gmail.com>, Landisville Fire <lvfco5@gmail.com>

FYI....Coraluzzo first name is Ricky

[Quoted text hidden]



Re: Landisville Vol Fire Dept/Buena Boro

2 messages

Susan Romeo <suzie1nj86@gmail.com>

Wed, Aug 11, 12:46 AM

To: <thompson_t@acpo.org>

Cc: <ripley_r@acpo.org>

Bcc: <kbsepticllc@gmail.com>

Hello Detectives!

I just wanted to touch base with some new information that has been discovered since my last contact with your office related to the Boro of Buena.

When questioned during the public portion of a Buena Boro council meeting about the existence of executive sessions held to discuss the status of Landisville Volunteer Fire Department, I was not given a response by the mayor or council. When reviewing posted meeting minutes from July 2020 through August 2021, it was discovered that only one executive session was held for council members to discuss the important subject of the future of a 99-year-old fire department in our Boro. An OPRA request was placed for all executive sessions during 2020 and 2021 where Landisville Volunteer Fire was discussed. The request was placed on July 23, 2021 by another individual and the request provided by the Boro on August 10, 2021 where the single executive session minutes during that time period were released. The Boro council approved executive session minutes for the September 17, 2020 executive session at its August 9, 2021 meeting prior to releasing the minutes to that individual but those executive session minutes were already approved at the October 26, 2020 council meeting per their meeting minutes (attached) so I'm not sure why they were approved again.

During the time period between May 2020 and September 2020, there were some leadership struggles going on within the fire department, as several members that resided outside of Buena Boro were attempting to take control of the fire department that caused a lot of turmoil. Those 'outsiders' were coincidentally acquaintances of Councilman Joseph D'Alessandro III. The department had one bad year in 99 years, hardly a reason to dissolve the department. At this executive session held on September 17, 2020, the topic of having two separate fire stations was discussed with the options provided by the solicitor to 1. shut Landisville station, 2. merge the two stations or 3. absorb the two departments into the Boro. Councilman D'Alessandro was asked by Mayor Zappariello to address the council regarding the two companies. One council member, Councilman Alvarez, requested giving members of the fire departments the opportunity to speak and Mayor Zappariello responded with a suggestion to hold a meeting in a larger forum to accommodate members and the public. The meeting was then adjourned. Why wasn't a 4th option listed to shut down Minotola Fire? Minotola had high debt and very little savings vs Landisville station that had zero debt and a large savings account. Shortly following that executive session, one of the disgruntled Landisville Volunteer Fire Department members reported the fire department to OSHA for violations. This individual was present during the state inspection that took place in October 2020 where violations were found. The NJ Department of Health did not close the department but cited them to abate those items found not in compliance. Fast forward to December, Buena Boro council chose to suspend Landisville Volunteer Fire due to the safety violations, even though they were not required to be closed by the state.

The fire department suspension was extended on March 12, 2021 and June 10, 2021. In between those dates on April 12, 2021, Boro council chose to begin dissolution proceedings for Landisville Volunteer Fire Department for "serious health and safety issues" for the items the department was in the progress of correcting and for "violations of statutory obligations" for not having the correct claimant certification on all purchase orders and for having a credit card in the fire district's name. ALL of these violations were abated and the clerical operations corrected. The state was not able to schedule a re-inspection until more than a month following the completion of all abatements. The NJ Dept of Health OSHA inspection took place on June 11, 2020 without incident and the fire department and Boro received official confirmation of the favorable inspection on June 25, 2021. Shortly after, a JIF (joint insurance fund) safety inspection was performed at the fire department with the same favorable conclusion. The Boro delayed the department's reopening until after their hearing with the Local Finance Board (who has never ruled against a municipality) and promptly moved forward with a 1st and 2nd reading on July 19, 2021 and July 29, 2021 to dissolve the fire department, although each reason listed in the ordinance was no longer accurate or valid, as the safety violations were abated and the clerical issues corrected. The public cannot see how the Boro could have moved forward with the dissolution when the specific reasons listed in the ordinance were no longer true and no other reasons were given.

By all accounts, the department was ready to be reopened upon approval by Buena Boro Council. During the month of June, one of the five remaining council members, Councilman Matthew Walker visited with the Fire Chief at the facility to listen to

him and inspect the premises and apparatus. No other council members would meet with any members of the fire department or members of the community who wanted council to listen to them and answer their questions. Since the Board of Fire Commissioners of District #1 hired an attorney to represent them, the Boro solicitor instructed council members to not speak to anyone regarding the fire department.

If council members did not speak to the public or each other in a private group session, how is it that they were to debate the topic concerning the future of Landisville Volunteer Fire Department. Was Boro council circumventing the Sunshine Act by having private discussions on the topic? Councilman Aldo Palmieri resigned on May 10, 2021 (being sworn in January 4, 2021) leaving only 5 council members and the mayor. Under the Sunshine guidelines, not more than 2 council members could be together to discuss this topic. There were no work sessions or executive sessions by Boro council since September 17, 2020 (before these violations were even cited), how were they discussing this topic and making a reasonable judgement when there was never a time for them to share their opinions amongst each other or Landisville Fire Department. Although I did hear that the mayor and/or council members were sending text messages on their private phones to one another on this topic. I have no proof of this but considering the circumstances, I find it difficult to dismiss. Council wasn't deliberating a minor issue, the status of Landisville Volunteer Fire Department affects the health and safety of Buena Boro residents by eliminating valuable volunteers needed in a small town, especially during a pandemic.

The Boro misrepresented itself to the Local Finance Board by stating that they were going to sell all of Landisville's equipment and their building to generate revenue, use Landisville's \$300,000 savings toward Minotola Fire's debt and would save taxpayers \$102,000 annually. Based on the Boro auditor's calculations, the average homeowner in Landisville will save \$1.25 per month and Minotola homeowners will save less than \$10 per month. Landisville resident's homeowners insurance will likely increase as well since the Minotola station is a much further distance to our properties. The Boro's misrepresentation to the LFB took place when they stated their plans for the equipment, real estate and money because Landisville residents were assured that the Landisville fire station would be occupied by Minotola Fire as a second station as is also stated in their dissolution.

Two days following the 2nd reading of the dissolution, members of Minotola Fire Department and/or Commissioners as well as Councilman D'Alessandro were seen occupying the Landisville fire station, removing the name from the outside of the building and taking the fire department name off of their digital sign and other things outside of view inside of the building on a Saturday, less than 48 hours later. The ordinance clearly states:

SECTION 8. APPROVAL OF LOCAL FINANCE BOARD. Pursuant to the provisions of 40A:5A-20, a copy of this ordinance must be forwarded to the Local Finance Board of the State of New Jersey ("Board") for review and approval. Final adoption of this ordinance shall be subject to the Board's approval. A copy of the ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of the State of New Jersey.

SECTION 9. EFFECTIVE DATE OF DISSOLUTION. The dissolution of the Borough of Buena Fire District #1 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District #1 to the Board of Commissioners of Fire District #2 and the assumption of all duties by Fire District Number Two shall be effective upon adoption of this ordinance.

It is doubtful that the LFB received, reviewed and approved this ordinance and returned it to Buena Boro in one business day.

By all accounts, it appears that the fate of Landisville Volunteer Fire Department was decided at the September 17, 2020 executive session since no other discussion was held (publicly or privately unless Sunshine laws were violated) and the public given 5 minutes to speak on the topic at a single in-person meeting on May 26, 2021 where the mayor announced that the public could comment but neither he nor council would respond to any questions and Landisville Fire Department would not be able to address any questions by council members or the public. It was a very one-sided presentation with statistics skewed to be presented in the Boro's favor while including several false statements in the Boro's presentation, as I later pointed out during the public portion of a July 2021 council meeting.

Additionally, meeting minutes posted on the Boro website state that 13 council meetings were held in-person between April 27, 2020 and March 8, 2021 (see attached). When questioned about why meetings went 100% remote once the public became aware of Landisville Fire Department's suspension just prior to a special meeting on March 12, 2021, the mayor stated that was incorrect and they had not met at Boro Hall for in-person meetings since the start of the pandemic. If this is true, doesn't the mayor and council read the minutes that they are approving? It is also interesting to note that beginning on the night of the 2nd reading, July 29, 2021 and at the subsequent meeting on August 9, 2021, this was the very first agenda posted on the Boro website that specifically noted that the meeting would be held remotely (telephonically) with dial-in instructions included on the agenda. Prior to that, residents had to notice a link on their home page "Council Meeting - Remote Access" to be able to participate in the meeting. Residents mostly relied on myself to post on social media the instructions to join the meeting and by coming to meetings held at the fire department for residents to listen with the group of supporters if they did not know how to connect on their own. Buena Boro has a large senior citizen population that had extreme difficulty listening to and speaking during the public portion of Boro council meetings.

Boro residents don't know what to believe and our residents need your help in uncovering the truth about how the Boro was able to make such a permanent decision without violating Sunshine Laws.

As always, thank you for your consideration in investigating this subject.

Susan Romeo
609-774-5648

On Tue, May 25, 2021 at 7:18 AM Susan Romeo <suzie1nj86@gmail.com> wrote:

I apologize, I should have also included the Borough of Buena board meeting minutes where action was taken against Landisville Volunteer Fire Department District #1:

12/14/2020 - <http://www.buenaboro.org/pdfs/council/December%2014,%202020.pdf>

3/12/2021 - <http://www.buenaboro.org/pdfs/council/March%2012,%202021%20Special%20Meeting.pdf>

4/12/2021 - <http://www.buenaboro.org/pdfs/council/April%2012,%202021.pdf>

The Borough has had two of the three council members listed below resign in haste on how Borough Mayor and Council were operating, prior to the matter with Landisville Volunteer Fire Department. It may be helpful to reach out to them as well for input on the policy and procedures of the local government:

- Jeffrey Marolda
- Gregory McAvaddy
- Aldo Palmieri (Mr. Palmieri was sworn in to fill the unexpired term of Mr. McAvaddy on January 19, 2021 and quickly resigned on May 10, 2021 - reason for resignation is only speculative but from what I understand it may have had something to do with their handling of the fire department matter)

Thank you again.

Susan Romeo

On Mon, May 24, 2021 at 11:41 PM Susan Romeo <suzie1nj86@gmail.com> wrote:

As per my conversation on Monday, May 24, 2021 with Detective Ryan Ripley, please see the information below as on behalf of Buena Boro residents requesting an investigation into the attempt by Buena Boro Mayor & Council to close the 99-year-old Landisville Fire Department, District #1 that could include political corruption.

As a follow up to the Buena Borough council meeting on Monday, May 24, 2021, I would like to reiterate what was asked of and stated during the meeting.

Mr. Mayor was asked: What was the date of the state inspection at Landisville Fire Dept? His response: October 16, 2020

Mr. Mayor was then asked: Could you tell me what date the council first voted to suspend fire suppression services of the Landisville Fire Department? His response: December 14, 2020

Following receipt of an OPRA request, several interesting things were discovered:

- From July 1, 2020 through April 30, 2021, the Boro solicitor billed the Boro \$11,025 on matters related to Landisville Volunteer Fire Department
- On July 23rd, the solicitor billed for reading an ordinance on the creation and dissolution of a fire district
- On August 6th, the solicitor billed for reviewing and analyzing dissolution procedures
- On March 10th, the solicitor billed for reviewing and analyzing the preparation for a resolution to further dissolve LVFD
- On March 23rd, the solicitor billed for reviewing and analyzing documents sent by Joe on dissolution (I presume Joe D'Alessandro) and for preparing the initial application for dissolution
- On April 2nd, the solicitor billed to review and analyze an unnecessary financial audit on the fire department ordered by the Boro back in October (also ordered before the state inspection) and the Boro's expansion plan for Minotola fire district #2. The Boro was also billed on that date to finalize an ordinance and resolution to begin proceedings to dissolve LVFD. The Boro officially began dissolution proceedings at the April 12th council meeting even though a month prior they extended the department's suspension of fire suppression services for an additional 90 days which would run through at least June 12th.

The fire department did not receive official notice of any violations until November 2020. Mayor Zappariello was asked to explain to council, the public and voters on the call why he would have the Boro solicitor review ANYTHING related to dissolving a fire department LAST JULY & AUGUST?? His response: Just that there are other things that he will discuss at Wednesday's public in-person meeting.

(A Special Meeting In-Person Boro Council meeting was posted today on the Boro website - Wednesday, May 26, 2021 at 6:30pm In the Buena Regional High School Cafeteria, 125 Weymouth Road, Buena NJ 08310)
<http://www.buenaboro.org/pdfs/special%20meeting%20May%2026%202021.pdf>

This certainly sounds like the dissolution of Landisville Fire Department was premeditated and calculated, downright corrupt. How can Mayor Zappariello continue to lie to the public that the Boro's decision to shut down the fire department had anything

to do with the violations? Every person on the line during the phone-in council meeting and everyone included in this email knows that when any workplace has an inspection, there are almost always violations issued along with a date to have them abated. The public, our elected representatives and the media need to be reminded that the state DID NOT close Landisville Volunteer Fire Department. The state would have allowed the fire department to continue to operate while the violations were being abated. Buena Boro mayor and council instead chose to illegally close our fire department more than one month after violations were discovered. The state would not have allowed the department to continue operations if the violations were that serious. What town tries to get rid of VOLUNTEERS, especially during a pandemic when every place on the planet can't do enough to honor their volunteers and first responders?

These are all facts. I don't think the rest of Buena Boro council members are aware of what Mayor Zappariello and Councilman D'Alessandro have been up to since last July. Councilman D'Alessandro should have been doing his job as Public Safety Director & Office of Emergency Management Coordinator for the Boro by monitoring the fire department's progress in abating violations so they could reopen as soon as possible to resume protecting our life and our property, but it is clear Mr. D'Alessandro and Mayor Zappariello had other plans in mind.

It should also be noted that Buena Boro's OEM Deputy Coordinator, Joe Kaspar, is not a Boro resident as is required and was removed as Chief of Landisville Volunteer Fire Department prior to the department being reported to the state due to him not being a Boro resident by not meeting the standard for municipal emergency management requirement. Landisville Fire Department bylaws state that if a qualified Boro resident(s) are available to be Chief, the position should be filled by one of those individuals. After Mr. Kaspar's removal as Chief, Mr. Kaspar's close friend, Brian Rowan, made the call to the state. Not only did Mr. Kaspar not work with Buena Boro's OEM Coordinator, Mr. D'Alessandro, to monitor the fire department progress and lend assistance, he chose to mock the closing of the fire department on his personal Facebook page, he chose to post on the official Landisville Fire Department page, which he still has control of, a link to a website that was created to discredit the integrity of the fire department. In case Mr. Kaspar decides to delete these items from these Facebook pages, they are attached for your review. Mr. Kaspar's behavior goes against public employment policy as he was not following the policies and procedures of his office by practicing conduct unbecoming a government employee.

This could all have been taken care of if Mayor Zappariello would have met with the fire department's initial request to sit down together, instead of responding to current Chief Ken Barbagli that there was nothing to talk about when contacted at the onset. Instead, our mayor chose to stick to his plan to close the fire department and as a result has run up the bill from the Boro solicitor, costing taxpayer money, wasting taxpayer money. He thought no one cared about our 99-year-old fire department and he would just push forward without objection, but he couldn't be more wrong.

Buena Boro Council is holding a public meeting to discuss the Landisville Fire Department without even inviting or notifying one commissioner, officer or member of Landisville Volunteer Fire Department to participate in the meeting? If they truly wanted to resolve the issue they would have made sure all parties were specifically invited to the meeting. If there were other issues that were so serious, why wait since July 2020 (9 months) to make them known? The Boro suspended the fire department for violations. They have been abated. The department should reopen to serve the community following the state reinspection on June 11th. There is no reason this financially sound department with zero debt should be closed down. Residents want to know what would take so long to present "the facts" from the Boro of Buena against the fire department. Were people promised jobs if they assisted in closing the fire department? Did they receive compensation? We want to know the answer to those questions.

This community cares about our volunteers at Landisville Fire Department and we adamantly object to their closure. We will stop at nothing to have any corrupt politicians removed from office. The trouble all began at the department in May 2020, see attached.

The State of NJ Local Finance Board was forwarded dissolution documents following council's approval of a resolution on April 12, 2021 to begin dissolution proceedings. The case could be placed on their June 9th docket. The State Fire Inspector scheduled an in-person reinspection of Landisville Fire Department on June 11th, advising that was the earliest date the inspection could be scheduled. The Landisville Fire Department kindly requests that either the case with the Local Finance Board be postponed until their July meeting or the fire inspection date be completed prior to the Local Finance Board meeting. The fire department is ready and waiting to be inspected to be cleared to reopen. The department is more than capable and adequately equipped to respond to any emergency right now. All of the attention the department has received has resulted in quite a few community members expressing interest in joining the department as soon as they are cleared to reopen. Any assistance that can be provided to help the fire department move forward will be greatly appreciated by the volunteers and this community and any corruption should be exposed.

Thank you for your assistance!

Susan Romeo
Landisville Resident

Landisville Fire Department members that assisted in the gathering of information:
Chief Ken Barbagli
Commissioner Loretta Gazzara

September 17 2020 Executive Minutes.pdf, BB Agenda August 9, 2021.pdf, BB Minutes February 8, 2021.pdf, BB Minutes December 14, 2020.pdf, BB Minutes February 22, 2021.pdf, BB Minutes August 10, 2020.pdf, BB Minutes April 27, 2020.pdf, BB Minutes January 4, 2021.pdf, BB Minutes January 19, 2021.pdf, BB Minutes June 22, 2020.pdf, BB Minutes June 8, 2020.pdf, BB Minutes July 13, 2020.pdf, BB Minutes March 8, 2021.pdf, BB Minutes May 26, 2020.pdf, BB Minutes May 11, 2020.pdf, BB Minutes November 9, 2020.pdf, BB Minutes November 23, 2020.pdf, BB Minutes October 26, 2020.pdf, BB Minutes October 13, 2020.pdf, BB Minutes September 28, 2020.pdf, BB Minutes SpMeeting July 19, 2021.pdf, BB Minutes September 14,

2020.pdf, BB Minutes March 23, 2020.pdf, BB Minutes SpMeeting July 29 2021.pdf, BB Minutes March 12, 2021 Special Meeting.pdf, BB Minutes April 12, 2021.pdf, BB Minutes June 10, 2021 Special Meeting.pdf, Landisville Fire ACPress Opinion 8.6.2021.pdf

Susan Romeo <suzie1nj86@gmail.com>

Wed, Aug 11, 7:48 AM

To: <thompson_t@acpo.org>

Cc: <ripley_r@acpo.org>

Bcc: <kbsepticllc@gmail.com>

Hello Detectives!

I just wanted to touch base with some new information that has been discovered since my last contact with your office related to the Boro of Buena.

When questioned during the public portion of a Buena Boro council meeting about the existence of executive sessions held to discuss the status of Landisville Volunteer Fire Department, I was not given a response by the mayor or council. When reviewing posted meeting minutes from July 2020 through August 2021, it was discovered that only one executive session was held for council members to discuss the important subject of the future of a 99-year-old fire department in our Boro. An OPRA request was placed for all executive sessions during 2020 and 2021 where Landisville Volunteer Fire was discussed. The request was placed on July 23, 2021 by another individual and the request provided by the Boro on August 10, 2021 where the single executive session minutes during that time period were released. The Boro council approved executive session minutes for the September 17, 2020 executive session at its August 9, 2021 meeting prior to releasing the minutes to that individual but those executive session minutes were already approved at the October 26, 2020 council meeting per their meeting minutes (attached) so I'm not sure why they were approved again.

During the time period between May 2020 and September 2020, there were some leadership struggles going on within the fire department, as several members that resided outside of Buena Boro were attempting to take control of the fire department that caused a lot of turmoil. Those 'outsiders' were coincidentally acquaintances of Councilman Joseph D'Alessandro III. The department had one bad year in 99 years, hardly a reason to dissolve the department. At this executive session held on September 17, 2020, the topic of having two separate fire stations was discussed with the options provided by the solicitor to 1. shut Landisville station, 2. merge the two stations or 3. absorb the two departments into the Boro. Councilman D'Alessandro was asked by Mayor Zappariello to address the council regarding the two companies. One council member, Councilman Alvarez, requested giving members of the fire departments the opportunity to speak and Mayor Zappariello responded with a suggestion to hold a meeting in a larger forum to accommodate members and the public. The meeting was then adjourned. Why wasn't a 4th option listed to shut down Minotola Fire? Minotola had high debt and very little savings vs Landisville station that had zero debt and a large savings account. Shortly following that executive session, one of the disgruntled Landisville Volunteer Fire Department members reported the fire department to POSHA for violations. This individual was present during the state inspection that took place in October 2020 where violations were found. The NJ Department of Health did not close the department but cited them to abate those items found not in compliance. Fast forward to December, Buena Boro council chose to suspend Landisville Volunteer Fire due to the safety violations, even though they were not required to be closed by the state.

The fire department suspension was extended on March 12, 2021 and June 10, 2021. In between those dates on April 12, 2021, Boro council chose to begin dissolution proceedings for Landisville Volunteer Fire Department for "serious health and safety issues" for the items the department was in the progress of correcting and for "violations of statutory obligations" for not having the correct claimant certification on all purchase orders and for having a credit card in the fire district's name. ALL of these violations were abated and the clerical operations corrected. The state was not able to schedule a re-inspection until more than a month following the completion of all abatements. The NJ Dept of Health POSHA inspection took place on June 11, 2020 without incident and the fire department and Boro received official confirmation of the favorable inspection on June 25, 2021. Shortly after, a JIF (joint insurance fund) safety inspection was performed at the fire department with the same favorable conclusion. The Boro delayed the department's reopening until after their hearing with the Local Finance Board (who has never ruled against a municipality) and promptly moved forward with a 1st and 2nd reading on July 19, 2021 and July 29, 2021 to dissolve the fire department, although each reason listed in the ordinance was no longer accurate or valid, as the safety violations were abated and the clerical issues corrected. The public cannot see how the Boro could have moved forward with the dissolution when the specific reasons listed in the ordinance were no longer true and no other reasons were given.

By all accounts, the department was ready to be reopened upon approval by Buena Boro Council. During the month of June, one of the five remaining council members, Councilman Matthew Walker visited with the Fire Chief at the facility to listen to him and inspect the premises and apparatus. No other council members would meet with any members of the fire department or members of the community who wanted council to listen to them and answer their questions. Since the Board of Fire Commissioners of District #1 hired an attorney to represent them, the Boro solicitor instructed council members to not speak to anyone regarding the fire department.

If council members did not speak to the public or each other in a private group session, how is it that they were to debate the topic concerning the future of Landisville Volunteer Fire Department. Was Boro council circumventing the Sunshine Act by having private discussions on the topic? Councilman Aldo Palmieri resigned on May 10, 2021 (being sworn in January 4, 2021) leaving only 5 council members and the mayor. Under the Sunshine guidelines, not more than 2 council members could be together to discuss this topic. There were no work sessions or executive sessions by Boro council since September 17, 2020 (before these violations were even cited), how were they discussing this topic and making a reasonable judgement when there was never a time for them to share their opinions amongst each other or Landisville Fire Department. Although I did hear that the mayor and/or council members were sending text messages on their private phones to one another on this topic. I have no proof of this but considering the circumstances, I find it difficult to dismiss. Council wasn't deliberating a minor issue, the status of Landisville Volunteer Fire Department affects the health and safety of Buena Boro residents by eliminating valuable volunteers needed in a small town, especially during a pandemic.

The Boro misrepresented itself to the Local Finance Board by stating that they were going to sell all of Landisville's equipment and their building to generate revenue, use Landisville's \$300,000 savings toward Minotola Fire's debt and would save taxpayers \$102,000 annually. Based on the Boro auditor's calculations, the average homeowner in Landisville will save \$1.25 per month and Minotola homeowners will save less than \$10 per month. Landisville resident's homeowners insurance will likely increase as well since the Minotola station is a much further distance to our properties. The Boro's misrepresentation to the LFB took place when they stated their plans for the equipment, real estate and money because Landisville residents were assured that the Landisville fire station would be occupied by Minotola Fire as a second station as is also stated in their dissolution.

Two days following the 2nd reading of the dissolution, members of Minotola Fire Department and/or Commissioners as well as Councilman D'Alessandro were seen occupying the Landisville fire station, removing the name from the outside of the building and taking the fire department name off of their digital sign and other things outside of view inside of the building on a Saturday, less than 48 hours later. The ordinance clearly states:

SECTION 8. APPROVAL OF LOCAL FINANCE BOARD. Pursuant to the provisions of 40A:5A-20, a copy of this ordinance must be forwarded to the Local Finance Board of the State of New Jersey ("Board") for review and approval. Final adoption of this ordinance shall be subject to the Board's approval. A copy of the ordinance as adopted shall be filed immediately with the Board and with the Secretary of State of the State of New Jersey.

SECTION 9. EFFECTIVE DATE OF DISSOLUTION. The dissolution of the Borough of Buena Fire District #1 shall be effective upon adoption of this Ordinance and the automatic transfer of all assets and liabilities from Borough of Buena Fire District #1 to the Board of Commissioners of Fire District #2 and the assumption of all duties by Fire District Number Two shall be effective upon adoption of this ordinance.

It is doubtful that the LFB received, reviewed and approved this ordinance and returned it to Buena Boro in one business day.

By all accounts, it appears that the fate of Landisville Volunteer Fire Department was decided at the September 17, 2020 executive session since no other discussion was held (publicly or privately unless Sunshine laws were violated) and the public given 5 minutes to speak on the topic at a single in-person meeting on May 26, 2021 where the mayor announced that the public could comment but neither he nor council would respond to any questions and Landisville Fire Department would not be able to address any questions by council members or the public. It was a very one-sided presentation with statistics skewed to be presented in the Boro's favor while including several false statements in the Boro's presentation, as I later pointed out during the public portion of a July 2021 council meeting.

Additionally, meeting minutes posted on the Boro website state that 13 council meetings were held in-person between April 27, 2020 and March 8, 2021 (see attached). When questioned about why meetings went 100% remote once the public became aware of Landisville Fire Department's suspension just prior to a special meeting on March 12, 2021, the mayor stated that was incorrect and they had not met at Boro Hall for in-person meetings since the start of the pandemic. If this is true, doesn't the mayor and council read the minutes that they are approving? It is also interesting to note that beginning on the night of the 2nd reading, July 29, 2021 and at the subsequent meeting on August 9, 2021, this was the very first agenda posted on the Boro website that specifically noted that the meeting would be held remotely (telephonically) with dial-in instructions included on the agenda. Prior to that, residents had to notice a link on their home page "Council Meeting - Remote Access" to be able to participate in the meeting. Residents mostly relied on myself to post on social media the instructions to join the meeting and by coming to meetings held at the fire department for residents to listen with the group of supporters if they did not know how to connect on their own. Buena Boro has a large senior citizen population that had extreme difficulty listening to and speaking during the public portion of Boro council meetings.

Boro residents don't know what to believe and our residents need your help in uncovering the truth about how the Boro was able to make such a permanent decision without violating Sunshine Laws.

As always, thank you for your consideration in investigating this subject.

Susan Romeo
609-774-5648

****I tried to attach all Buena Boro council meeting minutes from March 2020 but the file was too large and it was not delivered so I am resending this email with just some of the minutes attached. Any other minues you would like to refer to can be located at <http://www.buenaboro.org/council/index.asp> with a link to document archives at the bottom. I have a copy of all council minutes since March 2020. If you are unable to reference any dates online or they have been revised online to be listed as telephonically without the changes being board approved, please let me know and will be happy to forward them to you. I can also just provide you with the dates that meetings were listed as in-person during that time-period.****

[Quoted text hidden]

September 17 2020 Executive Minutes.pdf, BB Minutes March 12, 2021 Special Meeting.pdf, BB Minutes June 10, 2021 Special Meeting.pdf, BB Minutes April 12, 2021.pdf, BB Minutes SpMeeting July 19, 2021.pdf, BB Minutes SpMeeting July 29 2021.pdf, BB Minutes January 4, 2021.pdf, BB Minutes April 27, 2020.pdf, BB Minutes October 26, 2020.pdf

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