

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**February 21, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on February 21, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Z. Richard Lee**, **Kurt Austin** and **Robert Smith** were present. Commissioner **Thomas Swenk** was unable to attend. Also present were **Michael J. Bohrer, Esq.**, CPA, Accountant and Recording Secretary to the Board, **Jay Newman**, Chief of the Marmora Volunteer Fire Company, and **Douglas Burke, Esq.** of the Serber Konschak Law Firm, Counsel to the Board.

The Board discussed the results of the recent election, noting that Commissioners **DiNicolantonio** and **Swenk** were re-elected. As such, the Board held its annual reorganization meeting, and made the following appointments:

Chairman of Board- **Robert DiNicolantonio**  
Secretary- **Z. Richard Lee**  
Treasurer- **Robert Smith**  
Commissioners- **Kurt Austin** and **Thomas Swenk**

Attorney- **Serber Konschak**  
Auditor- **Ford Scott**  
Primary Bank- **Ocean City Home Bank**  
Newspaper- **The Ocean City Sentinel**

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held December 6, 2010.

**Mr. Bohrer** presented a list of checks to be approved, signed and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the year-end (unaudited) 2010 financial statements, and the current year financial statements through today's date. **Mr. Bohrer** summarized the Board's investments in Certificates of Deposit, noting that an Emergency Fund CD is to mature, and will be re-invested into another CD, in combination with the amount budgeted in 2010 (\$2,500.00) to be set aside for future emergencies.

**Mr. Austin** questioned the amount budgeted in 2011 towards the Fire Company's purchase of a new fire truck. The budget, as shown on the Board's financial statement, reflects \$100,000 towards the purchase, **Mr. Austin** believed the amount to be \$125,000. After discussion, it was agreed to re-allocate funds from certain line items so as to result in a budgeted amount of \$125,000 towards the purchase of a fire truck. Thereafter, **Mr. Newman** asked **Mr. Burke** to prepare an Addendum to the current year contract between the Board and the Volunteer Fire Company to reflect this commitment.

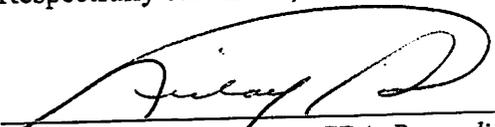
**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**February 21, 2011  
(continued)**

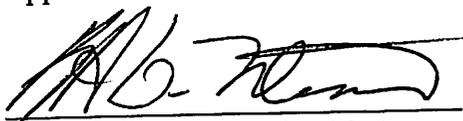
The Board discussed the responsibility to remove snow in front of fire hydrants and Mr. Newman agreed it was the volunteer fire company's obligation to do so.

There being no further business for the Board, the meeting was adjourned at 5:50 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Michael J. Bohrer, Esq., CPA *Recording Secretary*

Approved and Submitted,

  
\_\_\_\_\_  
Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**April 11, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on April 11, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio, Z. Richard Lee, Kurt Austin, Robert Smith** and **Thomas Swenk** were present, representing all commissioners. Also present was **Michael J. Bohrer, Esq., CPA, Accountant and Recording Secretary** to the Board.

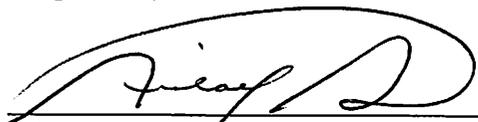
As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held February 21, 2011.

**Mr. Bohrer** presented a list of checks to be approved, signed and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the current year-to-date financial statements noting that the Board's cash balance is unusually low as it awaits its annual check from the Township of Upper.

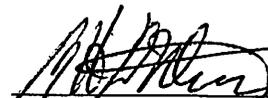
**Mr. Austin**, on behalf of the Marmora Volunteer Fire Company, distributed a Departmental Activity Report prepared by Jay Newman, Chief of the Volunteer Fire Company. In essence, the report compared 2010's activities to that of 2009. The Board discussed **Mr. Newman's** written comments regarding the increase in the number of volunteers, specifically, as to whether the new members are making a commitment to stay as an active member of the fire company after it incurs the costs and expenses of training the new member. Insofar as **Mr. Newman** was not present to discuss the costs of training and the retention rate, it was agreed to postpone this discussion until he is present. The Activity Report is attached hereto.

There being no further business for the Board, the meeting was adjourned at 5:40 p.m.

Respectfully submitted,

  
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Michael J. Bohrer, Esq., CPA *Recording Secretary*

Approved and Submitted,

  
\_\_\_\_\_  
Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**June 13, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on June 13, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Z. Richard Lee**, **Kurt Austin**, **Robert Smith** and **Thomas Swenk** were present, representing all commissioners. Also present was **Michael J. Bohrer, Esq., CPA**, Accountant and Recording Secretary to the Board, **Douglas Burke, Esq.** of the Serber Konschak law firm, counsel to the Board, and **Jay Newman**, Chief of the Marmora Volunteer Fire Company.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held April 11, 2011.

**Mr. Bohrer** presented a list of checks to be approved, signed, and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the current year-to-date financial statements and discussed the Board's investments in Certificates of Deposit, noting the investments were made for very short terms, given the low interest rates. Stated differently, **Mr. Bohrer** did not want to lock-in to low interest rates for extended periods.

**Mr. Bohrer** also discussed the status of the 2010 Audit, noting that the Auditor has not yet picked up the package of records, despite several telephone calls to request that he do so.

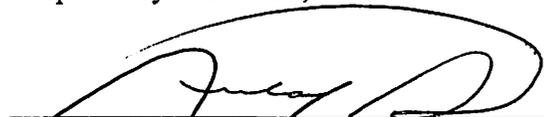
**Mr. Burke** inquired as to the status of the renewals of the annual contract for firefighting services with the volunteer fire company, and the vehicle (truck) lease. **Mr. Newman** indicated that these had been renewed.

As a follow-up to discussions held at the prior meeting, **Mr. Newman** elaborated on the number and overall quality of new volunteers, the costs of training them, and the retention rate. **Mr. DiNick** noted the high level of responsiveness of the Marmora Volunteer Fire Company and its excellent reputation throughout the area.

**Mr. Smith** commented on difficulties that he experienced with "911 Dispatch" resulting from certain calls that he made. Several suggestions were made but it was agreed that the use of cell phones might cause to a "911" call to be directed to a more distant dispatch center.

There being no further business for the Board, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,

  
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Michael J. Bohrer, Esq., CPA *Recording Secretary*

Approved and Submitted,

  
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Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**August 15, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on August 15, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio, Z. Richard Lee, Robert Smith** and **Thomas Swenk** were present. Commissioner **Kurt Austin** was unable to attend. Also present was **Michael J. Bohrer, Esq., CPA**, Accountant and Recording Secretary to the Board, **Douglas Burke, Esq.** of the Serber Konschak law firm, counsel to the Board, and for part of the meeting, **Jay Newman**, Chief of the Marmora Volunteer Fire Company.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held June 13, 2011.

Since **Mr. Newman** had a prior commitment, he asked that any matters relevant to him be discussed first. Thereafter, he and **Mr. Smith** held a follow-up discussion to that held at the prior meeting about the high number of new volunteers to the volunteer fire company. At the end of this discussion, **Mr. Newman** left the meeting.

The Board acknowledged receipt of a billing statement from Serber, Konschak but questioned **Mr. Burke** about the amount of time charged for legal research. The Board explained that **Jules Konschak, Esq.** had previously attended the meetings and typically could address issues without further research, and that turnover and delegation within the firm should not cause the Board to be charged. **Mr. Burke** agreed to discuss the matter with **Mr. Konschak** and advise **Mr. DiNicolantonio** of the results thereof.

**Mr. Bohrer** presented a list of checks to be approved, signed, and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the current year-to-date financial statements and discussed the Board's investments in Certificates of Deposit, noting the investments were made for very short terms, given the low interest rates. **Mr. Bohrer** noted that many Certificates of Deposit were about to mature, and that some of these would be rolled-over into 3-month term CDs.

**Mr. Lee** discussed the planned new housing development on "Shaw's Lot" (for a number of new homes, ranging from 125-160), and its effect on the Board's obligation to pay for fire hydrant services in the community. Those in attendance could not say what the exact effect would be but agreed to monitor the development's progress and its effect on the Board's fire hydrant expense.

MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3

August 15, 2011  
(continued)

Mr. Bohrer reminded the Board that the 2012 Budget Workshop is scheduled for the next meeting, to be held on September 19, 2011.

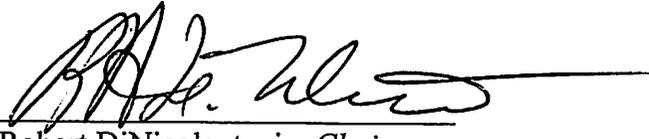
There being no further business for the Board, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Approved and Submitted,



Michael J. Bohrer, Esq., CPA *Recording Secretary*



Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**September 19, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on September 19, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio, Z. Richard Lee, and Robert Smith** were present. Commissioners **Kurt Austin** and **Thomas Swenk** were unable to attend. Also present was **Michael J. Bohrer, Esq., CPA**, Accountant and Recording Secretary to the Board, **Jules Korschak, Esq.** of the Serber Korschak law firm, counsel to the Board, and **Jay Newman**, Chief of the Marmora Volunteer Fire Company.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held August 15, 2011.

**Mr. Bohrer** reminded the Board that this meeting is designated as the 2012 Budget Workshop. As such, **Mr. Bohrer** distributed a proposed 2012 Budget, primarily to initiate discussion. The Board discussed the proposed budget and, preliminarily, agreed to increase the amount of funds to be raised from taxation by two percent (2%), decrease interest income by (\$1,081) due to poor interest rates, increase the amount paid to MVFC for the building lease by \$5,000, increase the amount paid to MVFC for contract services by \$2,500, and increase the amount budgeted for fire hydrants by \$1,195. The Board will formally consider the 2012 budget for approval at its next meeting on October 17, 2011.

**Mr. Newman** informed the Board that, in 2012, the volunteer fire company may need additional funds for new turn-out gear (at a cost of approximately \$1,750 per set) and suggested that the Board consider the use of its emergency funds for said purchase. The Board noted **Mr. Newman's** suggestion but did not act at this time.

**Mr. Bohrer** informed the Board that the 2010 Audit is delinquent and that he cannot get a response form the Auditor to requests as to a completion date or status report. **Mr. Bohrer** advised the Board that the lack of an Audit Report may cause the State of New Jersey to delay its approval of the 2012 Budget, since the Budget form includes amounts from the 2010 audited financial statements. The Board asked **Mr. Korschak** to contact **Leon Costello**, the Board's Auditor, about the status of the audit.

**Mr. Bohrer** presented a list of checks to be approved, signed, and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the current year-to-date financial statements and discussed the Board's present cash balance. **Mr. Bohrer** informed the Board of Ocean City

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**September 19, 2011  
(continued)**

Home Bank's change to its "sweep account", the result of which is that the Board will no longer qualify for such an account but, instead, will use an interest-bearing checking account.

**Mr. Korschak** discussed his firm's prior billing statement, of which the Board raised questions at its last meeting. **Mr. Korschak** advised the Board that his firm had omitted sending a previous statement and, as such, it was agreed to pay the present statement as full payment towards past services, thereby eliminating the need to send the omitted statement.

There being no further business for the Board, the meeting was adjourned at 5:35 p.m.

Respectfully submitted,

Approved and Submitted,

  
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Michael J. Bohrer, Esq., CPA *Recording Secretary*

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Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**October 17, 2011**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on October 17, 2011 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Kurt Austin**, and **Robert Smith** were present. Commissioners **Z. Richard Lee** and **Thomas Swenk** were unable to attend. Also present was **Michael J. Bohrer, Esq., CPA**, Accountant and Recording Secretary to the Board, **Jules Korschak, Esq.** of the Serber Korschak law firm, counsel to the Board, and **Jay Newman**, Chief of the Marmora Volunteer Fire Company.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held September 19, 2011.

**Mr. Bohrer** distributed and reviewed the 2010 Audit Report. The Audit Report was, overall, very good and contained two recommendations for improving internal controls. The Board discussed the recommendations and authorized **Mr. Bohrer** to respond to the Auditor in an appropriate manner. Thereafter, the Board voted to accept the 2010 Audit Report and signed a Resolution and Group Affidavit Form to document its acceptance.

**Mr. Korschak** was given a synopsis of the Audit Report for advertising purposes.

**Mr. Bohrer** presented a suggested 2012 Budget, based on discussions held at last month's budget workshop meeting. **Mr. Newman** handed out an information report received from the township clerk that summarized the district's tax ratables. After discussion, the Board approved a 2% increase in the amount of funds to be raised from taxation, along with a (\$1,081) decrease in interest income. It was agreed to apply the net increase in income to the following accounts: increase the amount paid to MVFC for the building lease by \$5,000, increase the amount paid to MVFC for contract services by \$2,500, and increase the amount budgeted for fire hydrants by \$1,195. It was also agreed that, in the event the budget can be increased by more than 2% due to an increase in tax ratables in the district, it was agreed to apply any such excess to the emergency fund.

**Mr. Bohrer** reminded the Board that the 2012 Budget is to be adopted at its next meeting, December 5, 2011. **Mr. Korschak** will arrange for the appropriate advertising of the budget adoption meeting.

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS,  
TOWNSHIP OF UPPER; DISTRICT #3**

**October 17, 2011  
(continued)**

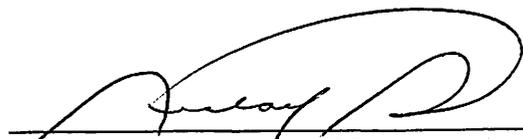
**Mr. Bohrer** presented a list of checks to be approved, signed, and distributed; the checks were approved as presented. **Mr. Bohrer** also reviewed the current year-to-date financial statements and discussed the Board's present cash balance.

**Mr. Newman** presented a letter to the Board in which he requested that the amount budgeted in the 2011 budget for fire fighting equipment (\$125,000.00) be released since the volunteer fire company must soon make a deposit on its new truck. Insofar as the amount was budgeted, the request was quickly approved. **Mr. Bohrer** will arrange for the necessary cash by redeeming a Certificate of Deposit.

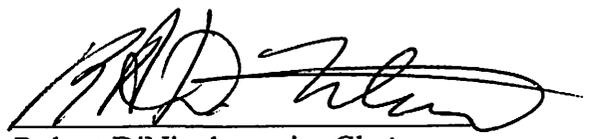
**Mr. Newman** presented an updated two-year contract (10/01/11 to 09/30/13) with AtlanticCare which provides for physicals of firefighters. Insofar as the Township of Upper will pay for such physicals, there is no cost to the Board to enter into the contract. After review of the contract by **Mr. Korschak**, it was approved and signed.

There being no further business for the Board, the meeting was adjourned at 5:45 p.m.

Respectfully submitted,

  
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Michael J. Bohrer, Esq., CPA *Recording Secretary*

Approved and Submitted,

  
\_\_\_\_\_  
Robert DiNicolantonio, *Chairman*

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS  
TOWNSHIP OF UPPER; DISTRICT #3**

5, 2011  
**December 6, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on December 5, 2011 at 5:00 p.m. at the office of Michael J. Bohrer P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio, Thomas Swenk, Z. Richard Lee, and Kurt Austin** were present. Also present were Tonya DeVita representing **Michael J. Bohrer, Esq., CPA**, Accountant and Recording Secretary to the Board who was unable to attend, **Jay Newman**, Chief of the Marmora Volunteer Fire Company and **Doug Burke, Esq.**, representing the firm of Serber, Kenschak, Counsel to the Board. **Robert Smith** was unable to attend due to the passing of his mother.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held October 17, 2011.

**Mr. Sam Repici** from Tuckahoe (Fire District #2) was in attendance to ask if his Board could be included with Marmora and Stathmere in splitting the cost of publication of the election three ways in order to save money. The Board agreed to share the cost between Upper Township Fire Districts 1, 2 and 3. Mr. Repici left his districts voucher in order for payment to be processed. This voucher will be forwarded to Mr. Burke who coordinates the advertising for the district. Mr. DiNicolantonio will get the ballots (100) and it was agreed that mail in ballots (50) would go to the Cape May County Clerk for handling. Two Commissioner's are up for re-election - that being Kurt Austin and Robert Smith.

**Mr. Newman** spoke first because he had to leave the meeting early. The new truck has been delivered to NY State where mounting equipment will be installed. The truck should be in service prior to Christmas.

**Mr. Burke**, Counsel to the Board, presented his "Agreement to Provide Legal Services" to the Board. It was approved as presented. He also presented the "Agreement" between the Board and the Marmora Volunteer Fire Company for the contracted amount of \$286,025.00 running January 1, 2012 through December 31, 2012. The Board approved the "Agreement" as presented. Also brought to the table was an agreement for the "Building Lease" running January 1, 2012 through December 31, 2016 (5 years) for \$65,000.00/year which was approved by the Commissioners of the Board. Chief Newman took both "Agreements" to present them to the Marmora Volunteer Fire Co.

**MINUTES OF A MEETING OF THE  
BOARD OF FIRE COMMISSIONERS  
TOWNSHIP OF UPPER; DISTRICT #3**

**December 5, 2011**

(Continued)

Ms. DeVita presented a Treasurer's Report, including a list of checks to be disbursed and the available cash balances. The disbursement of checks was approved, as presented. Checks 891 and 892 for the NJ American Water Co and Serber Konschak LLP were also approved for payment. It was agreed that all other bills coming in before the end of the year be expensed in the 2011 Budget year.

Ms. DeVita advised the Board that the 2011 Budget was not yet returned (approved) by the State of New Jersey, Department of Community Affairs, but in accordance with its advertised meeting schedule, the Board members in attendance unanimously adopted the 2012 Budget after some discussion and explanation to Mr. Lee who was not in attendance at the prior meeting when the Budget was approved.

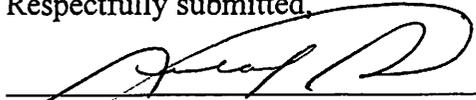
Mr. Lee requested that McMahon Insurance Agency be at the next Board meeting to discuss proposals for new insurance. He wants to replace Brown and Brown. Mr. Bohrer's office will arrange to have a McMahon representative at the February meeting.

The Board renewed Mr. Bohrer's professional services contract for 2012.

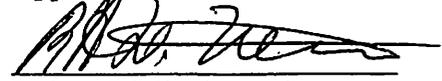
The Board asked Ms. DeVita to prepare the meeting schedule for 2012 and once complete telephone Bob DiNic for pickup. He will forward to the Board members. Mr. Austin requested his be e-mailed. There was a reminder to the Board that the next meeting would be after the election, on Monday, February 20, 2012.

There being no further business for the Board, the meeting was adjourned at 5:25 p.m.

Respectfully submitted,

  
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Michael J. Bohrer, Esq., CPA *Recording Secretary*

Approved and Submitted,

  
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Robert DiNicolantonio,  
*Chairman*