

**TOWNSHIP OF LONG HILL
ORDINANCE #387-16
REQUIRING PARTIES TO COVER THE COST OF TOWNSHIP EMPLOYEES APPEARING
AS WITNESSES**

Statement of purpose: To reimburse the Township for the cost of Township employees appearing as witnesses in lawsuits to which the Township is not a party.

WHEREAS, Court Rule 4:14-7 entitled “Subpoena for Taking Depositions” provides that, “The party subpoenaing a witness, other than one subject to deposition on notice, shall reimburse the witness for the out-of-pocket expenses and loss of pay, if any, incurred in attending at the taking of depositions.”;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Long Hill in the County of Morris, State of New Jersey, that Article VIII of the Township Code entitled “Administrative Procedures” in Chapter 2 entitled “Administration” is hereby supplemented and amended as follows:

Section 1. There is hereby created a new section 2-61 entitled “Miscellaneous Fees” which reads as follows:

“2-16 MISCELLANEOUS FEES

2-61.1 Establishment of Fees

The following fees are established and shall be paid by the applicant for such service or materials:

- A. *Subpoenas of Township employees* (where Township or employee is not party to the suit):
1. All payments required hereunder shall be made in advance of the actual date of the appearance. Payments shall be made for an entire day’s appearance without any prorating for the actual hours spent in travelling to or from the place of appearance or the actual time spent in depositions, court appearances, etc.
 2. Any subpoena which is issued and places an employee on call shall be billed and paid in advance at the same rate as though an actual appearance was required.
 3. In the event that advance payment has not been made for an actual or on call appearance, the employee shall not be scheduled nor be available for the appearance noticed, and a copy of the requirements of this provision shall be provided to any party making an inquiry or issuing a subpoena.
 4. Police officers: (appearances shall be subject to availability of sufficient back-up officers so as to insure Township police coverage to protect public health, safety and welfare), the party issuing the subpoena shall pay to the Township, a sum equal to one and one-half times the police officer’s total daily compensation for each day, or part thereof, of the officer’s appearance.
 5. All other Township employees: the party issuing the subpoena shall pay to the Township, a sum equal to the Township employee’s total daily compensation for each day, or part thereof, for the Township employee’s appearance.

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

The foregoing ordinance having been introduced and passed on first reading by the Township Committee of the Township of Long Hill, in the County of Morris on Wednesday, May 25, 2016 will be considered for final passage and adoption at a public hearing held at a meeting beginning at 7:30 p.m. on Wednesday, June 29, 2016 at the Municipal Building, (15 Valley Road, Gillette, New Jersey, when and where or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Cathy Reese, RMC, CMR,
Township Clerk

First Reading and Introduction: May 25, 2016

1st Publication: June 2, 2016

Second Reading and Adoption: June 29, 2016

2nd Publication: July 7, 2016