

SPECIAL MEETING OF NOVEMBER 22, 2016

Mayor Cosgrove called the meeting to order at 7:00 p.m.

PRESENT: Mayor Cosgrove, Deputy Mayors Dunay and Lefkowitz, Councilmembers Peluso (late) and Swain.

ALSO PRESENT: Manager Van Kruijning, Municipal Clerk/Deputy Manager Kwasniewski and Attorney Mondello.

Mayor Cosgrove asked everyone to rise for the Pledge of Allegiance, which will now be said at Work Sessions. Councilmember Swain questioned when this was decided. Manager Van Kruijning stated that he notified the Council via email and did not receive any objections. Councilmember Swain stated that she informed the Manager that she wanted to discuss this at a Work Session first. She does not have anything against saluting the flag, but she does not like changing procedures via email. She used the painting of the blue line outside of Borough Hall as an example. Municipal Clerk/Deputy Manager Kwasniewski advised the Council that since this is a Special Meeting they cannot talk about items that are not on the agenda. She will add "Change of Procedures" to the next Work Session agenda. Manager Van Kruijning stated he will need to know what the Council considers procedure.

MASSAGE ESTABLISHMENT ORDINANCE REVIEW

Attorney Mondello stated that they have an Ordinance in place. Several sections have been pre-empted by the State, who now licenses the massage therapist and registers the business. The Borough licenses the massage therapist and the establishment. Municipal Clerk/Deputy Manager Kwasniewski clarified that if the person has the State license, her office files a copy of the license and nothing else. They only issue a license if there is no State license. Attorney Mondello stated he will need to state that in the Ordinance. The Borough also issues a license to the establishment, which they can continue to do. He has amended the Ordinance so they have the ability to shut down the business if the establishment is not registered with the State or does not have a professional license from the State or they haven't been licensed by the Borough. This will be added as a temporary measure until the full Ordinance is ready.

Deputy Mayor Lefkowitz asked if this will give them the teeth to close a business if necessary. Attorney Mondello stated that a number of officials can suspend the license to operate the facility for up to ten days, then due process comes in.

Deputy Mayor Lefkowitz asked Attorney Mondello if Section 144-85 would survive the Constitutional "overbroad" argument. Attorney Mondello felt it was specific

enough to work. It would be rare to have an establishment engaging in that type of business to file a lawsuit.

Councilmember Swain asked for clarification of the procedure for #6 – Failure to Submit a Valid State of New Jersey Massage and Body Work Registration. Municipal Clerk/Deputy Manager Kwasniewski explained that if they are leaving the current Ordinance intact, it will be handled by the Clerk's office.

Councilmember Peluso arrived at 7:15 p.m.

Municipal Clerk/Deputy Manager Kwasniewski continued that if an applicant comes in with the Borough forms and does not have a registration for the business or the license from the State for the massagist, it will not be placed on the agenda. She will hold the application until the proper paperwork is received. The current licenses expire at the end of the year, so she will change the renewal notification letter to advise the establishments as to what is required.

Attorney Mondello stated that he was going to replace the word "permit" with "license" within the ordinance, but it might be better to leave the word "permit" for the establishment. This way they know "permit" is the Borough's function and "license" is the State's.

There was consensus to approve the amended Ordinance as discussed above.

Municipal Clerk/Deputy Manager Kwasniewski stated that the Ordinance can be adopted at the December 13th Council Meeting.

NO SOLICITATION ORDINANCE REVIEW

Attorney Mondello advised that the only change made was in the last line of Paragraph B under Section 163-12, which addresses the issue of both the employee and the company receiving a summons.

The Council reviewed the various groups that go door to door. Attorney Mondello said the purpose is to try to eliminate the fraud of getting money from residents, especially the elderly.

Councilmember Swain felt they were making a big assumption that people reading this ordinance know who is allowed and not allowed. Attorney Mondello advised that people can say it is their house and they do not want anyone ringing their bell. Councilmember Swain did not agree with this ordinance. She felt they already had two ordinances that covered the issue.

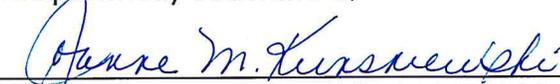
MISCELLANEOUS PUBLIC COMMENTS

No one wished to be heard.

ADJOURNMENT TO WORK SESSION

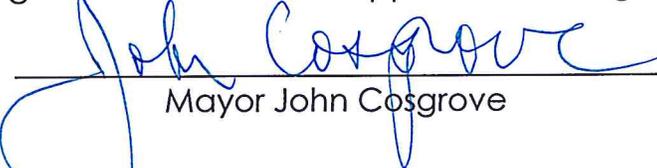
Upon motion by Councilmember Swain and a second by Councilmember Peluso, the Special Meeting was adjourned at 7:30 p.m.

Respectfully submitted,



Joanne M. Kwasniewski, RMC/MMC
Municipal Clerk/Deputy Manager

The undersigned have read and approve the foregoing minutes.



Mayor John Cosgrove



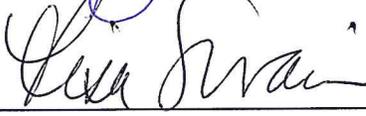
Deputy Mayor Daniel Durlay



Deputy Mayor Amy E. Lefkowitz



Councilmember Kurt Peluso



Councilmember Lisa Swain

