The Meeting was called to order by President Golinski at 7:30 pm. The Salute to the Flag was recited, followed by the reading of the Notice of Compliance with the Open Public Meetings Act by Deputy Township Clerk Danielle Lewis. Ms. Lewis advised that this is a non-smoking facility and asked that all electronics be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Kuser, Fitzpatrick, President Golinski
Absent: Lyden, Murphy

ALSO IN ATTENDANCE: Thomas Andes, Mayor; Steven Ward, Administrator; Paula DeBona, Assistant Township Attorney; Carlos Perez, Health Officer; Keith Partin, Lieutenant; Scott Revis, Detective

OPEN PUBLIC PORTION: No one wished to be heard.
CLOSE PUBLIC PORTION.

Mayor Andes announced that there are two Executive Sessions on the agenda for the evening and requested the meeting enter into the first Executive Session at 7:32 pm.

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

MOTION TO APPROVE R-16-227:
MOVED BY MEMBER KUSER, SECONDED BY MEMBER GABEL
AYES: KUSER, GABEL, WITTE, FITZPATRICK, PRESIDENT GOLINSKI
ABSENT: LYDEN, MURPHY

President Golinski announced that the open session would resume after the close of the Executive Session.

The Council came out of Executive Session at 8:08 pm.

Administrator Ward stated that illegitimate establishments masquerading as massage parlors are a problem that exists locally, regionally, statewide, and nationwide. The proposed ordinance regulating massage and bodywork establishments is aimed to aid with public health and safety within the Township, ensuring that massage therapists are licensed by the State of New Jersey and that establishments meet certain sanitary conditions.

Mr. Ward briefly reviewed several sections of the proposed ordinance that included the requirement that therapists be licensed by the State. The ordinance also requires permits for establishments and establishes application procedures, fees, and requirements for inspections. He explained that background checks of applicants and employees would be required except for licensed massage therapists. He also discussed the operating requirements, causes for closure, suspension or revocation of a permit and prohibited acts.

Mr. Ward explained that should the Township receive a complaint again a massage therapy establishment and the establishment’s permit is revoked, then the defendant has the right to appeal the revocation and appear before the Municipal Council or before a hearing officer duly appointed by the Municipal Council. Discussion ensued regarding the hearing process.
Councilman Kuser asked Assistant Township Attorney DeBona if this proposed ordinance would function as a health ordinance, a police ordinance, or a hybrid ordinance should it be adopted by the Council. Ms. DeBona responded that this ordinance would serve as a hybrid of health and police, as it regulates a specific type of business as well as health-related aspects of the business through inspections conducted by the Township Construction Official and the Health Officer.

Councilman Kuser asked what would constitute probable cause to inspect an establishment. Mr. Perez responded that pre-operational inspections will be required for all new establishments and inspections will also be performed at least once a year and when a complaint is received. Councilman Kuser then asked if inspections would be unannounced. Mr. Perez stated that if a complaint is received, the Health Department would coordinate with the Police Department and that those inspections will always be unannounced. Mr. Kuser asked if a police officer can enter an establishment and request to view licenses, files, and other pertinent documents. Mr. Perez stated that the right to review relevant documents at an establishment would be enforceable by the Health Officer as well as designated police officers and other Township officials. Administrator Ward added that inspections would be a collaborative effort between the Police Department and the Health Department.

Councilman Kuser was concerned about what would happen if an applicant met with the Zoning Officer for a business permit and did not state that they were applying for a massage parlor, but rather a yoga studio or some other type of business and asked if the applicant would have to describe exactly what they plan to do with their business to the Zoning Officer. President Golinski asked if fire officials would be cross-trained to investigate business requests that do not make sense, such as Councilman Kuser’s example of a yoga studio with ten different rooms. Mr. Perez responded that fire officials would be cross-trained to research these potential situations.

Councilwoman Witte has a question regarding the requirement of dressing rooms, which Ms. DeBona answered. Administrator Ward commented that many illegitimate establishments lock their employees inside the place of business and force them to sleep there. For that reason, there is a provision in the proposed ordinance that prohibits sleeping quarters at any establishment. Mr. Ward also noted that many of the larger, legitimate massage therapy establishments have varying requirements concerning the age of their customers. It was decided that it would be best to establish a consistent minimum age requirement of 18 years in the proposed ordinance for all clients of the establishments.

Councilman Gabel asked if any of the existing establishments in the Township will be grandfathered. Mr. Perez responded that if adopted, this ordinance would apply to both existing and future establishments. Ms. DeBona added that existing establishments will be required to apply for a permit by a certain date after the adoption of the ordinance.

Discussion ensued about regulating massage practices at temporary events such as wellness fairs and at the senior housing facilities in the Township.

President Golinski initiated discussion concerning the fees and rates that would apply to establishments if the ordinance is adopted. Discussion also ensued relating to the potential cost to the Township for the Council to appoint a professional hearing officer.

The Council moved to enter the second Executive Session at 8:58 pm.

R-16-228: Resolution Authorizing Executive Session to Discuss a Matter Involving the Purchase, Lease or Acquisition of Real Property with Public Funds
Township Council
10-11-16

MOTION TO APPROVE R-16-228:
MOVED BY MEMBER FITZPATRICK, SECONDED BY MEMBER KUSER
AYES: FITZPATRICK, KUSER, GABEL, WITTE, PRESIDENT GOLINSKI
ABSENT: LYDEN, MURPHY

President Golinski announced that the open session would resume after the close of the Executive Session.

The Council came out of Executive Session at 9:23 pm.

MOTION TO ADJOURN:
MOVED BY MEMBER WITTE, SECONDED BY MEMBER GABEL
AYES: UNANIMOUS

Meeting adjourned at 9:24 pm.

Respectfully submitted by,

Danielle M. Lewis
Deputy Municipal Clerk