

COMMISSIONERS REGULAR MEETING AGENDA
RIDGEFIELD PARK
September 12, 2023
7:30 PM

Mayor Anlian announces that this meeting is being held in accordance with the "Open Public Meeting Act, N.J.S.A. 10 4-6 et seq." notice of which was sent to the Record and the Star Ledger on December 29, 2022 and was posted on the Municipal Bulletin Board and the Village Website.

ROLL CALL

FLAG SALUTE

APPROVAL OF MINUTES

Commissioners Regular Meeting of August 8, 2023

PAYMENT OF BILLS

COMMISSIONER REPORTS

HEARING OF CITIZENS

NEW BUSINESS

Mayor Anlian announces that the following business is considered to be routine in nature and will be enacted in one motion. Any item may be removed for separate consideration.

RESOLUTIONS:

- 2023-122 Authorize the Form and Other Details of Not Exceeding \$8,000,000 General Bonds and Providing for their Sale to the New Jersey Infrastructure Bank and Authorizing the Execution and Delivery of Certain Agreements
- 2023-123 Award Contract to Boswell Engineering, Inc. for Preparation of Specifications, Plans, and Construction Inspection for the Overpeck Ave. Islands Reductions
- 2023-124 Authorize Expenditure of Fire Prevention Dedicated Funds
- 2023-125 Appoint Board of Recreation Member

ORDINANCE PUBLIC HEARING & ADOPTION

- 2023-12 AN ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK
REPEALING AND REPLACING CHAPTER 182, "FILMING"

PROCLAMATION

Mosaic Lodge

CLOSED SESSION (if necessary)

- 2023-126 Authorize Closed Session Meeting

ADJOURNMENT

Resolution 2023-122

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF NOT EXCEEDING \$8,000,000 GENERAL BONDS (AND NOTES IN ANTICIPATION THEREOF) OF THE VILLAGE OF RIDGEFIELD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY INFRASTRUCTURE BANK AND THE STATE OF NEW JERSEY AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN AGREEMENTS IN CONNECTION THEREWITH.

WHEREAS, The Village of Ridgefield Park, in the County of Bergen, New Jersey (the “Local Unit”), has determined that there exists a need within the Local Unit to acquire, construct, renovate, install or refinance the Project (the “Project”), as defined in each of that certain Loan Agreement (the “I-Bank Loan Agreement”) to be entered into by and between the Local Unit and the New Jersey Infrastructure Bank (the “I-Bank”) and that certain Loan Agreement (the “Fund Loan Agreement” and, together with the I-Bank Loan Agreement, the “Loan Agreements”) to be entered into by and between the Local Unit and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection (the “State”), all pursuant to the New Jersey Infrastructure Bank Financing Program (the “Program”);

WHEREAS, the Local Unit has determined to finance or refinance the acquisition, construction, renovation or installation of the Project with the proceeds of a loan to be made by each of the I-Bank (the “I-Bank Loan”) and the State (the “Fund Loan” and, together with the I-Bank Loan, the “Loans”) pursuant to the I-Bank Loan Agreement and the Fund Loan Agreement, respectively;

WHEREAS, to evidence the Loans, each of the I-Bank and the State require the Local Unit to authorize, execute, attest and deliver the Local Unit’s General Bond, to the State (the “Fund Loan Bond”) and General Bond, to the I-Bank (the “I-Bank Loan Bond” and, together with the Fund Loan Bond, the “Local Unit Bonds”) pursuant to the terms of the Local Bond Law of the State, constituting Chapter 2 of Title 40A of the Revised Statutes of the State (the “Local Bond Law”), other applicable law and the Loan Agreements;

WHEREAS, the Local Unit Bonds have been authorized pursuant to a bond ordinance of the Local Unit adopted on August 17, 2023, entitled: “Bond ordinance providing for the improvement of the sanitary sewerage and storm water drainage systems (CSO Project) in and of the Village of Ridgefield Park, in the County of Bergen, New Jersey, appropriating \$8,000,000 therefor and authorizing the issuance of \$8,000,000 bonds or notes of the Village for financing such appropriation” (the “Bond Ordinance”); and

WHEREAS, the I-Bank and the State have expressed their desire to close in escrow the making of one or more Loans, the issuance of one or more Local Unit Bonds and the execution and delivery of one or more Loan Agreements, all pursuant to the terms of an Escrow Agreement (the “Escrow Agreement”) to be entered into by and among the I-Bank, the State, the escrow agent named therein and the Local Unit; and

WHEREAS, N.J.S.A. §40A:2-27(a)(2) of the Local Bond Law allows for the sale of the I-Bank Loan Bond and the Fund Loan Bond to the I-Bank and the State, respectively, without any public offering, and N.J.S.A. §58:11B-9(a) allows for the sale of the I-Bank Loan Bond to the I-Bank

without any public offering, all under the terms and conditions set forth in the following resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE VILLAGE OF RIDGEFIELD PARK, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. Award of the Local Unit Bonds. In accordance with N.J.S.A. §40A:2-27(a) (2) of the Local Bond Law and N.J.S.A. §58:11B-9(a), the Local Unit hereby sells and awards its (a) I-Bank Loan Bond to the I-Bank in accordance with the provisions of this resolution and (b) Fund Loan Bond to the State in accordance with the provisions of this resolution.

Section 2. Basic Terms of the Local Unit Bonds; Delegation of Power to Make Certain Determinations. The chief financial officer of the Local Unit, the acting chief financial officer of the Local Unit or the treasurer of the Local Unit (the "Chief Financial Officer") or the Commissioner of Revenue and Finance of the Local Unit (the "Commissioner of Revenue and Finance") is hereby authorized to determine, in accordance with the Local Bond Law and pursuant to the terms and conditions established by the I-Bank and the State under the Loan Agreements and the terms and conditions of this resolution, the following items with respect to the I-Bank Loan Bond and the Fund Loan Bond:

- (a) The aggregate principal amount of the I-Bank Loan Bond to be issued and the aggregate principal amount of the Fund Loan Bond to be issued, which amounts in the aggregate shall not exceed \$8,000,000;
- (b) The maturity or maturities and annual and semi-annual principal installments of the Local Unit Bonds, which maturity or maturities shall not exceed thirty-five (35) years (or such longer period of time as allowed by the Program but in any event no longer than forty (40) years) from the date of the Local Unit Bonds;
- (c) The date or dates of the Local Unit Bonds;
- (d) The interest rates of the Local Unit Bonds, provided that the effective interest rate of the I-Bank Loan Bond does not exceed seven per centum (7%) and that the interest rate on the Fund Loan Bond is zero per centum (0%);
- (e) The purchase price for the Local Unit Bonds;
- (f) The terms and conditions under which the Local Unit Bonds shall be subject to redemption prior to their stated maturities; and

(g) Such other matters with respect to the Local Unit Bonds as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof including (1) adjusting the title of the Local Unit, (2) issuing each Local Unit Bond in the form of multiple bonds from time to time if the project is funded in more than one installment by the Program and (3) combining the issuance of the Local Unit Bonds with the issuance of other bonds of the Local Unit authorized or to be authorized to be issued for other purposes.

Section 3. Determinations Conclusive. Any determination made by the Chief Financial Officer or the Commissioner of Revenue and Finance pursuant to the terms of this resolution shall be conclusively evidenced by the execution and attestation of the Local Unit Bonds by the parties authorized under Section 4(c) of this resolution.

Section 4. Further Terms of the Local Units Bonds. The Local Unit hereby determines that certain terms of the Local Unit Bonds shall be as follows:

(a) The Fund Loan Bond shall be issued in a single denomination and shall be numbered RA-1, or as may otherwise be determined by the Chief Financial Officer or the Commissioner of Revenue and Finance. The I-Bank Loan Bond shall be issued in a single denomination and shall be numbered RB-1, or as may otherwise be determined by the Chief Financial Officer or the Commissioner of Revenue and Finance;

(b) The Local Unit Bonds shall be issued in fully registered form (convertible to bearer as therein provided) and shall (unless converted to bearer) be payable to the registered owners thereof as to both principal and interest in lawful money of the United States of America;

(c) The Local Unit Bonds shall be executed by the manual or facsimile signatures of the Mayor and the Chief Financial Officer under official seal or facsimile thereof affixed, imprinted, engraved or reproduced thereon and attested by the manual signature of the Local Unit Clerk or Deputy Local Unit Clerk (the "Local Unit Clerk"); and

(d) In order to distinguish the Local Unit Bonds from other bonds of the Local Unit, the Local Unit Bonds shall have such letters and/or numbers incorporated in their titles as shall be determined by the Chief Financial Officer or the Commissioner of Revenue and Finance.

Section 5. Forms of the Local Unit Bonds. The I-Bank Loan Bond and the Fund Loan Bond shall be substantially in the form set forth in the I-Bank Loan Agreement and the Fund Loan Agreement, respectively.

Section 6. Authorized Parties. The law firm of Hawkins Delafield & Wood LLP, bond counsel to the Local Unit, is hereby authorized to arrange for the printing of the Local Unit Bonds, which law firm may authorize McCarter & English, LLP, bond counsel to the I-Bank and the State for the Program, to arrange for same. The Local Unit auditor and financial advisor, if any, are hereby authorized to prepare the financial information necessary in connection with the issuance of the Local Unit Bonds. The Mayor, the Chief Financial Officer, the Commissioner of Revenue and Finance and the Local Unit Clerk (each, an "Authorized

Official”) are hereby severally authorized to execute any certificates necessary or desirable in connection with the financial and other information.

Section 7. Report to the Local Unit. The Chief Financial Officer or the Commissioner of Revenue and Finance is hereby directed to report in writing to this Board of Commissioners at the next meeting of this Board of Commissioners next following the closing with respect to the Local Unit Bonds as to the terms of the Local Unit Bonds authorized to be determined by the Chief Financial Officer or the Commissioner of Revenue and Finance pursuant to and in accordance with the provisions of this resolution.

Section 8. Delivery of the Local Unit Bonds. Each Authorized Official is hereby authorized to execute any certificate or document necessary or desirable in connection with the sale of the Local Unit Bonds and is hereby further authorized to deliver same to the I-Bank and the State upon delivery of the Local Unit Bonds and the receipt of payment therefor in accordance with the Loan Agreements.

Section 9. Execution of Agreements. The I-Bank Loan Agreement, the Fund Loan Agreement and the Escrow Agreement (collectively, the “Financing Documents”) are hereby authorized to be executed and delivered on behalf of the Local Unit by an Authorized Official (other than the Local Unit Clerk) in substantially the forms required and traditionally used by the I-Bank and the State (which forms are available from the I-Bank and the State), with such changes as such Authorized Official, in his or her sole discretion, after consultation with counsel and any advisors to the Local Unit (the “Local Unit Consultants”) and after further consultation with the I-Bank, the State and their representatives, agents, counsel and advisors (collectively, the “Program Consultants” and, together with the Local Unit Consultants, the “Consultants”), shall determine, such determination to be conclusively evidenced by the execution of each such Financing Document by an Authorized Official (other than the Local Unit Clerk). The Local Unit Clerk is hereby authorized to attest to the execution of the Financing Documents by an Authorized Official and to affix the corporate seal of the Local Unit to such Financing Documents.

Section 10. Authorized Actions. The Authorized Officials are hereby further severally authorized to (i) execute and deliver and the Local Unit Clerk is hereby further authorized to attest to such execution and to affix the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Financing Documents and the Local Unit Bonds and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate and (ii) perform such other actions as the Authorized Officials deem necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 11. Multiple Document Sets. Notwithstanding any other provision of this resolution to the contrary, if in connection with the participation of the Local Unit in the Program, the State and the I-Bank require that the Local Unit execute more than one set of documents, the provisions of this resolution shall be deemed to apply to the Local Unit Bonds and the Financing Documents related to each set of documents; provided, however, that in no

event may the aggregate principal amount of all Local Unit Bonds issued and delivered pursuant to the provisions of this resolution be in excess of the amount referred to in Section 2(a) hereof.

Section 12. Interim Financing. In anticipation of the issuance of the Local Unit Bonds, the Local Unit hereby authorizes, if necessary or desirable, the issuance, sale and award of a bond anticipation note or notes, or other obligation or obligations (the "Note") pursuant to the I-Bank's financing program. The Note shall be substantially in the form provided by the I-Bank. The execution and delivery of the Note shall be in the same manner as herein prescribed with respect to the Local Unit Bonds. An Authorized Official is hereby authorized to determine, pursuant to the terms and conditions established by the I-Bank under its financing program and the terms and conditions of this resolution, the following items with respect to the Note: (a) the aggregate principal amount of the Note to be issued, which amount shall not exceed \$8,000,000; (b) notwithstanding any provisions of the Bond Ordinance or of N.J.S.A. 40A:2-8 to the contrary and as authorized by the provisions of N.J.S.A. 58:11B-9(e), the maturity of the Note, which shall be no later than five (5) years after the date of issuance thereof or such longer or extended period of time as may be permitted under the rules of the I-Bank's financing program; (c) the date of the Note; (d) the interest rate or rates of the Note (including different interest rates applicable to different drawdowns on the Note), which shall not exceed three percent (3%) per annum or such higher rate as may be determined pursuant to the rules of the I-Bank's financing program; (e) the purchase price for the Note; and (f) such other matters with respect to the Note as may be necessary, desirable or convenient in connection with the sale, issuance and delivery thereof, including, without limitation (i) combining the issuance of the Note with the issuance of other notes of the Local Unit authorized or to be authorized to be issued for other purposes and (ii) issuing the Note in the form of multiple notes from time to time if the project is funded in more than one installment by the I-Bank. The Authorized Officials are hereby further severally authorized to manually execute and deliver and the Local Unit Clerk is hereby further authorized to attest by manual signature to such execution and to affix, imprint, engrave or reproduce the corporate seal of the Local Unit to any document, instrument or closing certificate deemed necessary, desirable or convenient by the Authorized Officials or the Local Unit Clerk, as applicable, in their respective sole discretion, after consultation with the Consultants, to be executed in connection with the execution and delivery of the Note and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such document, instrument or closing certificate by the party authorized under this resolution to execute such document, instrument or closing certificate.

Section 13. Capitalized Terms. All capitalized words and terms used but not defined in this resolution shall have the meanings ascribed to such words and terms, respectively, in the preambles to this resolution.

Section 14. Prior Action. All action taken to date by the officers, employees and agents of the Local Unit with respect to the Local Unit Bonds and the Note hereby are approved, ratified, adopted and confirmed.

Section 15. Effective Date. This resolution shall take effect immediately.

Resolution No. 2023-123

A Resolution Awarding a Contract to Boswell Engineering, Inc. for the Preparation of Specifications, Plans, and Construction Inspection for the Overpeck Ave. Island Reduction

Whereas, The Village of Ridgefield Park has been selected to receive funding from the New Jersey Department of Transportation (NJDOT) Municipal Aid Program for road projects, in the amount of \$1,800,000.00 toward the construction costs; and

Whereas, The Village wishes to remove and reduce the overall width of the existing roadway islands and repair cracking and/or damaged concrete roadway areas. The newly constructed roadway island will be substantially similar to the roadway islands on Grand Avenue; and

Whereas, the Village Engineer, Boswell Engineering, Inc. (the "Professional"), has submitted a proposal dated August 24, 2023, a copy of which is on file with the Village Clerk, to prepare specifications, plans, and construction inspection for the Village pursuant to the scope of work set forth therein, for the estimated price not to exceed \$73,000.00 for the survey and design phase and \$85,000.00 for the inspection phase of the project; and

Whereas, the award of a contract to a licensed professional is exempt from public bidding requirements pursuant to N.J.S.A. 40A:11-5; and

Whereas, this contract has been awarded under the "alternative process" pursuant to *N.J.S.A. 19:44A-20.4 et seq.* (the "Pay-to-Play Law"), and has been awarded to Professional based upon the merits and abilities of Professional to provide the services necessary; and

Whereas, Professional has completed and submitted a Business Entity Disclosure Certification which certifies that Professional has not made any reportable contributions to a political candidate or candidate committee in the Village of Ridgefield Park in the previous one year, and that the contract will prohibit Professional from making any reportable contributions through the term of the contract; and

Whereas, the Village Chief Financial Officer has certified that funds have been appropriated and are available for this purpose in account number _____.

Now, Therefore, Be It Resolved by the Board of Commissioners of the Village of Ridgefield Park as follows:

1. The Recitals above are incorporated as if set forth herein at length.
2. A contract is hereby awarded to Boswell Engineering, Inc. pursuant to the August 24, 2023 Proposal, a copy of which is incorporated herein by reference.

3. The Mayor (or Commissioner-in-Charge) and the Village Clerk are hereby directed, authorized and empowered to execute a contract with Boswell Engineering, Inc. in a form satisfactory to the Village Attorney and to take all steps reasonably necessary to effectuate the provisions and purposes of this resolution.
4. All other Village officials, officers and employees are hereby directed, authorized and empowered to take all steps reasonably necessary to effectuate the purposes and provisions of this resolution.

Resolution 2023-124

WHEREAS, the Fire Marshal, Peter Danzo has requested payment be made to Motorola Solutions Inc.; and

WHEREAS, this expenditure is a permitted use of funds in the Fire Prevention Dedicated Account.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners hereby authorizes the following expenditure:

Motorola Solutions, Inc.

\$8,154.76

Resolution 2023-125

BE IT FURTHER RESOLVED that the Board of Commissioners hereby appoints the following as a member of the Board of Recreation:

Anthony Lopez, Regular Member, three-year term expiring

VILLAGE OF RIDGEFIELD PARK

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE VILLAGE OF RIDGEFIELD PARK REPEALING AND REPLACING CHAPTER 182, "FILMING"

BE IT ORDAINED by the Mayor and Board of Commissioners of the Village of Ridgefield Park, as follows:

Section 1. Chapter 182 of the Village Code is repealed in its entirety and replaced as follows:

CHAPTER 182 - FILMING

§182-1 Definitions.

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

FILMING

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

MAJOR MOTION PICTURE

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

- A. Universal Pictures.
- B. Warner Brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and BelAire.
- C. Paramount, including MTV Films and Nickelodeon Movie.
- D. 20th Century Fox, including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM/United Artists.
- H. Dreamworks.
- I. Any major streaming service, such as Netflix, Hulu, or Amazon Prime Video.

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

K. Recurrent weekly television series programming.

PUBLIC LANDS

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

§182-2 Permit required.

A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Commissioner responsible for Public Art hereafter referred to as the Commissioner-in-Charge, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by Village officials at all times at the site of the filming.

B. All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Commissioner-in-Charge and be accompanied by a permit fee in the amount established by this chapter in §182-10 herein.

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 Commissioner-in-Charge 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.

§182-3 Issuance of permits.

A. No permits will be issued by the Commissioner-in-Charge unless applied for prior to three days before the requested shooting date; provided, however, that the Commissioner-in-Charge may waive the three-day period if, in his or her judgment, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.

B. No permit shall be issued for filming upon public lands unless the applicant shall provide the municipality 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 \$500,000 and any occurrence in the aggregate amount of \$1,000,000.

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

(2) An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the municipality from any and all liability, expense, claim or damages resulting from the use of public lands.

(3) The hiring of an off-duty police officer for the times indicated on the permit.

C. The holder of the 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 Police Department with respect thereto.

§182-4 Interference with public activity; notice of filming.

A. The holder of a 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.

B. 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 Commissioner-in-Charge, said objections to form a part of applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Commissioner-in-Charge within two days of the requested shooting date.

§182-5 Refusal to issue permit; employment of patrolmen and electrician.

A. The Commissioner-in-Charge may refuse to issue a permit whenever he or she determines, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by other Village agencies involved with the proposed filming 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, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.

B. Further, the Village reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolman to be borne by the 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.

§182-6 Appeals.

A. Any person aggrieved by a decision of the Commissioner-in-Charge denying or revoking a permit or a person requesting relief may appeal to the Board of Commissioners. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk.

B. An appeal from the decision of the Commissioner-in-Charge shall be filed within 10 days of the Commissioner's decision. The Board of Commissioners shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Board of Commissioners shall be in the form of a resolution supporting or reversing the decision of the Commissioner-in-Charge at the first regularly scheduled public meeting of the Board of Commissioners after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Commissioner-in-Charge shall be deemed to be affirmed.

§182-7 Waiver of requirements of chapter by Commissioner-in-Charge.

The Commissioner-in-Charge may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Commissioner-in-Charge determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Commissioner-in-Charge shall consider the following factors:

A. Potential traffic congestion at the location.

B. The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.

C. The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.

D. The nature of the filming, including whether filming will take place indoors or outdoors, and the proposed hours for filming.

E. The extent to which the filming may affect adjoining and nearby property owners and occupants.

F. The Village's prior experience with the applicant, if any.

§182-8 Copies of permit; inspections.

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place and to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Village inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other Village inspectors.

§182-9 Reimbursement of certain costs.

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

§182-10 Fees.

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

- A. Student filming permit: No Fee
- B. Basic filming permit: \$100. Where an applicant requests a waiver of the provision of § 3B requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150.
- C. Daily filming fee payable in addition to the basic filming permit when filming entirely on public property: \$200 per day.
- D. Daily filming fee payable for major motion picture when filming entirely on public property: \$1,000 per day.
- E. Filming permit for nonprofit applicants filming for educational purposes, not including student films (no daily rate required): \$25.
- F. Filming on private property: Permit Fee \$25.

§182-11 Violations and penalties.

Any person who violates any provision of this chapter shall be subject to immediate suspension of filming privileges and, upon conviction thereof, be punished by a fine not exceeding \$2,000, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by the Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered

a separate and distinct violation and shall be subject to imposition of a separate penalty for each day of the violation as the Municipal Court Judge may determine.

§182-12 Absence of Commissioner-in-Charge.

In the absence of the Commissioner-in-Charge the Mayor may perform all the responsibilities set forth herein.

Section 2. Repeal of Inconsistent Ordinances.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Savings Clause.

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed pursuant to this Ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 5. Effective Date.

This Ordinance shall become effective 20 days after adoption and publication as required by law.