

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

JUNE 28, 2022

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 Dawn Hudson called the meeting to order at 7:04PM.

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

Official Roll Call: (taken by the Borough Clerk)

In Attendance: 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: Mayor John D'Amato
Mike Sondemeyer, Business Administrator
Councilman Drew Juhlin

PUBLIC NOTICE STATEMENT

Council President Hudson 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.

EARLY PUBLIC COMMENT:

Motion was made by YAZDI to open the meeting for public comment; seconded by CATALANO and carried on voice vote all voting AYE. Since there was no one who wished to speak, YAZDI 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):

Councilman Yazdi:

- Acknowledge the success of the Borough's Firework event held on 6/25

Councilman Catalano (Planning Board Liaison):

- The Planning Board has had discussion of re-doing the Borough's Master Plan, if possible, to include this in the 2022 budget

Councilwoman Hudson (BOH Liaison/ Public Event Coordinator):

- Fireworks/Event – June 25th Thanks all who assisted in the successful event
- River Clean-Up: August 6
- Sloan Park Festival: September 9
- 9/11 Candlelight Memorial: September 11

CONSENT AGENDA

(Adoption of Resolutions No. 2022-6.16 – 2022-6.19)

Motion: Ray Yazdi

Second: Dominic Catalano

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

CONSENT AGENDA RESOLUTION:

RESOLUTION NO. 2022-6.16 OF THE GOVERNING BODY OF THE BOROUGH OF BLOOMINGDALE

*Accepting, Approving and/or Adopting the Consent Agenda of the
June 28, 2022 Regular 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:

- June 14, 2022 – Executive Session

B. Motion to approve Fire Department Member Application: Matthew Moguillanes

C. Resolution No. 2022-6.17: Recreation Summer Help (Day Camp)

D. Resolution No. 2022-6.18: LawSoft Inc. (IT services)

E. Resolution No. 2022-6.19: Support of ‘2022 Drive Sober or Get Pulled Over Labor Day Crackdown’

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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

PENDING ITEMS

A. Second/Final Reading & Public Hearing:

Ordinance No. 9-2022: Amend Ch. 92 Zoning (Sign & canopy regulations)

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

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

The Municipal Clerk read the following Ordinance by title:

ORDINANCE NO. 9-2022 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” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth zoning standards and restrictions throughout the Borough, including those governing signs and canopies; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to clarify the regulations relating to signs and canopies;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-26 “Miscellaneous uses” shall be amended to read as follows:

§92-26 Miscellaneous Uses.

E. Canopies within the B-1 General Business Zone, B-1-A Commercial Zone, Bloomingdale Center District Zone, R-20U Professional/Business Office Zone, M-1 Light Industrial Zone and M-1-Q Light Industrial and Quarry Zone. Canopies may be installed permanently to run the length of the front of a permitted use. Such canopies shall be no lower than eight feet from the ground level or sidewalk and shall project no further than three feet from the front facade of the principal building. Such projection may encroach upon the street right-of-way provided the projection is no greater than two (2) feet into the right-of-way and a minimum of four (4) feet from the paved travel way. Supports for the canopy must be located above the canopy. Poles or braces from the ground to the canopy are strictly prohibited. Signs shall be permitted on canopies as regulated by Section 92-26.3 Signs.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 2. Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-26.3 “Signs” shall be amended to read as follows:

§92-26.3 Signs.

H. Signs within B-1 General Business Zone, M-1 Light Industrial Zone, M-1-Q Light Industrial and Quarry Zone, Bloomingdale Center District Zone, B-1-A Commercial Zone and R-20U Professional Business Office Zone. The only signs permitted shall be a sign or signs advertising the premises upon which it is located or displayed, or the identity of the occupancy thereof, or a service rendered therein, or a product or item available therein, or a permitted trade, business or profession carried on therein as hereinafter regulated.

(1) There shall be no more than one (1) principal sign and one (1) secondary sign for each establishment or permitted use therein .

(a) Any permitted use within a building having an exterior wall facing an off-street parking area may have a secondary sign on said wall if that wall contains a pedestrian entrance to said permitted use;

(b) Any permitted use within a building on a corner lot may have a secondary sign. One sign shall be located on one street and a second sign shall be located on the second or side street. Nothing contained herein shall be construed to permit more than two signs on a building. Secondary signs are to be a maximum of two feet in height, not to exceed 30% of principal sign.

(2) All signs, unless a freestanding sign, as hereinafter regulated:

- (a) Shall be installed parallel to the face of the wall to which it is attached;
- (b) Shall not extend more than 12 inches from the structural face of the building wall;
- (c) The bottom of the sign shall not be less than seven feet high, measured from the ground level below;
- (d) Location of Signs. Signs shall be securely attached to a building and shall not project beyond the sides or front of the building, nor above the roofline at the top of any parapet wall.

(3) The maximum height dimension of the principal sign, except freestanding principal signs, shall not exceed three (3) feet and the total gross area shall not exceed 15% of the front face of the building to which it is attached.

(4) Where there shall be more than one occupant of the building and where each occupant has a separate ground floor entrance, the total area of all signs permitted as hereinafter regulated, taken in the aggregate, shall not exceed the maximum gross area requirement above set forth for each wall upon which any sign is permitted to be erected. All signs shall be uniform in appearance, shall be made of the same material with the same background and contain the same letter typestyle and material.

(5) No signs are permitted above the first floor.

(6) For those premises where the structure is set back at least 20 feet from the front curblines, a freestanding sign of an area not to exceed 12 square feet in area on each side and 24 square feet in aggregate shall be permitted; provided, however, the top of said sign shall not be more than 10 feet above the level of the ground and the sign shall not be located within any road right-of-way or within any required sight triangle, or be closer than five feet from any property line. The provisions of this subsection shall not be construed to prohibit freestanding signs accessory to filling and service stations as provided in § **92-26.3H(9)**.

(7) Neon signs and/or signs painted on, placed or hung on/or within 24 inches from the inside window glass of, and paper signs attached to, windows for advertising purposes shall be limited to covering 30% of the area of any one window, but in no event shall the area of coverage exceed a total of 36 square feet for each window pane. Notwithstanding the provisions of this section, unlettered and undecorated balloons, pennants, flags, banners and the like shall only be permitted for grand opening of a new permitted use and shall be displayed in accordance with § **92-26.3E**. Signs other than principal signs that fail to comply with provisions of this section shall be removed no later than 60 days after the effective date of this section. Window signs are prohibited.

(8) Facade mounted signs for permitted uses which share a common entrance shall be limited to tenant identification or directory signs. Said signs shall be unlighted, limited to one sign per tenant, uniform in appearance, made of the same materials with the same background and contain the same letter typestyle and materials as all other similar signs used by tenants of the building. Said signs shall not exceed an area of two square feet per sign or a vertical height dimension of eight inches, and where there is more than one tenant in the building, all of said signs shall be abutting one another and not indiscriminately placed on the exterior walls of the building. The total square footage of the directory sign or individual tenant identification signs shall not exceed the allowable sign area for that zone.

(9) The following signs, customary and necessary to the operation of filling and service stations, are permitted:

- (a) Lettering on buildings displayed over individual entrance doors consisting of the words "washing," "lubricating," "repairing," or words of similar import, provided there shall be not more than one such sign over each entrance, and that the letters shall not exceed 12 inches in height;
- (b) Lettering or other insignia which are a structural part of a gasoline pump, consisting only of a brand name, lead warning sign and other signs as required by law;

(c) A credit card sign not exceeding one square foot in area, affixed to the building or permanent sign structure of the sign next referred to;

(d) One sign bearing the brand or trade name of the station, of a design specified by the manufacturer, permanently affixed to the building or its own metal substructure, such sign not to exceed 24 square feet in area on each side, or 48 square feet in aggregate area if both sides shall have signs thereon, which sign, if on its own metal substructure, shall be rigidly and securely attached to the ground surface so as to create no danger to life or limb and which sign, whether affixed to a building or on its own substructure, shall not exceed 18 feet in height overall, provided that no such sign shall be so affixed or erected until permission in writing therefore shall have been issued by the Construction Code Official;

(e) A sign attached to each gas pump, with the price of the product as required by law.

(10) Signs are permitted on awnings and canopies not to exceed the applicable size regulations allowed in that zone. A sign on an awning or canopy which is not installed on the flap or vertical plane shall be considered a principal sign. Signs running in a horizontal direction are permitted on the flap or vertical plane of any permitted awning or canopy provided said sign does not exceed a height of eight inches, measured from the bottom to the top of such sign or lettering.

(11) Illumination of signs. Stationary illuminated signs are permitted. Except as regulated by 92-26.3H(8), signs may be internally lighted or illuminated by a hood reflector; provided, however, that such lighting shall be arranged to prevent glare, and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, signs having moving parts or signs which may be mistaken for traffic signal devices are prohibited.

(12) Any change of signage for preexisting, nonconforming business area uses in residential zones shall:

(a) Not exceed the dimensions of the sign being replaced;

(b) Comply with the maximum allowable sign area for that zone;

and

(c) Any relief from this subsection shall be obtained from the Board of Adjustment as a use variance.

I. Maintenance. All signs together with all of their supports and other fastening devices shall be maintained in a clean, neat, safe and orderly manner.

J. Multi-tenant buildings and shopping centers. The Planning Board may waive requirements of this section where the applicant presents an overall sign plan to the Board indicating a detailed design vocabulary and placement and signage plan which would, in the opinion of the Board be consistent with the purpose and intent of this chapter and promote the objections of this chapter.

K. Existing nonconforming signs. Any sign existing on the effective date of this § **92-26.3** which does not conform with any provision thereof, shall be deemed a nonconforming structure which may be maintained upon its present premises as set forth herein. The right to maintain any nonconforming sign shall be eliminated: a) if the sign is substantially destroyed; b) if there is a change of use, occupancy or ownership of the structure or use to which the sign applies; c) if there is any change in the physical dimension of the sign; or d) if the sign box is removed for any other reason not specifically provided for.

L. Garage sale and flea market permits, fees and deposit fees. It shall be unlawful for any person to conduct a garage sale or flea market in the Borough of Bloomingdale without first applying for a permit with the Municipal Clerk's Office. Each permit so issued must be properly displayed on the premises upon which the garage sale or flea market sale is conducted. Unless such sale is held within two

months of the date of the permit, such permit shall expire by limitation; provided however, that each garage sale or flea market is limited to a period of two consecutive weekends. Each owner-applicant may apply for said permit not more than twice each calendar year and no location shall receive more than two permits for an open-air flea market per calendar year.

(1) The fee for all garage sale permits shall be \$10.

(2) The fee for all flea market permits shall be \$100. This sum shall be paid by the organizer of said flea market.

In cases where charitable, religious or civic organizations have applied for permits, the Borough Council is empowered to waive said permit fee upon request. All applicants subject to the provisions of this section shall be required to prudently operate and conduct said activities so as to minimize dust, but in no event shall a bed of hay, straw, etc. be permitted. Said applicants shall be required to have available and use containers for the storage of garbage, rubbish and refuse accumulating on said premises.

(a) Said applicants are required to clean or have cleaned all areas upon which their activity has been conducted or areas affected thereby and for a flea market shall be required to post a cash bond in the amount of one thousand (\$1,000) dollars or sufficient security acceptable to the Municipal Attorney in lieu thereof for the purpose of assuring the faithful clean up operations as herein set forth;

(b) The applicant applying for said permit or the person in actual control of the activity or the agent thereof shall be responsible for cleaning up the above referenced area between the closing hour of the first day of operation and the opening hour of the next day and within 24 hours after termination of the activity. Failure to do so will cause an automatic forfeiture of the deposit or any part thereof necessary to enable the Borough to effectuate a prompt cleanup;

(c) All garage and flea market sales shall be conducted between the hours of 9:00 a.m. and 6:00 p.m. only;

(d) All persons are prohibited from erecting signs which would be in violation of the Zoning Chapter of the Borough. No more than six signs can be erected per sale;

(e) All signs must be removed within 24 hours after completion of the sale.

M. Enforcement. The provisions of § **92-26.3** shall be enforced by the Construction Official of the Borough of Bloomingdale. For any and every violation of the provisions of this section, the owner and/or lessee or tenant of a building or premises where a violation exists shall for each and every violation, and for each and every day that the violation continues as a separate offense, be subject to a maximum penalty, upon a conviction of a violation, of a fine not exceeding \$1,000 or imprisonment for a period not exceeding 90 days, or both.

N. Signs permitted in residential districts. The following types of non-illuminated, non-advertising signs are permitted in all residential districts as follows:

(1) Nameplates and identification signs. Signs indicating the name or address of the occupant, or a permitted home occupation, provided that they shall not be larger than two square feet in area. Only one such sign per dwelling unit shall be permitted, except in the case of corner lots where two such signs, one facing each street, shall be permitted for each dwelling unit.

(2) Sale or rental signs. Signs advertising the sale or rental of the premises upon which they are erected by the owner or brokers or any other person interested in the sale or rental of such premises and signs bearing the word "sold" or "rented," with the name of the persons affecting the sale or rental, may be erected or maintained, provided that the size of any such sign is not in excess of

six square feet and not more than two such signs are placed upon any property, unless such property fronts upon more than one street, in which case two more signs may be erected on each additional frontage.

(3) Institutional signs. Signs of schools, churches, or other institutions of a similar public or semipublic nature may be erected and maintained, provided that the size of any such sign is not in excess of six square feet and not more than one such sign is placed on a property, unless such property fronts upon more than one street, in which event two such signs may be erected, one on each frontage.

(4) Signs accessory to parking areas. Signs designating entrances or exits to or from a parking area and limited to one sign for each such exit or entrance and to a maximum size of two square feet each shall be permitted. One sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet shall be permitted, provided that on a corner lot two such signs shall be permitted, one facing each street.

(5) Development signs. Signs advertising the sale or development of the premises upon which they are erected, when erected in connection with the development of the premises by a builder, contractor, developer or other persons interested in such sale or development, may be erected and maintained, provided that the size of any such sign is not in excess of 20 square feet and not more than two such signs are placed upon any property, unless such property fronts upon more than one street, in which event two such signs may be erected on each frontage. Any such sign shall be removed by the developer within 30 days of the final sale of the property.

(6) Directional signs. Signs indicating the location and direction of premises available or in process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent, may be erected and maintained, provided that the size of any such sign is not in excess of six square feet and not in excess of four feet in length and not more than one such sign is erected on each 500 feet of street frontage.

(7) Artisans' signs. Signs of mechanics, painters and other artisans may be erected and maintained during the period that such persons are performing work on the premises on which such signs are erected, provided that the size thereof is not in excess of 12 square feet and such signs are removed promptly upon completion of the work.

(8) Private driveway signs. Signs indicating the private nature of a driveway, or trespassing signs, provided that the size of any such sign shall not exceed two square feet.

(9) Height and projection of signs. No sign in a residential district shall project into the public way or project higher than one story or 20 feet, whichever is lower.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 3. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-46A-II “R-20U Union Avenue – Professional/Business Office Zone” shall be amended to read as follows:

§92-46A-II R-20U Union Avenue – Professional/Business Office Zone.

I. Signs. Signs as regulated by Section 92-26D and Section 92-26.3.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 4. Chapter 92 “Zoning”, Article XII “Schedule of Regulations”, Section 92-57 “Miscellaneous provisions for industrial districts” shall be amended to read as follows:

§92-57 Miscellaneous Provisions for industrial districts.

D. Signs. Signs as regulated by Section 92-26D and Section 92-26.3.

All other portions of this Section not addressed herein shall remain unchanged

SECTION 5. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 6. 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 7. This Ordinance 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 GRAZIANO 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 GRAZIANO 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 June 22, 2022 regular public meeting, a motion was made by Comm. Greenberg, 2nd by Comm. Steenstra recommending that the Mayor and Council adopt Ordinance No. 9-2022 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan and Borough Zoning code. The motion carried with an 11-0 vote.*

Adoption:

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

B. Second/Final Reading & Public Hearing:

Ordinance No. 10-2022: Amend Ch. 92 Zoning (Conditional Uses)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 10-2022
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” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth zoning standards and restrictions throughout the Borough, including those governing conditional uses; and

WHEREAS, the Borough Ordinance Review Committee has reviewed the Code and recommended certain changes be made in order to clarify the applications required for conditional use review;

WHEREAS, the Borough Council has reviewed and accepted the recommended changes as being in the best interest of the Borough.

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

SECTION 1. Chapter 92 “Zoning”, Article V “Regulations Governing Certain Uses”, Section 92-24 “Conditional uses” shall be amended to read as follows:

§ 92-24 Conditional uses.

Conditional uses, as enumerated in Article **XII**, Schedule of Regulations, shall be permitted only upon authorization by the Planning Board pursuant to § **92-24**, provided that such uses shall be found to comply with the following requirements and other applicable requirements as set forth in this chapter:

- A. That the use is a permitted conditional use as set forth in Article **XII**, Schedule of Regulations, hereof.
- B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.
- C. That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- D. That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.
- E. That adequate landscaping and screening is provided as required in § **92-18** and as otherwise provided herein.
- F. That adequate off-street parking and loading is provided and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
- G. That the review of the conditional use shall include any required site plan review under this chapter. Applications for existing building structures containing more than one commercial use location and having a previously approved site plan on file in the Construction Office shall not require the submission of a site plan for the Planning Board review.
- H. Conditional use standards for animal hospitals, veterinary offices, kennels and animal day-care centers.
 - (1) Soundproofing of all exterior walls of the building or of the entire perimeter of the space devoted to such use, where a building will contain multiple uses, shall be required.
 - (2) Where outdoor runs or play areas are proposed, the minimum lot area shall be five acres and the minimum setback of any outdoor run or play area from a property line shall be 200 feet. The outdoor run or play area shall be visually screened from adjoining properties and from other activity areas on the site. Moreover, the outdoor runs or play area shall be located as far as possible from the parking lot and from the main building entrance.
 - (3) Dog walking areas shall be policed on a regular basis and shall contain cleanup stations stocked with plastic bags and a receptacle for disposing of waste. Appropriate signage shall be posted to ensure client compliance.
- I. Conditional use standards for hotels and motels.
 - (1) The maximum height permitted for a hotel or motel shall be four stories and 50 feet, measured from the average grade around the building to the top of the ridgeline of the roof.

(2) Hotels and motels shall only be permitted as part of a comprehensive development of 20 acres or more consisting of multiple permitted uses within the B-1-A Zone. Freestanding hotels and motels shall not be permitted.

(3) Hotels and motels shall be located at least 100 feet from any residential lot line and shall be set back from the street line at least 50 feet.

(4) Signage for a hotel or motel may be located on one or more exterior walls of the building, provided that said walls do not face a residential area, and said signs may be placed above the 12 foot height limit for other uses, subject to site plan review. Additionally, one sixteen (16) square foot freestanding monument-type sign may be placed at the entrance to the hotel or motel site, provided such freestanding monument-type sign does not exceed a height of four feet above ground level and is set back at least 10 feet from all lot lines.

All other portions of this Section not addressed herein shall remain unchanged.

SECTION 2. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. 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 4. This Ordinance 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 GRAZIANO 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 GRAZIANO 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 June 22, 2022 regular public meeting, a motion was made by Comm. Crum, 2nd by Comm. Croop recommending that the Mayor and Council adopt Ordinance No. 10-2022 Amending Chapter 92 Zoning, as it is found to be consistent with the Master Plan and Borough Zoning code. The motion carried with an 11-0 vote.*

Adoption:

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

C. Second/Final Reading & Public Hearing:

Ordinance No. 13-2022: Amend Ch. 14 General Licensing (Cannabis Business)

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

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

The Municipal Clerk read the following Ordinance by title:

**ORDINANCE NO. 13-2022
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 BUSINESSES IN THE BOROUGH

WHEREAS, pursuant to Ordinance No. 7-2022, the Borough Council established certain provisions regulating the licensing and taxation of cannabis establishments; and

WHEREAS, the Borough Administration, Cannabis Regulatory Commission and Ordinance Review Committee have reviewed those provisions and determined that certain activities, which are prohibited, were not addressed in the prior Ordinance and recommended amending the Ordinance to address same; and

WHEREAS, as part of the review of cannabis operations in the Borough, the Cannabis Regulatory Commission and the Ordinance Review Committee have recommended amending the Code to permit licensing of cannabis wholesale businesses; 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 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:

SECTION 1. Chapter 14 “General Licensing” shall be amended 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 or a Class 3 Cannabis Wholesaler 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 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 or Class 3 Wholesaler 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 3 Cannabis Wholesaler license	One (1)
Class 5 Cannabis Retailer license	One (1)

- 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 3 Cannabis Wholesaler license: five thousand dollars (\$5,000.00)

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, the Borough Administrator, and the Borough Council for review of the application. These departments shall review the application and forward their comments to the Clerk's Office fifteen (15) business days from transmission of the application.
- 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 (E)(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 Prohibition on Certain Transfers of Useable Cannabis.

Pursuant to N.J.S.A. 2C:35-10(a), the transfer of usable cannabis in any instance where the usable cannabis is not obtained directly from a licensed cannabis retailer and/or is transferred without remuneration or for promotional and/or business purposes, is hereby strictly prohibited within the geographical boundaries of the Borough of Bloomingdale.

§14-18.4 Civil Fines and Penalties.

- A. Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed medical and/or cannabis establishment, found to be engaged activities in violation of §14-18.1 shall be subject to a civil fine and penalty not exceeding \$2,000.
- B. Any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed medical and/or cannabis establishment, found to be engaged in activities in violation of §14-18.3 shall be subject to a civil fine and penalty not exceeding \$2,000.
- C. Each and every day any person(s), firm(s), business(es), corporation(s) and/or other organization(s), including any licensed medical and/or cannabis establishment, remains in violation of the provisions of this Section after the deadline for compliance set forth in any notice of violation issued by the enforcing officer(s) [Police, Zoning Official &/or Property Maintenance Official] of the Borough shall be considered a continuing violation punishable as a separate and distinct offense and subject to a separate civil fine and penalty for each and every day the violation continues.
- D. The Municipal Court or Superior Court shall have jurisdiction to hear and decide any action(s) brought to enforce the provisions of this Section, the hearing for which shall be conducted in a summary manner pursuant to N.J.S.A. 2B:12-16, and any final order imposing fines and penalties for a violation of this code shall be enforceable in the Municipal Court or Superior Court and collectible as a lien against the property of the violator in accordance with the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 to N.J.S.A. 2A:58-12.

§14-18.5 Local Cannabis Transfer and User Taxes.

- A. Establishment of Transfer and User Tax.
 1. Pursuant to section 40 of the Act, N.J.S.A. 40:48I-1a(1), the following transfer taxes are hereby established on all cannabis 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, as follows:

- a) 2% on the gross receipts from each sale of all cannabis and cannabis items by any cannabis retailer to consumers;
 - b) 1% on gross receipts from each sale by a cannabis wholesaler
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. Pursuant to Section 40 of the Act, N.J.S.A. 40:48I-1a(2), the following user taxes are hereby established on all concurrent license holders operating within the thorough, which shall be in addition to any other tax imposed by law as the maximum amount as permitted by the laws of the State of New Jersey or the amounts set forth below, whichever is greater as follows:
 - a) 2% of the receipts from each sale by a cannabis retailer;
 - b) 1% of the receipts from each sale by a cannabis wholesaler
 5. 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.
 6. 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.
 7. 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.

SECTION 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.

SECTION 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.

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

Public Hearing:

At this time YAZDI 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 YAZDI 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:

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

D. Second/Final Reading & Public Hearing:

Bond Ordinance No. 16-2022: 2022 General Capital (Reconstruction to Various Roads)

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

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

The Municipal Clerk read the following Ordinance by title:

**BOROUGH OF BLOOMINGDALE
PASSAIC COUNTY, NEW JERSEY**

BOND ORDINANCE NO 16-2022

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF VARIOUS ROADS, BY AND IN THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY; APPROPRIATING \$1,075,000 THEREFOR (INCLUSIVE OF A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT IN THE AMOUNT OF \$290,600) AND AUTHORIZING THE

**ISSUANCE OF \$784,400 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST 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 members thereof affirmatively concurring) **AS
FOLLOWS:**

SECTION 1. 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 Borough of Bloomingdale, in the County of Passaic, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the amount of \$1,075,000, which amount includes a \$290,600 grant expected to be received from the New Jersey Department of Transportation (the "DOT Grant"). No down payment for said improvements or purposes is required pursuant to Section 40A:2-11(c) of the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"), as this bond ordinance involves a project funded by the DOT Grant, which is a grant provided by the State of New Jersey.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet said \$1,075,000 appropriation not provided for by application hereunder of the DOT Grant, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not exceeding \$784,400 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 Borough in a principal amount not exceeding \$784,400 are hereby authorized to be issued pursuant to, and within the limitations prescribed by, the Local Bond Law.

SECTION 3. (a) The improvements hereby authorized and the purposes for which said bonds or notes are to be issued are for the reconstruction of the entire lengths or portions of various roads within the Borough, including, but not limited to, Hilltop Terrace, Struble Lane, Lakeside Avenue, Sally Street, Wallace Avenue, Catherine Street and Heather Lane. Such improvements or purposes are to include, but are not limited to, as applicable, demolition and excavation, milling, paving, resurfacing and reconstruction of the roadways, roadway painting and striping, the repairing and/or removal and installation of

sidewalks, driveway aprons, curbing, retaining walls and curb ramps, guardrails, and concrete improvements, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto, all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(b) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$784,400.

(c) The estimated cost of said improvements or purposes is \$1,075,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the DOT Grant.

SECTION 4. Except for the DOT Grant, 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. Except for the DOT Grant, 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.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer 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. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer 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 is hereby authorized to sell part or all of the notes from time to time at 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, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget 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, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

SECTION 7. 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 or purposes which the Borough may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) 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, 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 bonds or notes provided for in this bond ordinance by \$784,400 and

the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$130,000 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 hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and 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 bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. 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 Regulations §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 is "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.

SECTION 10. 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 under this bond ordinance on a tax-exempt basis.

SECTION 11. 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, which are authorized herein, 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.

SECTION 12. This bond ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, 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 GRAZIANO 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 GRAZIANO and carried on voice vote all members voting AYE; none were opposed.

Adoption:

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

INTRODUCTION OF NEW BUSINESS:

A. Adoption of Resolution No. 2022-6.20: Payment of Municipal Obligations

Motion: John Graziano

Second: Ray Yazdi

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

*HUDSON recused from PO 22-00579 to MIKE HUDSON

B. Adoption of Resolution No. 2022-6.21: Change Order (Andrew Place)

Motion: John Graziano

Second: Ray Yazdi

Discussion: Council discussed & clarified the change order for repairs of the stormwater drainage system that were unforeseen at the time of bidding for Councilwoman Schubert

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

C. Adoption of Resolution No. 2022-6.22: Orchard Street & Wallace Avenue Survey (DMC)

Motion: Ray Yazdi

Second: John Graziano

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

D. Introduction of Ordinance No. 17-2022: Amended Ch. 2-12 (Public Defender)

Comments by Borough Attorney: The ordinance presented is revised to ensure it's in compliance with the statues as it relates to the application of a public defender & use of funds.

A motion was made by YAZDI to introduce the Ordinance by title; second and final reading/ public hearing will be on July 19, 2022 at 7PM; the motion was seconded by GRAZIANO and carried on the following voice vote: all members present 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 2 "ADMINISTRATION", ARTICLE IV "BOROUGH OFFICERS AND EMPLOYEES", SECTION 2-12 "PUBLIC DEFENDER" OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

LATE PUBLIC COMMENT:

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

John {unknown last name}, 158 Reeve Avenue, Bloomingdale:

Made the following inquires:

- Requested reverse 911 when there is a watermain break or disturbance in water service to the residents

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

GOVERNING BODY SCHEDULE

- A. Workshop Meeting & 2022 Budget Hearing – July 19, 2022 7PM**
- B. Regular Meeting – August 16, 2022 7PM**
- C. Workshop Meeting – September 6, 2022 7PM**

ADJOURNMENT:

Since there was no further business to be conducted, YAZDI moved to adjourn at 7:27PM; seconded by CATALANO and carried on voice vote with all Council Members voting AYE.

Breeanna Smith, RMC
Municipal Clerk

JUNE 28, 2022 RESOLUTIONS

**RESOLUTION NO. 2022-6.17
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 \$600/week
Michelle Manella – Program Director \$600/week

Counselors

Edward Martinez	Izabella Grzybowski
Andrew Brand	Kendra Menger
James Russnak	Evenny Lopez
Brent Benicasa	Janellyne Morillo
William Friscoe	Emily Costello
Carlos Guerrero	Martin Martinez
Alyssa Vigorito	Sophia Ferreira
Brenn Stackhouse	Sofia Campadonico

Unless otherwise noted, all counselors will be paid \$13.00 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

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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-6.18
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN PROFESSIONAL SERVICE CONTRACT WITH LAWSOFT INC. FOR IT SUPPORT SERVICES

WHEREAS, the Borough of Bloomingdale has provided a 60-day notice of termination to Code96 terminating the contract for IT services effective August 30, 2022; and

WHEREAS, the Borough has a need for IT support services of the Borough & Police Department Computer Network and servers as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, the Local Public Contracts law (N.J.S.A. 40A:11-1, et. seq) requires that the Resolution authorizing the award of contracts for Professional Services without competitive bids and the contract itself must be awarded for public inspection; and

WHEREAS, the Borough Administrator recommends LawSoft Inc. as per proposal #22-0060; and

WHEREAS, the term of this contract is from August 1, 2022 through December 31, 2022; and

WHEREAS, LawsSoft Inc. will provide IT support services of Borough and Police Department Computer Network/Servers sought by the Borough of Bloomingdale per the IT Maintenance and Support agreement on file with the Municipal Clerk; and

WHEREAS, LawsSoft Inc. completed and submitted a Business Entity Disclosure Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit LawsSoft Inc. from making any reportable contributions through the term of the contract; and

WHEREAS, this contract is conditioned upon the funds being approved by the Governing Body in the 2022 budget;

NOW, THEREFORE, BE IT RESOLVED that the Mayor & Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey authorizes the Mayor and Municipal Clerk to enter a contract with LawSoft Inc. of 15 Hamburg Turnpike, Bloomingdale, NJ as described herein to the satisfaction of the Council; and

BE IT FURTHER RESOLVED that the contract, resolution and other pertinent documents shall remain on file in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Borough’s legal newspaper.

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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-6.19
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

Supporting the 2022 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve impairs drivers; and

WHEREAS, impaired driving crashes killed 10,874 people in the United States in 2017; and

WHEREAS, impaired driving crashes cost the United States almost \$44 billion a year; and

WHEREAS, over the five year period 2016-2020 New Jersey's roadways experienced 33,798 crashes and 662 fatalities involving impaired drivers; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *2022 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 19 through September 5, 2022; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Borough of Bloomingdale declares its support for the *2022 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown* from August 19 through September 5, 2022 and pledges to increase awareness of the dangers of drinking and driving.

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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-6.20
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;

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>LIST</u>	<u>BILLS LIST</u>	<u>PREPAID</u>	
CURRENT		CURRENT	
UTILITY	\$2,088,180.88	UTILITY	
CAPITAL	\$638,085.45	OPEN SPACE	
CAPITAL UTILITY	\$53,744.80	TRUST ACCOUNT	\$546,083.03
TRUST	\$7,845.53	RECYCLING	\$37,512.13
DOG TRUST	\$34,097.08	DOG TRUST	
RECREATION	\$494.40	UNEMPLOYMENT	\$19,628.00
ROSE FUND	\$1,928.98	CAPITAL	
RECYCLING	\$34,571.63	WATER CAPITAL	
UNEMPLOYMENT	\$0.00	RECREATION	\$206.59
AFFORDABLE HOUSING	\$0.00	CAPITAL ASSESSMENT	\$747.50
TOTAL	\$0.00	TOTAL	
	\$2,858,948.75		\$112.79

<i>Record of Council Vote on Passage</i>					\$604,290.04				
COUNCIL PERSON	AYE	NAY	Abstain	Absent	COUNCIL PERSON	AYE	NAY	Abstain	Absent
*Hudson	X				Catalano	X			
Schubert	X				Graziano	X			
Juhlin				X	Yazdi	X			

recusals are listed in the official minutes

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 Tuesday, June 28, 2022.

Breeanna Smith, R.M.C.
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-6.21
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING CHANGE ORDER #1 FOR THE CONTRACT FOR THE ANDREW PLACE, VALE ROAD AND GLEN ROAD IMPROVEMENT PROJECT BETWEEN THE BOROUGH OF BLOOMINGDALE AND MIKE FITZPATRICK CONTRACTORS, INC.

WHEREAS, the Borough of Bloomingdale and Mike Fitzpatrick Contractors, Inc., have entered into a contract in the amount of **\$929,215.50** for the Andrew Place, Vale Road and Glen Road Improvements Project; and,

WHEREAS, it has been recommended by the Borough Engineer, Thomas A. Boorady of Darmofalski Engineering Associates, Inc., that certain changes to this contract are necessary & were unknown or unforeseen at the time of plan preparations. The additional work includes: repairs of the stormwater drainage system that were unforeseen at the time of bidding. The work is within the project limits.

Non-Contract Work Items – (unforeseen work within project limits)

	<u>Additional Cost</u>
Change Order #1	\$ 155,656.10
Total Net Change Order:	\$ 155,656.10
Percentage Increase:	16.75%

; and

WHEREAS, the original contract amount was **\$929,215.50**; the amended contract amount based upon Change Order #1 is \$1,084,871.60 which is 16.75% increase from the original contract amount; and,

WHEREAS, in accordance with N.J.A.C. 5:30-11.3, the change orders have not caused the originally awarded contract price to be exceeded by more than 20 percent; and,

WHEREAS, the Borough Engineer, Thomas A. Boorady of Darmofalski Engineering Associates, Inc., has reviewed the change order and recommended to the Governing Body that it modify its agreement with Mike Fitzpatrick Contractors, Inc., subject to the certification of funds, as a result of the above-referenced changes of condition which have occurred on the project and as detailed in the Borough Engineer’s email Memorandum, dated June 24, 2022; and,

WHEREAS, Borough Chief Financial Officer has certified the funds 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, that Change Order #1 is hereby approved in the contract between the Borough of Bloomingdale and Mike Fitzpatrick Contractors, Inc. as follows:

Original Contract	\$ 929,215.50
Change Order #1	\$ 155,656.10
New Contract Total:	\$ 1,084,871.60

Increase 16.75%

This Resolution will take effect immediately upon approval and certification of funds.

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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale

**RESOLUTION NO. 2022-6.22
OF THE GOVERNING BODY OF
THE BOROUGH OF BLOOMINGDALE**

RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING EXISTING CONDITION ROADWAY SURVEY OF ORCHARD STREET & WALLACE AVENUE BY DMC ASSOCIATES, INC.

WHEREAS, the Borough has appointed DMC Associates, Inc. as the Borough’s Land Surveyor; and

WHEREAS, the Borough Engineer recommends a roadway survey of Orchard Street (from Van Dam Avenue to Union Avenue) and Wallace Avenue (from Paterson Hamburg Turnpike to Ballston Street) in an email memorandum dated June 21, 2022; and

WHEREAS the Borough wishes to retain DMC Associates, Inc. to prepare the survey in accordance with their proposal dated June 16, 2022 (revised June 22,2022); and

WHEREAS, funds are available for this purpose as evidenced in the annexed certification of funds in an amount not to exceed \$9,400.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. §40A:11-1 *et seq.*, requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

Section 1. This contract with DMC Associates, Inc. is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. §40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

Section 2. DMC Associates, Inc. shall provide land surveying services as set forth in the proposal dated June 16, 2022 (revised June 22,2022) at a cost not to exceed \$9,400.00.

Section 3. A notice of this action shall be printed once in the legal newspaper of the Borough of Bloomingdale as required by law.

Section 4. A copy of this Resolution shall be provided to Donna Mollineaux, Chief Financial Officer, Thomas Boorady, Borough Engineer and to DMC Associates, Inc. of 211 Main Street, Butler, NJ 07405 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 June 28, 2022.

Breeanna Smith, RMC
Municipal Clerk, Borough of Bloomingdale