OPEN PUBLIC DISCUSSION ON PROPOSED ORDINANCE

PROPOSED ORDINANCE

Regulating Massage and Bodywork Establishments

R-16-227: Resolution Authorizing Executive Session to Discuss a Matter Involving Tactics and Techniques Utilized in Protecting the Safety and Property of the Public, Including Violations or Possible Violations of the Law

OPEN PUBLIC DISCUSSION ON PROPOSED ORDINANCE

R-16-228: Resolution Authorizing Executive Session to Discuss a Matter Involving the Purchase, Lease or Acquisition of Real Property with Public Funds

Motion to Adjourn
AN ORDINANCE AMENDING CHAPTER IV, GENERAL LICENSING, OF THE REVISED ORDINANCES OF THE TOWNSHIP OF DENVILLE, NEW JERSEY, TO AMEND CHAPTER IV, SECTION 4-13, MASSAGE AND BODYWORK ESTABLISHMENTS AND CHAPTER IIA, FEES, RATES AND CHARGES

WHEREAS, the Township of Denville has a compelling interest in the licensing of massage, bodywork and somatic therapy establishments so as to ensure that such establishments are being operated as legitimate business enterprises and are not engaged in criminal activity; and

WHEREAS, the Township also has a compelling interest in the regulation of such establishments so as to ensure that they meet certain minimum health standards associated with such businesses; and

WHEREAS, this Ordinance is being adopted in order to preserve the public health, safety and general welfare of the residents of the Township of Denville.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Township of Denville, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter IV, General Licensing, of the General Ordinances of the Township of Denville, Section 4-13 entitled "Massage, Body Work and Somatic Therapy Establishments" is hereby amended in its entirety to read as follows:

4-13. MASSAGE AND BODYWORK THERAPY ESTABLISHMENTS

4-13.1 Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:


Massage and bodywork therapies shall mean any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, positioning and mobilizing soft tissue of the body by manual technique and use of visual, kinesthetic, auditory and palpating skills to assess the body for purposes of applying therapeutic massage, bodywork or somatic principles. Such applications may include, but are not limited to, the use of therapies such as heliotherapy or hydrotherapy, the use of moist hot and cold external applications, external application of herbal or topical preparations not classified as prescription drugs, movement and neuromyofacial...
education and education in self-care and stress management. Massage, and bodywork therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

_massage and bodywork therapist_ shall mean any person certified and licensed pursuant to the provisions of the Act.

_massage, and bodywork therapy establishment_ shall mean any establishment wherein massage, and bodywork therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

4-13.2 Permits Required.

(a) Massage and Bodywork Therapy Establishment Permit Required. No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Denville as or for a massage and/or bodywork therapy establishment unless or until such establishment is registered with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and there has first been obtained a permit for such establishment or premises from the Township of Denville Division of Health in accordance with the terms and provisions of this ordinance.

(b) Massage and Bodywork Therapist’s License Required. No person shall practice massage or bodywork therapies as a massage and/or bodywork therapist or otherwise unless he or she has a valid and subsisting massage and bodywork therapist’s license issued to him or her by the Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-53 et seq. and N.J.A.C. 13:37A-1.1 et seq., as same may be amended and supplemented from time to time.

(c) Establishment Permits shall be issued for a term of one year expiring December 31 and must be renewed annually by January 1. All establishments in existence as of the effective date of this ordinance must submit an application for a permit by __________, 2017.

(d) Application and Inspection Fees for Establishment Permits shall be as set forth in Chapter IIA, Fees.

4-13.3 Application for Massage and Bodywork Therapy Establishment Permit; Requirements.

Any person desiring a Massage and Bodywork Therapy Establishment Permit shall file a written application with the Division of Health upon a form to be furnished by the Health Officer. The application form for each initial permit and subsequent renewal thereof shall contain the following information:

(a) The type of ownership of the business i.e., whether individual, partnership, corporation, limited liability corporation, limited liability partnership or otherwise.

(b) The trade name, style and designation under which the business is to be conducted.
(c) The business address, email address and all telephone numbers, including cell phone numbers and facsimile, where business is to be conducted.

(d) A complete list of the names and residence addresses of all managers or other persons principally in charge of the operation of the business, which list shall be kept current in the establishment.

(e) A sworn notarized statement indicating that all massage and bodywork therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been issued a license by the New Jersey Board of Massage and Bodywork Therapy and a copy of the license for each such therapist currently employed, as well as the residence address for each such therapist. Within thirty (30) days of the hiring of each additional massage and bodywork therapist, a copy of each such therapist’s license, as well as the therapist’s residence address shall be provided to the Division of Health.

(f) The following personal information concerning the applicant, if a sole proprietorship, the individual; if a corporation, each stockholder holding more than 10% of the stock of the corporation, each officer and each director; if a partnership or limited liability corporation or limited liability partnership, the members or partners, including limited partners, and, concerning the manager or other person principally in charge of the operation of the business; shall be provided:

(1) The name, including nicknames and aliases, complete residence address and residence telephone number.

(2) The two previous residential and business addresses immediately prior to the present address of the applicant.

(3) Copy of current driver’s license or other government issued ID.

(4) Height, weight, sex, color of hair and eyes.

(5) Three (3) front-face portrait photographs taken within thirty (30) days of the date of the application and at least two by two (2 x 2) inches in size. The full legal name and any nickname or alias of the individual in the photograph shall be printed on the rear side of each photograph.

(6) The massage therapy or similar business history and experience, including, but not limited to, the two previous business and residential addresses and telephone numbers immediately prior to the date of the application and whether or not such person has previously operated in this or another municipality or state under a license or permit or has had such license or permit denied, revoked or suspended and the reason therefor and the business activities or occupations subsequent to such action or denial, suspension or revocation.

(7) All disorderly persons and criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the
Upon completion of the inspection of the premises to be permitted, the Health Officer or his/her designee shall prepare a report detailing all inspection findings, including violations and required corrective measures to be taken prior to the issuance of permit under this ordinance. A copy of the report shall be provided to the applicant. An applicant that fails to take all required corrective measures detailed in an inspection report issued by the Health Officer or his/her designee shall be subject to the penalties set forth in Section 4-13.14 and/or denial of the permit.

No massage and bodywork therapy establishment shall be issued a permit or be operated, established or maintained in the Township unless an inspection by the Health Officer, Construction Official and Fire Prevention Official reveals that the establishment complies with the minimum requirements of the Building and Health Codes for businesses operating in the Township of Denville. Upon the Health Officer’s determination that the establishment complies with all sanitary and operational requirements set forth in this ordinance and all other applicable Township and State of New Jersey regulations, the Health Officer shall endorse the application noting approval or disapproval.
In addition, the establishment must comply with each of the following minimum requirements:

(a) All massage tables, bathtubs, shower stalls, steam or bath areas and floors shall have surfaces which may be readily disinfected, and shall be maintained in a sanitary condition and regularly cleaned and disinfected.

(b) Adequate procedures shall be established and observed to provide for the disrobing in privacy of the patrons to be served at any given time. In the event that male and female patrons are to be served simultaneously, separate dressing and massage room facilities shall be provided.

(c) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron.

(d) Adequate hand washing facilities shall be provided at convenient locations as necessary to maintain clean hands and arms of all employees during hours of operation.

(e) The regulations set forth at N.J.A.C. 13:37A-1 et seq.

4-13.5 Investigating and Fingerprinting of Applicant and Employees.

(a) Unless an applicant for a massage and bodywork therapy establishment permit or renewal thereof can produce proof satisfactory to the Police Chief that a criminal background check was conducted at the time of registration with the New Jersey Board of Massage and Bodywork Therapy pursuant to N.J.S.A. 45:11-76 and N.J.S.A. 45-11-80, all applicants seeking a permit, renewal or temporary permit under this ordinance shall respond to the Denville Township Police Department with a current driver’s license or other government issued photo identification. The applicant shall be photographed and provided with a fingerprint application form to obtain fingerprints from a vendor licensed by the State of New Jersey. The applicant, at the applicant’s expense, shall respond to the authorized fingerprint vendor’s location for a fingerprint check.

(b) When said application is properly filled out, signed by the applicant and has been filed with the Health Officer with all accompanying information, the application shall be referred by the Health Officer to the Township Police Department. The Chief of Police or his or her designee shall investigate the information available as to the good moral character of the applicant, and shall recommend approval or disapproval of the application within thirty (30) days. Reasons for a recommendation of disapproval shall be set forth in writing on the reverse side of the application. In evaluating a criminal record of an applicant, the Chief of Police must consider whether the offense relates adversely to the occupation of a massage and bodywork therapist establishment pursuant to the criteria set forth in N.J.S.A. 2A:168A-2 et seq. The application shall be returned to the Health Officer who will either issue the permit or notify the applicant of a denial.
(c) Except for massage and bodywork therapists who have been issued a license by the New Jersey Board of Massage and Bodywork Therapy, all employees of a massage and bodywork establishment that is subject to this ordinance, including paid and non-paid employees and volunteers operating in the establishment, shall apply for a criminal history background check in accordance with the procedure set forth in paragraphs (a) and which background check shall be subject to approval of the Chief of Police as set forth in paragraph (b) of this Section. The disapproval by the Chief of Police of the background check of any employee will constitute cause for denial or revocation of a permit.

(d) Before a prospective employee, as defined in paragraph (c) above, may be employed by an establishment to which a permit has been issued, such prospective employee must apply for a criminal history background check in accordance with the procedure set forth in paragraph (a) of this Section. No person shall be employed until the background check has been provided to and approved by the Chief of Police or his designee as set forth in paragraph (b) of this Section and the Health Officer so notified.

4-13.6 Review and Approval of Permit. All permit applications under this chapter shall be reviewed and approved or denied by the Health Officer. Any permit issued pursuant to this Ordinance shall be valid only to the sole proprietorship, partnership, limited liability partnership or company, corporation or any other form of business organization to which it was issued and shall not be transferable to another premises.

A new permit application in accordance with the provisions of Section 4-13.3 must be filed prior to any alterations to a previously permitted establishment.

4-13.7 Cause for Closure; Suspension or Revocation of Permit.

(a) Any person, firm, corporation or other entity found to be operating any establishment or utilizing any premises in the Township of Denville as or for a massage and bodywork therapy establishment after having been denied a license or after failing to renew a license may be ordered closed by the Health Officer or his/her designee or the Chief of Police or his designee in addition to the general penalties set at Section 3-1 of these Revised General Ordinances.

(b) Permits issued under this section may be suspended by the Health Officer or his/her designee, the Construction Official, the Fire Prevention Official or the Chief of Police or his/her designee, provided that the Health Officer is so notified within 24 hours, in accordance with 4-13.7(d) or be revoked or suspended by the Township Council [or by a hearing officer duly appointed by the Township Council], after notice and a hearing, as applicable, for any of the following causes:

(1) Fraud, misrepresentation or false statement in the application for the permit.

(2) Fraud, misrepresentation or false statement made in the course of carrying on the permitted business in the Township.

(3) Any violation of this section.
Conviction of an offense involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution and any offense involving dishonesty.

Conducting the permitted business in the Township in an unlawful manner or in such a manner as to constitute a menace to the health, safety or general welfare of the public.

Failure to submit a valid State of New Jersey Massage & Bodywork Employer Registration issued by the New Jersey Board of Massage and Bodywork Therapy.

Employing or otherwise permitting persons to perform massage or bodywork therapy in the establishment who are not currently licensed by New Jersey Board of Massage and Bodywork Therapy as massage and bodywork therapists.

The owner and/or operator or any employee refuses to permit, hinders, or obstructs, the Health Officer or his/her designee or any duly authorized Police Officer or official to inspect the premises or the operation therein.

Notice of the hearing for the revocation of a permit shall be given in writing by the Health Officer setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall contain a brief statement of the grounds to be relied upon for revoking, cancelling, or suspending such license. Notice may be give either by personal delivery thereof to the person to be notified or be deposited in the United States Post Office in a sealed envelope, postage prepaid, addressed to such person to be notified at the business address appearing upon such permit by simultaneous regular mail and certified mail, return receipt requested.

Such permit may, pending revocation proceedings, be suspended for not more than ten (10) days by the Health Officer if, in his/her opinion, the conduct of the permittee is detrimental to the health, safety and general welfare of the Township of Denville.

At the hearing before the Township Council [or a hearing officer duly appointed by the Township Council], the permittee shall have an opportunity to answer and may thereafter be heard, and upon due consideration and deliberation by the Township Council [or the hearing officer], the complaint may be dismissed, or if the Township Council [or the hearing officer] concludes that the charges have been sustained and substantiated, it may suspend or revoke the permit or deny reinstatement of the permit, as applicable, and stipulate the conditions required for reinstatement of the permit.

If any such permit shall have been revoked, neither the holder thereof nor any person acting for him, directly or indirectly, shall be entitled to another permit to carry on the same business within the Township, unless the application for such permit shall be approved by the Township Council.
(g) A person, firm, corporation or other entity whose permit has been revoked or suspended shall close the establishment and request all patrons to vacate the premises.

4-13.8 Display of Permit.

The massage and bodywork therapy establishment shall display its state issued registration and the permit issued by the Township as well as the original or duplicate license, in accordance with N.J.A.C. 13:37A-3.4, of each and every massage and bodywork therapist employed in the establishment in an open and conspicuous space near the public entrance to the establishment and at eye-level where they may be viewed by all entering the establishment. A 2-inch by 2-inch passport sized color photo of the licensed therapist must be affixed to, in a manner not to obscure, the displayed license of each and every massage and bodywork therapist employed by the establishment. In addition, all therapists on site must have in their possession a valid government issued photo identification.

4-13.9 Operating requirements.

Every massage and bodywork therapy establishment shall comply with the following:

(a) Every portion of the massage and bodywork therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) The hours of operation for the establishment shall be posted conspicuously and unobstructed where these may be viewed from the outside of the establishment. The following signage shall be posted conspicuously and unobstructed in the reception area where these may be viewed by patrons:

   i. Price rates for all services provided by the establishment, provided that price rates may be available in the reception area in pamphlet form in lieu of signage.

   ii. A sign reading: "Consumer complaints regarding this establishment may be made by calling the Denville Township Health Department" along with the telephone number for the Denville Health Department. All lettering for the sign shall be a minimum height of two inches (2") and shall contrast in color to the background of the sign.

(c) The public entrance to the establishment and any door leading to areas wherein corridors for rooms where massage and bodywork therapy work areas are located shall be unlocked while the establishment is providing services to clients. Use of remote locking and unlocking systems and/or intercom systems to permit entry into the establishment shall be prohibited.

(d) A landline telephone shall be made available in the establishment. Emergency telephone numbers for EMS, the Township's Police Department, Fire Department, and Health Department along with "911" shall be posted conspicuously and unobstructed from view adjacent to the telephone.
(e) All employees, including massage and bodywork therapists, shall be clean and wear clean, non-transparent outer-garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward and shall be self-closing.

(f) All massage and bodywork therapy establishments shall be provided with clean laundered sheets and towels in sufficient quantity which shall be laundered after each use thereof and stored in a sanitary manner. Receptacles with lids shall be provided for the depositing of soiled and used linens. Such receptacles shall be kept clean and shall be of non-absorbent and easily-cleanable design. All clean linens shall be stored in such a manner so as to prevent contamination.

(i) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities and surfaces shall be in good repair and maintained in a clean and sanitary condition. Wet and dry heat rooms, steam or vapor rooms or steam or vapor cabinets and shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use. When carpeting is used on the floors, it shall be kept dry, clean and sanitary.

(j) Oils, creams, lotions and other preparations used in administering massage and bodywork therapies shall be kept in clean closed containers or cabinets. Single service products shall be used when available.

(k) Animals, except for service animals, shall not be permitted in the massage work area.

(l) Each massage and bodywork therapist shall wash his or her hands up to and including the elbows in hot running water, using a proper soap or disinfectant before administering a massage or bodywork therapy to a patron. All restroom and workstation hand wash sinks are to be stocked with liquid hand soap and paper towels. Dispensers for soap and paper towels are to be wall mounted. Restroom hand wash sinks must have signs conspicuously displayed with the following language: “Employees must wash hands after using the restroom.”

(m) Rooms wherein massage or bodywork therapy is provided shall not have any type of locking device nor shall such rooms be locked while occupied by a client and the therapist. This requirement shall not preclude the licensee from using signage on the exterior side of the door to the room to indicate when said room is occupied by a client and a therapist.

(n) No massage establishment shall knowingly serve any patron infected with any fungus or other skin infections, nor shall service be performed on any patron exhibiting skin inflammation or eruptions, provided that a duly licensed physician may certify that a person may be safely provided with a massage or bodywork therapy, prescribing the conditions thereof.
No owner or manager of a massage and bodywork therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this section.

4-13.12 Prohibited Acts.

(a) No owner or manager of a massage and bodywork therapy establishment shall tolerate in his or her establishment any activity or behavior prohibited by the laws of the State of New Jersey, particularly, but not limited to, laws proscribing prostitution, indecency and obscenity, including the sale, uttering or exposing and public communication of obscene material; laws which relate to the commission of sodomy, adultery and proscribing fornication, nor shall any owner or manager tolerate in his or her establishment any activity or behavior which violates this section.
(b) Any conviction of any employee of a massage and bodywork therapy establishment of a violation of the aforementioned statutes and codes shall devolve upon the owner or manager of such establishment, it being specifically declared that following such conviction of an employee, the owner or manager of the establishment may be prosecuted as an accessory to such violation and the permits which have been issued shall be automatically revoked.

(c) It shall be unlawful for any person knowingly, in a massage and bodywork therapy establishment to fondle in any manner the buttocks, genital area or female breast of any other person. No massage and bodywork therapist, employee or operator shall offer to perform any act that would require the touching of the patron's genital area. The buttocks, genital area and female breast of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage and bodywork therapist.

(d) The following activities are prohibited in the licensed establishment:

i. Table showers

ii. Ear Candling

iii. Any procedure that involves ear picks, ear scoops or ear spoons.

iv. Cupping or applying the open end of a glass vessel or vessel of another material onto the client's skin and utilizing an open flame to heat the vessel.

v. Any activities or therapies that utilize any form of terrestrial or aquatic animals during therapy including but not limited to fish foot spas.

vi. Any activities or therapies that utilize animal waste or products that contain animal waste as an ingredient.

vii. Colon cleansing.

(e) Pest control or sprays are prohibited unless performed by NJDEP licensed pest control contractors.

(f) On premises laundering is restricted to only those linens and towels used within the operation.

(g) No bulk food storage or meal preparation is permitted on the premises.

(h) No person under the age of 18 years shall be served unless accompanied by a parent or guardian.
4-13.13 Exceptions.

The provisions of this ordinance shall not apply to massage and bodywork therapies given:
(a) In the office of licensed physician, chiropractor or physical therapist; or,
(b) By a regularly established medical center, hospital or sanatorium having a staff which includes licensed physicians, chiropractors and/or physical therapists; or,
(c) By any licensed physician, chiropractor or physical therapist in the residence of his or her patient; or,
(d) By a licensed barber or cosmetologist/hair stylist limited to the areas of the face, neck, scalp or upper part of the body, or manicurists or pedicurists, as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B et seq.
(e) By a reflexologist, certified accredited by an established reflexology certification board, limited to the areas of the hands, ankles and feet.
(f) As set forth in N.J.S.A. 45:11-68.

4-13.14 Violations and Penalties.

In addition to the revocation or suspension of the permit granted under this section, any person who violates any provision of this ordinance shall, upon conviction hereof, be subject to the penalties provided in Section 3-1 of these Revised General Ordinances.

4-13.15 Enforcement Agent.

The Health Officer and his/her designee and/or any Police Officer of the Township shall be the enforcement agents for purposes of any permit issued pursuant to or required by this Ordinance.

SECTION 2. Chapter IIA, Fees, Rates and Charges, Section 2A-6, Health, is hereby amended and supplemented by the addition of the following fees:

"Massage and Bodywork Therapy Establishments
Application fee $250.00
Late fee $ 50.00
Reinspection fee $150.00 per reinspection"

SECTION 3. This ordinance may be renumbered for purposes of codification.

SECTION 4. Ordinances, resolutions, regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistencies.
SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ATTEST: 

KATHRYN BOWDITCH-LEON, RMC 
MUNICIPAL CLERK

APPROVED: 

MAYOR THOMAS W. ANDES 
TOWNSHIP OF DENVILLE

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ____________, 2016

Kathryn Bowditch-Leon, RMC 
Municipal Clerk
RESOLUTION

WHEREAS, the Open Public Meetings Act P.L. 1974, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, BY THE Municipal Council of the Township of Denville, that the public shall be excluded from discussion of the following matter(s):

- A confidential matter, under Federal Law or State Statute, or rule of court
- A matter in which the release of information would impair a right to receive funds from the Government of the United States
- Material the disclosure of which constitutes an unwarranted invasion of privacy
- A collective bargaining agreement, including the negotiation of terms and conditions
- A matter involving the purchase, lease or acquisition of real property with public funds,
- Tactics and techniques utilized in protecting the safety and property of the public, including investigations of violations or possible violations of the law,
- Pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party, specifically
- Matters falling within the attorney-client privilege
- A matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of a specific prospective public officer or employee employed or appointed by the public body
- Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit

BE IT FURTHER RESOLVED that minutes will be kept on file in the municipal clerk’s office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on October 11, 2016

Certification date: ____________________________
Kathryn Bowditch-Leon, RMC
Municipal Clerk
RESOLUTION

WHEREAS, the Open Public Meetings Act P.L. 1974, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, BY THE Municipal Council of the Township of Denville, that the public shall be excluded from discussion of the following matter(s):

- A confidential matter, under Federal Law or State Statute, or rule of court
- A matter in which the release of information would impair a right to receive funds from the Government of the United States
- Material the disclosure of which constitutes an unwarranted invasion of privacy
- A collective bargaining agreement, including the negotiation of terms and

✓ A matter involving the purchase, lease or acquisition of real property with public funds,
  - Tactics and techniques utilized in protecting the safety and property of the public, including investigations of violations or possible violations of the law,
  - Pending or anticipated litigation or contract negotiation other than in section (4) herein which the public body is, or may become a party, specifically

  - Matters falling within the attorney-client privilege

  - A matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of a specific prospective public officer or employee employed or appointed by the public body

  - Deliberations occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit

BE IT FURTHER RESOLVED that minutes will be kept on file in the municipal clerk’s office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public.

BY ORDER OF THE MUNICIPAL COUNCIL
OF THE TOWNSHIP OF DENVILLE

I, Kathryn Bowditch-Leon, Municipal Clerk for the Township of Denville do hereby certify the above to be a true and exact copy of a resolution approved by the Municipal Council at their meeting held on October 11, 2016

Certification date: ________________________
Kathryn Bowditch-Leon, RMC
Municipal Clerk