

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

June 22, 2021

The Regular 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. Council President, John D'Amato called the meeting to order at 7:00PM.

Council President led the **Salute to the Flag**.

Official Roll Call: (taken by the Borough Clerk)

In Attendance: Councilman John D'Amato
Councilman Richard Dellaripa
Councilman John Graziano
Councilwoman Dawn Hudson
Councilman Ray Yazdi

Municipal Clerk, Breeanna Calabro
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 June 4, 2021; 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.

PRESENTATION:

NANCY DALE, MASTER BOARD WORKER
postponed (no representation at this time)

EARLY PUBLIC COMMENT:

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

Dave Struble – 15 Mary Street, Bloomingdale

Inquired on concerns with Mary Street & has requested the Borough acquire this road and maintain it. Mr. Struble has expressed this request years prior & inquired of the status. Brief discussion followed regarding the history of Mary Street – the acquisition is not recommended by the Borough Engineer. The Acting Mayor, Business Administrator & Mr. Struble will discuss further.

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

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

Councilman Graziano (EDC Liaison/Commissioner/CRC Commissioner):

- *Cannabis Regulatory Commission – one member attended NJ conference & brought back a lot of information to the commission to consider including licensing process, the CRC has documented a recommendation/opinion & would like permission to send the recommendation to the Ordinance Review Committee for their consideration (no objections were made to the motion)*
- *Municipal Drug Alliance – thanked the few members who are working hard to keep the alliance going strong especially Mike Sondermeyer, grant paper was just submitted & planning for future programs/events is in the works*
- *Second Summer Friday Event 7/9 – 30 vendors participating, classic rock band*
- *EDC – Restaurant punch card initiative; 10 ‘punches’ enrolls the participant into a quarterly drawing to win a gift card donated by a local business. This incentive has been great success – the first drawing will be conducted on Facebook live.*

Councilwoman Hudson (Board of Health Liaison):

- *Fireworks 7PM WTB School*
- *Passaic County Board of Commissioners recognized Tom Cantisano, Health Officer for his hard work and dedication during the Covid-19 pandemic*

Councilman Dellaripa (Public Outreach Committee): *Informed members of his recent discussion with vendor, Cit-E-Net, who hosts the Borough’s webpage, the committee will work with the vendor to update & create a more user-friendly platform. Dawn Hudson will join in on the efforts to better the webpage*

Municipal Clerk, Breeanna Calabro

- *Item L listed on the consent agenda (Nancy Dale, Master Board Worker) is not ready for adoption, the item will be removed & placed on a future agenda*
- *Item D listed under New Business – no formal action required / item removed*

Council President / Acting Mayor, John D’Amato:

- *Hamilton Street Improvements have been delayed by the contractor*
- *Leary Ave (sidewalk deterioration) is complete – this repair was funded by the contractor (maintenance bond) due to failure of concrete testing*
- *August 7th – Cyndy Hopper memorial bench dedication at Bogue Pond*

CONSENT AGENDA

(Adoption of Resolutions No. 2021-6.8-6.19)

Motion: Ray Yazdi

Second: John Graziano

Roll Call Vote: D’AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), YAZDI (YES)

**RESOLUTION NO. 2021-6.8
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Accepting, Approving and/or Adopting the Consent Agenda of the
June 22, 2021 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. Approval of Minutes:

- Regular Meeting – April 20, 2021
- Workshop Meeting – May 4, 2021

B. Tax Office Redemptions:

- **Resolution No. 2021-6.9:** Cancellation of TTL (3032/4)
- **Resolution No. 2021-6.10:** Cancellation of TTL (5053/120)

C. Resolution No. 2021-6.11: Ch 159 (Body Cameras – Police)

D. Resolution No. 2021-6.12: Ch 159 (Clean Communities)

E. Resolution No. 2021-6.13: Appointing Member to the Bloomingdale Search & Rescue Team (L. Steenstra)

F. Resolution No. 2021-6.14: Establishing ‘Official Employment Status’ (DPW – Doyle)

G. Resolution No. 2021-6.15: Declare Emergency (Street Sweeper Repair)

H. Resolution No. 2021-6.16: NJDOT Grant Application (Orchard Street Improvements)

I. Resolution No. 2021-6.17: Municipal Alliance Grant (July 2021- June 2022)

J. Resolution No. 2021-6.18: Hiring 2021 Summer Recreation Day Camp Staff

K. Resolution No. 2021-6.19: Waive Construction Permit Fees (8 Captolene)

L. Resolution No. 2021-6.20: Nancy Dale, Master Board Worker (*removed)

Consent Agenda Resolutions:

**RESOLUTION NO. 2021-6.9
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #17-00005

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on November 29, 2018 a lien was sold on, 35 Hamburg Turnpike, Bloomingdale, for delinquent year 2017 Water/Sewer, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 3032, Lot 4, owned by 35 Hamburg LLC; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien which was sold to BB 316 INVESTMENTS LLC for a premium of \$100 and

WHEREAS, the Governing Body further finds and declares that for 35 Hamburg Turnpike, the Mortgage Holder, Mary Riether, has requested redemption of TTL #17-00005, and

WHEREAS, the Governing Body further finds and declares that, the Mortgage Holder, Mary Riether has paid all monies, to the Borough of Bloomingdale;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$43,612.64 for the lien redemption and \$100.00 for the premium, be made payable to BB 316 INVESTMENTS LLC , PO BOX 953, Lakewood, NJ 08701 for the redemption and cancellation of Tax Title Lien Certificate #17-00005

1099 = \$10498.49

ESOLUTION NO. 2021-6.10

**OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Redemption and Cancellation of Tax Title Lien Certificate #19-00002

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that, at the Borough Tax Sale held on December 15, 2020 a lien was sold on, 59 Reeve Avenue, Bloomingdale, for delinquent year 2019 Tax, and

WHEREAS, the Governing Body further finds and declares that the foregoing property is also known as Block 5053, Lot 120, owned by Lorraine McCarthy; and

WHEREAS, the Governing Body further finds and declares that the foregoing lien which was sold to FNA DZ, LLC FBO WSFS for a premium of \$33,100.00 and

WHEREAS, the Governing Body further finds and declares that for 59 Reeve Avenue, Reliant Title Agency has requested redemption of TTL #19-00002, and

WHEREAS, the Governing Body further finds and declares that, Reliant Title Agency has paid all monies, to the Borough of Bloomingdale;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Borough Treasurer be and is hereby authorized to issue checks in the amount of \$21,017.42 for the lien redemption and \$33,100.00 for the premium, be made payable to FNA DZ, LLC FBO WSFS, 120 N Lasalle ST Suite 1220, Chicago, IL 60602 for the redemption and cancellation of Tax Title Lien Certificate #19-00002

1099 = \$960.44

**RESOLUTION NO. 2021-6.11
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Insertion into the FY2021 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey
*SFY21 Body-Worn Camera Grant***

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough’s FY2021 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the

insertion into the Borough's FY2021 Municipal Budget of an item of revenue in the sum of \$50,950.00, which item is now available as revenue in the form of a State of New Jersey Current Fund – **SFY21 Body-Worn Camera Grant**; and

BE IT FURTHER RESOLVED that a like sum of \$50,950.00 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
SFY21 Body-Worn Camera Grant*

AND BE IT FURTHER RESOLVED that the Chief Financial Officer will electronically file with the State of NJ in accordance with LFN 2014-11.

**RESOLUTION NO. 2021-6.12
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**Authorizing the Insertion into the FY2021 Municipal Budget Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948) of a Special Item of Revenue in the Form of a State of New Jersey
2021 Clean Communities Grant**

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services (“Director”), within the State of New Jersey Department of Community Affairs, may approve the insertion of any special item of revenue in the budget of any county or municipality; and

WHEREAS, the Governing Body further finds and declares that N.J.S.A. 40A:4-87 provides that the Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Governing Body further finds and declares that it is in the best interests of the citizens of the Borough to request approval of the insertion into the Borough's FY2021 Municipal Budget of an item of revenue based upon a grant secured by the Borough from the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby request that the Director of the Division of Local Government Services, within the State of New Jersey Department of Community Affairs, approve the insertion into the Borough's FY2021 Municipal Budget of an item of revenue in the sum of \$15,026.46, which item is now available as revenue in the form of a State of New Jersey Current Fund – **2021 Clean Communities Grant**; and

BE IT FURTHER RESOLVED that a like sum of \$15,026.46 be and the same is hereby appropriated under the caption:

*Public and Private Revenues Offset with Appropriations
2021 Clean Communities Grant*

AND BE IT FURTHER RESOLVED that the Chief Financial Officer will electronically file with the State of NJ in accordance with LFN 2014-11.

**RESOLUTION NO. 2021-6.13
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***Resolution of the Borough of Bloomingdale, County of Passaic and State of New Jersey,
Appointing Members to the Bloomingdale Search and Rescue Team***

WHEREAS, Residents' safety is enhanced by the Bloomingdale Search and Rescue Team ('BSAR'); and

WHEREAS, the Search and Rescue Team assists in supervising and coordinating the civilian defense and disaster control activities of the Borough;

WHEREAS, the Search and Rescue Team helps train their members to be better prepared to respond to emergency situations in their communities that require them to find lost individuals. When emergencies happen, Search and Rescue Team members can provide immediate assistance to subjects, and organize spontaneous volunteers at a disaster site.

WHEREAS, the Search and Rescue Team members search for and provide aid to people who may be in distress, imminent danger, or lost.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale hereby appoints the following members to the Search and Rescue Team for a one-year term; expiring December 31, 2021:

Search & Rescue Member

Lucas Steenstra

**RESOLUTION NO. 2021-6.14
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Official Employment Status for DPW Laborer Sean Doyle

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") has been advised by Borough Department of Public Works Superintendent Al Gallagher ("Superintendent") that DPW Laborer Sean Doyle has completed his probationary period; and

WHEREAS, the Governing Body finds and declares that the Superintendent and Assistant Superintendent, Rocco DiGregorio, has determined that DPW Laborer Sean Doyle is a "valuable asset" to the Borough and has recommended his full-time, official employment status, and that the Borough Administrator has submitted this recommendation to the Mayor and Borough Council for its confirmation; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize full-time, official employment status for DPW Laborer Sean Doyle.

This resolution shall take effect immediately

**RESOLUTION NO. 2021-6.15
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**DECLARING AN EMERGENCY – FOR PURPOSES OF AWARDED A CONTRACT
FOR IMMEDIATE REPAIR OF THE BOROUGH'S STREET SWEEPER**

WHEREAS, the Governing Body ("Governing Body") of the Borough of Bloomingdale ("Borough") finds and declares an emergency situation has developed with the Borough's street sweeper; and

WHEREAS, the Governing Body further finds and declares this of an emergent nature affecting the public health, safety and/or welfare and warrants immediate remedial action; and

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

WHEREAS, the Public Works Department, acting in the reasonable belief, identifies that an emergency described herein exists which requires immediate remedial action & the need for invoking **N.J.S.A. 40A:11-6 Emergency Contracts**; and

WHEREAS, the Governing Body further finds and declares that the Public Works Department, has correctly recommended that the aforementioned repairs be remedied through the emergency award of contract to the following:

Atlantic Detroit Diesel-Allison

WHEREAS, the emergency costs are not exceed \$8,900.00 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 immediate remediation through an emergency contract award to **Atlantic Detroit Diesel-Allison** for the street sweeper repair. The contract is hereby awarded as necessary to respond to the emergent needs described herein.

**RESOLUTION NO. 2021-6.16
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

***APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT
AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR
THE
ORCHARD STREET IMPROVEMENTS***

WHEREAS, the Bloomingdale Mayor and Council desire to construct road improvements to the entire length of Orchard Street, including: upgrades to stormwater facilities; pavement resurfacing; replacement of sidewalks on both sides of the road; replacement of curbs along both sides of the road; driveway apron replacement; ADA sidewalk ramps; traffic control signs; and, traffic striping; and,

WHEREAS, 2022 Municipal Aid funds are available through the New Jersey Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Bloomingdale Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to submit an electronic grant application, identified as MA-2022-Orchard Street-00283, to the New Jersey Department of Transportation on behalf of Bloomingdale Borough.

BE IT FURTHER RESOLVED, the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bloomingdale Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION NO. 2021-6.17
OF THE GOVERNING BODY OF**

THE BOROUGH OF BLOOMINGDALE

Municipal Alliance Grant July 1, 2021 to June 30, 2022 (FY2022)

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Borough Council of the Borough of Bloomingdale County of Passaic, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Passaic;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bloomingdale, County of Passaic, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the Bloomingdale Municipal Drug Alliance for the grant period of July 1, 2021 to June 30, 2022 in the amount of:
2.

DEDR	\$ 6,160.85
Cash Match	\$ 1,540.21
In-Kind	\$ 4,620.64
3. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**RESOLUTION NO. 2021-6.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorization for Summer Help for Recreation Department

WHEREAS, there exists a need for temporary seasonal help within the Recreation Department during the summer months for day camp; and

WHEREAS, the Recreation Director & Borough Administrator recommend that the authorization be given to hire the following individuals on a part-time basis for Bloomingdale’s Summer Day Camp program, help as per the Salary Ordinance:

Senior Staff *(paid for 12 weeks June – September)*

Rachel Bodor - Director	\$765/week
Gail Galbraith - Staff Director & Registrar	\$580/week
Michelle Manella – Program Director	\$580/week

Counselors

Rebecca Wistuk (\$10.00/hour)
Ayame Ciocoiu

Aria-Lynn Assin
Christina Bruno
Sarah Gray
Michael Mizzone
Emily Rod
Izabelle Grybowski
Anjaleene Irizarry
Destiny Espinal
Eliana Totaj

Unless otherwise noted, all counselors will be paid \$9.00 per hour

NOW, THEREFORE, BE IT RESOLVED that the persons named herein be hired as part-time Summer Recreation Staff as outlined in the Salary Ordinance.

The resolution shall take effect immediately

**RESOLUTION NO. 2021-6.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

**RESOLUTION AUTHORIZING WAIVING MUNICIPAL CONSTRUCTION PERMIT
FEES FOR 8 CAPTOLENE AVENUE PER Title 52 Section 52:27D-126e**

WHEREAS Michael and Dawn Moeller of 8 Captolene intend to construct an elevator in their dwelling identified on the Borough Tax Map as Block: 5053 Lot: 9, 8 Captolene Avenue; and

WHEREAS the property owners have requested a waiver of the associated municipal construction permit fees; and

WHEREAS state statute section 52:27D-126e allows the Governing Body to waive construction and enforcing agency fees for any construction, reconstruction, alteration, or improvement designed and undertaken solely to promote accessibility by disabled persons to a private structure; and

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize the request from Mr. & Mrs. Moeller to waive the municipal constructions fees for the installation of an elevator at 8 Captolene Avenue. Notice of this action shall be provided to the Construction Official, Christopher Walthour.

This resolution shall take effect immediately.

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 13-2021: Amend Ch. 92 (Zoning – Issuing of Building Permits & Standard Lot Definition)

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

Councilman DELLARIPA 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:

**ORDINANCE NO. 13-2021
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”, ARTICLE VIII “ADMINISTRATION & ENFORCEMENT”, SECTION 92-33 “ISSUANCE OF BUILDING PERMIT FOR VARIANCE” AND ARTICLE XI ‘DEFINITIONS’ SECTION 92-43 “TERMS DEFINED” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Acting Mayor and Council seek ways to streamline land use development regulations in order to minimize cost and encourage development while balancing the development regulations and the goals of the Borough Master Plan; and

WHEREAS, the Governing Body has received a recommendation from the Ordinance Review Committee in an effort to streamline the application process with respect to the construction of certain new single-family homes or modifications of existing residences within existing residential zones of the Borough; and

WHEREAS, the recommendation of changes to Chapters 92-33 and 92-43 will assist in streamlining the application process.

NOW, THEREFORE, BE IT RESOLVED, by the Acting Mayor and Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey that the Borough Code is hereby amended as follows:

SECTION 1. Chapter 92-43 Terms Defined shall be amended to include Section F Substandard Lot to the definition of Lot/Zone Lot.

SUBSTANDARD LOT: A lot whose area and/or depth and/or frontage is less than the standard of the zone of which the lot is a part.

BE IT FURTHER RESOLVED that Chapter 92-33 Issuance of Building Permit for Variance shall read as follows:

SECTION 2. 92-33 Issuance of Building Permit for Variance; Issuance of Building Permit Without Variance.

- A. Building permits for a variance from the requirements of this chapter and for such conditional uses as may be enumerated in Article XII, Schedule of Regulations, hereof shall be issued on written order of the Board of Adjustment, the Planning Board or the Borough Council, as the case may be.
- B. In all One-Family Residential Zones, C variances are not required for the issuance of Building Permits, for new structures or the modification of existing structures, under the following conditions:
 - a. The proposed development is on an existing Substandard Lot, and
 - b. Any existing or preexisting development, with or without approvals, conforms with all zoning regulations except for one or all lot size standards of area, depth, or frontage, and
 - c. The proposed development conforms with all zoning regulations except for one or all lot size standards of area, depth, or frontage.

All other portions of this Section remain unchanged.

SECTION 3. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

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

Public Hearing:

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

Adoption:

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

- B.** *As per N.J.S.A. 40:55D-62.1 there was not enough time to give statutory notice of the scheduled hearing; the ordinance will be re-introduced.*

Re-Introduction of Ordinance No. 14-2021: Amend Ch. 92 (Zoning – Establish Bloomingdale Center District)

Discussion: *The ordinance requires notice to property owners listed in Riverdale & Butler. The Assessor of those towns did not provide a certified owners list with enough time to provide notice in accordance with the statutory requirements. Therefore, the ordinance is re-introduced, without any changes, to meet notice requirements.*

**Planning Board:* Please be advised that at their June 17, 2021 regular public meeting, a motion was made by Comm. Steenstra, 2nd by Comm. Crum recommending that the Mayor and Council adopt Ordinance No. 14-2021 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan. The motion carried with a 8-1 vote.

A motion was made by DELLARIPA to introduce the Ordinance by title; second and final reading/ public hearing will be on July 20, 2021 at 7PM; the motion was seconded by YAZDI and carried on the following voice vote: all members voting AYE, in favor; none were opposed.

The Municipal Clerk read by Title:

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 92 "ZONING" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

C. Second/Final Reading & Public Hearing:

Ordinance No. 15-2021: Prohibiting the Operation of Any Class of Cannabis Businesses & Amend Ch. 92 (Zoning)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO 15-2021
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, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING AND SUPPLEMENTING SECTION 92-43 “DEFINITIONS” AND ADDING A NEW ARTICLE XIII ENTITLED “PROHIBITED USES” WITHIN CHAPTER 92 “ZONING” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, the Bloomingdale Cannabis Regulatory Commission, recommends limited cannabis wholesale and limited cannabis retail opportunities within the Borough, and such suggestions may still be considered and addressed by the Governing Body as this ordinance does not preclude permitting such licenses in the future.

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, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (i.e., by August 21, 2021); and

WHEREAS, pursuant to Section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, the Borough Council of the Borough of Bloomingdale has determined that, due to the detrimental impacts that permitting one or more classes of cannabis business might have on New Jersey municipalities in general, and on our community in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Boroughs residents and members of the public who visit, travel, or conduct business in Bloomingdale, to amend the Borough’s regulations to prohibit all manner of cannabis/marijuana-related business within the geographic boundaries of the Borough of Bloomingdale.

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 XI “Definitions”, Section 92-43 “Terms Defined” of the Borough Code is hereby amended to add the following definitions to read as follows:

§92-43 Terms defined.

“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 marihuana 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.

2. Chapter 92 “Zoning” of the Borough Code is hereby amended to read as follows:

Article XIII. Prohibited Uses

§92-65 Cannabis establishments, 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), all cannabis establishments, cannabis distributors or 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.

3. 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.

4. 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.

5. 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.

Linda Huntley – 86 Van Dam Avenue, Bloomingdale, NJ
Agrees with the Council decision to ban Cannabis sales at this point

Scott Lawrence – 133 Wood Terrace, Leonia, NJ
*Founder of CannArcadia [Cannabis Industry]
Began dialog with council regarding potential business opportunity in the Borough (206 Macopin Rd); discussion followed amongst the council. Hudson & Graziano, both members of the Bloomingdale CRC inquired/exchanged information. Items discussed: micro-licensing, water usage, cultivation, employees, nutrients of plants, filtration systems, energy efficiency, franchise opportunity*

Since there was no one else who wished to speak YAZDI made a motion to close the public hearing; motion was seconded by DELLARIPA and carried on voice vote all members voting AYE; none were opposed.

Adoption:

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

NEW BUSINESS:

A. Adoption of Resolution No. 2021-6.20

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: HUDSON (YES*), YAZDI (YES), D'AMATO (YES*), DELLARIPA (YES), GRAZIANO (YES)

*Recusal (D'Amato): for all items listed under vendor 01463 – Darmofalski Engineering

*Recusal (Hudson): PO #21-00546

**RESOLUTION NO. 2021-6.20
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Authorizing Payment of Municipal Obligations

WHEREAS, the Governing Body (“Governing Body”) of the Borough of Bloomingdale (“Borough”) finds and declares that certain municipal obligations have come due and are now payable; and

WHEREAS, the Governing Body further finds and declares that said obligations have been itemized on the annexed schedules, which are hereby deemed part of this Resolution; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Bloomingdale does hereby authorize payment of said municipal obligations, in accordance with the recommendations of the Chief Financial Officer and the Borough Treasurer, from the following accounts and in the following amounts:

<u>BILLS LIST</u>		<u>PREPAID LIST</u>	
CURRENT	1,768,619.24	CURRENT	781,935.08
UTILITY	71,946.93	UTILITY	48,358.00
CAPITAL	33,173.00	OPEN SPACE	00.00
UTILITY CAPITAL	1,584.45	TRUST ACCOUNT	30,657.05
TRUST	99,375.06	RECYCLING	00.00
DOG	2,225.59	DOG TRUST	00.00
RECREATION	950.00	UNEMPLOYMENT	202.91 ROSE
FUND	11,798.18	CAPITAL	00.00
RECYCLING	00.00	WATER CAPITAL	00.00
UNEMPLOYMENT	00.00	RECREATION	00.00
AFFORDABLE HOUSING	00.00	CAPITAL ASSESSMENT	00.00
TOTAL	1,989,672.45	TOTAL	861,153.04

B. Adoption of Resolution No. 2021-6.21

Motion: Dawn Hudson

Second: Ray Yazdi

Roll Call: YAZDI (YES), D'AMATO (YES), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES)

**RESOLUTION NO. 2021-6.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Renewal of Alcoholic Beverage Licenses for 2021-2022 Term

WHEREAS, the Governing Body of the Borough of Bloomingdale has been informed by

the Municipal Clerk that the following names, persons and corporations have made application for the renewal of their alcoholic beverage licenses; and

WHEREAS, said application is accompanied by the necessary municipal fee; and

WHEREAS, the licensees have filed an application online with State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

WHEREAS, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

WHEREAS, no objections have been filed in writing with the Municipal Clerk against the granting of this renewal and no objections being heard hereto;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Municipal Clerk be and is hereby authorized to renew the alcoholic beverage license of the following place:

PLENARY RETAIL CONSUMPTION

Licensee:	Establishment:	Address:	License Number:
SALINA INC.	Lina's Restaurant	49 Main Street	1601-33-012-006
NLS MGMT LLC	River of Beer Saloon	133 & 135 Main Street	1601-33-008-012
SHREE SAI INC.	Turnpike Liquors	139 Hamburg Tpke	1601-33-001-005
LLSTI INC	Stumble Inn	231 Hamburg Tpke	1601-33-009-003
EI BORRACHO,LLC	Cinco De Mayo	125 Hamburg Tpke	1601-33-002-009
CAFÉ CHAMELEON	Cafe Chameleon	60/60A Main St	1601-33-007-012

PLENARY RETAIL DISTRIBUTION

Licensee:	Establishment:	Address:	License Number:
GB KRISHNA LLC	Bloomingdale Discount Liquor	82 Main Street	1601-44-004-005
HMT INC.	USA Wine Traders Club	29 Main Street	1601-44-005-008

C. Adoption of Resolution No. 2021-6.22

Motion: Rich Dellaripa

Second: Ray Yazdi

Roll Call: D'AMATO (ABSTAIN), DELLARIPA (YES), GRAZIANO (YES), HUDSON (YES), YAZDI (YES)

**RESOLUTION NO. 2021-6.22
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Renewal of Alcoholic Beverage Licenses for 2021-2022 Term

WHEREAS, the Governing Body of the Borough of Bloomingdale has been informed by the Municipal Clerk that the following names, persons and corporations have made application for the renewal of their alcoholic beverage licenses; and

WHEREAS, said application is accompanied by the necessary municipal fee; and

WHEREAS, the licensees have filed an application online with State Division of Alcoholic Beverage Control, together with the necessary \$200.00 fee for said Division; and

WHEREAS, a copy of the Tax Clearance Certificate has been received for the applicant from the State of New Jersey Department of Taxation; and

WHEREAS, no objections have been filed in writing with the Municipal Clerk against the granting of this renewal and no objections being heard hereto;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Bloomingdale that the Municipal Clerk be and is hereby authorized to renew the alcoholic beverage license of the following place:

CLUB LICENSE

Licensee:	Establishment:	Address:	License Number:
BLOOMINGDALE FIRE DEPT INC.	Bloomingdale Fire Department Inc.	97 Hamburg Turnpike	1601-31-013-001

LATE PUBLIC COMMENT:

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

Linda Huntley – 86 Van Dam Avenue, Bloomingdale NJ

- *Suggested the council honor John Capozucca of Morse Lakes after his recent sudden passing*
- *Suggested the budget increase this year was due to only appropriating \$300,000 of the anticipated \$2.4 million dollars, disagrees with an annual tax increase*

Brief discussion amongst council & Ms. Huntley followed regarding budget matters. No councilmembers are in favor of an annual tax increase. Once money from the sale is received the council will make decisions on how to appropriate it to benefit the taxpayers.

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

GOVERNING BODY SCHEDULE

- Regular Meeting – July 20, 2021 7PM
- Regular Meeting – August 17, 2021 7PM

ADJOURNMENT:

Since there was no further business to be conducted, GRAZIANO moved to adjourn at 8:10PM; seconded by YAZDI and carried on voice vote with all Council Members voting AYE.

Breeanna Calabro, RMC
Municipal Clerk