

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

February 23, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on February 23, 2009 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Robert Smith**, **Thomas Swenk** and **Kurt Austin** were present. Commissioner **Z. Richard Lee** 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 **John Mirallegro** of Brown & Brown, the Board's insurance agent, for a portion of the meeting.

As the first order of business, the Board discussed the results of the election held on Saturday, February 21. Commissioners **Smith** and **Austin** were re-elected to three-year terms. In addition, the 2009 budget was unanimously approved by the voters. Thereafter, the Board conducted its annual reorganization meeting at which it was agreed that each Board member will maintain his same position on the Board, and the naming of professionals and other necessary appointments would be the same as that currently in place.

Mr. Mirallegro updated the Board on its current insurance coverage, stating that he did not believe the premiums would change much, if at all, at the time of their renewal on June 1. He will come to the next meeting on April 13, at which time he will present the renewal premiums for the Board's consideration. **Mr. Mirallegro** then left the meeting.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held December 1, 2008.

The Board renewed its Agreement for Professional Legal Services with the Serber, Konschak firm for 2009. The Board approved the Agreement, as presented. The firm will charge \$1,200 for its attendance at monthly meetings, plus \$125 per hour for work performed outside the meetings. In addition to responding to inquiries of Board members, the Board authorized Serber Konschak to discuss matters of significance with representatives of **Mr. Bohrer's** office, along with the President and Chief of the Marmora Volunteer Fire Department, after these other parties have notified **Mr. DiNicolantonio** of their intent to consult the Board's counsel.

Mr. Batastini presented updated contracts between the Board and the volunteer fire company for services (a one-year contract beginning January 1, 2009 and ending December 31, 2009) and for the lease of fire fighting vehicles (a three-year contract beginning January 1, 2008 and ending

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**February 23, 2009
(continued)**

December 31, 2010). The contracts, which were consistent with the 2009 budget as to their financial amounts, were approved by the Board, as presented, and given to **Jay Newman** for the purpose of obtaining signatures from authorized representatives of the Marmora Volunteer Fire Company.

The Board continued its discussion as to the appropriateness of its contractual relationships with the Marmora Volunteer Fire Company. **Mr. Batastini** believes the present arrangements are appropriate but he agreed to conduct further research.

The Board discussed the high cost of advertising in The Press of Atlantic City. It was agreed that **Mr. Batastini** will research whether the Cape May County Herald meets the requirements of a publication, which may be used for Board advertising. If so, he will compare advertising rates between it and The Ocean City Sentinel.

Mr. Bohrer presented a Treasurer's Report, including a summary of 2008's financial statements. **Mr. Bohrer** also discussed the obstacles, which are in place for investing excess cash with ING Direct, namely the requirement to provide certain documentation related to the legal formation of the Board to ING Direct, these documents not being readily available.

There being no further business for the Board, the meeting was adjourned at 6:05 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**

April 13, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on April 13, 2009 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 **Thomas Swenk** were present. Commissioner **Kurt Austin** 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, **Jules Korschak, Esq.** of the Serber Korschak Law Firm, Counsel to the Board, and **John Mirallegro** of Brown & Brown, the Board's insurance agent, for a portion of the meeting.

Mr. Mirallegro presented a detailed insurance proposal, reviewing each form of insurance, including policy limits and an approximate premium attributable to each form of insurance. In all, the total premium would decrease by \$150.00 for the same level of insurance as presently in place. After much discussion, the Board requested **Mr. Mirallegro** to revise the proposal to reflect increased limits for general liability insurance, crime coverage, and commercial umbrella insurance (on a per occurrence basis and in the aggregate). In addition, the Board requested information as to the specific coverage provided by Management Liability insurance. **Mr. Mirallegro** agreed to present a new proposal in a week or two and, and in the absence of a scheduled meeting before the renewal date of June 1, **Mr. Bohrer** will distribute the revised proposals to the Commissioners for their review and consideration. **Mr. Mirallegro** then left the meeting.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held February 23, 2009.

Mr. Korschak discussed the Board's advertising options, given the recent excessive charge by The Press of Atlantic City for having advertised for absentee ballots for the election. It was agreed that the Cape May County Herald, and the Ocean City Sentinel-Ledger would serve as the Board's primary and secondary publications, respectively, with The Press of Atlantic City serving as a third alternate. **Mr. Bohrer** will prepare a Resolution documenting the Board's decision. In addition, **Mr. Korschak** indicated that he is pursuing a refund from The Press for a portion of the excessive charge.

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

April 13, 2009
(continued)

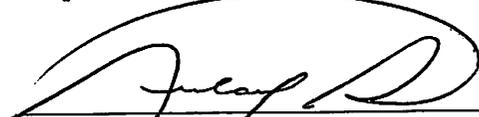
After **Mr. Mirallegro's** departure, the Board continued its discussion of insurance coverage with **Mr. Newman**. Specifically, the Board inquired as to whether the volunteer fire company meets the minimum requirements as to training and other required standards and whether such efforts are documented, in writing. **Mr. Newman** stated that all such requirements are met and documented.

The Board acknowledged that it anticipates receiving its annual funds from Upper Township in the near future and, insofar as the next meeting is not scheduled until June 15, the Board pre-approved an investment strategy consistent with that of 2008.

Mr. Bohrer presented a Treasurer's Report.

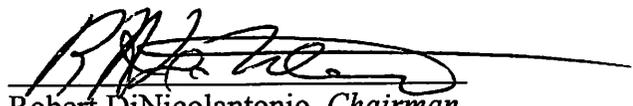
There being no further business for the Board, the meeting was adjourned at 6:05 p.m.

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 15, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on June 15, 2009 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 business, the Board reviewed and approved the minutes of the prior meeting, held April 13, 2009.

Mr. Bohrer presented a Treasurer's Report, including a list of checks to be approved. He also summarized the Board's available cash, investments, and receipts and expenditures to date, relative to budget.

Mr. Bohrer discussed the "legal letter" which was sent by the Board's Auditor to its outside counsel, stating this was a standard inquiry and a requirement of each audit.

The Board began to address certain insurance issues that were raised at the prior meeting but, before doing so, held a lengthy discussion as to the need to solicit competitive bids for its insurance coverage. The suggestion to do so was based on financial considerations (i.e. can the same coverage be obtained at a lower rate?) and concerns about Brown & Brown's lack of personal service and unresponsiveness to the needs of individual commissioners. Thereafter, it was agreed that insurance proposals would be solicited from The McMahan Agency and J. Byrne Agency, both of which are located in Marmora. **Mr. DiNicolantonio** agreed to deliver the requests for proposals.

Mr. Batastini explained the The Press' response to his request for a reduction in the amount charged for advertising stating that the publication agreed to reduce its rates, for its past advertising services, but made no commitment to do so in the future. Thereafter, a discussion was held as to whether the Cape May County Herald and The Ocean City Sentinel Ledger meet the qualifications necessary for the Board to place its public advertisements. **Mr. Batastini** will research this and advise the Board at its next meeting.

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BOARD OF FIRE COMMISSIONERS,
TOWNSHIP OF UPPER; DISTRICT #3**

**June 15, 2009
(continued)**

Mr. Newman presented a contract between the Board and AtlantiCare in which physical examinations of firefighters will be performed, at no cost to the Board (payment will be made by the Township), though the Board, as party to the contract, must approve the proposed services. The contract was given to **Mr. Batastini** for his review.

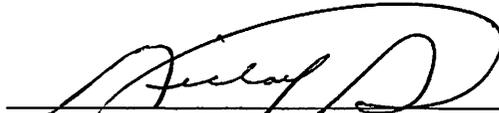
Mr. Lee raised the question of whether the Board must solicit bids for firefighting services, as opposed to automatically granting the contract for said services to the Marmora Volunteer Fire Company. Alternatively, a question was raised as to whether the Board must advertise its award of said contract to the Volunteer Fire Company. **Mr. Batastini** will research these issues and advise the Board.

Mr. Bohrer informed the Board that the 2008 audit would be completed by the next meeting on August 17, 2009.

Mr. Lee inquired as to the requirement to complete financial disclosure statements, stating he has not been asked to do so for a couple of years. **Mr. DiNicolantonio** will check with the township and report back to all commissioners.

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**

August 17, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on August 17, 2009 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. Also present for the beginning of the meeting were **Bill McMahon** and **Kevin Kreiser**, representing the McMahon Insurance Agency.

Bill McMahon and **Kevin Kreiser** introduced themselves and gave a presentation of the history and current services of the McMahon Agency. The Board made it known that a change of its insurance agent from Brown & Brown to McMahon may not lessen its annual insurance premiums, but must result in an increase in customer service. **Mr. Kreiser** requested copies of the actual insurance policies so that he may provide a quote for all insurance coverages. **Mr. Bohrer** will gather the actual policies and provide them to **Mr. Kreiser**.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held June 15, 2009.

As a follow-up to matters discussed at the prior meeting, **Mr. Batastini** stated that the Board may use the Cape May County Herald and the Ocean City Sentinel Ledger as its official publications. Afterwards, the Board passed a resolution naming the Cape May County Herald as its primary publication, the Ocean City Sentinel Ledger as its secondary publication, and The Press of Atlantic City as its third publication.

Mr. Batastini also commented on the proposed contract between the Board and AtlantiCare in which physical examinations of firefighters will be performed, at no cost to the Board (with payment being made by Upper Township). As written, the Board would be liable for payments if the Township failed to make them; therefore, it was agreed not to sign the contract until the Township passes a resolution acknowledging its responsibility to make the contractual payments.

Mr. Batastini also expressed his opinion that the Board does not need to solicit bids from other volunteer firefighters for fire fighting services, but that it should advertise the award of its annual contract to the Marmora Volunteer Fire Company for fire fighting services. **Mr. Batastini** will present the proposed language of such a notice at the next meeting.

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BOARD OF FIRE COMMISSIONERS,
TOWNSHIP OF UPPER; DISTRICT #3**

**August 17, 2009
(continued)**

Mr. DiNicolantonio agreed to obtain and distribute financial disclosure statements to each commissioner who will complete them and return them to the township clerk.

Mr. Bohrer suggested that the Board begin paying the New Jersey-American Water Company by way of a direct debit to its checking account since the water company is now billing on a monthly basis, rather than quarterly, and the Board does not meet each month. The Board rejected the suggestion, stating that the water company will be paid at the time of each meeting, and not before. On a related note, the Board instructed **Mr. Batastini** to write a letter to the water company requiring that the fire hydrants be re-painted, for the reason that they are difficult to see at night.

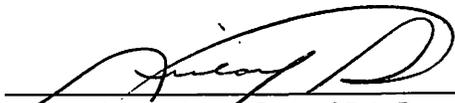
Mr. Bohrer distributed and reviewed a *draft* 2008 Audit Report, noting that the Auditor needed to make one correction to show that the Board no longer has an outstanding debt to the Marmora Volunteer Fire Company. **Mr. Bohrer** also pointed out that the Auditor's opinion was unqualified, and that the Auditor had no recommendations to improve the Board's system of internal accounting control. The Board approved the Audit Report, as presented, subject to the aforementioned change being made.

Mr. Bohrer presented a Treasurer's Report, including a list of checks to be approved. He also summarized the Board's available cash, investments, and receipts and expenditures to date, relative to budget.

Mr. Newman advised the Board that the volunteer fire company will soon be in need of new radios, as the present radios are 15 to 20 years old. **Mr. Newman** stated that he will apply for a grant but, if unsuccessful, the Board should include such an expenditure in its 2010 budget, though it is acceptable to spread the entire purchase over a few years.

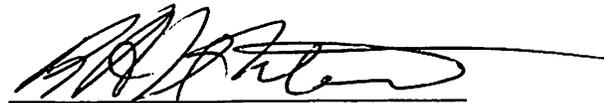
There being no further business for the Board, the meeting was adjourned at 6:05 p.m.

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**

September 21, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on September 21, 2009 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 business, the Board reviewed and approved the minutes of the prior meeting, held August 17, 2009.

Mr. Bohrer reminded the Board that this meeting was designated as the Budget Workshop. As such, the Board began a discussion of the 2010 budget, including a discussion of the amount to be raised from taxation, the effect of the new Shop Rite shopping center on the district's tax rates, thereby providing additional funds for the 2010 budget, and the possibility of using a portion of the Board's unrestricted fund balance in the 2010 budget for the purchase of new radios for the volunteer fire company, this being necessary to bring the fire company's radios up to current, required standards. The Board will approve the 2010 budget at its next meeting.

Due to scheduling conflicts, it was agreed to change the next meeting to Monday, October 26 (from Monday, October 19). **Mr. Batastini** will advertise the change, as necessary.

In connection with the discussion of the 2010 budget, **Mr. Bohrer** reviewed the current year financial statements.

Mr. Bohrer distributed the final 2008 Audit Report, which had been approved by the Board at its last meeting, subject to one minor change.

Mr. DiNicolantonio inquired of **Mr. Batastini's** planned letter to New Jersey-American Water Company for the purpose of requiring that the district's fire hydrants be painted. As of this date, the letter has not yet been prepared.

Also, there was no follow-up discussion on an issue raised at the prior month's meeting in which **Mr. Batastini** expressed his opinion that the Board does not need to solicit bids from other volunteer firefighters for fire fighting services, but that it should advertise the award of its annual contract to the Marmora Volunteer Fire Company for fire fighting services. It had been agreed

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**September 21, 2009
(continued)**

that **Mr. Batastini** would present the proposed language of such a notice at this meeting, though the proposed language was not presented at this time.

The Board agreed not to complete the insurance questionnaire from the J. Byrne Agency, as the agency's slow and somewhat indifferent response to the Board's request for a proposal does not support the expectation of a high level of customer service.

Mr. Newman requested that the contract with AtlantiCare (which was discussed at prior meetings) be approved, so that the firefighters may begin receiving their physicals. Although the Township passed a resolution stating that they will pay for said physicals, **Mr. Batastini** indicated that the resolution was valid through December 31, 2009, only, while the related contract with AtlantiCare was for two years. Nonetheless, **Mr. Batastini** temporarily approved the contract, pending his more thorough review to be conducted this week.

The Board reviewed and approved the proposed meeting schedule for 2010. The schedule was approved, as presented, with one exception- the October meeting was changed from October 18, 2010 to October 25, 2010.

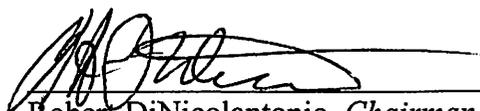
There being no further business for the Board, the meeting was adjourned at 6:05 p.m.

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**

October 25, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on October 25, 2009 at 5:00 p.m. at the office of Michael J. Bohrer, P.C. in Marmora, NJ.

Commissioners **Robert DiNicolantonio**, **Kurt Austin** and **Thomas Swenk** were present. Commissioners **Robert Smith** and **Z. Richard Lee** were 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 Korschak Law Firm, Counsel to the Board.

As the first order of business, the Board reviewed and approved the minutes of the prior meeting, held September 21, 2009.

As a follow-up to discussions held at last month's meeting, the Board approved the 2010 Budget to include a 4% increase in the amount to be raised from taxation, a \$2,500 contribution to the Emergency Fund, and \$20,000 towards the purchase of small equipment (e.g. radios and pagers) by the volunteer fire company, with the latter budget line item being funded by available fund balance. **Mr. Bohrer's** office will submit the approved budget to the State of New Jersey, Department of Community Affairs as soon as the budget forms are available and, thereafter, the budget will be adopted at the Board's meeting of December 7, 2009, the advertisement for which will be done by **Mr. Batastini**.

Mr. Bohrer reviewed the current year financial statements, including a discussion of available fund balance.

Mr. DiNicolantonio advised the Board that New Jersey American Water Co. has agreed to paint the district's fire hydrants.

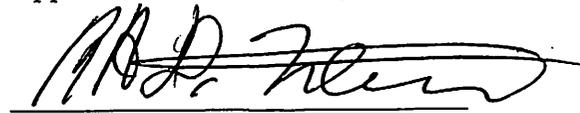
There being no further business for the Board, the meeting was adjourned at 5:45 p.m.

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 7, 2009

A meeting of the Board of Fire Commissioners of the Township of Upper, District #3 was held on December 7, 2009 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, **Jon Batastini, Esq.** of the Serber Konschak Law Firm, Counsel to the Board and, for a brief period, **Kevin Kreiser** and **Bill McMahon** of the McMahon Insurance Agency.

Mr. Kreiser and **Mr. McMahon** presented a proposal to become the Board's insurance agent. Specifically, they reviewed the coverage and premiums offered by the Philadelphia Insurance Co., this being an alternative to the present carrier, VFIS. They did not provide an estimate of premiums for coverage through VFIS, as the premiums would be the same as presently paid through Brown & Brown. **Mr. Bohrer** will compare the premiums offered by the Philadelphia Insurance Co. to that presently charged by VFIS so that the Board can choose its insurance agent upon expiration of its coverage on June 1, 2010. **Mr. Kreiser** and **Mr. McMahon** left the meeting.

As the first order of regular business, the Board reviewed and approved the minutes of the prior meeting, held October 25, 2009.

Mr. Bohrer advised the Board that the 2010 budget was approved by the State of New Jersey, Department of Community Affairs, as presented. Thereafter, and in accordance with its advertised meeting schedule, the Board unanimously adopted the 2010 Budget.

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. Bohrer presented an analysis of the cost per fire hydrant from 2007 to the present, showing the amount paid to New Jersey American Water Co. for each hydrant, and for each month.

The Board renewed **Mr. Bohrer's** professional services contract for 2010.

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

**December 7, 2009
(continued)**

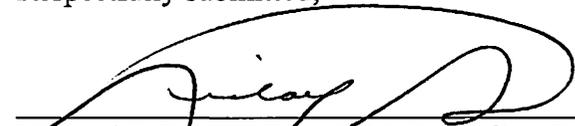
Mr. Batastini informed the Board that The Cape May County Herald's fee for advertising the election would approximate \$1,200, while the Ocean City Sentinel's fee for the same advertisement will approximate \$800. The Board approved the use of the Ocean City Sentinel to advertise the 2010 election.

The Board approved and renewed its contract with the Marmora Volunteer Fire Company for fire fighting services in 2010 at a cost of \$274,076.

Mr. Newman advised the Board of an unexpected needed repair to the generator at the firehouse. After discussion, the Board approved expenditures of up to \$7,000 towards the generator repair, with the emergency fund to be used to pay the costs of repair.

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