

1. Borough Of Pompton Lakes Regular Council Meeting Agenda

Documents:

[AUGUST 17, 2022.PDF](#)

1.1. Ordinance 22-16

Documents:

[22-16 ADDITIONAL CHAPTER FOR FILMING.PDF](#)

AGENDA
REGULAR MEETING
August 17, 2022

The following is the Agenda for the Regular Council Meeting of the Borough of Pompton Lakes Mayor and Council, a Municipal Corporation in the County of Passaic. The Meeting will begin at 7:30pm on August 17, 2022 in the Municipal Building. Consistent with the New Jersey Open Public Meetings Act, the Meeting will be opened for public comments. Public comments may be made at designated times during the meeting and may be submitted in writing to be read aloud during the meeting. Comments to be read at the meeting must be submitted at least 24 hours prior to the meeting by email or to the Clerk's office at 25 Lenox Avenue, Pompton Lakes, NJ and must be of a length that can reasonably be read within the time limit for public comment.

1. CALL TO ORDER – Mayor Michael Serra

PRAYER

SALUTE TO FLAG

STATEMENT OF COMPLIANCE: “In conformance with the Open Public Meetings Law, Public Law 1975, Chapter 231, adequate notice of this Meeting setting forth the time, date, place and purpose of this regular Meeting through notice posted on the Bulletin Board in the Municipal Building, mailed to all who had requested and paid for same, and published in the Suburban Trends.

ROLL CALL:

- Mayor Michael Serra
- Council President Jennifer Polidori
- Councilman William Baig
- Councilman Bobby Cruz
- Councilman Erik DeLine
- Councilwoman Maria Kent
- Councilman Ekamon Venin

Borough Officers:
Mark J. Semeraro, Borough Attorney
Paula Cozzarelli, Borough Administrator
Elizabeth Brandsness, Municipal Clerk

MAYOR PRESENTATIONS AND UPDATES

Fire Department

Motion to appoint the following as members to the Pompton Lakes Volunteer Fire Department ____, second ____.

- Ronald H. Pressler
- Jay F. Greco
- Michael N. Mullane
- Samantha N. Dakake

Motion to reappoint the following as a member to the Pompton Lakes Volunteer Fire Department ____, second ____.

- Daniel G. Cottrell

2. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to open the Meeting for Public Comments __ Second __ All in favor __ Nays __
Motion to close the Meeting for Public Comments __ Second __ All in favor __ Nays __

3. APPROVAL OF MINUTES:

Motion to approve the following Minutes __ Second __. All in favor __, Nays __.

Regular Meeting Minutes July 13, 2022

4. AUTHORIZED BILLS AND CLAIMS:

**Resolution 22-202 RESOLUTION AUTHORIZING PAYMENT OF BILLS
IN THE AMOUNT OF 3,536,640.67**

Motion to approve the following Bill Lists Second. All in favor Nays .

Current Fund	\$ 3,325,286.63
Capital Fund	\$ 65,880.00
Recreation Trust	\$ 12,773.41
Unemployment	\$ 96.72
Dog Trust Account	\$ 100.20
Other Trust Account	\$ 3,657.95
Clerk’s Account	\$ -0-
Open Space Trust	\$ 128,845.76

5. PRESENTATION OF PETITIONS:

6. CONSENT AGENDA – RESOLUTIONS:

(Does Any Councilperson Require Any Consent Agenda Item To Be Pulled For Separate Actions?)

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes has reviewed the Consent Agenda consisting of various proposed Resolutions; and

WHEREAS, the Mayor and Council of the Borough of Pompton Lakes (*does / does not*) desire to remove Resolutions for individual action from that Agenda.

NOW, THEREFORE, BE IT RESOLVED that the following resolutions on the Consent Agenda are hereby approved:

1. Resolution 22-200 Accepting The Resignation Of Dorothy Elaine Lindsey (Crossing Guard) From The Pompton Lakes Police Department
2. Resolution 22-201 Authorizing The Approval And Submission Of The Program For Public Information Document To FEMA As Required For The Community Rating System (CRS) Program
3. Resolution 22-203 Appointment Of Jacqueline Sanchez To The Position Of Violations Clerk In The Municipal Court Effective Start Date August 15, 2022
4. Resolution 22-204 Appointment Of Steven Allaman Jr. To The Positon Of Laborer 2 With The Department Of Public Works Effective Start Date August 1, 2022
5. Resolution 22-205 Resolution Approving Appointment Of Full-Time And Part-Time Crossing Guards (Demarco/Menary/McLaren/Lucietto)
6. Resolution 22-206 Supporting The Drive Sober Or Get Pulled Over 2022 Statewide Labor Day Crackdown
7. Resolution 22-207 Appointment Of Richard DeVries To The Position Of Laborer 1 With The Department Of Public Works Effective Start Date August 1, 2022
8. Resolution 22-208 Authorizing Payment In Lieu Of Health Benefits To Qualified Borough Employees (Richard DeVries)
9. Resolution 22-209 Authorizing The Rescinding And Refunding Of Business Improvement Taxes For Block 6200 Lot 1
10. Resolution 22-210 Authorizing Payment In Lieu Of Health Benefits To Qualified Borough Employees (Jacqueline Sanchez)
11. Resolution 22-211 Amending The By-Laws Of The Borough Of Pompton Lakes Volunteer Fire Department
12. Resolution 22-212 Authorization For The Purchase Of Control Stations, Repeater Station At North Jersey Tower, Portable And Mobile Radios For The Department Of Public Works From Northeast Communications, Inc. In The Amount Of \$59,453.43
13. Resolution 22-213 Authorizing To Rescind And Amend 2022 Property Taxes And 2023 Preliminary Taxes For Block 2100 Lot 1 In Accordance With Resolution 21-190
14. Resolution 22-214 Approving A Chapter 159 Resolution Providing For The Insertion Of A Special Item Of Revenue In The 2022 Budget (American Recovery Plan)
15. Resolution 22-215 Approving A Chapter 159 Resolution Providing For The Insertion Of A Special Item Of Revenue In The 2022 Budget (Sustainable Jersey Grant funded by the PSE&G Foundation)
16. Resolution 22-216 Resolution Authorizing DMK Services, LLC To Repair And Improve The James Terrace Storm Water Drainage To The Wanaque River Outfall

Motion to approve the Resolutions____, Second____. All in favor____, Nays____.

7. RESOLUTIONS FOR SEPARATE ACTION (ROLL CALL)

8. INTRODUCTION OF ORDINANCES–FIRST READING AND INTRODUCTION:
(Ordinance will be presented for second reading and final adoption on _____, 2022)

9. ORDINANCES FOR SECOND READING AND FINAL ADOPTION:
(These Ordinances have been advertised and posted on the Municipal Bulletin Board)

ORDINANCE 22-16

AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE TO CREATE CHAPTER 28, “TELEVISION AND MOVIE FILMING” TO THE MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES

Motion to open the Meeting for public comments on Ordinance #22-16 ____, Second____.
All in favor____, Nays____.

Motion to close the Meeting for public comments on Ordinance #22-16____, Second____.
All in favor____, Nays____.

Motion to approve Ordinance #22-16 for Final Adoption____, Second____.

Roll Call:

10. MAYOR REPORT:

11. COUNCIL COMMITTEE REPORTS:

Council President Polidori:

Councilwoman Kent:

Councilman Venin:

Councilman Baig:

Councilman Cruz:

The following motion is presented on behalf of the Chamber of Commerce regarding the 22nd Annual Classic Car Show to be held on Sunday, October 9, 2022/Rain Date October 16, 2022 from 6:00am through 5:00pm:

- Police/Fire/First Aid to be notified on the following requests.
- Chamber of Commerce to contact Police Department and St. Mary’s Church to coordinate traffic control.
- Certificate of Insurance to be provided to the Borough

Motion to approve the following requests made by the Chamber of Commerce

- to hold the 22nd Annual Classic Car Show and close Wanaque Avenue from 6:00am – 5:00pm (Street Closure – between Pompton and Lakeside Avenues)
- to hang a banner on Wanaque Avenue advertising the 22nd Annual Classic Car Show from September 12, 2022 through October 17, 2022 (contact County Commissioners)
- for permission to use the Pond Hole Parking Lot during the 22nd Annual Classic Car Show

_____, second____. All in favor____, Nays____.

Councilman DeLine

Professional Reports:

12. TABLED ITEMS: None

13. MEETING OPEN FOR PUBLIC COMMENTS:

Motion to Open Meeting for Public Comments__Second__All in favor __Nays__.

Motion to Close Meeting for Public Comments__Second__All in favor__ Nays__.

14. PRIVILEGE OF THE FLOOR:

15. ADJOURN TO EXECUTIVE SESSION WHEN REQUIRED:

Negotiations – Block 7700 Lot 1

Motion to Adjourn____Second____. All in favor____Nays____.

Closed Session Time _____ **Open Session Time** _____

Motion to Open____Second____. All in favor____Nays____.

16. ADJOURNMENT: Motion to Adjourn____Second____. All in favor____Nays____.
Adjourn Time ____.

**BOROUGH OF POMPTON LAKES
ORDINANCE 22-16**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE MUNICIPAL CODE TO
CREATE CHAPTER 28, "TELEVISION AND MOVIE FILMING" TO THE
MUNICIPAL CODE OF THE BOROUGH OF POMPTON LAKES**

WHEREAS, The Mayor and Council of the Borough of Pompton Lakes (the "Borough"), County of Passaic, State of New Jersey recognize that the filming of motion pictures and television productions within the Borough has been increasing and may continue to increase in the future;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey, being the governing body thereof, that Chapter 28 "Television and Movie Filming" be created as set forth below.

Section 1. RECITALS. The foregoing whereas clause is incorporated herein by reference and made a part hereof

Section 2. Chapter 28, "Television and Movie Filming," shall be created to include the following:

CHAPTER 28 Television and Movie Filming.

§ 28-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT or APPLICANT OF PERMIT

Any person, organization, corporation, association or other entity applying for a film permit from the Borough of Pompton Lakes.

FILMING

The taking of still or motion pictures either on film or videotape, or similar recording medium, for the commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The provisions of this chapter shall not be deemed to include the "filming" of news stories within the Borough of Pompton Lakes.

FILM CREW MEMBERS

Any and all persons associated with the filming, including, but not be limited to: directors, actors, set or costume designers, camera crew members, lighting crew members, sound crew members, boom operators, pyrotechnic experts, stunt performers, extras, stagehands, security personnel, production or personal assistants, contractors and subcontractors, photographers, interns (paid or unpaid) and agents.

LICENSEE

A person who has a privilege to enter upon land arising from the permission or consent of the owner of the land.

MAJOR MOTION PICTURE

A. Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- (1) Universal Pictures/Comcast/NBC Universal;
- (2) Warner Brothers, including New Line Cinema, Castle Rock Cinema and Turner Production Company;
- (3) Paramount Global, including MTV Films and Nickelodeon Movie;
- (4) 20th Century Fox, including Fox Searchlight;
- (5) Sony/Columbia/Tri-Star;

- (6) Disney/Miramax/Pixar/Marvel Studios;
- (7) DreamWorks;
- (8) Lionsgate Films;
- (9) HBO and other cable network providers and heir subsidiaries or affiliates; and/or
- (10) MGM United Artists.

B. Any film for which the budget is at least \$5,000,000.

C. Any recurrent weekly television series programming.

PUBLIC LAND

Any and every street, highway, sidewalk or square, public park or playground or other public place within the Borough which is within the jurisdiction and control of the Borough of Pompton Lakes.

RESIDENTIAL ZONES

Shall mean as established by Chapter 190 of the Code of the Borough of Pompton Lakes.

§ 28-2 Permit required; application; duration; extensions.

- A. No person or organization shall film or permit filming on public property within the Borough of Pompton Lakes without having first applied and obtained a permit from the Borough Clerk, which shall set forth the approval location of such filming and the approved duration of such filming by specific reference to day or dates. All permits shall be applied for and obtained during normal business hours of the Office of the Clerk. Applications for such permits shall be in a form approved by the Office of the Clerk and be accompanied by a permit fee in the amount established by this ordinance, along with the necessary supporting documents.
- B. The following information shall be included in the permit application:
 - (1) Locations of filming;
 - (2) Proposed duration of filming, including date(s) and hours; subject to the final approval of the Borough Clerk as to the final filming schedule within the Borough of Pompton Lakes and subject to the requirements of this section;
 - (3) Amount of space required on public streets/highways/sidewalks; etc.; and
 - (4) Contact information for the applicant, including the on-site person;
 - (5) The estimated number of film crew members expected to be on-site during filming;
 - (6) If filming is conducted on private property, proof of the property owner's consent to film.
- C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Borough Clerk may, at the request of the applicant, issue a new permit for filming on other dates, subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

§28-3 Issuance of Permits.

- A. No permits will be issued by the Borough Clerk unless applied for prior to ten days before the requested shooting date.

B. No permits will be issued for filming upon public lands unless the applicant shall provide the Borough of Pompton Lakes with satisfactory proof of the following:

(1) Proof of insurance coverage as follows:

(a) For bodily injury to any one person in the amount of \$1,000,000 per occurrence and in the aggregate amount of \$2,000,000

(b) For property damage for each occurrence in the aggregate amount of \$300,000.

(c) The Borough of Pompton Lakes shall be named as an additional insured and
a certificate holder entitled to 30 days' notice of modification or cancellation

(2) An agreement, in writing, whereby the applicant agrees to indemnify, defend and hold harmless the Borough of Pompton Lakes, against any and all claims for damage and liability to or death of persons; and for damages to or destruction of public lands occurring during applicant's use of the premises and caused by the application's operations under and pursuant to this Agreement; and shall pay the reasonable costs of defending lawsuits resulting including, but not limited to, reasonable attorneys' fees, court costs and any judgment awarded to a third party as the result of such suit. In accordance with the foregoing, permittee shall also indemnify, defend and hold harmless the Borough of Pompton Lakes from any and all claims of intellectual property.

(3) The posting of a \$500.00 cash deposit protecting and ensuring that the location utilized will be left after filming in a satisfactory and debris free condition and in a fashion consistent with the Borough code. In the event that the property is not left in such condition, and remains unabated for more than 24 hours after the Borough notifies the Applicant of the same, the Borough is free to draw upon said monies to abate such condition that the Borough deems necessary in its sole and unencumbered judgment and to the extent that the \$500.00 deposit is insufficient to reimburse the Borough for all related expenses associated with the same, it shall be permitted to pursue recover against the Applicant for all reasonable costs associated with the same and if successful, the applicant must reimburse the Borough for all reasonable expenses associated with the same, including, but not limited to reasonable attorney's fees.

(4) The hiring of an off-duty Pompton Lakes police officer(s) for the times indicated on the permit in such number as required by the Pompton Lakes Police Department.

C. The holder of the permit shall take all responsible steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Pompton Lakes Police Department with respect thereto.

D. The holder of the permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Borough Clerk, said objection to form a part of applicant's application and be considered in the review of same. Proof of service of notification to adjacent owners shall be submitted to the Borough Clerk within two days of the requested shooting date.

E. Any applicant shall be required to hire off-duty police officers during filming if:

- (1) Firearms, pyrotechnics, or other hazardous materials are to be used;
- (2) Any actors or film crew members are to be wearing costumes that resemble the uniforms of any type of public personnel;
- (3) Any streets or lanes are to be closed; or
- (4) The filming involves activities in which a police presence is necessary to protect health, safety or welfare of the residents of the Borough of Pompton Lakes.

F. Any applicant shall be required to arrange with the Parking Authority for the use of parking in a municipal lot or metered spot(s).

§ 28-4 Refusal to issue permit; employment of patrolmen and electrician.

- A. The Borough may refuse to issue a permit whenever it is determined, on the basis of objective facts and after a review of the application and a written report thereon by the Police Department and by Borough departments involved in the proposed building site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, or in the opinion of the Police Department would unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. The Borough of Pompton Lakes reserves the right to require one or more on-site police officers in situations where proposed production may impede the proper flow of traffic, the cost of said officers to be borne by the applicant as a cost of production. Where existing applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§ 28-5 Appeals

- A. Any person aggrieved by the decision of the Borough Clerk denying or revoking a permit that has been denied by the Borough of Pompton Lake may appeal to the Borough Administrator. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Borough Clerk.
- B. An appeal from the decision of the Borough Clerk shall be filed within 10 calendar days from the date of the denial or revocation of the permit. The matter shall be decided by the Borough Administrator upon the written record unless a hearing is requested. Any hearing shall be conducted informally by the Borough Administrator, and the formal rules of evidence shall not apply. The decision of the Borough Administrator shall be issued within 45 days from the date of the notice of the appeal. Such decision is final and appealable to the Superior Court of New Jersey.

§ 28-6 Copies of permit; inspections.

- A. Copies of the approved permit shall be sent by the Borough Clerk to the Police Department and Fire Department before filming takes place. Copies shall be sent to any appropriate New Jersey state agencies, including the New Jersey Motion Picture and Television Commission.
- B. The applicant shall notify the Police Department and Fire Department 48 hours before the filming takes place and shall permit the Police Department and Fire Department or other designated Borough inspector to inspect the site and the equipment to be used. The applicant shall comply with all safety instructions issued by Borough inspectors, including but not limited to the Police Department and Fire Department.

§ 28-7 Interference with Public Activity; Notice of Filming.

The licensee shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.

The licensee shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the licensee's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three days prior to the requested shooting date and be informed that objections may be filed with the Office of the Clerk. Proof of service of notification to adjacent owners shall be submitted to the Office of the Clerk within two days of the requested shooting date.

§ 28-8 Filming in residential zones.

Filming in residential zones shall be permitted Monday through Friday between the hours of 7:00 a.m. and 9:00 p.m. or dusk, whichever is earlier, and between 9:00 a.m. and 9:00 p.m. on weekends or dusk, whichever is earlier and provide that all requests for night scenes shall be approved in the permit. The setup, production and breakdown required by all filming shall be included in the hours as set forth herein.

§ 28-9 Fees.

The schedule of fees for the issuance of permits authorized by this chapter are as follows:

- (1) Basic Filming Permit Fee: \$150.00
- (2) Non-profit Organization: \$25.00
- (3) Daily Filming Fee: \$500.00 (in addition to the Basic Permit Fee)
- (4) Daily Filming Fee for Major Motion Picture: \$1,500.00 per day (in addition to the Basic Permit Fee)
- (5) Overnight Parking Fee for Use of Publicly Owned Property or Right-of-Way: \$500.00 per day. Non-profit applicants: \$50.00 per day.

§28-10 Waiver of Fees for Student.

The fees set forth in § 28-9 shall be waived when filming is done by a student in a grade school, middle school, high school, college, university or other bona fide educational institution upon receipt by the Borough Clerk of a written certification from a teacher or administrator at the school attended by the student stating that the filming is for educational purposes only and is not intended for commercial use.

§ 28-11 Reimbursement of certain costs.

In addition to any other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough of Pompton Lakes for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

§ 28-12 Special regulations for major motion pictures.

Any days necessary to be used for setup and preparation for a major motion-picture filming shall be counted as a filming day where such setup is anticipated to involve one or more of the following conditions: traffic congestion; applicant's ability to remove film-related vehicles off the public streets; restrictions on the use of public streets or public parking during the course of the filming; and the nature of the film shoot (i.e., time of day, indoors or outdoors)

§ 28-13 Violations and penalties.

Where the owner of the premises is not the applicant for the permit required by this chapter, both the owner and the applicant shall each be liable for violations hereof. Any person violating this chapter or these rules and regulations, upon conviction thereof, shall be punished by a fine not exceeding \$2,000 per day or by imprisonment in the county jail for a term not exceeding 90

days, of both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 28-14 Exemptions.

The provisions of this chapter shall not apply to

- A. The filming of news stories within the Borough of Pompton Lakes by individuals and/or legitimate entities or organizations for purposes of journalism or news reporting;
- B. Filming by one individual using a hand-held camera without the assistance of other persons, or filming by one or more individuals for weddings, religious, occasions and other family or social private parties, occasions, events or functions;
- C. Filming for authorized municipal government purposes as may be authorized by the Borough Council or the Borough Administrator.

SECTION 3. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 13th day of July, 2022, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 17th day of August, 2022, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk