

**WORKSHOP MEETING  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**May 3, 2022**

The Workshop Meeting of the Governing Body of the Borough of Bloomingdale was held in the Council Chambers of the Municipal Building (101 Hamburg Tpke) on the above date. Mayor John D'Amato called the meeting to order at 7:00PM.

Mayor led the **Salute to the Flag**

**Official Roll Call:** (taken by the Borough Clerk)

*In Attendance:* Mayor John D'Amato  
Councilman Dominic Catalano  
Councilman John Graziano  
Councilwoman Dawn Hudson  
Councilwoman Evelyn Schubert  
Councilman Ray Yazdi

Municipal Clerk, Breeanna Smith  
Business Administrator, Michael Sondermeyer  
Borough Attorney, Dawn Sullivan

*Excused:* Councilman Drew Juhlin

**PUBLIC NOTICE STATEMENT**

**Councilman D'Amato stated:** *This Meeting is called pursuant to the provisions of the Open Public Meetings Law. Adequate notice of this meeting was advertised in the Herald News on January 12, 2022; copies were provided to the local news media and posted continuously in the Municipal Building. A copy of this notice is available to the public and is on file in the office of the Municipal Clerk.*

*Per State Fire Code, I am required to acknowledge that there are two emergency exits in this Council Chambers. The main entrance which you entered through and a secondary exit to the left of where I am seated. If there is an emergency, walk orderly to the exits, exit through the door, down the stairs and out the building. If there are any questions, please raise your hand now.*

**NON-AGENDA:**

1. Resolution No. 2022-5.5: Cannabis Application Process

**EARLY PUBLIC COMMENT:**

Motion was made by HUDSON to open the meeting for public comment; seconded by GRAZIANO and carried on voice vote all voting AYE.

Linda Huntley, 86 Van Dam Avenue, Bloomingdale:  
Made the following inquires:

- Confirmation of non-agenda item (Cannabis application process)
- Sloan Park emergency, confirmation unrelated to flooding

Since there was no one else who wished to speak, CATALANO made a motion to close public comment, second by GRAZIANO & carried on voice vote all members voting AYE, none were opposed.

**REPORTS (PROFESSIONALS, DEPT HEADS, COMMITTEES, LIAISONS, MAYOR):**

**Councilwoman Hudson (BOH Liaison):**

- Town Cleanup Day – May 7<sup>th</sup>
- Townwide Garage Sale – May 14<sup>th</sup>
- Memorial Day Parade – May 30<sup>th</sup> (starting at Sloan Park)

**Councilman Catalano (Planning Board Liaison):**

- Ord 6-2022 was reviewed & recommended by the Planning Board & carried on a (6) YES (2) NO votes. Those not in favor opposed the distance from school
- Commended the Bloomingdale Police Department new hires / promotions

**Councilman Graziano (EDC Liaison/Municipal Alliance Liaison):**

- Mia’s Ice Cream – Grand Opening May 7<sup>th</sup> 11AM

**Councilwoman, Evelyn Schubert**

- Older Americans Month
- Programs / activities on Borough webpage
- Dueling Piano Library Fundraiser – May 7<sup>th</sup>

**Mayor, John D’Amato:**

- Police Department – Swearing in ceremony May 10<sup>th</sup> – Firemen’s hall
- International Firefighter Day – May 4<sup>th</sup>

**CONSENT AGENDA**

*(Adoption of Resolutions No. 2022-5.1 – 2022-5.4)*

**Motion:** Dawn Hudson

**Second:** Ray Yazdi

**Roll Call Vote:** CATALANO (YES), GRAZIANO (YES), HUDSON (YES), SCHUBERT (YES), YAZDI (YES)

**CONSENT AGENDA RESOLUTION:**

**RESOLUTION NO. 2022-5.1  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

*Accepting, Approving and/or Adopting the Consent Agenda of the  
May 3, 2022 Workshop Meeting*

**WHEREAS**, the Borough Council of the Borough of Bloomingdale has determined that to increase efficiency, the Consent Agenda shall be adopted with one resolution, and

**NOW THEREFORE BE IT RESOLVED** that the following resolutions, placed on this agenda by consent, require no discussion and the same having been previously reviewed by each Governing Body member, be and are hereby adopted in their entirety by the Council of the Borough of Bloomingdale.

**A. Motion to approve minutes:**

- January 18, 2022 – Regular Meeting
- April 5, 2022 – Workshop Meeting
- April 19, 2022 – Executive Session
- April 19, 2022 – Regular Meeting

**B. Proclamation: Motorcycle Safety Awareness Month (May 2022)**

**C. Resolution No. 2022-5.2: ‘Bag Up NJ’ Month (May 2022)**

**D. Resolution No. 2022-5.3: Declare an Emergency (Sloan Park)**

**E. Motion to approve Junior Firefighter – Dennis Ackerman**

**F. Resolution No. 2022-5.4: Purchase of Chevy Silverado 2500 Pickup Crew Cab**

*Record of Council Vote on Passage*

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin				X

Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2022.

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Breeanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale

**PENDING ITEMS**

**A. Second/Final Reading & Public Hearing:**

*Ordinance No. 6-2022: Amend Ch. 92 Zoning (Cannabis Retailers)*

The Municipal Clerk, Breeanna Smith, read the Public Notice statement.

Councilman GRAZIANO moved that the Ordinance be read by title; seconded by CATALANO and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 6-2022  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 “ZONING” AND OF THE CODE OF THE BOROUGH OF BLOOMINGDALE TO ADDRESS CANNABIS RETAILERS**

**WHEREAS**, in 2021, in response to Governor Murphy signing into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older, the Borough adopted Ordinance 15-2021 which prohibited the operation of all cannabis businesses within the Borough of Bloomingdale; and

**WHEREAS**, the Bloomingdale Borough Council established a Cannabis Regulatory Commission to explore the impact and feasibility of permitting certain cannabis businesses to operate in the Borough and the areas where such businesses may operate; and

**WHEREAS**, the Bloomingdale Cannabis Regulatory Commission made certain recommendations with regard to permitting limited cannabis wholesale and limited cannabis retail opportunities within the Borough, and such suggestions were reviewed and considered by the Bloomingdale Ordinance Review Committee;

**WHEREAS**, following its review of the recommendations of the Cannabis Regulatory Commission, the Ordinance Review Committee made certain recommendations for amending the Borough Code to permit cannabis retailers to operate in the Borough and the regulations under which such businesses may operate; and

**WHEREAS**, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”; and

**WHEREAS**, the Borough Council of the Borough of Bloomingdale has determined that, based upon the review and recommendation of both the Cannabis Regulatory Commission and the Ordinance Review Committee, the amendment of Chapter 92 to permit and regulate cannabis retail establishments is appropriate at this time.

**NOW THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Bloomingdale in the County of Passaic and State of New Jersey, as follows:

1. Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-24 “Conditional Uses” is amended to add a new subsection J to read as follows:

**§92-24 Conditional uses.**

J. Conditional use standards for cannabis retailers as set forth in Section 92-66 “Permitted Cannabis Uses”

All other portions of this Section shall remain unchanged.

2. Chapter 92 “Zoning”, Article XI “Definitions”, Section 92-43 “Terms Defined” was amended to include the following definitions when Ordinance 15-2021 was adopted and same remain in effect:

“Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16 for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” P.L.2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marijuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“Cannabis cultivator” means any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis delivery service” means any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

“Cannabis distributor” means any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

“Cannabis establishment” means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

“Cannabis manufacturer” means any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

“Cannabis retailer” means any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

“Cannabis wholesaler” means any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

All other portions of this Section remain unchanged.

3. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-55 “B-1 General Business Zone”, subsection C “Conditional uses to be acted upon by the Planning Board, subject to §92-24” shall be amended to add new item 8 as follows:

**§92-55 B-1 General business uses.**

**C. Conditional uses to be acted upon by the Planning Board, subject to §92-24**

(8) Cannabis Retailers

All other portions of this Section remain unchanged.

4. Chapter 92 “Zoning”, Article XIII “Prohibited Uses” is hereby amended to read as follows:

**Article XIII. Cannabis Uses**

**§92-65 Cannabis cultivators, manufacturers, wholesalers distributors and delivery services prohibited.**

Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), allcannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors and cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Bloomingdale, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the Borough.

**§92-66 Permitted Cannabis uses.**

- A. Cannabis retailers.
1. Licensing, fees and taxes as regulated by and set forth in the Borough Code at Section 14-18.
  2. Conditional use standards.
    - a. Buffer Zone. Distance shall be 500 feet from schools, recreation uses and public parks. Distance shall be identified and shown, by the applicant, as in any land use application.
    - b. Cannabis Retail Use Premise. Premise shall be no more than 2500 square feet; shall have separate access if in the same location as a cannabis growing business; shall be enclosed, heated and air conditioned; shall be a permanent, non-fabricated, non-moveable structure; shall only have one primary public access point, which shall be directly adjacent to the right-of-way or parking area of the building and shall not be through common entrances with other uses; shall have no drive-thru facilities; shall have no cannabis or cannabis related product visible from the exterior; shall not permit the consumption of cannabis, food, alcohol or tobacco in any form on the premises.
    - c. Operating Hours. Retailer shall not be open to any person earlier than 10 a.m. and later than 10 p.m. Monday through Saturday and no earlier than 11 a.m. and later than 7 p.m. Sunday.
    - d. Consumer Identification and Legal Limit. Plan shall be submitted detailing all measures that will be taken to ensure that patrons are at least twenty-one (21) years of age and to ensure that patrons are not able to purchase, or otherwise obtain, more than the legal limit.
    - e. Consumer Education. Plan shall be submitted detailing protocols to educate consumers about safe consumption and the risks associated with cannabis.
    - f. Odor Control. Plan shall be submitted. Retailer shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the property line of the subject property. The Borough of Bloomingdale, additionally, shall monitor odor from the facility on an annual basis at the discretion of the Borough by a licensed, qualified contractor chosen by the Borough at a cost that shall be paid for by the property owner and/or the license holder. The license holder shall monitor all activities for odors on a daily basis and shall maintain physical written records of all odor monitoring, investigations, air quality studies and adverse events and produce such records to the Borough of Bloomingdale upon request within seven (7) days of such request.
    - g. Business Records. All records of cannabis purchased, sold or otherwise provided to patrons shall be produced to the Borough of Bloomingdale upon request within seven (7) days of such request.
    - h. Safety, Security, Emergency Services Access. Plan shall be submitted detailing measures to ensure public safety, eliminate unauthorized access, ensure product and cash security, provide for the use of interior/exterior security cameras, and eliminate loitering and waiting lines exterior to the building. Security camera footage shall be maintained for the period required by State law and shall be subject to immediate inspection and access by the Borough of

Bloomingtondale Police Department upon request. Security system shall be equipped with audible alarm and direct or third-party notification to the Borough of Bloomingtondale Police Department. Cannabis products and cash shall be stored and secured in a locked safe securely attached to the premises.

- i. Signage. Signs shall be limited to address, legal name or any registered alternate and emergency contact information. Signs shall not promote consumption of cannabis. Signs shall comply with applicable State of New Jersey law and Borough of Bloomingtondale ordinances.
- j. Window Displays. A window covering and display plan shall be submitted outlining general types and content of window displays to be utilized.
- k. State and Local Licenses. Cannabis retailers shall hold valid licenses to operate issued by the State of New Jersey and the Borough of Bloomingtondale. Said licenses shall be conspicuously posted on the premises under glass or equivalent protective surface.
- l. On-Premise Products. Only cannabis and cannabis related items shall be offered for sale.
- m. Cannabis Product Waste Disposal. A cannabis product waste disposal plan shall be submitted detailing measures to eliminate access to cannabis product.
- n. Authorized Representative Contact. A plan shall be submitted detailing measures to facilitate quick resolution to issues or concerns and identifying the individual who the community and the Borough of Bloomingtondale can contact to report said issues or concerns. The method of community contact shall be clearly identified. The Borough of Bloomingtondale Police Department and the Borough Administrator at all times shall be provided with up-to-date contact information to include direct telephone, cell phone and email. The authorized representative or designee shall be available twenty-four (24) hours daily to serve as the primary person of contact and shall have full authority to make decisions on behalf of the cannabis retail establishment in the event of an emergency. Said authorized representative or designee shall be responsible to respond to events inclusive of criminal activity, public safety, emergency services, adverse odor or suspected violation of applicable State of New Jersey law or Borough of Bloomingtondale ordinance.

5. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

6. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

7. This Ordinance shall take effect upon its passage and publication as provided by law.

**Public Hearing:**

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by YAZDI and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

**Planning Board Recommendation:**

Per the Planning Board secretary - *Please be advised that at their April 27, 2022 regular public meeting, a motion was made by Comm. Steenstra, 2nd by Comm. Croop recommending that the Mayor and Council adopt Ordinance No. 6-2022 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan and Borough Zoning code. The motion carried with 9 (Yes) - 2 (No) and 1 abstention.*

**Adoption:**

GRAZIANO made motion for adoption; the motion was seconded by YAZDI and carried per the following roll call vote: GRAZIANO (YES), HUDSON (YES), SCHUBERT (NO), YAZDI (YES), CATALANO (YES)

**B. Second/Final Reading & Public Hearing:**

*Ordinance No. 7-2022: Amend Ch. 14 General Licensing (Cannabis Retail Licensing & Taxes)*

The Municipal Clerk, Breeanna Smith, read the Public Notice statement.

Councilman GRAZIANO moved that the Ordinance be read by title; seconded by HUDSON and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 7-2022  
OF THE GOVERNING BODY  
OF THE BOROUGH OF BLOOMINGDALE**

**AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 14 “GENERAL LICENSING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE TO ADDRESS CANNABIS RETAILERS**

**WHEREAS**, in 2021, in response to Governor Murphy signing into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalized the recreational use of marijuana by adults 21 years of age or older, the Borough adopted Ordinance 15-2021 which prohibited the operation of all cannabis businesses within the Borough of Bloomingdale; and

**WHEREAS**, the Bloomingdale Borough Council established a Cannabis Regulatory Commission to explore the impact and feasibility of permitting certain cannabis businesses to operate in the Borough and the areas where such businesses may operate; and

**WHEREAS**, the Bloomingdale Cannabis Regulatory Commission made certain recommendations with regard to permitting limited cannabis wholesale and limited cannabis retail opportunities within the Borough, and such suggestions were reviewed and considered by the Bloomingdale Ordinance Review Committee;

**WHEREAS**, following its review of the recommendations of the Cannabis Regulatory Commission, the Ordinance Review Committee made certain recommendations for amending the Borough Code to permit cannabis retailers to operate in the Borough and the regulations under which such businesses may operate; and



**WHEREAS**, Section 3 of the Act defines a “cannabis establishment” as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”; and

**WHEREAS**, the Borough Council of the Borough of Bloomingdale has determined that, based upon the review and recommendation of both the Cannabis Regulatory Commission and the Ordinance Review Committee, the amendment of Chapter 14 to regulate licensing and taxes associated with cannabis retail establishments is appropriate at this time.

**NOW THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Bloomingdale in the County of Passaic and State of New Jersey, as follows:

1. Chapter 14 “General Licensing” shall be amended to add a new Section 14-18 entitled “Cannabis Licensing and Taxes” to read as follows:

**§14-18 Cannabis Licensing and Taxes**

**§14-18.1 Municipal Licensure Requirements.**

- A. Prior to commencing and engaging in any cannabis retail activities and uses within the Borough permitted by the Commission pursuant to a State-issued Class 5 Cannabis Retail license validly issued in accordance with the Act, any person, business, and/or organization shall first apply for and secure from the Borough a local annual cannabis license. Except that nothing herein shall be read or construed to conflict with the statutory provisions as to Cannabis Delivery Services licensed by the Cannabis Regulatory Commission.
- B. The initial local annual cannabis license shall be valid until December 31, 2022. Thereafter the period of the annual local cannabis retail license shall commence on January 1 and expire on December 31 of the calendar year.
- C. By no later than December 1 of any existing license year, the licensee shall be required to file an application for the renewal of a local annual cannabis license to be authorized to continue operation as a Class 5 Cannabis Retailer within the Borough.
- D. All local annual cannabis licenses shall be conditional, and shall remain subject to all State and local laws and regulations. Failure of any licensee to comply with such applicable laws shall be grounds for revocation and/or nonrenewal of the local annual cannabis license by the Borough Council.
- E. Unless the Borough issues a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products/items from the premises of any license after the expiration date recorded on the face of the license.

- F. All local annual cannabis licenses shall be non-transferrable. All local annual cannabis licenses shall be specific to the property location authorized and approved by the Borough and shall not otherwise be considered a “pocket license.”
- G. The licensed premises of all licensees shall be subject to unannounced inspections by a designated representative of the Borough. Access shall be permitted by the designated representative on demand by the Borough’s authorized representative.

**§14-18.2 Application for Local License and Annual Local License Fee,**

- A. Non-refundable Application Fee. The applicant shall submit a non-refundable application fee of two thousand dollars (\$2,000.00) to the Office of the Municipal Clerk under oath on a form furnished by the Borough of Bloomingdale.

- B. Number of Licenses Permitted:

Class 5 Cannabis Retailer license	One (1)
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- C. Annual Licensing Fee. The annual fee for successful applicants operating cannabis establishments in the Borough of Bloomingdale shall be implemented as required in accordance with the following fee schedule, which shall be refunded in the event the applicant does not receive an annual license.

Class 5 Cannabis Retailer license: five thousand dollars (\$5,000.00) *The annual fee for microbusinesses shall be half of the class annual fee.*

- D. Upon the filing of the application, the Applicant shall pay to the Borough an application fee of \$2,000.00. The Office of the Municipal Clerk shall then transmit the application to the Office of Police Chief for the Bloomingdale Police Department or the Chief’s designee, the Mayor, and the Borough Administrator. These departments shall review the application and forward their comments/ recommendations to the Clerk’s Office within fifteen (15) business days from transmission of the application. Upon completion of the comment period, at the next regularly scheduled meeting, the Borough Council will consider authorizing the issuance of the license via formal resolution.

- E. The Clerk shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Clerk and transmitted for review until all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- 1. The name and home address of the Applicant. If the Applicant is not a natural person, the Applicant shall submit a statement setting forth the names and home addresses of all stockholders in the corporation or partnership who own 10% or more of its stock, of any class or of all individual partners in the partnership who own a 10% or greater interest therein, as

the case may be. If one or more such stockholder or partner is itself a corporation or partnership, the stockholders holding 10% or more of that corporation's stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed with its home address. The disclosure shall be continued until names and home addresses of every non-corporate stockholder, and individual partner, exceeding the 10% ownership criteria has been listed.

2. The name of any other business entities in which any of the individuals identified pursuant to subsection (b)(1) of this provision have or have had an ownership interest which: (i) cultivates, manufactures, wholesales or dispenses cannabis or cannabis products; (ii) invests or finances in any such entity; or (iii) is regulated by any governmental entity.
3. A copy of the license issued by the Cannabis Regulatory Commission authorizing the Applicant to operate as a Licensed Cannabis Establishment with a copy of all application materials and documents submitted to the Commission for a license.
4. The Applicant shall submit an affidavit and documentary proof of compliance with all state and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant shall also certify under oath that they will not and shall not discriminate based on race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations.
5. Plans prepared by a duly licensed architect, engineer, or planner which shall depict the layout and design for the proposed location of the Licensed Cannabis Establishment within the Borough.
  - a. The required plans shall depict the proposed security measures for the location. The plans shall be deemed confidential consistent with state law.
  - b. The Applicant shall also provide either a lease agreement or agreement of sale for the property where the Applicant intends to operate the Licensed Cannabis Establishment. The lease agreement or agreement of sale may be contingent upon the Applicant's ability to successfully: (i) obtain a Local License; and (ii) if applicable, obtain approval from the Bloomingdale Planning Board and/or the Zoning Board of Adjustment.
6. Acknowledgment and agreement authorizing the Bloomingdale Police Department to perform background checks and/or investigations regarding any individuals disclosed pursuant to subsection (b)(1) of this provision and any employees of the Applicant.

7. If the Applicant is applying for a Local License as a Targeted Microbusiness, a copy of any and all documents issued by the Cannabis Regulatory Commission declaring the Applicant as microbusiness under the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act with a copy of all application materials and documents submitted to the Commission for such a declaration.

**§14-18.3 Local Cannabis Transfer and User Taxes.**

A. Establishment of Transfer and User Tax. Pursuant to section 40 of the Act, N.J.S.A. 40:48I-1a(1), the following user and transfer taxes are hereby established on all cannabis retail businesses operating within the Borough, at the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater:

1. A transfer tax of 2% shall be imposed on the gross receipts from each sale of all cannabis and cannabis items by any cannabis retailer to any consumers.
2. The transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.
3. The transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
4. In addition, there shall be a 2% user tax imposed on any concurrent license holder operating more than one cannabis business.
5. The user tax shall be assessed at 2% of all receipts from each sale by a cannabis retailer to any other cannabis business.
6. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the transfer tax imposed on the license holder's business that is located in the Borough to any other of the license holder's businesses, whether located in this municipality or any other municipality.
7. The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
8. Any transaction for which the user or transfer tax hereinabove is imposed, is exempt from the tax imposed under the Sales and Use Tax Act, except for those which generate receipts from the retail sales by cannabis retailers.

B. Collection of transfer and user tax. In accordance with the provisions of N.J.S.A. 40:48I-1, every cannabis business required to collect the transfer and user taxes imposed by this Section shall be personally liable for the transfer and user tax imposed, collected, or required by this Section and N.J.S.A. 40:48I-1.

1. Any cannabis business collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis business or the consumer as if the tax was a part of the sale and payable at the same time.
2. With respect to non-payment of the transfer tax or user tax by the cannabis business or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the Chief Financial Officer of the municipality that imposes the transfer tax and user tax is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
3. No cannabis business required to collect the transfer and user taxes imposed by this Chapter shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis business or the consumer or that the transfer tax or user tax will be refunded to the cannabis business or the consumer.

C. Remittance of Cannabis Taxes; Delinquencies.

1. Each cannabis business collecting transfer and user taxes pursuant to this Section shall be remitted to the Borough's Chief Financial Officer on a monthly basis.
2. Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis business's premises.
3. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
4. The Borough shall file in the office of its Tax Collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis business's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

Failure of the cannabis business to make full payment of the user and transfer taxes hereinabove imposed shall be grounds for the immediate revocation and/or termination of any local annual cannabis license and/or any local annual cannabis license shall not be renewed unless until all outstanding user and transfer taxes are paid in full. All user and transfer taxes shall also be paid should the licensee make application to the Borough's Zoning and/or Planning Boards for any land use approvals.

D. Administration of Transfer Tax: The Chief Financial Officer is charged with the administration and enforcement of the provisions of this Section and is empowered to recommend adoption and promulgation of rules and regulations for enforcement relating to any matter pertaining to the administration and enforcement of this Section, including provisions for the reexamination and corrections of declarations and returns, and of payments alleged or found to be incorrect, or as to which an overpayment is claimed or found to have occurred, and to prescribe forms necessary for the administration of this chapter. Should a cannabis establishment fail or refuse to provide adequate information to the Chief Financial Officer to determine the amount of tax due, the Chief Financial Officer may use information provided to the Chief Financial Officer from other sources (i.e., the Commission or Department of Treasury) to determine the amount of tax liability.

1. It shall be the duty of the Chief Financial Officer to collect and receive the taxes, fines, and penalties imposed by this Section. It shall also be the duty of the Chief Financial Officer to keep a record showing the date of such receipt. The Chief Financial Officer is authorized to enter into agreements with the State of New Jersey to obtain information to facilitate administration of the tax. The Chief Financial Officer is authorized to issue a ruling upon written request of a taxpayer or upon its own volition.
2. The Chief Financial Officer is hereby authorized to examine the books, papers and records of any taxpayer to verify the accuracy of any declaration or return, or if no declaration or return was filed, to ascertain the tax due. Every taxpayer is hereby directed and required to give to the Chief Financial Officer, or to any agent designated by him/her, the means, facilities and opportunity for such examinations and investigations, as are hereby authorized.

2. Any article, section, paragraph, subsection, clause, or other provision of the Borough Code inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

3. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

4. This Ordinance shall take effect upon its passage and publication as provided by law.

**Public Hearing:**

At this time HUDSON made a motion to open the Public Hearing for comment; seconded by GRAZIANO and carried on a voice vote all voting AYE. Since there was no one who wished to speak GRAZIANO made a motion to close the public hearing; motion was seconded by CATALANO and carried on voice vote all members voting AYE; none were opposed.

**Adoption:**

HUDSON made motion for adoption; the motion was seconded by GRAZIANO and carried per the following roll call vote: HUDSON, (YES), SCHUBERT (NO), YAZDI (YES), CATALANO (YES), GRAZIANO (YES)

**C. Second/Final Reading & Public Hearing:**

*Ordinance No. 8-2022: Water Utility Improvements*

The Municipal Clerk, Breeanna Smith, read the Public Notice statement.

Councilwoman HUDSON moved that the Ordinance be read by title; seconded by YAZDI and carried on voice vote – all members present voting AYE

The Municipal Clerk read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE  
ORDINANCE NO. 8-2022**

**BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL ACQUISITIONS AND IMPROVEMENTS FOR THE WATER UTILITY OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,245,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,245,000 BONDS OR NOTES OF THE WATER UTILITY OF THE BOROUGH TO FINANCE THE COSTS THEREOF**

**BE IT ORDAINED AND ENACTED** BY THE BOROUGH COUNCIL OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Water Utility (the “Water Utility”) of the Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the “Borough”). For the said improvements or purposes stated in Section 3, there is hereby appropriated the amount of \$1,245,000 by the Water Utility of the Borough, which sum includes a \$65,000 grant expected to be received from the Community Development Block Grant Program (the “CDBG Grant”). Pursuant to the provisions of N.J.S.A. 40A:2-7(h) and 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”), no down payment is required as the Water Utility is self-liquidating.

For the financing of said improvements or purposes described in Section 3 hereof, negotiable bonds of the Water Utility of the Borough are hereby authorized to be issued in a principal amount not exceeding \$1,245,000 pursuant to, and within the limitations prescribed by, the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Water Utility of

the Borough in a principal amount not exceeding \$1,245,000 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

(a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued, include, but are not limited to, (i) various utility improvements, including water and sewer line repairs and/or replacements on various roads throughout the Borough, as applicable, including, but not limited to, all or a portion of Reeve Avenue, Leary Avenue, Main Street, Orchard Street, Catherine Street, and Hilltop Terrace, and (ii) water main valve repairs and/or replacements on various roads throughout the Borough, as applicable, including, but not limited to, the intersection of Reeve Avenue and Leary Avenue.

(b) The estimated maximum amount of bonds or notes of the Borough to be issued for said improvements or purposes is \$1,245,000.

(c) The estimated cost of said improvements or purposes is \$1,245,000.

(d) All such improvements or purposes described above shall include, but are not limited to, as applicable, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

In the event the United States of America, the State of New Jersey, and/or the County of Passaic make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Passaic. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Passaic shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant



in aid received by the Borough as a result of using funds from this bond ordinance as “matching local funds” to receive such contribution or grant in aid.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer or the Treasurer of the Borough, provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer or the Treasurer. The Chief Financial Officer or the Treasurer of the Borough shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer or the Treasurer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer or the Treasurer is hereby authorized to sell part or all of the notes from time to time at a public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget of the Water Utility of the Borough, as applicable. The capital budget or temporary capital budget of the Water Utility of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget of the Water Utility of the Borough, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvements or purposes described in Section 3 of this bond

ordinance are not current expenses and are improvements which the Borough may lawfully undertake as general improvements for the Water Utility of the Borough, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements and purposes within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, within New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the obligations provided for in this bond ordinance by \$1,245,000 and the obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An amount not exceeding \$205,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements described in Section 3 hereof.

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c)

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the principal of the obligations and the interest thereon without limitation as to rate or amount.

The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such

bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof are "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended, of the interest on all bonds and notes issued on a tax-exempt basis under this bond ordinance.

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption, as provided by the Local Bond Law.

**Public Hearing:**

At this time YAZDI made a motion to open the Public Hearing for comment; seconded by HUDSON and carried on a voice vote all voting AYE. Since there was no one who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by HUDSON and carried on voice vote all members voting AYE; none were opposed.

**Discussion:**

Council discussed what projects this covers: *various utility improvements, including water and sewer line repairs and/or replacements on various roads throughout the Borough, as applicable, including, but not limited to, all or a portion of Reeve Avenue, Leary Avenue, Main Street, Orchard Street, Catherine Street, and Hilltop Terrace, and (ii) water main valve repairs and/or replacements on various roads throughout the Borough, as applicable, including, but not limited to, the intersection of Reeve Avenue and Leary Avenue.*

**Adoption:**

YAZDI made motion for adoption; the motion was seconded by HUDSON and carried per the following roll call vote: SCHUBERT (YES), YAZDI (YES), CATALANO (YES), GRAZIANO (YES), HUDSON (YES)

**NON-AGENDA:**

**1. Resolution No. 2022-5.5: Cannabis Application Process (June 6, 2022)**

**Motion:** Dawn Hudson

**Second:** Dominic Catalano

**Discussion:** The application process for cannabis retail is still in the works. Once an application/process is created it will be available on the Borough website

**Roll Call Vote:** YAZDI (YES), CATALANO (YES), GRAZIANO (YES), HUDSON (YES), SCHUBERT (YES)

**LATE PUBLIC COMMENT:**

GRAZIANO opened the meeting to late public comment; seconded by HUDSON and carried on voice vote, all in favor voting AYE.

Linda Huntley, 86 Van Dam Avenue, Bloomingdale:

Made the following inquires:

- There is no executive session

Since there was no one else who wished to speak YAZDI moved that it be closed; second by HUDSON and carried on voice vote all members voting (AYE), none were opposed.

**GOVERNING BODY SCHEDULE**

**A. Swearing in Ceremony for Police Department**

**May 10, 2022 7PM Firemen's Hall**

**B. Regular Meeting – May 17, 2022 7PM**

**C. Primary Election – June 7, 2022**

**D. Workshop Meeting – June 14, 2022 7PM**

**E. Regular Meeting – June 28, 2022 7PM**

**ADJOURNMENT:**

Since there was no further business to be conducted, HUDSON moved to adjourn at 7:19PM; seconded by CATALANO and carried on voice vote with all Council Members voting AYE.

Breanna Smith, RMC  
Municipal Clerk

## **MAY 3, 2022 RESOLUTIONS**

**RESOLUTION NO. 2022-5.2  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION DESIGNATING THE MONTH OF MAY AS “BAG UP NJ”  
MONTH**



**WHEREAS**, P.L.202, c.117, signed into law on November 4, 2020 is the most progressive disposable bag law in the country, with the goal of phasing out single-use plastic and paper bags and encouraging the use of reusable bags throughout New Jersey; and

**WHEREAS**, New Jersey is working to reduce reliance on single-use products to ensure that future generations have a clean and healthy environment to live, work, and recreate in; and

**WHEREAS**, banning or limiting the use of single-use plastic and paper carryout bags is a significant step in this effort; and

**WHEREAS**, the New Jersey Clean Communities Council, the New Jersey Department of Environmental Protection, the New Jersey Department of State, policymakers, environmental and business groups, as well as other stakeholders, are working together to educate consumers, businesses, and communities about the new law and encouraging residents to "Bag Up" before the ban on single-use plastic bags goes into effect on May 4, 2022; and

**WHEREAS**, the comprehensive "Bag Up NJ" campaign will include educational programs, public and media engagement and reusable bag distribution programs throughout the state, with an emphasis on underserved communities; and

**WHEREAS**, this statewide public education campaign will provide residents, businesses and visitors with information about the types of reusable and sustainable bags and containers that they may use and where to access these products.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Bloomingdale that it is critical to begin educating the public about this new law; and

**BE IT FURTHER RESOLVED**, that one way to gain important recognition is to deem the month of May each year as “Bag Up NJ” month in the Borough of Bloomingdale, as a further reminder that all residents should bring their own reusable bags to the store; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be transmitted to the NJ Clean Communities Council, and the New Jersey State League of Municipalities.

***Record of Council Vote on Passage***

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin				X
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2022.

\_\_\_\_\_  
Breeanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-5.3  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDING A  
CONTRACT(S) FOR IMMEDIATE REPAIRS ON THE WATER MAIN AT SLOAN  
PARK**

**WHEREAS**, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares an emergency situation has developed in Sloan Park regarding a water main break; and

**WHEREAS**, the Governing Body further finds and declares that this poses an imminent threat to the public health, safety and welfare of an emergent nature that warrants immediate remedial action; and

**WHEREAS**, the Governing Body further finds and declares that **N.J.S.A. 40A:11-6** authorizes a municipality to negotiate and/or award a contract without public advertisement when an emergency affecting the public health, safety or welfare requires the immediate performance of services; and

**WHEREAS**, the Governing Body further finds and declares that the Department of Public Works, acting in the reasonable belief that an emergency affecting the public health, safety and welfare requires immediate remedial action without public advertisement for services;

**WHEREAS**, the Governing Body further finds and declares that the Department of Public Works, has appropriately recommended that the water main repairs at Sloan Park be remedied through the award to the following vendors:

**Core & Main  
Barret Construction  
Glenwild Garden Center**

**WHEREAS**, the emergency costs are not exceed \$2,900.00 and the CFO has certified the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Bloomingdale does hereby declare the existence of a public emergency warranting the completion of the repairs on the water main at Sloan Park as soon as possible and does hereby award said project to the entities mentioned above.

*Record of Council Vote on Passage*

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin				X
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2022.

\_\_\_\_\_  
Breeanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-5.4  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**A RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE PURCHASE OF A 2022 CHEVROLET SILVERADO NJ STATE CONTRACT NO. 20-FLEET-01190 INDEX NO. T-2776**

**WHEREAS**, the Bloomingdale Department of Public Works is in need of a vehicle; and

**WHEREAS**, the purchase of goods and services, without advertising for bids, by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

**WHEREAS**, Gentilini Motors, of 2703 Fire Road Egg Harbor Township, NJ 08234 has been awarded State Contract No. 20-FLEET-001190 Index No. T-2776 for T2776 Police Pursuit and Special Service Vehicles: Gasoline, Hybrid and Plug-In Hybrid Engines; and

**WHEREAS**, the DPW Assistant Superintendent, Frank Neuberger, of the Borough of Bloomingdale recommends the utilization of this contract on the grounds as the best means available to obtain this vehicle; and

**WHEREAS**, the contract to Gentilini Motors, shall not exceed the amount of \$56,065.58; and

**WHEREAS**, the Chief Financial Officer, Donna M. Mollineaux, has certified the availability of funds as evidenced in the annexed certification; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Bloomingdale, in the County of Passaic and State of New Jersey, as follows:

1. The Borough of Bloomingdale hereby authorizes the purchase of a 2022 Chevrolet Silverado 2500 Pickup Crew Cab from, Gentilini Motors, of 2703 Fire Road Egg Harbor Township, NJ 08234 under NJ State Contract No. 20-FLEET-01190.
2. The total fee authorized for this contract shall not exceed \$56,065.58 without the prior written approval of the Borough Council.
3. The Mayor, Borough Clerk and/or such other officials as is necessary and proper are hereby authorized to execute documents necessary to implement this Resolution.
4. A copy of this resolution shall be provided to the Borough Chief Financial Officer, DPW Assistant Superintendent and Gentilini Motors for their information and guidance.

This Resolution shall take effect immediately.

***Record of Council Vote on Passage***

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin				X
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2022.

\_\_\_\_\_  
Breeanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-5.5  
OF THE GOVERNING BODY OF  
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC,  
STATE OF NEW JERSEY, ESTABLISHING A CERTAIN DATE FOR PUBLICATION  
OF THE APPLICATION PROCESS FOR CANNABIS RETAILER ESTABLISHMENT**

**WHEREAS**, the Borough of Bloomingdale, pursuant to Ordinances No. 6-2022 and No. 7-2022, has authorized the issuance of one (1) Class 5 Cannabis Retailer license; and

**WHEREAS**, to facilitate and accommodate the provisions of Ordinances No. 6-2022 and No. 7-2022, the Borough shall promulgate and establish an application process; and

**WHEREAS**, said application process shall set forth the application form and the steps to be followed in order to enable an applicant to be in compliance with the Borough’s Ordinances;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, that the Borough Clerk and Administration shall make available the application process and application forms to any and all applicants seeking a Class 5 Cannabis Retailer license, on June 6, 2022. Applications shall be accepted and processed on a first come, first served basis.

This Resolution shall take effect immediately.

*Record of Council Vote on Passage*

COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
Catalano	X				Juhlin				X
Graziano	X				Schubert	X			
Hudson	X				Yazdi	X			

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2022.

\_\_\_\_\_  
Breeanna Smith, RMC  
Municipal Clerk, Borough of Bloomingdale