

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

**February 22, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on February 22, 2010 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Robert Smith**, **Z. Richard Lee**, and **Kurt Austin** 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 **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board.

As the first order of business, the Board discussed the results of Saturday's election, noting that **Z. Richard Lee** was re-elected as Commissioner, and the 2010 budget was approved, as presented. Thereafter, the Board held its reorganization meeting, making and approving the following appointments:

Chairman-	<b>Robert DiNicolantonio</b>
Secretary-	<b>Z. Richard Lee</b>
Treasurer-	<b>Robert Smith</b>
Commissioner-	<b>Kurt Austin</b>
Commissioner-	<b>Thomas Swenk</b>
Solicitor-	<b>Serber Konschak Law Firm</b>
Auditor-	<b>Ford Scott &amp; Associates</b>
Newspaper-	<b>Ocean City Sentinel-Ledger (primary)</b> <b>Cape May County Herald (secondary)</b>
Bank-	<b>Ocean City Home Bank</b>
Meeting Dates-	<b>Mondays, as advertised</b>
Meeting Time-	<b>5:00 p.m.</b>

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held December 7, 2009.

The Board approved and signed its contract with Marmora Volunteer Fire Company for firefighting services. In addition, the Board approved and signed its contract with Serber Konschak for legal services.

The Board decided to retain Brown & Brown as its insurance agent, noting an improvement in the agency's service after having been made aware of the Board's willingness to change agents.

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**February 22, 2010  
(continued)**

The Board will monitor Brown & Brown's service over the next year and, if necessary, reconsider a change of agents.

**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 financial statements and the 2009 end-of-year financial statements noting that expenses were slightly under budget, and interest income was slightly over budget, resulting in a slight excess of income over expenses.

**Mr. Newman** presented a summary of the volunteer fire company's 2009 activity in which he advised the board of the number of alarms to which the company responded, and the number of man-hours incurred by its volunteers. He also stated that he has not yet received a response to his application for a grant, the funds from which will be used to purchase new radios. In addition, he informed the Board that the fire company has established a New Truck Committee, the purpose of which is to develop a plan for purchasing a new Pumper in 2011 to replace the existing Pumper which is almost 20 years old.

**Mr. Lee** discussed the effect of the recent snowstorms on the firefighters' ability to access fire hydrants, and the potential liability to the Board for not clearing the hydrants in a timely manner. It was agreed that **Mr. Newman** will consider alternatives with respect to having someone on call to shovel the area around the hydrants when necessary.

The Board discussed the timing of the receipt of its check from the township, noting that the Township's budget process is behind its typical schedule, the likely result of which is a delay in the distribution of funds to the Board.

There being no further business for the Board, the meeting was adjourned at 5:55 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**

**April 12, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on April 12, 2010 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 **Thomas Swenk** were present. Commissioner **Robert Smith** 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, **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board and, for a brief period, **John Mirallegro** of Brown & Brown, the Board's insurance agent.

**Mr. Mirallegro** presented a summary of the Board's insurance coverage and premiums which are to renew on June 1, 2010. After discussion, it was agreed to increase the maximum general liability occurrence limit from \$2,000,000 to \$3,000,000 and the crime coverage from \$100,000 to \$500,000, both of which can be increased at minimal costs. The board chose not to increase the Umbrella occurrence limit to \$20,000,000, from its current limit of \$10,000,000. The Board presented a few suggested changes to Mr. Mirallegro as to the value of certain covered property and, after responding to other questions and about the Board's insurance, **Mr. Mirallegro** was excused.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held February 22, 2010.

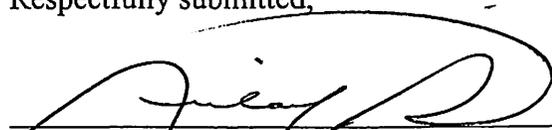
**Mr. Bohrer** presented a list of checks to be approved, signed and distributed; the checks were approved as presented. Mr. Bohrer also reviewed the current year financial statements, including a review of actual income and expenses relative to budget, and a discussion of available fund balance.

**Mr. DiNicolantonio** indicated that he would take the appropriate paperwork to the township hall for the purpose of having the township issue its annual check to the Board.

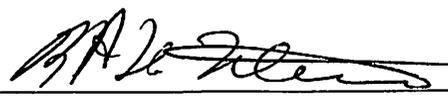
**Mr. Newman** discussed the status of the recent order for four (4) new radios, at a cost of \$1,250 each.

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**

**June 14, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on June 14, 2010 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 **Thomas Swenk** were present. Commissioner **Robert Smith** 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.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held April 12, 2010.

**Mr. Bohrer** presented a list of checks to be approved, signed and distributed; the checks were approved as presented. In addition, the Board approved an additional invoice submitted by **Mr. Newman**. **Mr. Bohrer** also reviewed the current year financial statements, including the Board's investments in Certificates of Deposit, the year-to-date actual income and expenses relative to budget, and a discussion of available fund balance.

**Mr. Newman** informed the Board that his application for a grant the proceeds of which were to be used for the purchase of small equipment was denied, but that he has retained the (free) services of a local firefighter who is experienced in grant-writing to assist in re-submitting the application. **Mr. Newman** also advised the Board that the Marmora Volunteer Fire Company continues to operate within its current year budget.

**Mr. Lee** questioned whether the proposed 2.5% limit on the Board's 2011 budget, as suggested by the State's present administration, applied to the amount raised from taxation or to the budget as a whole. Stated differently, can the Board use its available fund balance to develop a budget which, in total, exceeds 2.5% of 2010's expenditures if the excess (over 2.5%) is from fund balance? Related to this, **Mr. Austin** asked whether there is a limit, or cap on the amount of fund balance the Board may use in a specific year. **Mr. Bohrer** will look into this and have an answer for the next meeting.

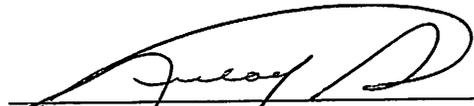
**Mr. DiNicolantonio** advised the Board that **Mr. Smith** will soon be moving from the district. Therefore, the following questions were presented to **Mr. Burke**- (1) must **Mr. Smith** resign if his primary residence is in another district, but he maintains his former residence in this district, and (2) if so, must the Board replace him or may it wait until the next election? **Mr. Burke** will provide these answers to **Mr. Bohrer** who will forward them to the commissioners for their consideration before the next meeting (scheduled for August 16).

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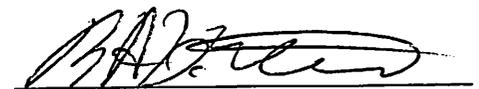
**June 14, 2010  
(continued)**

There being no further business for the Board, the meeting was adjourned at 5:30 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 16, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on August 16, 2010 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio, Robert Smith, Z. Richard Lee, Kurt Austin** and **Thomas Swenk** were present, representing all commissioners. 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 **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held June 14, 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 current year financial statements, including the Board's investments in Certificates of Deposit, the year-to-date actual income and expenses relative to budget, and a discussion of available fund balance.

**Mr. Bohrer** advised the Board that the 2009 Audit is still not complete, as his office continues to get requests for information from the Auditor, responses to which are provided in a timely manner.

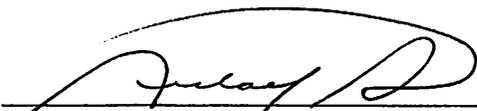
The Board discussed the effect of the proposed 2% cap on the 2011 Budget. **Mr. Bohrer** advised them that the cap applies to the amount of funds raised from taxation, and that the Board may use "fund balance" if its expenditures are budgeted to exceed income, as limited by the 2% cap.

**Mr. DiNicolantonio** advised the Board that, in response to an issue raised at the prior meeting, **Mr. Smith** intends to move back to the district in the near future, thereby eliminating the need for **Mr. Smith** to resign from the Board based on non-residency.

**Mr. Bohrer** reminded the Board that the next meeting, scheduled for September 20, is the budget workshop and that all Board members should be prepared to discuss the 2011 Budget.

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

**September 20, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on September 20, 2010 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 **Thomas Swenk** were present. Commissioner **Robert Smith** 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 **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held August 16, 2010.

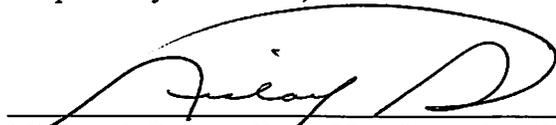
Insofar as this meeting is designated as the Budget Workshop, the Board began its discussion of the 2011 Budget. **Mr. Bohrer** presented a proposed budget, for discussion purposes only, based on a two percent (2%) increase in the amount raised from taxation. After considerable discussion and input from all in attendance, it was agreed that the Board should use some of its fund balance to increase the balance in its Emergency Fund, or to set funds aside as a down payment towards a new truck to be purchased by the Marmora Volunteer Fire Company, or both. Also, there was a differing of opinion as to whether the Board should increase the amount raised from taxation, with **Mr. Lee** and **Mr. Austin** being of the position that there should not be an increase in the amount raised from taxation, and **Mr. DiNicolantonio** and **Mr. Swenk** taking the position that there should be some increase in the amount raised from taxation. Since this meeting was only a workshop session, no final decision was made as to the 2011 Budget. Instead, it will be approved at the next meeting, scheduled for October 25, 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 current year financial statements, including the Board's investments in Certificates of Deposit, the year-to-date actual income and expenses relative to budget, and a discussion of available fund balance.

**Mr. Bohrer**, again, advised the Board that the 2009 Audit is still not complete, and asked **Mr. Batastini** to contact the Auditor to determine its status.

There being no further business for the Board, the meeting was adjourned at 6:00 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**

**October 25, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on October 25, 2010 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 **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held September 20, 2010.

The Board resumed its discussion of the 2011 Budget and, after considerable discussion, agreed to a 1.5% increase in the amount to be raised from taxation. Certain board members opposed any increase, while others expressed support for a 2% increase. **Mr. Newman** presented detailed information as to the effect of a 2% increase on the average homeowner's real estate tax bill.

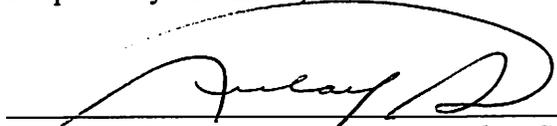
In addition, the Board approved the use of \$125,000.00 of fund balance in the 2011 Budget to be set aside and used for the Marmora Volunteer Fire Company's future purchase of fire apparatus.

**Mr. Bohrer** reviewed the 2009 Audit Report, including the Auditor's management letter comments, which was just received from the Auditor. After **Mr. Bohrer's** review, the Board unanimously voted to accept and approve the 2009 Audit Report. It was noted that one of the Auditor's recommendations was that the Board adopt a Cash Management Plan. Therefore, the Board approved, as its Cash Management Plan, the following statement: "It is the intention of the Board of Fire Commissioners of Upper Township District #3 to implement a system of internal control over its cash so as to assure that cash is used solely for its stated purpose in accordance with the approved budget and, if available, excess funds are invested in such a way so as to protect principal while earning a fair market rate of return."

**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 financial statements, including the Board's investments in Certificates of Deposit, the year-to-date actual income and expenses relative to budget, and a discussion of available fund balance.

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

**December 6, 2010**

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on December 6, 2010 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, Robert Smith** 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 **Jon Batastini, Esq.**, representing the firm of Serber, Konschak, Counsel to the Board.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held October 25, 2010.

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.

The Board renewed Mr. Bohrer's professional services contract for 2011.

Ms. DeVita advised the Board that the 2010 Budget was approved by the State of New Jersey, Department of Community Affairs, as presented. Therefore, and in accordance with its advertised meeting schedule, the Board unanimously adopted the 2011 Budget.

Mr. Newman, Chief requested the \$7,277 balance of the 2010 Budget for Small Operating Equipment for a Thermal Image Camera. After discussion, a motion was made and approved by all present commissioners. Mr. Newman advised that he will present a receipt to the Board for release of these funds.

**Mr. Batastini**, 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 \$283,525.00 running January 1, 2011 through December 31, 2011. The Board approved the "Agreement" as presented. Also brought to the table was an agreement for the "Fire Truck Lease" running through December 31, 2013 for \$80,000.00/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 6, 2010  
(Continued)**

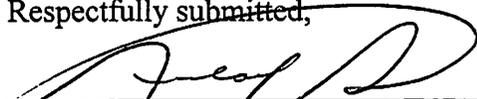
Resolutions were presented as requested by the Division of Local Government Services regarding the Corrective Action Plan addressing the 12/31/09 Audit findings (2010-01) and for Late Filing of the Budget (2010-02). Both Resolutions were approved and adopted by the Board.

Discussion was raised about splitting the cost of publication of the election with Strathmere, which was done last year to save money. The Board agreed to share the cost with Fire District #1. Mr. DiNicolantonio will get the ballots and it was agreed that mail in ballots would go to the Cape May County Clerk for handling. Two Commissioner's are up for re-election - that being Thomas Swenk and Robert DiNicolantonio.

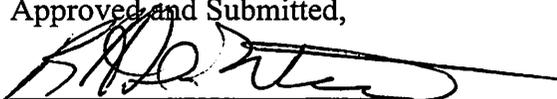
There was a reminder to the Board that the next meeting would be after the election, on Monday, February 21, 2011.

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