

RESOLUTION NO. 108-20

A RESOLUTION SUSPENDING THE FIRE SUPPRESSION OPERATIONS OF THE BUENA BOROUGH FIRE DISTRICT NUMBER ONE, AND, THE LANDISVILLE VOLUNTEER FIRE/RESCUE COMPANY, INC, FOR A PERIOD OF 90 DAYS

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Borough is authorized to enact ordinances and pass resolutions for the protection of person and property and for the preservation of the public health, safety and general welfare of the municipality and its inhabitants; and,

WHEREAS, the Mayor and Council has deemed that it in the best interests of the public health, safety and welfare to suspend the fire suppression operations of the Buena Borough Fire District Number One, and the Landisville Volunteer Fire/Rescue Company, Inc., for a period of 90 days for the following reasons:

- A. On November 18, 2020, the Landisville Volunteer Fire/Rescue Company, Inc. received a Notice of Order to Comply and abate nine (9) violations of the Public Employees Occupational Safety and Health Act from the New Jersey Department of Labor and Workforce Development as a result of an inspection of the site performed on October 16, 2020. Six (6) violations were found to be serious.
- B. On December 16, 2020, the State found nineteen (19) more violations at the site as a result of the inspection of October 16, 2020, thirteen (13) were found to be serious; and

WHEREAS, the Buena Borough Fire District Number One, was created by Ordinance found in Chapter 18 of the Code of the Borough of Buena to serve the needs of the residents of the Borough of Buena; and,

WHEREAS, the Borough of Buena Fire District Number One contracted with the Landisville Volunteer Fire/Rescue Company, Inc., to provide fire suppression services on its behalf to the residents of the Borough; and

WHEREAS, all of the Brough of Buena Emergency Services organizations including the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., are named insureds on the insurance policies obtained and paid for by the Borough of Buena; and,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Buena, County of Atlantic and State of New Jersey that the fire suppression operations of the Buena Borough Fire District Number One, and the Landisville Volunteer Fire/Rescue Company Inc., shall be suspended for a period of 90 days, effective from the date of passage of this resolution.

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

1. All fire suppression duties during the 90 day period of suspension shall be performed by the Borough of Buena Board of Fire Commissioners Zone Two and the Minotola Fire District Commission.
2. All assets of the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., shall be frozen, except for the payment of salaries, LOSAP and routine monthly expenditures. No loans and/or CDs shall be opened or renewed during the 90 day suspension without Mayor and Council approval.
3. All members of the Borough of Buena Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc, must return all operational equipment to the apparatus room immediately, at Station 11-1 and all such equipment, including but not limited to, vehicles, turnout gear, air packs, air bottles, portable radios, pagers and tools must be moved to the Apparatus Room with the exception of items in the outside storage buildings.
4. No member of the Buena Borough Fire District Number One and the Landisville Volunteer Fire /Rescue Company, Inc., shall respond to Station 11-1 or to the scene of any emergency call in any capacity during the 90 day period of suspension of operations.
5. No operational training or drills that require safety equipment shall be conducted during the 90 day period of suspension of operations.
6. No member of the Buena Borough Fire District Number One and the Landisville Volunteer Fire/Rescue Company, Inc., shall utilize, take out, loan or extend any equipment or apparatus at any time during the 90 day period of suspension, for any reason.
7. All current, auto-payment and future financial obligations, including LOSAP ,are to remain in good standing and utilizing Buena Borough Fire District Number One and Landisville Volunteer Fire/Rescue Company, Inc., funds. During the suspension period, all financial obligations will be added to Mayor and Council's agenda for review and approval. No loans and CDs shall be opened or renewed during the 90 day suspension without Mayor and Council approval.
8. At the end of the 90 day suspension period, Mayor and Council will determine further suspension and/or further action.

ADOPTED: DECEMBER 14, 2020

ATTEST:

By: 

Borough of Buena- Clerk
MARYANN CORALUZZO

By: 

Council President
ROSALIE BAKER