

**Independence Township Committee
Regular Meeting Agenda
April 9, 2024
7:00 pm**

This is a regular meeting of the Township Committee of Independence Township, Warren County, New Jersey. This meeting was called to order by Mayor Robert Giordano at 7:00 p.m. with the following announcement: "Adequate notice of this meeting was given in accordance with the Open Public Meetings Act by providing a schedule of regular meetings to the Herald Times and The Express Times, posting a copy thereof on the Township bulletin board and filing a copy thereof in the office of the Municipal Clerk." The Pledge of Allegiance to the American Flag was led by Mayor Giordano.

Roll Call: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Mayor Giordano commented that he was extremely proud of both of these gentlemen and their hard work.

No. 24-32

Date of Adoption: April 9, 2024

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Gregory Varina-Lieutenant, at a rate of \$ 113,502 per annum effective April 9, 2024.

Mr. Pennington made a motion to approve the passage of 24-32, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mr. Pennington conducted the Swearing In of Lieutenant Varina.

No. 24-33

Date of Adoption: April 9, 2024

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Michael Meistrell-Sergeant, at a rate of \$ 107,077.00 per annum effective April 9, 2024.

Mr. Pennington made a motion to approve the passage of 24-33, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mr. Pennington conducted the Swearing In of Sergeant Meistrell.

2024 Budget Resolution 24-29

Mrs. Gesumaria made a motion to open the floor for public comment, which was seconded by Mr. Stuber.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mr. Stuber made a motion to close the floor for public comment, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mrs. Kelsey made a motion to approve the 2024 Municipal Budget, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Consent Agenda:

No. 24-31

Date of Adoption: April 9, 2024

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Michelle Zetterberg-Deputy Clerk/Deputy Registrar and Assistant to the Construction Official, at a rate of \$ 50,000.00 per annum effective April 9, 2024.

No. 24-34

Date of Adoption: April 9, 2024

Title or Subject: APPOINTMENTS/ADJUSTMENTS

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointments/adjustments are hereby made:

Dena Hrebenak-Office of Emergency Management Coordinator, at a rate of \$ 2,904.00 per annum effective April 9, 2024.

Res. No. 24-35

Date of Adoption: April 9, 2024

Title or Subject: APPOINTMENT

BE IT RESOLVED by the Township Committee of the Township of Independence the following appointment is hereby made:

Ernest Kinney-Office of Deputy Emergency Management Coordinator term to expire April 9, 2027.

Mr. Pennington made a motion to approve the Consent Agenda, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mayor Giordano requested a motion to open the floor for the Public Comment on the 2024 Budget.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None

Abstain: None

Absent: None

Mrs. Gesumaria made a motion to open the floor for public comment, which was seconded by Mr. Stuber.

Mr. Stuber made a motion to close the public comment portion of the budget hearing
Adoption 2024 Budget Resolution 24-30

- Ordinance:

Second Reading

**TOWNSHIP OF INDEPENDENCE
COUNTY OF WARREN**

ORDINANCE NO. 2024-03

**ORDINANCE REGULATING AND PERMITTING
COMMERCIAL, TELEVISION, MOVIE, AND STILL FILMING
ON PUBLIC PROPERTY WITHIN THE TOWNSHIP OF INDEPENDENCE**

WHEREAS, the Township Committee desires to encourage filming within the Township in an organized, efficient, and controlled manner in order to protect the safety, health and welfare of all persons.

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-62.1, the Committee held a public hearing on this ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Independence, the County of Warren, that a Chapter of the Code of the Township of Independence (the “Code”), entitled “Filming,” is hereby added as follows:

SECTION 1. A Chapter of the Township Code entitled “Filming” is hereby added as follows:

§ ___-1. Definitions.

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

CREW -- Actors, extras, crew and all other persons who will participate in the filming.

FILMING -- The taking of still or motion pictures, or any incidental activities in connection therewith, using film, videotape or similar recording equipment, for commercial or educational purposes, intended for viewing on television or in theaters or for institutional use or for advertising purposes, any portion of which activity occurs on public lands.

PUBLIC LANDS -- Any and every public street, highway, sidewalk or square, public park or playground or other public place within the Township which is within the jurisdiction and control of the Township.

§ ___-2. Film Commission.

There shall be a three-member Film Commission established, consisting of the Mayor, Chief of Police, and one member of the Township Committee appointed by the Mayor, or their designees, which is hereby authorized to issue permits or to direct the Administrator to issue permits for filming or performing incidental activities in connection therewith on public lands.

§ ___-3. Permit required; applications; information.

- A. No person, firm or corporation shall film or permit filming or any activity in connection therewith within the Township of Independence on public land or which affects public land without first obtaining a permit therefor from the Township Film Commission, which permit shall set forth the location of such filming and the date or dates when filming shall take place.
- B. Applicants shall apply for a permit at least thirty (30) business days before filming commences. However, this thirty (30) day period may be waived by the Township Film Commission or its designee.
- C. If inclement weather prevents filming on the dates specified in the permit, the Township Film Commission may issue a new permit at no additional fee.
- D. Permit forms shall be obtained from the office of the Township Clerk during normal business hours. Applications for such permits shall be in a form approved by the Township Clerk and shall be accompanied by a permit fee as set forth in § ___-7 hereof.
- E. With each permit, the applicant shall provide the following information:
 - 1) The number of members of the filming crew.
 - 2) The estimated number and description of types of all vehicles to be used by the crew, including vehicles used for transportation.
 - 3) A description of arrangements for parking for crew and work vehicles.
 - 4) A description of sanitary arrangements to be made for crew and bystanders.
 - 5) A description of crowd control measures.
 - 6) A description of all location areas for filming or incidental activities.
 - 7) A description of cleanup methods to be used.
 - 8) A description of any special electrical requirements and the methods of satisfying those requirements, including all electrical permits required.
 - 9) Such information necessary to establish that the applicant can comply with the rules and regulations set forth in § ___-4 hereof.

- 10) Proof of insurance coverage as follows: combined single limit liability limits of \$1,000,000 and aggregate coverage in the amount of \$2,000,000. The Township of Independence shall be named as an additional insured under the applicant's policy.
- 11) An agreement in writing to indemnify and save harmless the Township of Independence from any and all liability or damages from the use of such public lands for such filming.
- 12) Such other information as required by the Film Commission necessary to protect the health, safety and welfare of the residents of the Township.

§ ___-4. Bond required.

Prior to the issuance of the permit, the applicant shall post a cash bond in the amount of \$2,500 to assure that the applicant has fully complied with all the terms and conditions of the permit and to reimburse the Township for property damage. The posting of the bond shall not be in lieu of providing liability insurance. The cash bond will be returned to the applicant, without interest, within 30 days after the applicant has notified the Township, in writing, that it has completed filming, unless the Township has unsatisfied claims against the applicant, in which case the Township will hold the bond, or a part thereof, until all claims against the applicant are satisfied.

§ ___-5. General Regulations.

- A. The holder of a permit shall take all reasonable 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 Township of Independence Police Department with respect thereto.
- B. The holder of a permit shall conduct filming in such a manner so 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.
- C. The holder of a permit shall take all reasonable steps to minimize the creation and spread of debris and rubbish during filming and shall be responsible for removing all equipment, debris and other rubbish from the filming location upon the completion of filming or the expiration of the permit, whichever comes first. If the Township Film Commission determines that the filming will produce excessive debris and other rubbish, the Township Film Commission may require the posting of a letter of credit, bond or other performance guaranty in addition to the bond required pursuant to § ___-4 herein to cover possible costs incurred.
- D. Filming shall take place within the hours agreed upon by the Township Film Commission and the film company.

- E. Each film location shall have an off-duty Township of Independence police officer, or a police officer approved by the Township of Independence Police Chief, at the film location, the cost of which shall be paid by the film company, unless the Chief shall determine that no officer is necessary. The Township Film Commission, upon advice of the Township Police Chief, reserves the right to require more than one police officer be on-site during filming.

The applicant shall submit a Request for Quasi Public Work form which can be obtained in the office of the Clerk.

The cost of said police officer(s) shall be paid by the applicant. In the event that any type of pyrotechnics is part of the filming, the Township Film Commission may require the presence of a fire inspectors and/or fire apparatus, the cost of which shall be paid by the applicant.

- F. No public street in the Township may be closed without the express permission of the Mayor and Committee. The applicant shall obtain the necessary permits for the closing and/or disruption of County and State roads and submit and necessary permits to the Township Film Commission or its designee.
- G. If any inspections such as fire, electrical, building or plumbing are required, the costs shall be paid by the film company. The Township Film Commission reserves the right, on a case-by-case basis, to require the approval of any Township Department or agency for activities which such Department or agency oversees or regulates.
- H. Copies of the approved permit shall be sent to the Township Police Department and Fire Department(s) and New Jersey Film Commission before filming takes place. The applicant shall permit the Fire Department(s) or other Township inspectors to inspect the site and the equipment to be used and shall comply with all safety instructions issued by the Fire Department(s) or other Township inspectors.

§ __-6. Issuance of Permit.

- A. The Independence Film Commission or its designee will authorize the issuance of a permit to the applicant if it determines, based on the information supplied, that the applicant can provide adequate measures for parking, sanitary facilities, crowd control and cleanup; that the applicant will comply with the rules and regulations set forth in § __-5 hereof; the applicant received all other necessary governmental approvals and that filming will not unduly interfere with the use and enjoyment of private property or the public facilities of the Township and will not endanger the public's health, safety and welfare.
- B. The Township Film Commission may refuse to issue a permit whenever, in its sole judgment, based on the information submitted, it determines that:

- 1) 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, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- 2) The applicant has not established that it has provided adequate measures for parking, sanitary facilities, crowd control and cleanup or that the applicant has not received and submitted all other necessary government approvals.
- 3) The applicant has failed to establish that the filming would not unreasonably interfere with the use and enjoyment of adjoining properties; unreasonably impede the free flow of vehicular or pedestrian traffic; or otherwise endanger the public's health, safety or welfare.
- 4) The applicant has not shown that it can comply with the rules and regulations set forth in § -4 hereof.

§ ___-7. Fees.

Filming permit (includes first day of filming and includes nonrefundable filing fee of \$100)	\$500.00
Every day thereafter	\$300.00 per day Plus additional bond as referenced in § ___-4 and § ___-5(C) herein

§ ___-8. Violations and penalties; enforcement.

- A. Any person violating this chapter or rules and regulations contained herein shall be subject to a fine not to exceed \$2,000 or imprisonment for a term not to exceed 90 days, or both. Each day on which a violation of the Ordinance occurs shall be considered a separate and distinct violation subject to the imposition of a separate penalty.
- B. The Township Police Department are hereby designated as the enforcement agency responsible for the enforcement of this Ordinance. Additionally, the Engineer or his designee, in consultation with the Township attorney may issue a Stop Work Order or revoke the Filming Permit until such violation is abated.

§ ___-9. Exceptions.

The provisions of this chapter shall not apply to the filming of news stories or filming with a crew of four or fewer members;

§ ___-10. Appeals.

Any person aggrieved by a decision of the Township Film Commission denying or revoking a permit may appeal to the Township Committee. A written notice of the appeal setting forth the reasons for the appeal shall be filed with the Township Clerk within ten (10) calendar days of the Township Film Commission's decision. The Township Committee shall set the matter down for a hearing within thirty (30) calendar days of the day on which the notice of appeal was filed.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Mr. Pennington made a motion to open the floor for public comment on Ordinance 2024-03, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano
Nays: None
Abstain: None
Absent: None

Seeing no public comment, Mr. Stuber made a motion to close the public comment period, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano
Nays: None
Abstain: None
Absent: None

Mr. Pennington made a motion to adopted Ordinance 2024-03, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano

Nays: None
Abstain: None
Absent: None

Bill List

Mrs. Gesumaria made a motion to approve the passage of the bill list, which was seconded by Mrs. Kelsey.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano
Nays: None
Abstain: None
Absent: None

Mrs. Kelsey made a motion to adjourn the meeting at 7:19pm, which was seconded by Mrs. Gesumaria.

Ayes: Mrs. Gesumaria, Mr. Pennington, Mr. Stuber, Mrs. Kelsey, Mayor Giordano
Nays: None
Abstain: None
Absent: None