

REGULAR MEETING
LAWRENCE TOWNSHIP COUNCIL
LAWRENCE TOWNSHIP MUNICIPAL BUILDING
COUNCIL MEETING ROOM – UPPER LEVEL

May 7, 2013

The following are the Minutes of a Regular Meeting of the Lawrence Township Council that was held on Tuesday, May 7, 2013 at 6:30 P.M.

The meeting was opened with the Pledge of Allegiance, led by Chief Michael Oakley, Slackwood Fire Company.

At the commencement of the meeting Mayor Kownacki read the following statement of proper notice:

STATEMENT OF PROPER NOTICE: “Adequate notice of this meeting of the Lawrence Township Council being held on Tuesday, May 7, 2013 has been provided through the posting of the annual meeting schedule of said Council in accordance with Section 13 of the Open Public Meetings Act”.

The roll was then called as follows:

Present: Councilmembers Brame, Lewis, Maffei and Mayor Kownacki.
Absent: Councilman Powers. (Ms. Norcia advised that Mr. Power is out of town on business.)

Also, in attendance were Richard S. Krawczun, Municipal Manager, and David Roskos, Municipal Attorney.

Special Proclamations, Recognitions and Presentations

There were no proclamations or presentations.

Public Participation (5-minute limitation per speaker)

Chief Michael Oakley, Slackwood Fire Company, advised back in December 2012 Chief Shaun Dlabik, Lawrence Road Fire Company, Chief Wasko, Lawrenceville Fire Company, gave a presentation to the Council as to apparatus replacement needs for each of the fire companies under the Apparatus Replacement Plan that was signed by the three Fire Chiefs and endorsed by the Township Council and he would like to know the status of their

request and proceeded to discuss at length each of the Fire Stations' desperate need for fire apparatus, projected replacement year for equipment, increased maintenance cost, equipment being beyond the replacement schedule and the serviceability becoming very limited and questionable, fire services being a 24/7 commitment and the core of volunteers who answered 1800 calls last year and how very fortunate Lawrence Township is to have their volunteers as other municipalities have lost a lot of volunteers and are feeling the financial impact.

Chief Oakley stated that they understand the cost of the project is a considerable amount of money but the equipment is desperately needed so they can continue to provide a superior level of protection to the residents and the businesses in Lawrence Township and continued to elaborate on the loss of properties, injuries presently being at a minimum, the operating budget for three fire companies remaining steady over the last 30 years and the fire companies only having a 9-percent career force and the rest of the firefighters being volunteers and their only request is to have the tools and equipment needed to do their jobs safely and efficiently.

Mr. Krawczun stated that there are a few things that he would like to explain to the Council prior to their responses that would be helpful moving forward and proceeded to discuss the Fire Apparatus Information Report that included data related to each of the fire companies call sign, apparatus, cost and the projected replacement years for apparatus, as well as, what equipment should not be replaced and remain in service until expiration, kept in service fleet, replaced with specialty piece and not purchased by the Township. Additionally, he provided an overview of the Apparatus Replacement Plan previously discussed by Chief Oakley and a study that was done in December 1993 recommending the replacement of equipment within a 15 to 20 year period, depending upon the type of equipment recommended for that particular schedule and the agreement made by the Fire Chiefs that specified if the Township pursued the Snorkel replacement that there could be a reduction in the fleet going forward so when the next pieces of apparatus come up for replacement they would remain in service and not be replaced as long as the equipment was safe and economically sufficient to the operation.

Mr. Krawczun further discussed the agreement being a significant giveback of concession by the fire companies given the cost of the apparatus at the present time is significantly higher than the historical cost listed on the sheet, thereby resulting in a savings of \$1.2M and a reduction of the fleet through future attrition. He also discussed cost saving items that would be kept in fleet, replaced and the benefits of purchasing the Snorkel as it relates to the current Debt Service Schedule for bonded debt (permanently financed debt) for years 2013-2021 principal, interest, total principal/interest changes by year and the reduction of long-term debt as well as the authorization of new debt to be financed and the notes authorized in amounts less than the decrease in principle from year to year.

Mr. Krawczun advised because of the strategic planning there would be no implication on the tax rate for the borrowing of funds for the purchase of the suggested apparatus as the purchase of the apparatus has been planned for in each of the previous two fiscal years in the Capital Ordinances and the proposal is the third and final amount the Township would need to fully appropriate funds for the replacement of the Snorkel. Secondly, there would be no impact on taxes as they would not need to borrow the funds due the scheduling of the delivery, even if they went out to bid in 2013 and authorize the contract this year it would not be until 2014 they would actually have to write the final check for the delivery; so, they would not have to borrow any money until 2014 with the first payment coming due 2015 and between 2014 and 2013 there will be a \$675,000 decrease in debt services over those two years. So, in sum the last study was done in 1993, having been planning the replacement for 3 years, there will be no impact on the tax rate because the borrowed money is against the declining debt service and the payback will not begin until 2015 and in spirit of cooperation, comprise and initiative by the fire companies themselves there will be a reduction in fleet going forward of two engines that will not be replaced and the removal of one rescue vehicle this year.

Ms. Lewis stated with the changes in technology that have taken place over the years she wonders if another study would be useful going forward and questioned if that would be something Chief Oakley and his staff would be interested in to assess their needs for the next 20 years and was advised by Chief Oakley that he fully backs a new study as it would promote positive pro fire services and let them know the areas and things they need to improve in. Thereafter, the Council thanked Chief Oakley for his comments and the other Chiefs and firefighters for coming out and advised that there is a proposed ordinance on the Agenda tonight that the Council will be reviewing relative to the acquisition of fire/rescue equipment and appropriations toward the replacement of a fire apparatus.

Ms. Linda Dlabik, 1358 Lawrence Road, stated with all due respect to Chief Oakley she disagrees with his opinion that another study should be done as she would rather see the money for the study disbursed amongst the three fire companies being they have worked within the same budget for many years and although the cost of fire services has increased they still make it work within that budget for the Township as they know what is needed when they have to respond to a call. Further discussion took place relative to the need for a new study for fire services, similar to what was performed in the Police Department several years ago that would give the Council some knowledge of how to best utilize and allocate their resources and provide the firefighters with the best equipment possible to keep them safe as possible in the future.

Mr. Joseph Mislán, 4 Sunset Road, discussed bookkeeping best described as “Money In-Money Out” as it relates to balancing future municipal budgets and the Council’s ability to look at the financial data in a meaningful

manner. He further discussed the 2008 financial crisis and the lack of tools the Council has to make fair, sound and prudent decisions that would allow for them to take better control of Lawrence Township finances and suggested that the Council make better use of digital technology to provide sufficient information in a financial data in a spreadsheet format and analysis by adopting some version of Checkbook NYC to get trends and projections. Further, they should convert the Council Chambers into a conference center type set-up with modern conveniences such as an overhead projector and cameras for the convenience of making good public presentations, hold business meetings and adapt to the future by leading the Township into the new digitized world.

Mr. Timothy Steinbeiser, 116 Manitee Avenue, stated that he moved to Lawrence Township in 1994 to start a Wildlife Rehabilitation being he a licensed rehabber and the area was perfect for rehabbing wildlife, and indicated he got the proper variances from the Engineering Department and because he was advised at the time if there were any complaints he would have to cease services he did his best to keep order and was recognized for his efforts 9 years later. So, he is sad to advise the Council that he can no longer provide the service in his area due to the number of free roaming and feral cats in his neighborhood, causing him to not be able to rehab and release the birds freely and proceeded to discuss a Leash Law that was proposed for cats several years ago but was never passed due to some opposition and the Administration making a determination that the Nuisance Ordinance would cover the problem which he indicated has not resolved the problem being they would trap the cats, give the cats back to the owners and the same problem would occur again.

Mr. Steinbeiser advised that he works full-time for NJDOT and he is also a Certified Animal Control Officer and since he is unable to rehab wildlife; a job he is very passionate about, he does a lot of fostering and until he can retire and move to a place where he can continue his work he would like for the Council to consider introducing another Ordinance specifying that cats have to be contained just like dogs. Further, he has spoken to Carol Chamberlain, Health Officer, and Chris Buck, Animal Control Officer, who seem to be sympathetic to the problem but do not have a solution and that he provided Carol with a information on American Bird Conservancy; but indicated unless he has the backing of the Council the problem will continue to exist and offered his assistance in helping to eliminate the problem. Additional dialogue took place relative to feral, stray and unleashed cats being feed by people in the neighborhood and the cats causing a nuisance by getting into peoples' gardens, defacating all over the vegetables and invading their property rights.

Mr. James Strycharz, 41 Alcazar Avenue, stated that he is one the neighbors Mr. Steinbeiser was referring to with regards to cats in the neighborhood defecating and urinating in his vegetable garden and that he can go out every day and fill a one gallon bucket with cat feces from his garden and proceeded to discuss the extreme measures he has taken to try and get rid of the

problem with no resolution and suggested that the Township Council impose some type of leash law the same as dogs to prevent the cats from roaming the neighborhoods and creating a nuisance to the residents.

There being no one else who wished to address Council, Mayor Kownacki closed Public Participation.

Review and Revisions of Agenda

The Municipal Clerk requested that the Agenda be amended to include Resolutions 171-13 (17-O) – Authorizing General Release Bonds for Bond Safeguard Insurance Company and Resolution 172-13 (17-P) – Authorizing Recreation Fee Refunds.

On a motion by Ms. Lewis, seconded by Mr. Brame, the Agenda was amended to include the above revisions.

Same was carried on the following roll call vote:

Ayes: Councilmembers Brame, Lewis, Maffei and Mayor Kownacki.
Absent: Councilman Powers.
Nays: None.

Adoption of Minutes

On a motion by Ms. Lewis, seconded by Mr. Brame, the Minutes of Regular Meeting of **October 16, 2012** were approved without correction.

Same was carried on the following roll call vote:

Ayes: Councilmember Lewis, Maffei and Mayor Kownacki.
Nays: None.
Absent: Councilmember Powers.
Abstain: Councilmember Brame.

Awarding and/or Rejecting of Bids

There was no bid award.

Introduction of Ordinances

Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS OF THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING THE AGGREGATE AMOUNT OF \$1,610,000 AND AUTHORIZING THE ISSUANCE OF \$1,529,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF TE COST THEREOF"

Mr. Krawczun stated that the Ordinance approves various capital improvement authorizations for the purpose of purchasing public works equipment, repairs to municipally owned buildings and property, acquisition of fire/rescue equipment, the third appropriation towards the replacement of a fire apparatus, acquisition of computer, equipment, park and recreational facility improvements and acquisition of public safety equipment. (Ms. Lewis noted that the Ordinance is in regards to the fire truck that was previously discussed.)

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						
Ms. Lewis	X						X
Dr. Maffei	X					X	
Mr. Powers				X			
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS ROAD IMPROVEMENTS IN AND BY THE TOWNSHIP OF LAWRENCE, IN THE COUNTY OF MERCER, NEW JERSEY, APPROPRIATING \$810,000 INCLUDING THE AMOUNT OF \$220,000 EXPECTED TO BE RECEIVED AS A GRANT AND AUTHORIZING THE ISSUANCE OF \$560,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF"

Mr. Krawczun stated that the Ordinance approves various capital road improvements, which will include road improvements for Province Line Road (Route 206 to Princeton Pike), Federal City Road (Route 295 to culvert), overlay improvements to Harding, Joffre Avenue, Lawn Park Avenue, Pretty Brook Road and Princeton Pike (Fairfield to Harney's Corner), road striping and incidental concrete improvements. Further, the Ordinance will authorize \$810,000 in expenditures, \$560,500 in bonds or notes and \$220,000 will be received from New Jersey Transportation Trust Fund Grant for the funding of road improvements.

The Ordinance was introduced and approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      | X      |
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     | X   |     |         |        |         |      |        |
| Mr. Powers     |     |     |         | X      |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Mayor Kownacki read by title an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE/REPEAL SECTION 412A (PVD-3) AND AMEND THE ZONING MAP"

Mr. Krawczun stated last evening the Lawrence Township Planning Board had the opportunity to review and hold a public hearing on the Re-examination Report completed by Philip Caton, Planner to the Planning Board, on various issues affecting the Master Plan and two of the issues brought forward to the Council to move the process along were the amendments (9-C and 9-D) that were found to be consistent with the Re-examination Report. So, in sum the Report was approved, the process will be for the two ordinances to be introduced this evening, after which they will go back to the Planning Board for a consistency review with the re-examined Master Plan and if the Planning Board finds that they are consistent with those revisions they will recommend that the Ordinances be adopted by the Township Council at the next Council Meeting (May 21st).

Mr. Krawczun advised that Ordinance 9-C specifically amends the zoning on a parcel of land on Quakerbridge Road that had been previously zoned Planned Village Development 3 (PVD-3) with age restrictions, the recommendation is to remove that designated zoning and rezone the land Highway Commercial (HC), which is the parcel that intersects at Quakerbridge Road and Lawrence Station Road.

The Ordinance was introduced and approved on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis	X					X	
Dr. Maffei	X						
Mr. Powers				X			
Mayor Kownacki	X						

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Mayor Kownacki read by title an ordinance entitled, "ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE TOWNSHIP OF LAWRENCE TO REVISE SECTIONS 110 AND 420"

Mr. Krawczun advised that this Ordinance (9-D) is the second change to the zoning uses and conditions to the HC District and proceeded to highlight some of the amendments to the Land Use Ordinance that included the following: the definition of a pad site as it relates to parcels of commercial real estate which may either be leased or subdivided from a larger parcel; the removal of separation requirements from a service station; use of a convenience store modified to remove the size limitation of 4,000 sf; Highway Commercial District modified to allow shopping centers under the permitted use category; modification of accessory uses and structures to include canopies for service stations and passenger drop off; clarification of outdoor seating standards; service station standard has been modified to allow combined service station and other uses if the lot is increased in size by one and one-half acres; permitted display of new or use motor vehicles only in association with a franchised new car dealer so that a retailer can show a vehicle on its location and not have to sale it; multiple buildings and uses will be permitted in accordance with the zoning in place on a single lot except for most residential uses and a new requirement has been added that requires the main building in a shopping center to be built and occupied before a pad site is built and occupied.

The Ordinance was introduced and approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      |        |
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     | X   |     |         |        |         |      | X      |
| Mr. Powers     |     |     |         | X      |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Adoption of Ordinances

Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 2079-11 AMENDING THE CONSOLIDATED LICENSE, PERMIT AND FEE CHAPTER OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE"

Ordinance No. 2154 -13

AN ORDINANCE AMENDING ORDINANCE NO. 2079-11  
 AMENDING THE CONSOLIDATED LICENSE, PERMIT AND FEE  
 CHAPTER OF THE LAWRENCE TOWNSHIP ADMINISTRATIVE CODE



BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Chapter 6A is hereby amended as follows:

Section 1.

Sec. 6A-22 Documents, copying and miscellaneous charges

Certified copies of documents

\$5.00

CD-Rom

\$.25

DVD

\$1.00

VHS Tape

\$4.00

Section 2. Repealer

All ordinances or parts of same inconsistent with any provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of said ordinance shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date

This ordinance shall take effect twenty (20) days after adoption thereof.

New material is underlined  
Deleted material is bracketed [ ]

Ordinance 2154-13 was adopted on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         |      |        |
| Ms. Lewis      | X   |     |         |        |         | X    |        |
| Dr. Maffei     | X   |     |         |        |         |      | X      |
| Mr. Powers     |     |     |         | X      |         |      |        |
| Mayor Kownacki | X   |     |         |        |         |      |        |

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Mayor Kownacki read by title an ordinance entitled, "AN ORDINANCE AMENDING CODE OF THE TOWNSHIP OF LAWRENCE ENTITLED 'LICENSES' REQUIRING THE LICENSING OF MASSAGE AND/OR SOMATIC ESTABLISHMENTS"

Ordinance No. 2155-13

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE ENTITLED 'LICENSES' REQUIRING THE LICENSING OF MASSAGE AND/OR SOMATIC ESTABLISHMENTS

BE IT ORDAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that Ordinance 1947-07 entitled "AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF LAWRENCE ENTITLED 'LICENSES' REQUIRING THE LICENSING OF MASSAGE AND/OR SOMATIC THERAPISTS AND THEIR ESTABLISHMENTS" is hereby replaced by the following:

Section 1:

The Code of the Township of Lawrence is hereby amended by the addition of the following new Article which requires the licensing of massage and/or somatic establishments within Lawrence Township:

Article 2A

Massage and Somatic Therapy

Sec. 12-13(a) Declaration of Policy

- (a) It is hereby declared that the business of operating a massage business, as defined in this article, is a business affecting the public health, safety and general welfare

Section 12-13(b) Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

MASSAGE, BODYWORK AND/OR SOMATIC THERAPIES shall mean any systems of activity of structured touch which include, but are not limited to, holding, applying pressure, stroking, kneading, 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, bodywork and somatic therapies do not include the diagnosis or treatment of illness, disease, impairment or disability.

MASSAGE, BODYWORK AND SOMATIC THERAPIST shall mean any person licensed pursuant to the provisions of the Massage and Bodywork Therapist Licensing Act, N.J.S.A. 45:11-53.

MASSAGE, BODYWORK AND SOMATIC THERAPY ESTABLISHMENT shall mean any establishment wherein massage, bodywork and/or somatic therapies are administered or are permitted to be administered, when such therapies are administered for any form of consideration.

Section 12-13(c) Non-licensed Therapists Prohibited.

The administering of massage, bodywork and/or somatic therapies for any form of consideration by any person not licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c.19 amended 2007, c. 337. shall be prohibited throughout the Township of Lawrence.

Section 12-13(d) License Required

Establishment: No person, firm or corporation shall operate any establishment or utilize any premises in the Township of Lawrence as or for a massage, bodywork and somatic therapy establishment unless or until such person, firm or corporation has obtained a license for such establishment or premises from the Municipal Clerk in accordance with the terms and provisions of this chapter.

Section 12-13(e) Renewals

All licenses shall be valid for a period of three (3) years from the date of issuance.

Licensees may renew their licenses prior to expiration by filing a new application with the Municipal Clerk in the manner prescribed in this chapter and accompanied by the requisite fee.

All licenses issued pursuant to this chapter shall expire at the end of the respective calendar year. Renewal applications are due by November 1 of that year the license expires.

Section 12-13(f) Application for License.

Establishment: Any person desiring a massage, bodywork and somatic therapy establishment license shall file a written application with the Municipal Clerk upon a form provided by the Clerk. The application form shall contain the following information:

- A. The type of ownership of the business i.e., whether individual, partnership, corporation or otherwise.
- B. The name, style and designation under which the business is to be conducted.
- C. The business address and all telephone numbers, including facsimile, where business is to be conducted.
- D. A complete list of the names and residence addresses of all massage, bodywork and somatic therapists and employees of the business and the name and residence address of the manager or other person principally in charge of the operation of the business.
- E. A sworn statement indicating that all massage, bodywork and somatic therapists employed or to be employed by the establishment or otherwise permitted to work at the establishment have been licensed by the State of New Jersey pursuant to the Massage and Bodywork Therapist Licensing Act, P.L. 1999 c.19 amended 2007, c. 337.
- F. The following personal information concerning the applicant (s), if an individual; concerning each stockholder holding more than ten (10%) percent of the stock of the corporation, each officer and each director, if the applicant is a corporation; concerning the partners, including limited partners, if the applicant is a partnership; and concerning the manager or other person principally in charge of the operation of the business shall be provided:
 1. The name, complete residence address and residence telephone number.
 2. The two (2) previous addresses immediately prior to the present address of the applicant.
 3. Written proof of age.
 4. Height, weight, sex, color of hair and eyes.

5. Two (2) 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.
 6. Provide any massage therapy or similar business history and experience, including, but not limited to, 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 therefore and the business activities or occupations subsequent to such action or denial, suspension or revocation.
 7. All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which convicted and the offense for which convicted and circumstances thereof. The applicant shall execute a waiver and consent to allow a criminal background check by the Lawrence Township Police Division. Failure to execute such a waiver and consent shall result in a denial of a license.
 8. The names and addresses of three (3) adult residents who will serve as character references. These references must be persons other than relatives and business associates.
 9. The fingerprints of the applicant(s).
- G. At the time the application is filed, a fee as established in Section 12-13 (t) Fees, shall be paid to the Township Clerk to cover the cost of processing the application and investigating the facts stated therein.

Section 12-13(g) Inspection Requirements

The Municipal Clerk, upon receiving an application for a massage, bodywork and somatic therapy establishment license, shall refer the application to the various municipal departments (Division of Code Enforcement, Zoning, Health, and Emergency Services) for review and conformance with applicable State and Township Codes for such an establishment.

No massage, bodywork and somatic therapy establishment shall be issued a license or be operated, established or maintained in the Township unless inspections by the appropriate municipal departments reveals that the establishment complies with the minimum requirements of the Uniform Construction Code and Health Codes for businesses operating in the Township of Lawrence. 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 be constructed of material with surfaces which are smooth, non-absorbent, and which may be readily disinfected.
- B. A public restroom shall be available to clients and employees during all business hours.
- C. Water closets and lavatories shall be in conformance with the regulations set forth in the New Jersey Uniform Construction Code, N.J.A.C. 5:23
- D. If bathing, dressing and locker facilities are provided for the patrons and male and female patrons are served simultaneously, separate bathing, dressing, locker and massage room facilities shall be provided.
- E. The premises shall have adequate equipment for disinfecting non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron
- F. Adequate hand washing facilities shall be conveniently located to each treatment area to maintain clean hands and arms of all employees before, after and during treatments.
- G. Hand sinks shall be provided with hot and cold water capable of delivering running water under pressure at a temperature of 90-110 degrees Fahrenheit.

Section 12-13(h) Investigating and Issuance of License

- A. When said application is properly filled out, signed by the applicant and has been filed with the Municipal Clerk with all accompanying information, the application shall be referred by the Clerk to the Township Police Division. The Chief of Police or his or her designee shall investigate the information available as to the applicant's business and good moral character of the applicant as deemed necessary for the protections of the public health, welfare and safety.
- B. If as a result of such investigation the applicant's character or business responsibility is found to be unsatisfactory or that the issuance of a license to the applicant would present a danger to the public health, welfare or safety, the Chief of Police shall endorse on such application his disapproval and reasons for same and return the application to the Township Clerk, who shall notify the applicant that the application is disapproved.
- C. If as a result of such investigation the character and business responsibility of the applicant are found to be satisfactory and the issuance of the license to the applicant will present no danger to the public health, safety and welfare,

the Chief of Police shall indicate his approval on the application and return the application to the Township Clerk, who shall execute and deliver to the applicant the license.

Section 12-13(i) Revocation of License.

1. Licenses issued under this chapter may be revoked by the Chief of Police, after notice and a hearing, for any of the following causes:
 - A. Fraud, misrepresentation or false statement in the application for the license.
 - B. Fraud, misrepresentation or false statement made in the course of carrying on the licensed business in the Township.
 - C. If the Chief of Police, Health Officer or their designee is denied access to the premises for the purpose of conducting an inspection.
 - D. Any violation of this chapter.
 - E. Conviction of a crime involving moral turpitude, a felony, an offense involving sexual misconduct, keeping or residing in a house of prostitution, and any crime involving dishonesty.
 - F. Conducting the licensed 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.

Notice of the hearing for the revocation of a license shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be given personally or mailed to the licensee at his/her last known address at least five (5) days prior to the date set for the hearing. (see section 12-13(r) Relicensing after Revocation)

Such license may, pending revocation proceedings, be suspended for not more than ten (10) days by the Chief of Police if, in his/her opinion, the conduct of the licensee is detrimental to the health, safety and general welfare of the Township of Lawrence.

The Chief of Police, or his or her designee, shall serve as hearing officer for any hearing pursuant to this subsection.

Section 12-13(j) Criteria for Immediate Closure

The Licenses issued under this chapter may be immediately suspended by the Chief of Police for the following reasons:

- i. Massage, bodywork or somatic therapy is provided by unlicensed therapist.
- ii. Unsanitary or unsafe conditions which may adversely impact the health and/or safety of the public.

Section 12-13(k) Display of License.

The massage, bodywork and somatic therapy establishment shall display its license as well as the New Jersey license of each and every massage, bodywork and somatic therapist employed in the establishment in an open and conspicuous place on the premises of the establishment.

Section 12-13(l) Operating Requirements.

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

- A. Every portion of the massage, bodywork, and somatic therapy establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. A broad spectrum anti-microbial disinfectant shall be used.
- B. Price rates for all services shall be prominently posted (brochures or price list) in the reception area in a location available to all prospective customers.
- C. All employees, including massage, bodywork, and somatic therapists, shall be clean and wear clean, nontransparent outer garments. Dressing rooms must be available on the premises. Doors to such dressing rooms shall open inward, be self-closing, and non-lockable.
- D. Hand-wash sink shall be used solely for the washing of hands, arms and other parts of the body.
- E. Hand-sinks shall be supplied with liquid soap and disposable hand towels at all times.
- F. Every area of the establishment shall be provided with lighting capable of providing a minimum of 50 foot candles of artificial light. Lighting may be dimmed during treatment sessions.
- G. Massage tables shall be maintained in good condition and free of rips or tears.
- H. Toilet paper, covered trash, liquid hand soap and disposable paper towels or alternate means of hand drying shall be provided in restrooms.

- I. All massage bodywork and somatic 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.
- J. Soiled linens and draping materials shall be either commercially laundered or washed on site in a clothes washing machine, in hot water with detergent and at least one cup of bleach or an antibacterial agent, and dried on the high heat setting in a clothes dryer.
- K. Linens used in a licensed establishment may not be laundered in a private home.
- L. Closed containers shall be provided for soiled linens.
- M. The sexual or genital area of patrons must be covered by towels, cloths or undergarments when in the presence of an employee or massage, bodywork or somatic therapist.
- N. No massage, bodywork or somatic therapy shall be knowingly served on any patron infected with any fungus or other skin infection, nor shall service be performed on any patron exhibiting skin inflammation or eruptions unless a duly licensed physician has certified that person may be safely served.
- O. It shall be unlawful for any person knowingly, in a massage, bodywork, and somatic therapy establishment, to place his or her hand upon or touch with any part of his or her body, to fondle in any manner or to massage a sexual or genital area of any other person. No massage, bodywork and somatic therapist, employee or operator shall perform or offer to perform any act which would require the touching of the patron's sexual or genital area.
- P. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities 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.
- Q. Oils, creams, lotions and other preparations used in administering massage, bodywork and somatic therapies shall be kept in clean closed containers or cabinets.
- R. Animals, except for Seeing Eye dogs, shall not be permitted in the massage work area.

- S. Each massage, bodywork and somatic therapist shall wash his or her hands in hot running water, using a proper soap or disinfectant before administering a massage.

Section 12-13(m) Inspections by Police Division or Health Department

The Chief of Police and Health Officer and/or their designees are authorized to conduct random inspections of massage, bodywork and somatic therapy establishments granted a permit under the provisions of this chapter for the purpose of determining whether the provisions of this chapter are being complied with. Such inspections shall be unannounced but shall be made at reasonable times and in a reasonable manner. It shall be unlawful for any licensee or employee of the licensee to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.

The operator shall permit access to all parts of the establishment and all pertinent records required for the inspection shall be made available to the health authority representative for review.

Section 12-13(n) Sleeping Quarters

No part of any quarters of any massage, bodywork and somatic therapy establishment shall be used for or connected with any bedroom or sleeping quarters nor may any person sleep in such massage, bodywork and somatic therapy establishment except for limited periods incidental to and directly related to a massage, bodywork or somatic therapy treatment or bath. This provision shall not preclude the location of massage, bodywork and somatic therapy establishment in separate quarters of a building housing a hotel or other separate businesses or clubs.

Section 12-13(o) Prohibited Acts.

- A. No owner or manager of a massage, bodywork and somatic 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 chapter.
- B. Any conviction of any employee of a massage, bodywork and somatic therapy establishment of a violation of the aforementioned statutes and codes may 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 licenses which have been issued may be automatically revoked.

Section 12-13(p) Exceptions.

The provisions of this chapter shall not apply to massage, bodywork or somatic therapies given:

- A. In the office of licensed physician, chiropractor or physical therapist; or
- B. By a regularly established medical center, hospital or sanitarium 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/ hairstylist limited to the areas of the face, neck, scalp or upper part of the body as set forth in the Cosmetology and Hairstyling Act of 1984, N.J.S.A. 45:5B-1 et seq.

Section 12-13(q) Violations and Penalties.

In addition to the revocation or suspension of the license granted under this chapter any person violating any provision of this chapter shall be subject to a fine in the amount no lower than \$500 and no more than \$2,000 as determined by the Municipal Court Judge.

Section 12-13(r) Relicensing after Revocation

- A. Any person whose license has been revoked under the provisions of Section 12-13(i) may apply to be relicensed upon filing of proof that all loss caused by the actor or omissions for which the license was revoked had been fully satisfied and that all conditions imposed by the decision of the revocation have been complied with.
- B. Payment of a registration fee as established in Section 12-13(t).

Section 12-13(s) Service of notices

Whenever notice is required or permitted to be given by this chapter, such notice may be effected by personal service upon the licensee if an individual or any general partner, if a partnership, or upon any corporate officer, if a corporation, or alternatively, to any of foregoing, by certified mail, return receipt requested, to the last address listed in the Township Clerk's office in conjunction with the license information. It shall be the duty of each licensee to keep the Township advised of any subsequent change of address. Upon failure of a licensee to comply with

this requirement, any notice returned with the notation “unknown,” “moved,” or “not claimed” shall be deemed proper service of all notices required by this chapter.

Section 12-13(t) Fees

- A. Every applicant for a license to maintain, operate or conduct a massage, bodywork and somatic therapy establishment shall file an application with the Municipal Clerk upon a form provided by the Clerk and pay a fee of four hundred (\$400.00) dollars, which shall be nonrefundable, unless the applicant (i) voluntarily withdraws the application within five (5) days of filing, and (ii) can demonstrate that it has not operated the business for which the application is pending during said five (5) day period; in which event, one hundred fifty (\$150.00) dollars shall not be refundable.
- B. Fingerprinting – An additional fee for the amount set by the State (and subject to change by the State) shall be submitted for processing of fingerprints.

Section 12-13(u) Repealer

In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance deemed severable there from and shall not be affected.

Section 12-13(v) Effective Date

This Ordinance shall become effective twenty (20) days after passage.

Ordinance 2155-13 was adopted on the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X					X	
Ms. Lewis	X						
Dr. Maffei	X						X
Mr. Powers				X			
Mayor Kownacki	X						

Manager’s Report –

Mr. Krawczun stated that last week he received a letter addressed to Mayor Kownacki from the Council on Affordable Housing (COAH) regarding the Municipal Affordable Housing Trust Fund current balance and municipalities

failure to spend or commit to spend development fees or payment in-lieu monies in its Affordable Housing Trust Fund at the end of the four-year period; because if the funds are not used according to law the funds must be transferred at the end of the four-year period to the State to be utilized in their budget and proceeded to discuss the Order that was issued outlining the process that COAH has to follow in order for them to meet the requirements and the intent of the law for towns to turn over the funds.

Mr. Krawczun proceeded to discuss the process for municipalities to calculate, contest and resolve disputes prior to any transfer of funds as well as COAH's records showing that Lawrence Township failed to commit to spend or spend all of its trust funds (\$1.4M) prior to the deadline and how the Administration plans to contest COAH's information versus their efforts to meet all the requirements of what they were to provide given Lawrence Township was the first town in the State to have their Third Round Affordable Housing Plan certified and have an approved spending plan and programs set-up that were consistent with the spending plan and he wanted the Council to have a copy to review as there is a requirement that they respond by May 22nd and he and the internal planners have met and they are working on a draft response. A short discussion followed relative to the State not giving clear and concise rules on how to spend the next phase of the COAH monies and Council's outrage with the funds being taken away for State use, causing them later to have to use taxpayer's money to fulfill their obligation due to the shortfall.

Attorney's Report –

Mr. Roskos indicated that he is seeking a Resolution tonight authorizing the Mayor's signature for a General Release for Bond Safeguard Insurance Company as they have settled the litigation at Carriage Park and he needs the release to obtain the settlement funds.

Mr. Roskos stated with regards to the Council on Affordable Housing letter (COAH) Lawrence Township has been so far ahead of most municipalities in the State of New Jersey in terms of Affordable Housing Advocacy and for the State to raid the Township Affordable Housing Trust Fund is outrageous and a real shame and they will be putting together cogent response to the letter.

Additional dialogue took place relative to Mr. Roskos crafting a letter of response to the slanted recitation of the sewer service history in a letter that was sent to the County and to the State to put a more accurate history on the record.

Clerk’s Report –

There was no Clerk’s report.

Old Business –

There was no old business.

New Business –

There was no new business.

Public Participation (3-minute limitation per speaker) –

There was no public participation.

Resolutions

Resolution Nos. 159-13 (17-B) thru 172-13 (17-O) with the exclusion of Resolution (17-A) were approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis	X					X	
Dr. Maffei	X						
Mr. Powers				X			
Mayor Kownacki	X						

Cited Resolutions are spread in their entirety in the Resolution Books of the Township of Lawrence.

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\*\* Mayor Kownacki stated that he is an employee of Ewing-Lawrence Sewerage Authority so he would be recusing himself from the room, after which he turned the meeting over to Ms. Lewis.

Mr. Krawczun stated that Robert Filler, Executive Director of ELSA, is present and he recently gave a presentation on their long-term Capital Improvement Plan and that the Resolution is consistent with his original proposal and explanations of the phases of the improvements to the plant upgrades. Thereafter, Resolution No. 158-13 (17-A), Authorizing the Approval and

Consenting to the Issuance of Not to Exceed \$27,000,000 of Obligations by the Ewing-Lawrence Sewerage Authority Through the 2014 New Jersey Environmental Infrastructure Trust Financing Program was approved on the following roll call vote:

| COUNCIL        | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|----------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Brame      | X   |     |         |        |         | X    |        |
| Ms. Lewis      | X   |     |         |        |         |      |        |
| Dr. Maffei     | X   |     |         |        |         |      | X      |
| Mr. Powers     |     |     |         | X      |         |      |        |
| Mayor Kownacki | **  |     |         |        |         |      |        |

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

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Resolution Nos. 172-13 (17-P) was approved by the following roll call vote:

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Ms. Lewis	X					X	
Dr. Maffei	X						
Mr. Powers				X			
Mayor Kownacki	X						

Cited Resolution is spread in its entirety in the Resolution Books of the Township of Lawrence.

Council Initiatives/Liaison Reports –

- No Reports.

Written Communications –

There was no written communication.

There being no further business to come before this Council, the meeting adjourned.

7:39 p.m.

Respectfully submitted by,

Kathleen S. Norcia, Municipal Clerk

Attest:

James S. Kownacki, Mayor