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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 1 of 22

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The Regular Meeting of the West Milford Township Council was called to order by Mayor Bettina Bieri.

**Adequate Notice Statement**

Mayor Bieri read the following statement:

Please note that in accordance with Chapter 231, Public Laws of 1975 of New Jersey, adequate advance notice of this Regular meeting was advertised in the Herald News in its issue of December 19, 2010 and January 9, 2011; copies were provided to the Suburban Trends, the Record, Star Ledger, and Greenwood Lake News and posted continuously on the bulletin board in the main corridor of the Town Hall and on file in the Office of the Township Clerk.

Please also make note of all fire and emergency exits – located to the left, right, front and rear of this room - for use in case of an emergency. Thank you.

**Pledge of Allegiance**

Mayor Bieri led all in attendance in a salute to the flag.

**Roll Call**

Present: Councilmembers, Philip Weisbecker, Joseph Smolinski, Michael Ramaglia,  
Edward Rosone, Luciano Signorino, Mayor Bettina Bieri.  
Absent: Daniel Jurkovic.  
Also Present: Township Administrator Kevin Boyle, Township Clerk Antoinette Battaglia,  
Township Attorney Frederick Semrau

Mayor Bieri made the following comments:

Agenda No. I

**Reading of or Approval of Unapproved Minutes**

July 20, 2011 Regular Meeting

Councilman Ramaglia made a motion to adopt these minutes as presented.

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Moved: Ramaglia Seconded: Weisbecker  
Voted Aye: Smolinski, Rosone, Signorino.  
Voted Nay: Weisbecker, Ramaglia  
Motion defeated.

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Agenda No. II

**Presentations**

Dave Vozza – Health Insurance Fund presentation of dividend check to Township of West Milford – Mr. Vozza presented the Township with check in the amount of \$154,090 which represents a dividend from the Township’s participation in the Health Insurance Fund. He explained the fund for the residents. He advised that he was involved in the founding of the first JIF in 1973 and noted that the Township has been receiving dividends for many years. Mr. Vozza gave an overview of the various new health options made available to employees recently and advised that a number of low-cost plan designs have been implemented. He stated that employees welcomed getting information in advance of the open enrollment period and most are planning for the increased contributions that are coming. He stated that he has provided employees with information about being better health consumers. He briefly reviewed a number of the health plans.

Agenda No. III

**Proclamations**

None.

Agenda No. IV

**Unfinished Business, Final Passage of Ordinances**

Agenda No. IV 1

~ Ordinance No. 2011 – 016 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 110, CONSTRUCTION CODES, UNIFORM, SECTION 110-7, ADDITIONAL REQUIREMENTS FOR RESIDENTS OF LAKE COMMUNITIES, OF THE REVISED GENERAL ORDINANCES**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 2 of 22  
-----

**TABLED TO 12-7-11 WORKSHOP MEETING**

Motion to table to the December 7, 2011 Workshop Meeting per Fred Semrau memo  
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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IV 2

~ Ordinance No. 2011 – 017 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 300, SEWERS, ARTICLE I, INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, OF THE REVISED GENERAL ORDINANCES TO ADD ADDITIONAL REQUIREMENTS FOR PROPERTIES LOCATED IN LAKE COMMUNITIES**

**TABLED TO 12-7-11 WORKSHOP MEETING**

Motion to table to the December 7, 2011 Workshop Meeting per Fred Semrau memo  
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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IV 3

~ Ordinance No. 2011 – 019 ~

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY APPROPRIATING \$318,000 FROM CAPITAL SURPLUS OF THE TOWNSHIP OF WEST MILFORD**

**WHEREAS**, An Ordinance of the Township of West Milford, County of Passaic, State of New Jersey appropriating \$318,000 from the capital surplus for various improvements and costs; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey that the sum of \$318,000 be appropriated as follows:

Hillcrest Community Center Lease 2010 and 2011	\$136,000
Waste Water Management Plan Engineering Expense	\$15,000
Banker Road Depot Remediation Engineering Expense	\$70,000
Time/Attendance/Payroll/Personal Software & Hardware	\$22,000
Green Energy Retrofit Program (town share)	\$20,000
Department of Public Works Car Lift	\$5,000
Department of Public Works Purchase and Repair of Various Equipment	\$50,000
<b>TOTAL</b>	<b>\$318,000</b>

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

Introduced: October 19, 2011  
Adopted: November 9, 2011  
Effective Date: November 29, 2011

This Ordinance was introduced on October 19, 2011 and the Notice of Public Hearing was published in the Herald News on October 23, 2011. On November 2, 2011 the Council tabled public hearing and action of this ordinance to this meeting. The Council will open the meeting to the public to speak on this matter only.

Robert Nolan, 1 Winding Way, West Milford recalled speaking about this ordinance when it was introduced. He noted that these are monies that were previously borrowed for capital purposes. They have been bonded for. This would allow us to use capital funds to pay for rent for Hillcrest. He stated that it is not a good idea to use capital monies for operating expenses. This ordinance also funds \$15,000 for

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 3 of 22  
-----

engineering expenses associated with the wastewater management plan. He does not see a reason to pay for this because it is a State mandate. If the State mandates such projects without providing the funding then the municipality should not do it. This ordinance appropriates \$50,000 for the DPW purchase and repair of various equipment. Those are also operating expenses that should be budgeted annually. Many of these are unsound fiscal policies.

Doris Aaronson, 19 Bearfort Road, West Milford echoed Mr. Nolan's sentiments. We supposedly had a zero increase in the municipal budget. Now we are funding regular operating costs which is giving a false impression to the public. We are borrowing for operating expenses. It is a fake.

Councilman Weisbecker made a motion, seconded by Councilman Rosone and carried by unanimous roll call vote to close the public hearing.

Motion to adopt Ordinance 2011-019  
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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IV 4

~ Ordinance No. 2011 – 020 ~

**ORDINANCE OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 152, FIRE PREVENTION, OF THE REVISED GENERAL ORDINANCES**

**BE IT ORDAINED** by the Municipal Council of the Township of West Milford, County of Passaic, State of New Jersey, as follows:

**Section 1.** Chapter 152, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**CHAPTER 152 FIRE PREVENTION**

§152-1 **Short title.**

This chapter shall be known and cited as the "Fire Prevention Code of the Township of West Milford" and is herein referred to as the "code."

§152-2 **Local Enforcement of the Uniform Fire Code.**

Adoption and local enforcement of the State of New Jersey Uniform Fire Code.

A. **Local enforcement.** Pursuant to Section 11 (N.J.S.A. 52:27D-202) of the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Uniform Fire Code shall be locally enforced in the Township of West Milford.

B. **Local Enforcing Agency.** The local enforcing agency shall be the Division of Fire Prevention in the Township of West Milford Department of Public Safety. The Fire Marshal shall serve as Chief of the Division of Fire Prevention.

C. **Duties.** The local enforcement agency shall enforce the Uniform Fire Safety Act and the codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Township of West Milford, except owner-occupied one- and two-family dwellings used exclusively for dwelling purposes, and shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code.

D. **Life hazard uses.** The local enforcing agency established by Subsection B of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of the New Jersey Department of Community Affairs.

E. **Organization.** The local enforcing agency established by Subsection B of this section shall be under the direct supervision and control of the Fire Marshal, who shall report to the Director of Public Safety.

F. **Legal counsel.** The Township Attorney shall provide legal counsel to the Division of Fire Prevention pursuant to N.J.A.C. 5:70 et seq.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 4 of 22

---

**§152-3 Red light display over Division of Fire Suppression connection.**

A red light shall be illuminated 24 hours per day over any Division of Fire Prevention connection. In such suppression systems that have Siamese connections supply zoned areas of suppression, the red light shall flash intermittently over the Siamese connection of the activated zone. The rate of flash shall not be less than 60 flashes per minute.

**§152-4 Appeals.**

Any person aggrieved by any order of the local enforcement agency shall have the right to appeal the Construction Board of Appeals of Passaic County.

**§152-5 Permit and inspection fees.**

Permit fees, smoke detector inspection and reinspection fees and annual inspection fees are set forth in Chapter 135, Fees and Costs.

**§152-6 Violations and penalties; false alarms; tampering with equipment.**

- A. Penalties and enforcement shall be as provided for in the Uniform Fire Code.
- B. False alarms.
  - (1) The following penalties shall be assessed for false alarms occurring within a thirty-day time period:
    - (a) First two alarms: warning only.
    - (b) Third alarm: \$200.
    - (c) Fourth alarm: \$300.
    - (d) Fifth through seventh alarm: \$400.
    - (e) Over seven alarms: \$1,400.
  - (2) The failure to pay a penalty assessed under this section within 30 days of the occurrence shall be deemed a violation of this chapter.
  - (3) All penalties collected pursuant to this section shall be placed in the Division of Fire Prevention Trust Account.
- C. Blocking, interfering, tampering with suppression equipment. Blocking access, interfering, tampering with or causing malicious damage to any fire alarm, suppression system, fire communications system, fire detection, first-aid fire-fighting system, device, unit or part thereof shall result in a mandatory fine of \$50 per day per violation. During an actual alarm, such a violation shall result in a mandatory *fine of \$200 per day per violation. Fines shall remain in effect until conditions are deemed corrected by the Fire Marshal. Failure to comply shall result in an issued summons to appear in court.*

**§152-7 Designation of Fire Lanes**

- A. Whenever it is deemed necessary for public safety, the Fire Marshal of the Township of West Milford may order and require the owner or the owner's agent of any multiple dwelling unit, place of public assembly, school, shopping center, business establishment, house of worship or commercial or industrial zoned property to designate as fire zones, driveways, parking areas or other areas necessary for fire department access and fire safety. Upon issuing such written order, the Fire Marshal shall, at the same time, require the owner or the owner's agent of such premises to provide, erect and maintain metal signs and markings in paint upon the pavement, designating such location as a fire zone and that no parking shall be permitted therein. Such metal signs and markings shall be of a design and quality approved by the Fire Marshal.
- B. No person shall at any time park a vehicle or in any other manner obstruct any area that has been designated as a fire lane pursuant to an order issued by the West Milford Division of Fire Prevention. Failure to abide by this order will result in a fine of \$54.

**§152-8 Fire Watch**

Whenever a determination is made by the Fire Marshal that an increased potential of fire, life, or property loss is present at any building, there may be ordered a protective fire watch to be performed by trained personnel from the ranks of the Division of Fire Prevention or Fire Department. The requirement for such watch shall consider the status of occupancy and use, fire protection equipment, structural damage from fire or accident, and the potential for fire from all sources. The cost for this watch shall be borne by the owner of the involved property or the persons responsible for creating such hazard and shall be paid

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 5 of 22

---

within 30 days of received written proof of cost and personnel hours. Uncollected fees are subject to the jurisdiction of the Township Municipal Court and may be pursued through the Penalty Collection Act.

**§152-9 Vacant Buildings**

Building or tenant areas that are not occupied shall be inspected by the Division of Fire Prevention. An annual non-life hazard inspection fee may be assessed on the building or premises based upon the building type and hazard. Such charges are reflected in Chapter 135-17 of this code.

**§152-10 Recovery of Costs**

- A. Costs incurred by the Township of West Milford Fire Department for items damaged and/or destroyed, and/or used in connection with the suppressing, control or clean-up of a fire or emergency situation shall be reimbursed to the Township of West Milford by the property owner or responsible parties involved.
- B. The provisions of this chapter shall be enforced by the Township of West Milford Division of Fire Prevention. Such charges for reimbursements shall be made at the discretion of the Fire Marshal.

**§152-11 Illegal burning**

- A. Definitions.

For the purpose of this section, the following definitions shall apply:

“Chiminea”, “outdoor fireplace”, “outdoor fire pit” shall mean as defined by the manufacturers, approved containers for open burning.

“Firewood” shall mean trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than three (3) inches in diameter.

“Nuisance” shall mean any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

“Open burning” shall mean an outdoor fire where wood or any combustible materials are burned for entertainment. Open burning is allowed at single-family homes, duplexes and townhomes without a permit provided the regulations set forth herein are met.

“Treated lumber” shall mean dry wood which has been milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

“Untreated lumber” shall mean dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

- B. Open Burning Regulations.

- 1) Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes, townhomes, subject to the regulations contained herein.
- 2) Fires shall be limited to a maximum three (3) foot diameter and two (2) foot height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method, approved by the Fire Prevention Officer.
- 3) All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.
- 4) Fires must be kept at least ten (10) feet from any structure or combustible exterior wall.
- 5) Fires must be constantly attended.
- 6) No such fire or container used for open burning may be used on any porch, deck, balcony or any other portion of a building; within any room or space; under any building overhang.
- 7) The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than three (3) inches in diameter, treated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited.
- 8) All open fires as set forth herein shall be extinguished at the discretion of the Fire Prevention Officer or Police Department.
- 9) The Fire Prevention Officer or Police Officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

- C. Enforcement.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 6 of 22  
-----

1. This section shall be administered by the Division of Fire Prevention and the Police Department.
2. Any person, firm or corporation, violating any of the provisions of this section, shall be liable to a fine not exceeding the sum of one thousand two hundred fifty (\$1,250.00) dollars, or to imprisonment not exceeding ninety days, or both.

**Section 2.** All ordinances of the Township of West Milford which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**Section 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**Section 4.** This Ordinance may be renumbered for purposes of codification.

**Section 5.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**Section 6.** A certified copy of this Ordinance shall be transmitted to the State of New Jersey, Division of Fire Safety.

**Section 7.** A copy of this Ordinance shall be submitted to the Department of Community Affairs, Division of Fire Safety.

Introduced: October 19, 2011  
Adopted: November 9, 2011  
Effective Date: November 29, 2011

This Ordinance was introduced on October 19, 2011 and the Notice of Public Hearing was published in the Herald News on October 23, 2011. The Council opened the meeting to the public to speak on this matter only.

There being no more comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Ramaglia, to close this public portion of the meeting. Approved by unanimous roll call vote.

Motion to adopt Ordinance

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. IV 5

~ Ordinance No. 2011 – 021 ~

**AN ORDINANCE OF THE TOWNSHIP OF WEST MILFORD,  
COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF THE  
VACANT PROPERTY DESIGNATED AS BLOCK 2801, LOT 1 IN THE TOWNSHIP OF WEST  
MILFORD**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

**WHEREAS**, Anjo Associates, c/o Richard Farhat has agreed to convey Block 2801, LOT 1, consisting of approximately 0.219 acres of vacant land to the Township for the use by the Township in completing the Warwick Turnpike Traffic Improvements Project in consideration of the payment of \$68,500.00; and

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has determined that it is in the interest of the Township to acquire the said property for the above stated purpose; and

**WHEREAS**, funds are available for this acquisition.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

- Section 1.** The Township of West Milford hereby authorizes the acquisition of BLOCK 2801, LOT 1 for the above mentioned purpose for the total sum of \$68,500.00, with said costs to be funded by the Township of West Milford.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 7 of 22

---

- Section 2.** The Mayor and Township Clerk and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance.
- Section 3.** No debt is to be authorized by the enactment and passage of this ordinance.
- Section 4.** All ordinances of the Township of West Milford, which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
- Section 5.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.
- Section 6.** This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Introduced: October 19, 2011  
Adopted: November 9, 2011  
Effective Date: November 29, 2011

This Ordinance was introduced on October 19, 2011 and the Notice of Public Hearing was published in the Herald News on October 23, 2011. The Council opened the meeting to the public to speak on this matter only.

There being no more comments from the public, Councilman Weisbecker made a motion, seconded by Councilman Ramaglia, to close this public portion of the meeting. Approved by unanimous roll call vote.

Motion to adopt Ordinance

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.

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Agenda No. V

**Public Comments**

Mayor Bieri opened the meeting to the public after advising that there is a five-minute limit for each speaker.

Richard Farhat, Belmar, New Jersey stated that he owns the property where the traffic light is going and he asked when this will be settled.

Luke Slott, 10 Ponderosa Place, West Milford stated that he is here to express concerns about the video surveillance grant. He is concerned about privacy in the woods and doesn't want to be watched by the government. He stated that it would be better to have Newark pay a water surcharge. He asked if other crimes will be caught on tape and be prosecuted.

Michael Gerst, Hillview Court, West Milford stated that he is asking the Council to vote "no" on resolution 2011- 383 for the purchase of covert surveillance. This, he said is West Milford and we don't need this. No one knows what this equipment is for. The manufacturer's website states that the dissemination of information about their product is not available. He asked how can Council or anyone vote for something they know anything about. He expects that the Council will only vote when they have all the related information. If these were just cameras why are they top-secret products? Why can't Council see specifications and understand the purposes. He would like to see the Council debate on the constitutional use of cameras. We don't know what they can or will do. This, he said, is big brother encroaching on a rural town. He quoted from the manufacturer's website. He quoted some statistics about how many people are killed by terrorists and stated that he does not want big brother watching him. He quoted Thomas Jefferson about tyranny.

Anthony Griseski, Lakeview Lane, Newfoundland stated that he agrees with Mr. Gerst. He submitted excerpts from a book about surveillance abuses.

Maria Elena Grant, 1 Yearling Trail, Hewitt stated that the Awosting Association has asked her to read a letter about the lake ordinances. She did so. They vehemently oppose these ordinances. She asked that when the Council reconsider these ordinances they not pass them but repeal the original ordinance.

Renee Alessio, West Milford asked Council to support the resolution for the Sustainability grant. She stated that Sustainable West Milford brought Sustainable Jersey to the Council and the Mayor has been very supportive. She thanked Council for finally supporting the Green Team. She stated that the Sustainable Jersey grant is on the agenda for tonight and she urged the Council, if there any questions, please ask her. She saw on the agenda that there are four trucks being purchased by the Township.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

---

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 8 of 22

---

Sustainable Jersey has a fleet inventory that allows us to audit our fleet to assist in purchasing more sustainable, energy saving equipment. Sustainable West Milford has been encountering difficulty getting the information from the Township and she hopes that will improve. She stated that the organization needs a baseline to better determine how to improve the fleet. Sustainable West Milford has supported small, local businesses in their action plan. The Chamber of Commerce is having their second annual small business day on Saturday 11/26 to promote stress free local shopping during the holiday season. When you shop in town you are supporting your community for many reasons. Shopping locally saves gas, time and money.

Wayne Gottlieb, 20 South Ridgefield Road, West Milford stated that he is happy to have survived silly season. It would appear that we are now moving on to a new round of silliness; silly ordinance season. The Council carried over two lake ordinances about which Ms. Grant raised good points. There are two departments, health & building charged with this overview. Why are we questioning them for select groups? Those who live in lake communities know that the largest property owner is generally the association. The docks are property. They don't give notice when docks are being built. Many roads in Upper Greenwood Lake are very narrow and extra vehicles create hazards. Adjacent property owners are never notified about plans of the associations but are negatively affected by their revenue-focused decisions. He knows of two instances where people were allowed to install docks and have parking spaces. Once they gave permission for docks to be placed on his property. Property owners are most oppressed. These ordinances were never brought to the residents in these lake communities. This is the second letter from an association opposing these laws and he urged the Council to hear those voices.

Robert Nolan, 1 Winding Way, West Milford stated that there was an election yesterday and he thanked candidates for running. He wished Councilmen Weisbecker & Jurkovic luck after January 1<sup>st</sup> and congratulated Mayor Bieri and Councilwomen elect Horton and Erik. People have placed trust in them and he looks forward to meetings that focus on Township business. He stated that he would like to see the public welcomed in 2012 to all meetings including budget meetings. He would like to see discussion and debate be allowed and encouraged. He noted that there are several resolutions on tonight's agenda and he thanked the Clerk for having these posted on the website. One resolution pertains to a collective bargaining agreement and he hopes the public gets information about what is being approved. There is also a resolution for an agreement with Chilton Hospital for 2012. He asked how we can commit next year's Council to this agreement. There are four trucks being purchased three of which are being charged to capital and one to a grant. He stated that he hopes we are not bonding for those vehicles. He shares a lot of concerns expressed about the surveillance cameras.

Mike Hensley, 240 Maple Road, West Milford stated that he has been a student of history his entire life and is now a social studies teacher. He has been watching national trends and is aghast at the trend where neighbors distrust neighbors. It would appear that guilt is assumed before innocence in today's culture. If we surrender our liberty at the expense of safety then the terrorists have won. Freedom is not free. We must remain vigilant. Seeking the grant for surveillance equipment may have been well intentioned but it is tricky to remain free and independent. If he walks in the woods or down the street and sees spy cameras he would not feel free or safe. He doubts that it may affect his sense of being an American. He does not want that, it is upsetting. There are too many unanswered questions. We are not under assault at this time. Let's value our privacy, our freedom and our community. Do not support this spy grid in beautiful rural New Jersey. He quoted Thomas Jefferson about tyranny.

Matt Conlon, 33 Orleans Lane, West Milford stated that he is a trustee of the BOE speaking as a resident. He congratulated Mayor Bieri and Councilwomen-elect Erik & Horton. This campaign saw positive and negative campaigning on both sides. He got feedback from residents yesterday saying they are tired of the negativity. He agrees. This is a town that he cares about and loves. Elected officials, volunteers and support staff all serve a function. The people of West Milford want positive attitudes moving forward. He hopes that we will have a cooperative and open working attitude moving forward. Congratulations to those successful candidates. Those who lost are not going away. They can look forward to being advocates in their new roles. West Milford, he said, deserves great people and great service.

Doris Aaronson, 19 Bearfort Road, West Milford congratulated Mayor Bieri and Council-elect Erik & Horton. She stated that she was pleased with their positive and upbeat campaigns and she complimented their respective campaign managers, Mr. Warden & Mrs. Lichtenberg. She met a week ago with Ella Filipone who has been negotiating with Tennessee Gas Pipeline and she was shocked to learn that the pipeline has been negotiating to store their pipes on Jungle Habitat. They may be digging up the macadam where our cars park which will impact needed space for local events. There was recently a huge storm and people living along Belcher's Creek were severely impacted. She would like to have Township officials seek FEMA money to drain out Belcher's Creek at certain points.

Chris Garcia, 200 Lakeshore Drive, Hewitt congratulated those who won and thanked Councilmen Jurkovic and Weisbecker for their service. He stated that he enjoyed the campaign process and is proud of the voters who paid attention to the local issues. He stated that he hopes we are all mindful of the



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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 10 of 22

---

government can tap into this equipment whenever they want. This is a concern. He would like to ask Council to think about this more.

Council President Smolinski stated that this is scary talk tonight. We have okayed cameras and radar before. These are deterrents. There must be balance. He stated that Mr. Warden made some sense tonight and he recalled the events of 9/11. How quickly we forget the lives lost on that day. There is a balance between security and people's rights. This is being blown out of proportion. In West Milford we have chlorine and water treatment plants that cause us to have to protect the safety for residents. He will ask for an executive session for this matter. Mr. Semrau advised that we can go into executive session to discuss this topic because this is related to safety. You are entrusting this decision to the police department. They are making a recommendation; you will never get precise terms as to how this equipment will be utilized. Two successive chiefs of police have recommended this. The police are charged with public safety. Will need four affirmative votes for this to carry tonight. Council President Smolinski stated that law enforcement has protected us from innumerable events. Councilman Signorino stated that Council does not have to go along with every recommendation. He has concerns.

Mayor Bieri asked Administrator Boyle to look into the pipe storage at Jungle Habitat. Mr. Boyle advised that the State is in negotiations with TGP to store pipes and they have informed PAL that it may affect Thunder in the Highlands next year. Council President Smolinski stated that he finds it hard to believe that they would rip up the asphalt. Mr. Boyle agreed and stated that he will get details. Mayor Bieri noted that Township officials are applying for FEMA funding. Mr. Boyle stated that before you can get FEMA funding the DEP does not always like people dredging waterways. For that purpose we will have to start with DEP first and will need special authorization. He will check on it.

Agenda No. VII

**New Business, Introduction of Ordinances, Resolutions**

Agenda No. VII 1

~ Resolution No. 2011-361 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE TERMS OF A SUCCESSOR COLLECTIVE BARGAINING AGREEMENT WITH AFSCME COUNCIL 52, LOCAL 2275 FOR THE PERIOD JANUARY 1, 2010 THROUGH DECEMBER 31, 2013**

**TABLED TO 12-21-11 REGULAR MEETING**

Motion to table to 12-21-11 Regular Meeting.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.

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Agenda No. VII 2

~ Resolution No. 2011-383 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING PURCHASE OF 2 COVERT VIDEO SYSTEMS USING THE BUFFER ZONE PROTECTION PLAN GRANT (BZPP)**

**TABLED TO END OF MEETING**

Motion to table to end of meeting.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.

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Agenda No. VII 3

~ Resolution No. 2011-389 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY SUPPORTING S-3062, TELECOMMUNICATIONS-CABLE TELEVISION DEREGULATION ENSURING CONSUMER PROTECTION ACT**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 11 of 22  
-----

**WHEREAS**, at a time when all municipal revenues are reduced and facing further threat, the need for stability and predictability in video telecommunications is paramount for municipalities and our taxpayers; and

**WHEREAS**, all video franchise fees, all PEG channels, all equipment and training and return feeds are vitally important to keeping communications open through local access channels and programming; and

**WHEREAS**, Mayors and municipal officials give a high priority to the requirements for free Internet and basic cable outlets for all libraries and all municipal buildings served by statewide franchises; and

**WHEREAS**, existing law requires all cable companies that convert from a municipal consent-based franchise to a system-wide franchise to pay a 4% franchise fee; and

**WHEREAS**, recently proposed legislation would fundamentally alter the regulation of telephone and cable television service in New Jersey, resulting in widespread opposition from consumer groups and advocates as well as municipalities; and,

**WHEREAS**, in response, S-3062 has now been introduced as an alternative to protect the existing System wide Franchise and keeping in place necessary protections for municipalities,

**NOW, THEREFORE, BE IT RESOLVED**, video franchise related revenue and benefits must not be reduced by the State, and

**BE IT FURTHER RESOLVED**, the Governing Body of the Township of West Milford supports S-3062, which is currently assigned to the Senate Economic Growth Committee, and urges its swift passage; and,

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to Senator Bob Smith, the primary sponsor of S-3062, the members of the Senate Economic Growth Committee, the members of the Senate Leadership; Senator Joseph Pennachio, Assemblyman Alex DeCroce, Assemblyman Jay Webber; Governor Chris Christie; and the New Jersey State League of Municipalities.

Adopted: November 9, 2011

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.

-----  
Mayor Bieri asked to move the remaining resolutions together.

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. VII 4

~ Resolution No. 2011-390 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, APPROVING SUBMISSION OF THE CORRECTIVE ACTION PLAN FOR THE YEAR ENDED DECEMBER 31, 2010 TO THE STATE OF NEW JERSEY, DIVISION OF LOCAL GOVERNMENT SERVICES**

**WHEREAS**, all municipalities operating under the Local Fiscal Affairs Law must prepare and submit a Corrective Action Plan as part of their annual audit process, and

**WHEREAS**, the Township of West Milford has by Resolution accepted the 2010 audit as prepared and presented by the Township Auditors, and

**WHEREAS**, Monica Goscicki, the Chief Financial Officer for the Township of West Milford has prepared a Corrective Action Plan to address the findings and recommendations for the 2010 audit and presented copies of same to the Mayor, Council, and Administrator,

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 12 of 22  
-----

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, in the County of Passaic, that the Corrective Action Plan, attached hereto and made a part hereof, be approved for submission to the Division of Local Government Services.

Adopted: November 9, 2011

Agenda No. VII 5

~ Resolution No. 2011- 391 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY PROVIDING FOR AN AGREEMENT FOR PROFESSIONAL SERVICES WITH CHILTON MEMORIAL HOSPITAL FOR THE YEAR 2012**

**WHEREAS**, there exists a need for certain Community Health Education services to the West Milford Health Department; and

**WHEREAS**, the Township received a proposal to provide these services from Chilton Memorial Hospital; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, *et seq.*) requires that a resolution authorizing the award of a contract be available for public inspection; and

**WHEREAS**, the Chief Financial Officer has certified the availability of funds for this contract, said encumbrances to be taken from account number 2-01-27-330-450.

**NOW, THEREFORE, BE IT RESOLVED** by the Township of West Milford, New Jersey as follows:

1. That the proper Township Officials are hereby authorized and directed to execute a contract in a total amount not to exceed \$7,800.00 for community health education services with:  
CHILTON MEMORIAL HOSPITAL  
97 West Parkway, Pompton Plains, New Jersey 07444
2. This contract is awarded without competitive bidding as a "Professional Service" in connection with N.J.S.A. 40A: 11-5 (1) (a).
3. That a notice of this action shall be published once in the *Herald News*.

Adopted: November 9, 2011

Agenda No. VII 6

~ Resolution No. 2011- 392 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH STATE CONTRACT NO. A-78847 T2754 OF ONE (1) GMC SIERRA 4WD PICKUP TRUCK FROM FLEMINGTON CHEVY BUICK GMC CADILLAC, LLC**

**WHEREAS**, the Township wishes to purchase one 2012 GMC Sierra 3500HD 4WD Pickup Truck with plow package to replace truck #27; and

**WHEREAS**, the Township Director of Public Works has provided a recommendation to award this contract through State Contract No. A-78847 T2754 to Flemington Chevy Buick GMC Cadillac. LLC; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from Account # C-04-10-950-290 in the amount of \$42,135.00; and

**WHEREAS**, the total amount of the contract shall not exceed \$42,135.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the Township's Director of Public Works to purchase a 2012 GMC Sierra 3500HD 4WD Pickup Truck, in an amount not to exceed \$42,135.00, through State Contract #A-78847T2754 from Flemington Chevy Buick GMC Cadillac, 211 Route 202 & 31, Flemington, New Jersey 08822
2. The Township's Chief Financial Officer has certified the availability of funds for same.

-----  
**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 13 of 22  
-----

3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: November 9, 2011

Agenda No. VII 7

~ Resolution No. 2011- 393 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH STATE CONTRACT NO. A-78847 T2754 OF ONE (1) GMC SIERRA 4WD PICKUP TRUCK FROM FLEMINGTON CHEVY BUICK GMC CADILLAC, LLC**

**WHEREAS**, the Township wishes to award a contract for the purpose of buying one 2012 GMC Sierra 3500HD 4WD Pickup Truck to replace truck R-1; and

**WHEREAS**, the Township Director of Public Works has provided a recommendation to award this contract through State Contract No. A-78847 T2754 to Flemington Chevy Buick GMC Cadillac. LLC; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from Account # C-04-10-946-291 in the amount of \$29,374.00; and

**WHEREAS**, the total amount of the contract shall not exceed \$29,374.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the Township's Director of Public Works to purchase a 2012 GMC Sierra 3500HD 4WD Pickup Truck, in an amount not to exceed \$29,374.00, through State Contract #A-78847T2754 from Flemington Chevy Buick GMC Cadillac, 211 Route 202 & 31, Flemington, New Jersey 08822
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: November 9, 2011

Agenda No. VII 8

~ Resolution No. 2011- 394 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH STATE CONTRACT NO. A-78847 T2754 OF ONE (1) GMC SIERRA 4WD PICKUP TRUCK FROM FLEMINGTON CHEVY BUICK GMC CADILLAC, LLC**

**WHEREAS**, the Township wishes to award a contract for the purpose of buying one 2012 GMC Sierra 3500HD 4WD Pickup Truck with roof lights and lift gate to replace truck C-2; and

**WHEREAS**, the Township Director of Public Works has provided a recommendation to award this contract through State Contract No. A-78847 T2754 to Flemington Chevy Buick GMC Cadillac. LLC; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from Account # G-02-41-500-901 in the amount of \$33,674.00; and

**WHEREAS**, the total amount of the contract shall not exceed \$33,674.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the Township's Director of Public Works to purchase a 2012 GMC Sierra 3500HD 4WD Pickup Truck, in an amount not to exceed \$33,674.00, through State Contract #A-78847 T2754 from Flemington Chevy Buick GMC Cadillac, 211 Route 202 & 31, Flemington, New Jersey 08822
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 14 of 22  
-----

Adopted: November 9, 2011

Agenda No. VII 9

~ Resolution No. 2011- 395 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE THROUGH STATE CONTRACT NO. A-78847 T2754 OF ONE (1) GMC SIERRA 4WD PICKUP TRUCK FROM FLEMINGTON CHEVY BUICK GMC CADILLAC, LLC**

**WHEREAS**, the Township wishes to award a contract for the purpose of buying one 2012 GMC Sierra 3500HD 4WD Pickup Truck to replacement truck Recreation; and

**WHEREAS**, the Township Director of Public Works has provided a recommendation to award this contract through State Contract No. A-78847 T2754 to Flemington Chevy Buick GMC Cadillac. LLC; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds for these purchases, said funds to be encumbered from Account # C-04-08-940-290 in the amount of \$28,713.00; and

**WHEREAS**, the total amount of the contract shall not exceed \$28,713.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of West Milford, County of Passaic and State of New Jersey as follows:

1. The Township Council hereby authorizes the Township's Director of Public Works to purchase a 2012 GMC Sierra 3500HD 4WD Pickup Truck, in an amount not to exceed \$28,713.00, through State Contract #A-78847 T2754 from Flemington Chevy Buick GMC Cadillac, 211 Route 202 & 31, Flemington, New Jersey 08822
2. The Township's Chief Financial Officer has certified the availability of funds for same.
3. This resolution and contract shall be available for public inspection in the office of the Township Clerk.

Adopted: November 9, 2011

Agenda No. VII 10

~ Resolution No. 2011- 396 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AMENDING THE 2011 SPECIAL LABOR COUNSEL CONTRACT WITH DAVID F. CORRIGAN, ESQ. FOR SPECIAL LABOR COUNSEL SERVICES TO INCREASE THE NOT TO EXCEED AMOUNT BY \$15,000**

**WHEREAS**, by virtue of Resolution 2011-236 adopted on July 6, 2011 the Township Council did authorize the engagement of Special Labor Counsel services to be provided by David F. Corrigan, Esq.; and

**WHEREAS**, resolution 2011-236 and the related contract did authorize services in an amount not to exceed \$25,000; and

**WHEREAS**, the Township Administrator has advised that the Township's needs, related to this contract, caused the provider to exceed the authorized contractual amount by \$15,000; and

**WHEREAS**, the Chief Financial Officer has certified that funds are available for this purpose said funds to be encumbered from account # 1-01-20-155-502.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that they do hereby authorize the Township Administrator to approve payment of \$15,000 to David F. Corrigan, Esq. for Special Labor Counsel services provided in the 2011 calendar year which amount is in excess of the initially approved contract amount of \$25,000 bringing the contract total to \$40,000.

This Resolution shall take effect immediately.

Adopted: November 9, 2011

Agenda No. VII 12

~ Resolution No. 2011- 408 ~

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 15 of 22

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**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY, SUPPORTING REQUEST FOR PROPOSALS, SUSTAINABLE JERSEY: ANIMALS IN THE COMMUNITY PILOT PROGRAM**

**WHEREAS**, West Milford has achieved a Sustainable Jersey Bronze Certification and is eligible to apply for grants through the Sustainable Jersey Program; and

**WHEREAS**, To support the development of best practices for Companion Animal Management, The International Fund for Animal Welfare (IFAW) partnered with Sustainable Jersey to create a model for local governments that will not only improve the provision of animal services but also generate revenue; and

**WHEREAS**, Sustainable Jersey is requesting for proposals, an animals in the community pilot program to implement a best practice model for the delivery of animal services; and

**WHEREAS**, The goals for this pilot program are to develop an integrated, community centered, and self-supporting approach to the management of dogs and cats, including free-roaming cats, the prevention of zoonotic diseases, the minimization of indiscriminate euthanasia, and disaster preparedness that addresses domestic animals; and

**WHEREAS**, The scope of the work would a) address any eligibility deficiencies, if any b) create a legal framework to support enhanced municipal services, utilizing current ordinances and revising or creating new ordinances if necessary c) adopt goals for animal control d) implement best practices e) implement educational programs and activities to engage the community and ensure awareness of expectations and requirements f) evaluate program by collecting, managing, sharing and disseminating data; and

**WHEREAS**, West Milford, a township that values the safety and health of residents and companion animals has already incorporated much of the scope of work into current policies and practices addressing domestic animals, such as 24/7 animal control services, licensing of dogs and cats and kennels, mandatory rabies vaccinations including free rabies clinics, low cost neuter/spaying options, an ordinance for feral cats trap/neuter/release TNR, an award winning No Kill West Milford Animal Shelter Society with high adoption rates; and

**WHEREAS**, West Milford, in order to be eligible for grant funding for this pilot program must have a resolution of support by the Town Council for the proposal and commitment to aspirations in the scope of work, letters of support from the Town Administrator and the Township Health Officer and the West Milford Animal Shelter Society, who also acts as the "Friends Of" organization that can supply municipal operations; and

**WHEREAS**, West Milford, in order to be eligible for grant funding for this pilot program must also solicit a letter of support from the Director of the Board of Education or Superintendent of Schools endorsing the community's participation in the Sustainable Jersey Animals in the Community Pilot Program and agreeing to assist in distributing animal welfare and pet education materials in the local schools; and

**WHEREAS**, West Milford already encourages responsible pet ownership and fosters best practices to protect the safety and health of our residents and companion animals and West Milford could become the state model for companion animal management; and

**WHEREAS**, West Milford would create the means for collaboration and cooperation between all stakeholders (e.g. residents, business owners, animal welfare organizations, conservation organizations, municipal health officials, animal control officers, law enforcement, etc) with a vested interest in achieving the outcomes; and

**WHEREAS**, West Milford would utilize grant funding to enhance existing programs, through education and enforcement of ordinances such as increasing dog and cat licensure and rabies vaccinations through extensive residential canvassing bringing more residents into compliances and increasing revenue through fees and fines, encouraging neutering/spaying of pets, publicizing the TNR program, promoting more pet adoptions and including pets in emergency preparedness plans; and

**THEREFORE**, the Township Council of the Township of West Milford has determined that the Township of West Milford supports a Request for Proposals-Sustainable Jersey Animals in the Community Pilot Program and commitment to the aspirations described in the scope of work;

**NOW THEREFORE BE IT RESOLVED** that the Township Council of the Township of West Milford, County of Passaic, State of New Jersey authorize the submission of the Request for Proposals-Sustainable Jersey Animals in the Community Pilot Program.

Adopted: November 9, 2011

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 16 of 22  
-----

Motion to table to December 21<sup>st</sup> Regular Meeting  
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Moved: Ramaglia Seconded: Weisbecker  
Voted Aye: Rosone, Signorino.  
Voted Nay: Weisbecker, Smolinski, Ramaglia.  
Motion defeated.  
-----

Discussion: The Council invited Renee Alessio to come forward to provide details. Renee Alessio, 39 Hillcrest Drive, West Milford advised that Council discussed this a month ago. This is a grant that pertains to responsible pet ownership. Mayor Bieri advised that authorization is needed for this community education program about responsible pet ownership. Ms. Alessio stated that this will help us become the model community for animal services. We already have many animal services and our TNR ordinance is now a model. We would like to see improved compliance with licensing and enhance existing programs. It provides for safety and health. Mayor Bieri noted that the grant money can be used for various Township initiatives for canvassing and increased licensing compliance. Discussion ensued about the impact on costs and revenues. Councilman Ramaglia asked that Sustainable take steps to prevent last minute requests in the future.

Motion to adopt resolution  
-----

Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone.  
Voted Nay: Signorino.  
Motion carried.  
-----

**Consent Agenda**

Agenda No. VIII

~ Resolution No. 2011- 398 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING PASSAGE OF CONSENT AGENDA**

**WHEREAS**, the Mayor and Township Council of the Township of West Milford has reviewed the Consent Agenda consisting of various proposed Resolutions and Applications.

**NOW, THEREFORE, BE IT RESOLVED**, that the following Resolutions and Applications on the Consent Agenda are hereby approved:

**Resolutions:**

- a) **2011-399** – Cancel Taxes
- b) **2011-400** – Refund Escrow Funds
- c) **2011-401** – Refund Other Liens
- d) **2011-402** – Refund Over Payments
- e) **2011-403** – Refund Police Department Fees
- f) **2011-404** – Refund Performance Guarantee
- g) **2011-405** – Reinstate Taxes
- h) **2011-406** – Issue Various Licenses

**Applications:**

- 1. Application for Off Premise Draw Raffle License No. 2012-02 from the Upper Greenwood Lake PTA for February 9, 2012.

Adopted: November 9, 2011  
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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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The following resolutions were included in the consent agenda:

Agenda No. VIII a

~ Resolution No. 2011- 399 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF TAX**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
 Date of Meeting: November 9, 2011  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 17 of 22  
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**WHEREAS**, there appears on the tax records balances as listed below; and

**WHEREAS**, the Collector of Taxes recommends the cancellation of taxes due to reasons listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to cancel as hereafter listed below:

**REASON:** 1) 100% Disabled Veteran

BLOCK/LOT	NAME	AMOUNT	YEAR
8101-13	Edward & Linda Erla	\$1,328.69	2010 4 <sup>th</sup> Qtr.
8101-13	Edward & Linda Erla	\$7,877.25	2011 Full Year
8101-13	Edward & Linda Erla	\$3,938.00	2012 First Half
<b>TOTAL</b>		<b>\$13,143.94</b>	

Adopted: November 9, 2011

Agenda No. VIII b

~ Resolution No. 2011- 400 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF ESCROW MONIES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, based upon the report and request of the Township's Land Use Administrator, the following Escrow monies be refunded:

Name & Address	Application No.	Escrow Amount	Amount Refunded
Richard DeKany C/o Hunziker, Jones & Sweeney Robert A. Jones 155 Route 46 West Wayne, NJ 07470	0050-0086	\$500.00	\$147.60
<b>TOTAL REFUND</b>			<b>\$147.60</b>

Adopted: November 9, 2011

Agenda No. VIII c

~ Resolution No. 2011- 401 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OTHER LIEN**

**WHEREAS**, the Collector of Taxes has reported receiving the amounts shown below for the redemption of the respective lien.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Township of West Milford that the proper officers be and are hereby authorized and directed to pay the indicated amount to the holder of the lien certificate as hereinafter shown below:

LC#	DOS	Block/Lot	Amount	Pay to the Lien Holder
11-011	4-19-11	1810-8	\$41.05	Rosehill Fund I, LLC P.O. Box 503 Rye, N.Y. 10580
<b>TOTAL</b>			<b>\$41.05</b>	
Certificate No	Certificate Date	Block/Lot/Qual	Reimbursement Amount	Pay to the Lien Holder
11-120	04/19/2011	16602-002	\$17,232.21	US Bank Cust for Tower DBW 50 South 16th St. Ste 1950-TOW Philadelphia, PA 19102
<b>TOTAL</b>			<b>\$17,232.21</b>	

Adopted: November 9, 2011

Agenda No. VIII d

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
 Date of Meeting: November 9, 2011  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 18 of 22  
 -----

~ Resolution No. 2011- 402 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF OVERPAYMENT**

**WHEREAS**, there appears on the tax records an overpayment as shown below; and

**WHEREAS**, the overpayment was created by reasons stated below and the Collector of Taxes recommends the refund of such overpayment.

**NOW, THEREFORE, BE IT RESOLVED** that the proper officers be and they are hereby authorized and directed to issue checks refunding such overpayment as shown below:

**REASONS:**

- |                                     |                          |
|-------------------------------------|--------------------------|
| 1. Incorrect Payment                | 4. Homestead Rebate      |
| 2. Duplicate Payment                | 5. Tax Appeal            |
| 3. Senior Citizen/Veteran Deduction | 6. 100% Disabled Veteran |

Block/Lot	Name	Amount	Year	Reason
806-22	Anthony Wayne Title Agency, LLC 142 Route 23 N, Pompton Plains, NJ 07444	\$2,275.00	2011	2
1002-1	CoreLogic R.E. Tax Service Refund Department, P.O. Box 961250 Fort Worth, Texas 76161	\$2,015.00	2011	1
2406-14	Hudson Abstract, LLC, 659 Newark Ave. Jersey City, NJ 10020	\$1,112.00	2011	2
3009-25	Thomas J. Welchman, Attorney at Law 575 Highway 28, Raritan, NJ 08869	\$1,611.00	2011	2
3609-13.01	CoreLogic R.E. Tax Service, Refund Dept. Box 961250, Fort Worth, TX 76161-9887	\$2,789.00	2011	2
7203-11	CoreLogic R.E. Tax Service, Refund Dept. Box 961250, Fort Worth, TX 76161-9887	\$2,231.00	2011	2
7801-39.08	Drew K. Murray, LLC, 230 West Parkway, 3A Pompton Plains, NJ 07444	\$2002.00	2011	2
7801- 40.03	Dolan & Dolan, Attorney at Law One Legal Lane Box D, Newton, NJ 07860	\$1,708.00	2011	2
9713-14	Brian & Kathleen Singley 5 Morris Avenue, West Milford, NJ 07480	\$2,088.00	2011	2
12304-15	Drew K. Murray, LLC, 230 West Parkway 3A Pompton Plains, NJ 07444	\$1,821.00	2011	2
8101-13	Edward & Linda Erla 427 Ridge Road, West Milford, NJ 07480	\$7,200.94	2011	6
<b>Total</b>		<b>\$26,852.94</b>		

Adopted: November 9, 2011

Agenda No. VIII e

~ Resolution No. 2011- 403 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF POLICE DEPARTMENT FEES**

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Chief of Police the following fees held in Police Trust Accounts be refunded:

Name & Address	Trust Account No.	Amount Refunded
Upper Greenwood Lake Property Owners Association P.O. Box 457 Hewitt, NJ 07421	T-15-56-240-002	\$785.90

Adopted: November 9, 2011

Agenda No. VIII f

~ Resolution No. 2011- 404 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REFUND OF PERFORMANCE GUARANTEE**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**  
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Minutes of: Township Council Regular  
 Date of Meeting: November 9, 2011  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 19 of 22  
 -----

**BE IT RESOLVED**, by the Township Council of the Township of West Milford that, upon the report and request of the Township's Engineering Department, the following Performance Guarantee be refunded:

<b>Name &amp; Address</b>	<b>Block &amp; Lot</b>	<b>Amount Refunded</b>	<b>Page No.</b>
Ted & Helen Kershaw P.O. Box 384 Hewitt, NJ 07421	2309/2	\$1,000.00	<u>77</u>

Adopted: November 9, 2011

Agenda No. VIII g

~ Resolution No. 2011- 405 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY AUTHORIZING REINSTATEMENT OF TAXES**

**WHEREAS**, there appears on the tax records receipt of payment of taxes; and

**WHEREAS**, the Collector of Taxes recommends the reinstatement of taxes due to reasons stated below.

**NOW, THEREFORE BE IT RESOLVED**, that the proper officers be and they are hereby authorized and directed to reinstate as listed below:

**REASON:** 1. INSUFFICIENT FUNDS

<b>Block/Lot</b>	<b>Name</b>	<b>Amount</b>	<b>Year</b>
5305-8	Conrad & Beatrice Koblack	\$2,841.00	2011
<b>TOTAL</b>		<b>\$2,841.00</b>	

Adopted: November 9, 2011

Agenda No. VIII j

~ Resolution No. 2011- 406 ~

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY APPROVING THE ISSUANCE OF VARIOUS LICENSES FOR LICENSE YEAR 2012**

**WHEREAS**, applications have been made by licensees for the renewal of various Township Licenses and Permits for the year 2011; and

**WHEREAS**, reports of recommendation have been received from various Township Departments recommending the issuance of said license as listed below.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of West Milford does hereby approve the issuance of 2011 Licenses as listed below:

<b>2012 CLOTHING BIN LICENSES</b>		
<b>Clothing Bin License No(s).</b>	<b>Applicant Name</b>	<b>Site Address</b>
2012 - 1 & 2012 - 2	Goodwill Industries of Greater NY & Northern NJ, Inc.	WM Recycling Center 30 Lycosky Drive West Milford
<b>2012 PEDDLER LICENSES</b>		
<b>Peddler License No(s).</b>	<b>Applicant Name</b>	<b>Site Address</b>
2012 -1	Orlando Cardaci Cardaci Enterprises LLC	Rte 23 S, Newfoundland

Adopted: November 9, 2011

Agenda No. IX

**Approval of Expenditures**

~ Resolution No. 2011- 407~

**RESOLUTION APPROVING THE PAYMENT OF BILLS**

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
 Date of Meeting: November 9, 2011  
 Time of Meeting: 7:30 P.M.  
 Minute Page No: Page 20 of 22  
 -----

**WHEREAS**, the Township Treasurer has submitted to the members of the Township Council a report listing individual disbursement checks prepared by his office in payment of amounts due by the Township.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Treasurer’s report of checks prepared by him be approved and issued as follows:

Acct #	Account Name	Amount
1	Current Account. . . . .	\$331,087.00
2	Reserve Account . . . . .	0.00
3	Animal Control Trust	0.00
6	Capital. . . . .	13,736.39
7	Grants. . . . .	0.00
8	Refuse. . . . .	4,500.00
9	Refunds. . . . .	44,126.20
12	General Ledger. . . . .	0.00
16	Heritage Trust. . . . .	0.00
14	Open Space Trust	0.00
17	Trust . . . . .	1,299.99
18	Development Escrow. . . . .	7,032.48
19	COAH	0.00
20	Special Reserve	0.00
Total		\$401,782.06
\$Less Refund Resolution		-44,126.20
<b>Actual Bill List</b>		<b>\$357,655.86</b>
Other payments check		
<b>Total Expenditures</b>		<b>\$357,655.86</b>

Approved: November 9, 2011  
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Moved: Weisbecker Seconded: Ramaglia  
 Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
 Voted Nay: None.  
 Motion carried.  
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Agenda No. X

**Reports of Mayor, Administrator, Council Members, Attorney and Clerk**

Councilman Weisbecker thanked everyone who voted yesterday.

Council President Smolinski thanked everyone for voting. One issue that repeatedly came up during campaign, he said, was that people felt that information being disseminated is limited. He blames the local newspapers. He said the editors are at fault, not the reporters. Information in the news is selective, limited and biased. He looks forward to having the Cablevision dedicated channel to allow people to draw their own conclusions and not rely on what is being fed to them.

Mayor Bieri thanked the residents for large turnout and support of candidates in yesterday’s election. She is privileged to serve and will continue to give her best. She stated that she welcomes councilwomen elect Ada Erik and CarlLa Horton.

Mr. Semrau asked Administrator Boyle if we heard back from the BOE on solar panels and Mr. Boyle advised that they did not reply. Mr. Semrau asked for and received consensus to call the BOE attorney to determine how we proceed. He stated that the Township can save up to \$23,000 per year and the BOE should advise us definitively if they have any position. Councilman Ramaglia stated that he read in *The Record* that West Milford is not participating. Mayor Bieri recalled that the BOE made it clear that we cannot proceed without their approval.

Agenda No. XI

**Appointments and Resignations**

None.

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 21 of 22  
-----

Agenda No. XII

**Executive Session**

Mayor Bieri read a motion for executive session as follows:

**MOTION FOR EXECUTIVE SESSION**

**BE IT RESOLVED** by the Township Council of the Township of West Milford on the 9<sup>th</sup> day of November, 2011 that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
  - ( ) b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
  - ( ) b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
  - ( ) b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
  - ( ) b. (4) A collective bargaining agreement including negotiations.
  - ( ) b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
  - (X) b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
    - Purchase of covert surveillance equipment.
  - ( ) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
  - ( ) b. (8) Personnel matters.
  - ( ) b. (9) Deliberations after a public hearing that may result in penalties.
2. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Adopted: November 9, 2011

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Moved: Weisbecker Seconded: Ramaglia  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Mayor and Council went to Executive Session at 9:26:10 pm.

Mayor and Council returned at 9:39:16 pm.

Agenda No. VII 2

**~ Resolution No. 2011-383 ~**

**RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING PURCHASE OF 2 COVERT VIDEO SYSTEMS USING THE BUFFER ZONE PROTECTION PLAN GRANT (BZPP)**

**WHEREAS**, the West Milford Township Police Department has been awarded funding for a project under the Federal Homeland Security Administration Buffer Zone Protection Plan Grant Program (BZPP) in the amount of \$109,700.00; and

**WHEREAS**, the BZPP Grant is a Federal Homeland Security Grant with funds being 100% reimbursed through the State's Office of Homeland Security and Preparedness; and

**WHEREAS**, the State 2004 Appropriations Act, P.L.2004, c.71, and as described by the Division of Local Government Services in Local Finance Notice 2009-20 allows local units to purchase goods from a federal General Services Administration or other federal contractor without the requirement for public bidding pursuant to the Local Public Contracts Law, and, through this resolution and properly

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**TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, NEW JERSEY**

Minutes of: Township Council Regular  
Date of Meeting: November 9, 2011  
Time of Meeting: 7:30 P.M.  
Minute Page No: Page 22 of 22  
-----

executed contracts, the West Milford Police Department plans to use such contracts to purchase goods to meet the requirements of the grant; and

**WHEREAS**, the West Milford Township Police Department has a need to acquire 2 covert video systems and accessories under the 2009 BZPP Grant for a combined price of \$20,271.42 from Tactical Technologies Inc.; and

**WHEREAS**, Tactical Technologies Inc. is a federal General Services Administration contractor under contract #GS-07F-5981R; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds said funds to be encumbered from account number G-02-41-775-240.

**NOW THEREFORE BE IT RESOLVED** by the Township Council of the Township of West Milford, County of Passaic, State of New Jersey that the purchase of the 2 covert video systems from Tactical Technologies Inc. in the amount of \$20,271.42 is hereby authorized.

Adopted: November 9, 2011

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay: None.  
Motion carried.  
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Agenda No. XIII

**Adjournment**

There being no further business to come before the Council, the Township Council adjourned the meeting at 9:40:07 pm.

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Moved: Weisbecker Seconded: Rosone  
Voted Aye: Weisbecker, Smolinski, Ramaglia, Rosone, Signorino.  
Voted Nay:  
Motion carried.  
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Approved: March 21, 2012

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MAYOR BETTINA BIERI  
PRESIDING OFFICER

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ANTOINETTE BATTAGLIA  
TOWNSHIP CLERK