

**TOWNSHIP OF SOUTH ORANGE VILLAGE
BOARD OF TRUSTEES**

REGULAR MEETING
December 9, 2019, 7:15 PM

ORDER OF BUSINESS

CALL MEETING TO ORDER

Roll Call: Village President Collum
Trustee Clarke
Trustee Coallier
Trustee Hartshorn Hilton
Trustee Jones
Trustee Schnall
Trustee Zuckerman
Mr. Loehner, Village Administrator
Mr. Rother, Village Counsel
Mr. Harris, Village Clerk

MEETING NOTICE STATEMENT

Adequate notice of this meeting had been provided to the press in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6. In addition, notice of this meeting was posted in Village Hall and on the Village's website, and has been filed in the Office of the Village Clerk. Official action may be taken. Kevin D. Harris, Village Clerk

RESOLUTION TO GO INTO EXECUTIVE SESSION

2019-296 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION AT THE DECEMBER 9, 2019 REGULAR MEETING OF THE BOARD OF TRUSTEES

**Matter/ (OPMA Exception)
Executive Session**

- Capital Planning Items (Attorney/Client Privilege, Contract Negotiations)
- Fire Department Consolidation (Attorney/Client Privilege, Contract Negotiations)
- Police Department (Personnel)
- Affordable Housing Counsel (Personnel)
- Affordable Housing Acquisition (Contract Negotiations)

Voice Vote:

RECONVENE INTO OPEN SESSION

Roll Call: Village President Collum
Trustee Clarke

Trustee Coallier
Trustee Hartshorn Hilton
Trustee Jones
Trustee Schnall
Trustee Zuckerman
Mr. Loehner, Village Administrator
Mr. Rother, Village Counsel
Mr. Harris, Village Clerk

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ANNOUNCEMENTS

Extension of Fall Leaf Collection: Due to many factors, the Department of Public Works has extended the date of the final rake out to December 11, 2019. This does not mean your leaves will be picked up on December 11th. Beginning on December 12th, the Department of Public Works will make a final sweep of every street. Code enforcement will be out in full force issuing citations for anyone placing leaves into the street after the 11th. Snow season is already upon us and we need the cooperation of every resident to maintain this beautiful Village.

Reminder of Sidewalk Snow Cleanup: Having had our first taste of the upcoming snow season this past week; residents and businesses are reminded that snow is to be removed from sidewalks on private property. For commercial properties, snow must be removed within 4 hours of daylight after the snowfall or 12:00 noon, whichever is later. For residential properties, snow must be removed within 12 hours of daylight after the same snowfall. In removing snow from the sidewalk and/or driveways of private property; please do not throw the snow into the street.

Seton Village Holiday Event: Please join Seton Village for a Holiday Event on Saturday, December 21, 2019 from 4:00 PM - 6:00 PM at the corner of West Fairview and Irvington Avenue. Kids will be able to decorate a gingerbread house, craft snowflakes and design ornaments. There will be music, hot chocolate, eggnog and snacks. The event is free and open to the public.

South Orange Village Center Alliance - Small Business Bingo: several Village Center businesses are participating in a Small Business Bingo game this holiday season through December 23, 2019. Everyone is invited and welcome to play along for a chance to win a prize basket valued at over \$1,000. Please visit the South Orange Village Center Alliance website at sovillagecenter.org for details on how to play. There is no purchase necessary and players need not be present at the time of drawing to win.

Menorah Celebratory Lighting: Come join the Jewish community of South Orange, our neighbors, elected officials, and friends for our annual Menorah Lighting! The event will be held in Spiotta Park for the last night Hanukkah on December 29, 2019 at 5:00 PM.

Free Rabies Vaccination Clinic for Dogs and Cats: Sponsored by the South Orange Health Department shall take place on Saturday, January 11, 2019, from 9:00 AM - 11:00 AM at the South Orange Rescue Squad Building, 62 Sloan Street. Your dog or cat must have their rabies vaccination updated **if it expires prior to November 1, 2020**. First time vaccinations will provide immunity for one year beginning 30 days after the vaccination. All other animals will receive immunity for three years. ALL DOGS MUST BE LEASHED AND CATS MUST BE IN A CARRIER. Please bring the renewal application with you. Animal licenses may be purchased at the clinic; and the tag shall be mailed to you. For more details, please contact the Health Department at (973) 378-7715, ext. 7710.

PRESENTATIONS

PRESENTATION TO THE BOARD OF TRUSTEES OF THE 2020 ANNUAL BUDGET FOR THE TOWNSHIP OF SOUTH ORANGE VILLAGE'S ENVIRONMENTAL COMMISSION

PUBLIC COMMENTS

Village President opens meeting for public comment.

ORDINANCES FOR FIRST READING

2019-26 AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, COUNTY OF ESSEX, NEW JERSEY, ADOPTING THE "VOSE + TAYLOR REDEVELOPMENT PLAN" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

Roll Call Vote:

RESOLUTIONS ON CONSENT AGENDA

2019-297 RESOLUTION AUTHORIZING THE 2020 ANNUAL MEETING SCHEDULE FOR THE BOARD OF TRUSTEES

2019-298 RESOLUTION FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 1, 2020-JUNE 30, 2021

2019-299 RESOLUTION AUTHORIZING THE HIRING OF A CODE ENFORCEMENT INSPECTOR TRAINEE WITH MULTIPLE DWELLING INSPECTION LICENSE IN THE TOWNSHIP OF SOUTH ORANGE VILLAGE'S DEPARTMENT OF BUILDING AND CODE ENFORCEMENT

Roll Call Vote:

APPROVAL OF BILLS

Trustee Hartshorn Hilton, Chair of the Finance and Capital Projects Committee presents the Bills List audited by the Village Treasurer dated December 9, 2019. The Board of Trustees has been provided with a copy of the Bills List prior to the meeting for examination.

2019-300 RESOLUTION AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 09, 2019 IN THE TOTAL AMOUNT OF \$6,172,037.72.

Roll Call Vote:

VILLAGE PRESIDENT REPORT

- Status of Master Plan and Timeline
- Status of Affordable Housing
- Redevelopment Projects
 - Irvington Avenue
 - Student Housing

VILLAGE ADMINISTRATOR REPORT

VILLAGE COUNSEL REPORT

TRUSTEE REPORTS

PUBLIC COMMENTS

Village President opens meeting for public comment.

NEW BUSINESS

- Budget Workshops
- S4204/A5936 - presently pending in the New Jersey State Legislature; concerning employment status of individuals with respect to wage and hour and unemployment laws.

ADJOURNMENT

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING AN EXECUTIVE SESSION AT THE DECEMBER 09, 2019 REGULAR MEETING OF THE BOARD OF TRUSTEES

WHEREAS, there exists a need to hold an Executive Session for the purpose of discussing the following matter, which falls within the exceptions to the Open Public Meeting Act, N.J.S.A. 10:4-12 et. seq., to wit:

**Matter / (OPMA Exception)
Executive Session**

- Capital Planning Items (Attorney/Client Privilege, Contract Negotiations)
- Fire Department Consolidation (Attorney/Client Privilege, Contract Negotiations)
- Police Department (Personnel)
- Affordable Housing Counsel (Personnel)
- Affordable Housing Acquisition (Contract Negotiations)

WHEREAS, it is unknown at this time when such discussion to take place in Executive Session may be disclosed to the public;

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of the Township of South Orange Village as follows:

1. This Executive Session meeting of Board of Trustees of the Township of South Orange Village shall be closed to the public for discussion of the aforesaid referenced matter.
2. The matter discussed during this Executive Session meeting shall be disclosed to the public at such time when reason for discussing and acting on same in Executive Session shall no longer exist.

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their regular meeting held on Monday, December 9, 2019.

Kevin D. Harris
Village Clerk

Introduced: December 9, 2019

Adopted:

THE TOWNSHIP OF SOUTH ORANGE VILLAGE

ORDINANCE #2019-26

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, COUNTY OF ESSEX, NEW JERSEY, ADOPTING THE "VOSE + TAYLOR REDEVELOPMENT PLAN" PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, by virtue of Resolution 66-95, the Board of Trustees of the Township of South Orange Village (the "**Trustees**"), pursuant to and in accordance with the requirements of the Redevelopment Law, requested that the Planning Board for the Township of South Orange Village (the "**Planning Board**") investigate whether the parcels identified on the tax maps of the Township of South Orange Village (the "**Village**") as Block 1006, Lots 1, 2, 13 and 14 satisfy the criteria to be designated as "an area in need of redevelopment" (the "**1995 Study Area**"); and

WHEREAS, by resolution adopted on December 4, 1995 and after a public hearings held on October 10, 1995 and November 6, 1995, the Planning Board recommended the 1995 Study Area along with the Municipal Parking Lot (Block 1006, Lot 3) and the alley ways between Block 1006, Lots 8 and 9 be designated by the Trustees as "an area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, by Resolution 301-95, adopted on December 18, 1995, the Trustees designated the 1995 Study Area as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, by virtue of Resolution 57-98 and pursuant to the Redevelopment Law, the Trustees, requested that the Planning Board investigate and prepare a study and map delineating certain areas, including Block 1006, Lots 3, 9 and 10 as "an area in need of redevelopment" as part of an addendum to the 1995 Study Area; and

WHEREAS, the Planning Board, by resolution adopted on August 3, 1998, recommended certain parcels, including Block 1006, Lots 3, 9 and 10 be designated by the Trustees as "an area in need of redevelopment"; and

WHEREAS, by Resolution 17-99 adopted on January 1, 1999, the Trustees designated the Block 1006, Lots 3, 9 and 10 as an "area in need of redevelopment" (together with the 1995 Study Area, the "**Redevelopment Area**"); and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-4, the Trustees have determined to act as the "redevelopment entity" (as such term is defined at *N.J.S.A.* 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, by Ordinance No. 96-43 adopted on November 25, 1996, Trustees adopted the Central Business District Redevelopment Plan, which was subsequently amended by Ordinance No. 20-2002, adopted on September 23, 2002, by Ordinance No. 08-20, adopted on October 15, 2008, by Ordinance 2012-24 adopted on January 28, 2013 and by Ordinance 2014-03 adopted on May 19, 2014 (the "**Central District Plan**") for the Central District Redevelopment Area, which includes portions of the Redevelopment Area; and

WHEREAS, in order to redevelop the Redevelopment Area as envisioned by the Village, certain changes are required to be made to the Central District Plan; and

WHEREAS, the Trustees requested that the Village's planner, Topology (the "**Village Planner**"), prepare a redevelopment plan for the Redevelopment Area, which shall also amend the Central District Plan; and

WHEREAS, the Village Planner prepared such a plan, which is attached hereto as **Exhibit A**, the "**Redevelopment Plan**") and

WHEREAS, the Trustees desire to have the Planning Board review and comment on the Redevelopment Plan pursuant to *N.J.S.A.* 40A:12A-7(e); and

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Township of South Orange Village, in the County of Essex, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Pursuant to *N.J.S.A.* 40A:12A-7(e), the Trustees hereby refer the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations as to the Redevelopment Plan and submit same to the Trustees within 45 days after referral, as required by the Redevelopment Law.

Section 3. Contingent upon the receipt of the Planning Board's recommendations, the Trustees hereby adopt the Redevelopment Plan, substantially in the form attached hereto, pursuant to the terms of *N.J.S.A. 40A:12A-7* of the Redevelopment Law.

Section 4. The zoning district map included in the zoning ordinance of the Village is hereby amended to reference and delineate the property described and governed by the Redevelopment Plan. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Village's municipal code, as and where indicated.

Section 5. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 6. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Village Clerk during regular business hours.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

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Introduction – First Reading

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Board of Trustees at their regular meeting held on Wednesday, December 9, 2019.

 Kevin D. Harris
 Village Clerk

Adoption – Second Reading

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading by the Board of Trustees at their regular meeting held on Monday, January 27, 2020.

Kevin D. Harris
Village Clerk

Adopted:

Attest:

Sheena C. Collum, Village President

Kevin D. Harris, Village Clerk



UNLOCKING POTENTIAL
IN PLACES YOU LOVE
60 Union Street, #1N
Newark, NJ 07105

Memorandum

DATE: December 2, 2019
TO: South Orange Village Board of Trustees
FROM: Topology
SUBJECT: **VOSE + TAYLOR REDEVELOPMENT PLAN AND TERMS SHEET**

Attached to this memorandum is a terms sheet to provide context for the Vose + Taylor Redevelopment Plan dated 12/09/2019. The Vose + Taylor Redevelopment Plan would replace the existing Central Business District Redevelopment Plan which currently regulates the Study Area. Details of the Plan are scheduled to be presented to the Board on January 9, 2020. This term sheet provides the parameters for the design and development, the potential public benefits and initial understandings of operating agreements.

The details outlined will inform any future redevelopment agreement or potential financial agreement. Further details will be worked out and brought to the Board before anything else is executed.

Township of South Orange Village
HUB Realty, LLC
57 South Orange Avenue
(Block 1006, Lots 1-3, 9-11, 13 and 14)

Schedule: Redevelopment Plan 1st Reading: 12/09/19
 Redevelopment Plan 2nd Reading: 01/09/19

Maximum Height: 65’-6” from South Orange Avenue elevation +160’ and 61’-6”
 from Taylor Place elevation +164’.

5 Stories and a “basement” measured from South Orange Avenue.

(otherwise applicable height 36’-0” – 48’-0”)

Density: 110 units (76.4 units/acre)
(One (1) additional unit for on-site superintendent.)

Affordable Housing: 11 units on-site (10%)

Unit Mix of On-site Affordable Units:
- Three (3) 1-Bedroom Units
- Five (5) 2-Bedroom Units
- Three (3) 3-bedroom Units

11 units off-site at \$75,000 per unit (10%)
(\$825,000 total off-site contribution)

Minimum Retail: South Orange Avenue Frontage: Minimum of 9,500 Sq. Ft.
(includes 2,000 Sq. Ft. of Community Retail space, pursuant to
terms below)

Vose Avenue Frontage: Minimum of 2,500 Sq. Ft.

Total Retail: Minimum of 12,000 Sq. Ft.

Second Floor Office Space:

Maximum of 10,000 Sq. Ft. with the following permitted uses:

- Bank, Commercial and Saving*
- Brewery*
- Brewpub*
- Café*
- Child Care Center*
- Community Center*
- Co-Working*
- Creative Studio*
- Demonstration Kitchen*
- Educational or Instructional Use*
- Fast-Food Restaurant*
- Museum*
- Personal Service*
- Public Use*
- Recreational Instruction*
- Restaurant*
- Retail Market*
- Retail Sale*
- Retail Service*
- Tavern*
- Theater, Indoor*
- Wellness Center*
- Any combination of the above permitted uses*

Key Design Considerations:

Access to rear storefronts of existing structures within the block shall be maintained. Public parking and alleyway shall be constructed on-grade with ground floor of structures within the block.

“Shadowbox” style display installation and landscaping shall be installed at ground level along Vose Ave to activate and screen interior parking;

Grade Level Setbacks: Along South Orange Avenue, the building façade shall not be setback from the property line. Along Vose Avenue, the building shall be setback a minimum of 2'-6". Along Taylor Place, the building façade shall be setback from the property line a minimum of 3'-6" at the corner of Taylor Place and Vose Avenue for no more than 15% of the façade. The remainder of the Taylor Place façade will be setback a minimum of 4'-6".

Upper Story Step-Backs: Along South Orange Avenue, the third story (first residential story) will be set back 10 feet from the ground-floor façade. Along Taylor Place, the top floor (5th floor) will be set back six (6) feet from the prominent ground-floor façade. Along Vose Avenue, the top floor (5th floor) will be set back minimum of 25 feet from the ground-floor façade, excluding stair bulkheads.

Public Parking Facility:

Redeveloper shall construct a parking garage containing a minimum of 70 public parking spaces (68 standards; two (2) accessible;

10% of public spaces shall accommodate electric vehicle charging.

Public parking operations shall be managed pursuant to a Public Parking Agreement, as described below.

Minimum Parking Reqs.

Redevelopment Plan will exempt proposed retail floor area from minimum parking standards so long as on-site facility is maintained at number of spaces contemplated herein.

Office parking shall be provided at one (1) space/333 SF. A minimum of ten spaces dedicated on-site. On-site office parking may be configured within five “tandem” Stalls (ten total spaces) to be reserved for office tenants but will be located within the public component of the proposed parking facility. Remainder of spaces to be provided in public facilities through existing employee permitting system.

Residential parking shall be provided within a dedicated area of the proposed parking facility at a rate of 1.1 spaces/dwelling unit or a total of 121 spaces for 110 units. Up to 45% of residential spaces may be designed at “compact” dimensions. At least 10% of spaces shall accommodate electric vehicle charging.

A minimum of 20 indoor bicycle parking spaces shall be provided in a secure area for building tenants. A total of 18 bicycle parking spaces shall be provided for public use with six (6) located within the public parking garage; six (6) located within public alleyway; and six (6) located on-street, along either Vose Avenue or South Orange Avenue.

Public Land Acquisition:

\$1.3M

Public Improvement Contribution: \$700,000 contribution from redeveloper to municipality for purposes of funding off-site capital improvements and associated costs.

Public Parking Agreement:

Village and/or its designee will manage public parking operations.

Redeveloper shall propose allocation of costs and responsibilities for installation and operation of electric vehicle charging systems.

Nature of rights to the “reserved” spaces for office use shall be outlined in Parking Agreement.

Parking agreement will describe allocation of spaces among various user groups including, but not limited to, general public parking and permitted employee parking.

Operations of the public facility shall comply with terms and conditions outlined in the settlement between Village and Wainco Realty. (settlement agreement attached for reference)

Community Retail Agreement:

Village will lease storefront space at \$1.00 per annum NNN for a minimum term of 25 years (i.e. term of financial agreement).

At termination of 25-year lease agreement, Village will have right-of-first-refusal for a 5-year lease at market rate rent with option for one 5-year extension. Financial agreement, however, is not subject to extension. Include a 12 month written notice of its intent to exercise option with a proposed base rent. ‘Final-offer’ arbitration for rent in the event landlord and tenant cannot agree. Tenant responsible for operating expenses and real estate taxes during any option term (NNN).

Construction Management Agreement:

Will address construction hours, noise, access, loading, circulation, cleaning, and other impacts during project construction.

Attractive advertising/marketing wrap/banner shall be located on construction fence. (All required authorizations to install banner/signage will be provided in RDP/RDA)

Utilities:

All utilities will be underground/internal; related specifications/design will be submitted with RDA and PB application

Water infrastructure will include backflow valves, individual metering, and pressure regulator / reducer valves. Separate Fire and Domestic systems and all other related fire codes.

RDA shall require redeveloper to inspect existing 5' underground storm pipe prior to commencement of construction and after completion. Redeveloper will be responsible for any damage to pipe during construction period.

Emergency Communications:

A State P25 antenna shall be included in the building to allow the Villages Public Safety Departments to operate and maintain clear radio signal coverage throughout the structure.

Loading + Circulation:

Redeveloper shall provide Village with a complete traffic impact study that identifies, among other things, any requirements improvements or modification to the public right-of-way. Traffic study shall also address turning movements, geometry, flow and congestion along surrounding roadways.

Subject to recommendations within required traffic study, redeveloper shall install a dedicated loading zone to be located along Taylor Place.

Subject to recommendations within required traffic study, redeveloper may be responsible for removal of on-street parking on eastern side of Vose Avenue.

Alleyway at Taylor Place shall be designed to accommodate loading to accommodate both on-and-off-site business operations.

Public Improvements:

Public amenities and landscaping shall be designed by a licensed Landscape Architect, approved by the municipality and will utilize best practices established within Redevelopment Plan for sustainability, aesthetics, placemaking, safety and accessibility.

On-site improvements shall include construction of Alleyway, walkways, installation of lighting, and landscaping.

Off-site improvements shall include public sidewalks with associated lighting, landscaping.

MEMORANDUM

To: Board of Trustees of the Township of South Orange Village

From: South Orange Development Committee

Date: October 21, 2019

Re: Residential mixed-use development proposed by HUB Realty near the Northeast corner of South Orange Ave. and Vose Ave.

The Development Committee (DC) met on September 25, 2019 with Bruce Stieve AIA of Marchetto, Higgins, Stieve, the architect for the proposed development referred to above. This was the latest of several meetings since 2016 between the DC and the owner and/or architect.

Mr. Stieve presented the latest iteration of the development which proposes a 5 to 6-story, 110-unit residential development situated above approximately 9,600 square feet of ground floor retail space fronting South Orange Ave. and 3,110 square feet fronting Vose Ave., together with a 9,000 square foot office component on the second floor with a lobby on Vose Ave.

Off-street parking will accommodate 80 public parking spaces at the same level as the adjacent retail, replacing the 57 spots in the existing Taylor Place lot. The building tenants will use 125 below-grade parking spaces (ratio of apartments to parking of 1.14). The project will also include an off-street loading zone on Taylor Place, and will maintain pedestrian access between Taylor Pl. and South Orange Ave. as well as access to the rear of the existing retail and commercial facilities situated on the corner of South Orange Ave. and Scotland Rd. The loading zone should be designed to minimize congestion in this densely trafficked area.

The architect reported that a large (6' in diameter) underground drain pipe that bisects the property on the east-west direction was discovered during surveying, and described the technical challenges associated with designing the building around this obstruction. The discovery of the drain pipe accounted in part for the significant delay by the developer in moving this project forward.

At the September 25 meeting, Village President Collum explained (to the extent that such on-going negotiations can be made public) the affordable housing, PILOT program and other public contributions the proposed project will make.

The DC supports the project for the following reasons:

1. The project and its location in the downtown will add to the vibrancy of the Village center, with a residential population that will support local businesses.
2. The project will provide substantial new retail space for restaurants and other anchor tenants -- 9,600 square feet on South Orange Ave. and 3,110 on Vose Ave. The project also includes "incubator" space for public use and local start-up businesses that will be

operated by the South Orange Village Center Alliance (SOVCA) or another nonprofit organization. Though the DC believes the incubator space could be an important addition to the Village, it is an initiative requested by the Village as part of the overall redevelopment plan which has not been evaluated by the DC.

3. The project will add 23 public parking spaces (parking will increase from 57 to 80 spots) on Taylor Place and will include a sufficient number of tenant parking spaces (125). The building will also include electric vehicle charging stations and secure, indoor bicycle parking for tenants.
4. The project will help the Village achieve its affordable housing obligations; the 20% requirement will be satisfied with 10% on-site and 10% offsite through payments to the Village.
5. The project will provide 9,000 square feet of much-needed Class A office space in the Village.
6. The proposed design, despite being bulkier and taller than any building in the Village, does a good job of mitigating its size through generally well-conceived facades, setbacks and use of materials. South Orange Ave. is a wide right-of-way and can accommodate a building of this size and height. This project reflects a transit-oriented approach to redevelopment, which would put the tallest buildings at the center of town, closest to the train station. As such, the DC believes the height of the building is appropriate. The adjacent building, "Avenue at South Orange," is slightly lower in height. The proposed design is also attractive because it has four facades (fronting South Orange Ave., Vose Ave., Taylor Place and looking down South Orange Ave. from Scotland Road), so that no one side of the building looks like a rear entrance.

The design proposal is not final, however, and the DC and other members of the public in attendance expressed the following concerns and made the following suggestions:

1. The proposed residential parking ingress/egress will be located on Vose Ave. The intersection of Vose Ave. and South Orange Ave. is already subject to heavy congestion on Vose Ave. due to the existing volume of traffic, proximity of traffic signals on South Orange Ave. (which could be adjusted to improve timing) and crosswalks both east and west of the intersection of Vose and South Orange Avenues. A thorough traffic study encompassing the entire project area (including South Orange Ave., Vose Ave. and Taylor Place) must be conducted with special attention given to this condition. Measures such as the elimination of some street parking at the south end of Vose Ave., the elimination of one of the crosswalks across South Orange Ave. at Vose Ave., traffic signal type and timing, the creation of a dedicated turning lane (either left or right) from Vose Ave. onto South Orange Ave. and/or making Taylor Pl. a one-way street should be considered. Subject to the traffic study, the DC believes that only right turns (no left turns) should be permitted onto Vose Ave. from the tenant parking area.

2. To enliven the streetscape, retail display windows should be located along South Orange Ave. and Vose Ave. to the greatest extent possible.
3. Rooftop HVAC equipment should be screened from view. Though not typically visible to pedestrians on the street, it may be possible to see HVAC equipment from other buildings.
4. The south facade of the building facing South Orange Avenue appears too monumental, symmetrical and formal. Attention should be given to design strategies that will mitigate the bulk of this side of the building and better integrate the design holistically with Spiotta Park across the street. The DC believes the designs for the other sides of the building, located on Vose Ave. and Taylor Pl., better fit the streetscape. On these streets, the architect breaks up the facades with different materials (masonry, brick, zinc, etc.), which creates visual interest and reduces the impact of the building's bulk. The DC discussed whether use of some materials, particularly zinc on the Vose Ave. side was too bold, and whether a similar palette (and perhaps less zinc), in a manner more sympathetic to the architecture of South Orange, should be considered. Members of the DC had different opinions on this point, and the DC will work with the architect as design continues. It was also noted that the top story on Vose Ave., though not seen from street level, will be visible from other areas in South Orange, and therefore should include more detail.
5. The "interior" facade of the building, along the alley that will connect South Orange Avenue and Taylor Pl., should be finished to a high standard (at least to the same level as the other sides of the building) to make the alley a welcoming, viable public space, with attractive lighting and other elements. The developer should also consider widening the alley at its narrowest points to achieve this. The interior facade will be visible to pedestrians and to tenants from some adjacent buildings.

The DC is confident that the owner and architect can adequately address these concerns, and looks forward to receiving contextual renderings from the architect and reviewing the project in its proposed next form.

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING THE 2020 ANNUAL MEETING SCHEDULE FOR THE BOARD OF TRUSTEES

NOTICE IS HEREBY GIVEN that the 2020 Annual Meeting Schedule of the Board of Trustees of the Township of South Orange Village is as follows:

| DAY | DATE | TIME | TYPE OF MEETING | <u>TBD</u> |
|------------|-------------|-------------|-----------------------------|--------------------|
| Monday | 01/13/20 | 5:00 p.m. | Regular Meeting | Main Stage |
| Monday | 01/27/20 | 5:00 p.m. | Regular Meeting | Main Stage |
| Monday | 02/10/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 02/24/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 03/09/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 03/23/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 04/13/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 04/27/20 | 7:15 p.m. | Regular Meeting | Loft |
| Monday | 05/11/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 05/18/20 | 7:15 p.m. | Annual Organization Meeting | Main Stage |
| Wednesday | 05/27/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 06/08/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 06/22/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 07/13/20 | 7:15 p.m. | Regular Meeting | Loft |
| Monday | 07/27/20 | 7:15 p.m. | Regular Meeting | Loft |
| Monday | 08/10/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 08/24/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 09/14/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 09/28/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 10/12/20 | 7:15 p.m. | Regular Meeting | Loft |
| Monday | 10/26/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 11/09/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 11/23/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 12/14/20 | 7:15 p.m. | Regular Meeting | Main Stage |
| Monday | 12/28/20 | 7:15 p.m. | Regular Meeting (Call-in) | SOPAC Closed (TBD) |

The first order of business to be conducted by the Board of Trustees at all regular meetings will be the consideration of a resolution permitting the Board of Trustees to convene into closed Executive Session for the purposes of discussing those matters exempted from public session as permitted by the Open Public Meetings Act, N.J.S.A. 10:4-12 et. seq., and, at 8:00 p.m., or soon thereafter, the Board of Trustees will reconvene into its public meeting as scheduled. All meetings will be held in the South Orange Performing Arts Center at One

SOPAC Way, South Orange, New Jersey. Formal action may be taken at all regular meetings by the Board of Trustees.

This notice is provided in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6.

###

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their meeting held on Monday, December 9, 2019.

Kevin D. Harris
Village Clerk

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION FOR THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG
ABUSE FISCAL GRANT CYCLE JULY 1, 2020-JUNE 30, 2021

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The South Orange Village Board of Trustees of the Township of South Orange Village, County of Essex, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the South Orange Village Board of Trustees further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the South Orange Village Board of Trustees has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Essex,;

NOW, THEREFORE, BE IT RESOLVED by the Township of South Orange Village, of the County of Essex, State of New Jersey, does hereby recognize the following:

1. The South Orange Village Board of Trustees does hereby authorize submission of a strategic plan for the South Orange Municipal Alliance grant for fiscal year 2021 in the amount of:

| | |
|------------|-------------|
| DEDR | \$21,527.89 |
| Cash Match | \$5,381.97 |
| In-Kind | \$16,145.92 |

2. The South Orange Village Board of Trustees acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
 Sheena Collum, Village President

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Davis Ford | | | | | | |
| Hartshorn Hilton | | | | | | |
| Levison | | | | | | |
| Rosner | | | | | | |
| Schnall | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their meeting held on Monday, December 9, 2019.

 Kevin D. Harris
 Village Clerk

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING THE HIRING OF A CODE ENFORCEMENT INSPECTOR TRAINEE WITH MULTIPLE DWELLING INSPECTION LICENSE IN THE TOWNSHIP OF SOUTH ORANGE VILLAGE'S DEPARTMENT OF BUILDING AND CODE ENFORCEMENT

WHEREAS, the Director of the Department of Building/Code Enforcement (hereafter "Director") has recommended the hiring of a Code Enforcement Inspector Trainee who possesses a multiple dwelling inspector's license as issued by the New Jersey Division of Local Government Services, Department of Community Affairs; and

WHEREAS, upon the recommendation of the Director, the Village Administrator concurs with the need to hire a Code Enforcement Inspector Trainee in the South Orange Building Department and has confirmed the additional hire would not have a budgetary impact.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Township of South Orange Village that it hereby affirms the Village Administrator's appointment of the following individual as a Code Enforcement Inspector Trainee in the Township of South Orange Village's Building Department, effective January 1, 2020.

| <u>Name</u> | <u>Position</u> | <u>Rate of Pay</u> | <u>Effective date</u> |
|-----------------------|------------------------------------|--|-----------------------|
| Christopher J. Murray | Code Enforcement Inspector Trainee | \$36,849.56 per annum & an annual stipend of \$4,000.00 for the employee's multiple dwelling inspector's license | January 1, 2020 |

#

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn-Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees of the Township of South Orange Village at their Regular Meeting held on Monday, December 9, 2019.

Kevin D. Harris
Village Clerk

TOWNSHIP OF SOUTH ORANGE VILLAGE

RESOLUTION AUTHORIZING PAYMENT OF BILLS AND THE ISSUANCE OF CHECKS FOR THE PERIOD THROUGH DECEMBER 09, 2019 IN THE TOTAL AMOUNT OF \$6,172,037.72

WHEREAS, certain bills which are contained on the bills list which is annexed hereto and incorporated herein have been submitted to the Township of South Orange Village for payment, and

WHEREAS, pursuant to N.J.S.A. 40A:5:16, it has been certified to the governing body that the goods or services for which said bills were submitted have been received by or rendered to the Township of South Orange Village and;

WHEREAS, the Chief Financial Officer of the Township of South Orange Village has certified to the governing body that there are funds legally appropriated and available in the budget for the payment of said bills and that the said payment will not result in the disbursement of public monies or in the encumbering of same in excess of the 2018 and/or 2019 appropriation for said purpose;

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Township of South Orange Village that it hereby authorizes and Chief Financial Officer and the Clerk to sign checks in payment of the bills set forth in the annexed schedule.

#

| Trustee Member | Motion | Second | Ayes | Nays | Abstain | Absent |
|------------------|--------|--------|------|------|---------|--------|
| Clarke | | | | | | |
| Coallier | | | | | | |
| Hartshorn Hilton | | | | | | |
| Jones | | | | | | |
| Schnall | | | | | | |
| Zuckerman | | | | | | |

CERTIFICATION

I, Kevin D. Harris, Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their meeting held on Monday, December 9, 2019.

Kevin D. Harris
Village Clerk

DECEMBER 09, 2019 APPROVAL OF BILLS

The attached bills are a proper charge against the Village. They have been reviewed and found in order.

I hereby certify that Trustees may validly authorize the payment of the bills which are set forth hereto and further certify that such authorization will not result in a disbursement of public monies by the Township of South Orange Village for any office, division, department, institution, board or body of said Village. I do further certify that the payment of these bills is not payment of obligation which has incurred which is in excess of the appropriation and limit of expenditure provided by law for any office, division, department, institution, board or body of the Township of South Orange Village. It is my intention in making this certification to the Board of Trustees that authorizing the expenditures above will not in any way result in the violation by any member of the Board of trustees of Chapter 131 of the laws of 1989.

Village Treasurer

Date: December 09, 2019

The attached bills totaling **[\$6,172,037.72]** are approved for payment.

Board of Trustees

Walter Clarke

Karen Hartshorn Hilton

Stephen Schnall

Donna Coallier

Summer Jones

Bob Zuckerman

Warrants for the attached signed by us.

Sheena Collum, Village President

Christopher Battaglia, Village Treasurer

Kevin D. Harris, Village Clerk

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|---|----------------|---|-------------------------------------|------------------|------------------|
| 01-1210-55-2000- | | OTHER ACCOUNTS RECEIVABLE LOT | CLEANING CHARGES | | |
| 464992 | 10/16/19 | CARAVELLA DEMOLITON | VOID | 0.00 | 12/04/19 |
| 465402 | 12/04/19 | HARRINGTON RECYCLING INC. | EMERGENCY DEMOLITION 231 WARD PLACE | 37,400.00 | 12/04/19 |
| Total for | | OTHER ACCOUNTS RECEIVABLE LOT CLEANING CHARGES | | 37,400.00 | |
| Department Total: OTHER ACCOUNTS RECEIVABLE LOT CLEANING CHARGES | | | | 37,400.00 | |
| 01-2010-20-1011-010 | | BUDGET ADMINISTRATION & EXECUTIVE S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 7,304.91 | 12/03/19 |
| Total for | | BUDGET ADMINISTRATION & EXECUTIVE S&W | | 7,304.91 | |
| Department Total: BUDGET ADMINISTRATION & EXECUTIVE S&W | | | | 7,304.91 | |
| 01-2010-20-1012-A00 | | BUDGET ADMINISTRATION & EXECUTIVE O/E OFFICE EXPENSE AND SUPPLIES | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 56.99 | 12/04/19 |
| 465366 | 12/03/19 | PITNEY BOWES, INC. | INV #1014409462; 9/13/19-12/12/19 | 478.00 | 12/04/19 |
| 465311 | 11/22/19 | RICOH AMERICAS CORPORATION | INV #102970819; COPIER SRVCS: | 356.35 | 12/04/19 |
| 465312 | 11/25/19 | RINGCENTRAL, INC. | INV #74119; MONTHLY PHONE SRVCS | 120.40 | 12/04/19 |
| 465301 | 11/22/19 | SHRED-IT USA LLC | INV #8128553341; SHREDDING SRVCS | 239.23 | 12/04/19 |
| 465349 | 12/02/19 | W.B.MASON | supplies | 38.71 | 12/04/19 |
| Total for | | BUDGET ADMINISTRATION & EXECUTIVE O/E OFFICE | | 1,289.68 | |
| 01-2010-20-1012-B10 | | BUDGET ADMINISTRATION & EXECUTIVE O/E COAH | | | |
| 462323 | 01/14/19 | JEFFREY R. SURENIAN AND | 2019 LEGAL COUNSEL FOR AFFORADABLE | 3,243.70 | 12/04/19 |
| Total for | | BUDGET ADMINISTRATION & EXECUTIVE O/E COAH | | 3,243.70 | |
| 01-2010-20-1012-C06 | | BUDGET ADMINISTRATION & EXECUTIVE O/E TELEPHONE | | | |
| 465363 | 12/03/19 | VERIZON WIRELESS | WIRELESS PHONE CHARGES | 262.67 | 12/04/19 |
| Total for | | BUDGET ADMINISTRATION & EXECUTIVE O/E TELEPHONE | | 262.67 | |
| 01-2010-20-1012-G00 | | BUDGET ADMINISTRATION & EXECUTIVE O/E IT MAINT, REPAIRS AND | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 19.99 | 12/04/19 |
| Total for | | BUDGET ADMINISTRATION & EXECUTIVE O/E IT MAINT, | | 19.99 | |
| Department Total: BUDGET ADMINISTRATION & EXECUTIVE O/E | | | | 4,816.04 | |
| 01-2010-20-1021-010 | | BUDGET MUNICIPAL CLERK S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 5,663.76 | 12/03/19 |
| Total for | | BUDGET MUNICIPAL CLERK S&W | | 5,663.76 | |
| Department Total: BUDGET MUNICIPAL CLERK S&W | | | | 5,663.76 | |
| 01-2010-20-1022-580 | | BUDGET MUNICIPAL CLERK O/E ELECTION EXPENSES | | | |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|--|---|--------------------------|-------------------------------------|------------------|------------------|
| 465400 | 12/04/19 | MELISSA HODGE | 2019 GENERAL ELECTION ASSISTANCE | 100.00 | 12/04/19 |
| Total for | BUDGET MUNICIPAL CLERK O/E ELECTION EXPENSES | | | 100.00 | |
| 01-2010-20-1022-D00 BUDGET MUNICIPAL CLERK O/E PRINTING, PUBS AND POSTAGE | | | | | |
| 464884 | 10/08/19 | WORRALL COMMUNITY | LEGAL ADS | 47.25 | 12/04/19 |
| 465181 | 11/14/19 | WORRALL COMMUNITY | LEGAL NOTICE - ORD. # 2019-17 | 13.95 | 12/04/19 |
| 465182 | 11/14/19 | WORRALL COMMUNITY | LEGAL NOTICE - 2018 AUDIT SYNOPSIS | 388.80 | 12/04/19 |
| 465372 | 12/04/19 | WORRALL COMMUNITY | LEGAL ADS | 341.10 | 12/04/19 |
| Total for | BUDGET MUNICIPAL CLERK O/E PRINTING, PUBS AND | | | 791.10 | |
| 01-2010-20-1022-H01 BUDGET MUNICIPAL CLERK O/E NJ LEAGUE OF MUNICIPALITIES | | | | | |
| 465208 | 11/14/19 | NJ LEAGUE OF | NEWLY ELECTED OFFICIALS ORIENTATION | 520.00 | 12/04/19 |
| Total for | BUDGET MUNICIPAL CLERK O/E NJ LEAGUE OF | | | 520.00 | |
| Department Total: BUDGET MUNICIPAL CLERK O/E | | | | 1,411.10 | |
| 01-2010-20-1031-010 BUDGET FINANCE S&W | | | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 1,750.78 | 12/03/19 |
| Total for | BUDGET FINANCE S&W | | | 1,750.78 | |
| Department Total: BUDGET FINANCE S&W | | | | 1,750.78 | |
| 01-2010-20-1032-500 BUDGET FINANCE O/E CREDIT CARD MERCHANT SERVICES | | | | | |
| 465404 | 12/02/19 | HEARTLAND PAYMENT SYSTEM | DEMAND DEBIT - 12/02/2019 | 516.15 | 12/04/19 |
| Total for | BUDGET FINANCE O/E CREDIT CARD MERCHANT | | | 516.15 | |
| 01-2010-20-1032-A00 BUDGET FINANCE O/E OFFICE EXPENSE AND SUPPLIES | | | | | |
| 465303 | 11/22/19 | RESERVE ACCOUNT | POSTAGE REFILL: ACCT #26749309 | 2,000.00 | 11/22/19 |
| Total for | BUDGET FINANCE O/E OFFICE EXPENSE AND SUPPLIES | | | 2,000.00 | |
| 01-2010-20-1032-B07 BUDGET FINANCE O/E FINANCIAL | | | | | |
| 465351 | 11/27/19 | BATTAGLIA ASSOCIATES LLC | NOVEMBER 2019 ACCOUNTING & CFO | 19,000.00 | 12/04/19 |
| Total for | BUDGET FINANCE O/E FINANCIAL | | | 19,000.00 | |
| Department Total: BUDGET FINANCE O/E | | | | 21,516.15 | |
| 01-2010-20-1035-010 BUDGET IT S&W | | | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 6,598.16 | 12/03/19 |
| Total for | BUDGET IT S&W | | | 6,598.16 | |
| Department Total: BUDGET IT S&W | | | | 6,598.16 | |
| 01-2010-20-1036-A00 BUDGET IT O/E OFFICE EXPENSE AND SUPPLIES | | | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 103.30 | 12/04/19 |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|--------------------------|----------------|---|-------------------------------|------------------|------------------|
| Total for | | BUDGET IT O/E OFFICE EXPENSE AND SUPPLIES | | 103.30 | |
| 01-2010-20-1036-G00 | | BUDGET IT O/E IT MAINT, REPAIRS AND SOFTWARE | | | |
| 465055 | 10/24/19 | FUTURE TECHNOLOGIES | POWER INJECTOR | 52.50 | 12/04/19 |
| Total for | | BUDGET IT O/E IT MAINT, REPAIRS AND SOFTWARE | | 52.50 | |
| Department Total: | | BUDGET IT O/E | | 155.80 | |
| 01-2010-20-1041-010 | | BUDGET TAX ASSESSOR S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 5,869.19 | 12/03/19 |
| Total for | | BUDGET TAX ASSESSOR S&W | | 5,869.19 | |
| Department Total: | | BUDGET TAX ASSESSOR S&W | | 5,869.19 | |
| 01-2010-20-1042-E02 | | BUDGET TAX ASSESSOR O/E CONFERENCES / CONVENTIONS | | | |
| 464798 | 09/25/19 | INSTITUTE FOR PROFESSIONAL REGISTRATION - 12/6/19 SEMINAR - | | 125.00 | 12/04/19 |
| Total for | | BUDGET TAX ASSESSOR O/E CONFERENCES / | | 125.00 | |
| 01-2010-20-1042-H00 | | BUDGET TAX ASSESSOR O/E DUES AND BUSINESS EXPENSES | | | |
| 465392 | 12/04/19 | GOV'T PURCHASING ASSOC OF | DUES 2020 | 100.00 | 12/04/19 |
| Total for | | BUDGET TAX ASSESSOR O/E DUES AND BUSINESS | | 100.00 | |
| Department Total: | | BUDGET TAX ASSESSOR O/E | | 225.00 | |
| 01-2010-20-1052-J00 | | BUDGET MAYOR & COUNCIL O/E AWARDS, MEETINGS AND MICS | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 99.00 | 12/04/19 |
| Total for | | BUDGET MAYOR & COUNCIL O/E AWARDS, MEETINGS | | 99.00 | |
| Department Total: | | BUDGET MAYOR & COUNCIL O/E | | 99.00 | |
| 01-2010-20-1061-010 | | BUDGET TAX COLLECTION S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 9,419.07 | 12/03/19 |
| Total for | | BUDGET TAX COLLECTION S&W | | 9,419.07 | |
| Department Total: | | BUDGET TAX COLLECTION S&W | | 9,419.07 | |
| 01-2010-20-1101-010 | | BUDGET ENGINEERING S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 8,176.39 | 12/03/19 |
| Total for | | BUDGET ENGINEERING S&W | | 8,176.39 | |
| Department Total: | | BUDGET ENGINEERING S&W | | 8,176.39 | |
| 01-2010-22-1141-010 | | BUDGET BUILDING AND CONSTRUCTION S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 13,562.83 | 12/03/19 |
| Total for | | BUDGET BUILDING AND CONSTRUCTION S&W | | 13,562.83 | |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|---|--|---------------------------|--|-------------------|------------------|
| Department Total: BUDGET BUILDING AND CONSTRUCTION S&W | | | | 13,562.83 | |
| 01-2010-22-1142-A00 | | | BUDGET BUILDING AND CONSTRUCTION O/E OFFICE EXPENSE AND SUPPLIES | | |
| 464972 | 10/16/19 | KAY PRINTING AND ENVELOPE | SUPPLIES | 759.83 | 12/04/19 |
| Total for | BUDGET BUILDING AND CONSTRUCTION O/E OFFICE | | | 759.83 | |
| Department Total: BUDGET BUILDING AND CONSTRUCTION O/E | | | | 759.83 | |
| 01-2010-23-1172-710 | | | BUDGET EMPLOYEE GROUP BENEFITS GROUP HEALTH INSURANCE | | |
| 465354 | 12/02/19 | EDWARD P LARKIN | DECEMBER 2019 HEALTH INS. | 161.52 | 12/04/19 |
| 465387 | 12/04/19 | SHBP-STATE PENSIONS & | EE HEALTH BENEFITS DECEMBER 2019 | 196,920.57 | 12/04/19 |
| Total for | BUDGET EMPLOYEE GROUP BENEFITS GROUP HEALTH | | | 197,082.09 | |
| Department Total: BUDGET EMPLOYEE GROUP BENEFITS | | | | 197,082.09 | |
| 01-2010-25-1191-010 | | | BUDGET FIRE S&W | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 137,040.45 | 12/03/19 |
| Total for | BUDGET FIRE S&W | | | 137,040.45 | |
| Department Total: BUDGET FIRE S&W | | | | 137,040.45 | |
| 01-2010-25-1192-150 | | | BUDGET FIRE O/E SPECIAL FIRE EQUIPMENT | | |
| 465190 | 11/14/19 | DANIEL J. SULLIVAN | SO14529883 | 91.69 | 12/04/19 |
| Total for | BUDGET FIRE O/E SPECIAL FIRE EQUIPMENT | | | 91.69 | |
| 01-2010-25-1192-A00 | | | BUDGET FIRE O/E OFFICE EXPENSE AND SUPPLIES | | |
| 463777 | 06/03/19 | RICOH USA, INC | LEASE OF COPIERS FOR 48 MONTHS - | 118.10 | 12/04/19 |
| Total for | BUDGET FIRE O/E OFFICE EXPENSE AND SUPPLIES | | | 118.10 | |
| 01-2010-25-1192-C01 | | | BUDGET FIRE O/E CABLE VISION | | |
| 465383 | 12/04/19 | OPTIMUM | CABLE SRVCS: 56 SLOAN ST 12/01 - | 289.88 | 12/04/19 |
| Total for | BUDGET FIRE O/E CABLE VISION | | | 289.88 | |
| Department Total: BUDGET FIRE O/E | | | | 499.67 | |
| 01-2010-25-1211-010 | | | BUDGET POLICE S&W | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 246,953.50 | 12/03/19 |
| Total for | BUDGET POLICE S&W | | | 246,953.50 | |
| Department Total: BUDGET POLICE S&W | | | | 246,953.50 | |
| 01-2010-25-1212-530 | | | BUDGET POLICE O/E POLICE SUPPLIES | | |
| 465200 | 11/14/19 | I.D.M. MEDICAL SUPPLY CO. | T6101 - RENTAL D SIZE OXYGEN CYL | 13.50 | 12/04/19 |
| 465199 | 11/14/19 | ORANGE VALLEY HARDWARE & | 216133 & 216291 KEYS & WOOD STAKES | 187.50 | 12/04/19 |
| 465205 | 11/14/19 | PORTER LEE CORP. | QUOTE 8045 - LABELS FOR BEAST | 444.20 | 12/04/19 |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|---------------------|----------------|--|-----------------------------------|-----------------|------------------|
| 465145 | 11/06/19 | TRANSUNION RISK & | OCT 1- 31 2019 DET BUR INVEST | 51.90 | 12/04/19 |
| 465187 | 11/14/19 | UNION FIRE EQUIPMENT CORP. | FLARES | 875.00 | 12/04/19 |
| Total for | | BUDGET POLICE O/E POLICE SUPPLIES | | 1,572.10 | |
| 01-2010-25-1212-590 | | BUDGET POLICE O/E IDENTIFICATION EQUIP & SUPPLY | | | |
| 465189 | 11/14/19 | SIRCHIE FINGERPRINT LABS | INVESTIGATIVE EQUIPMENT | 405.26 | 12/04/19 |
| Total for | | BUDGET POLICE O/E IDENTIFICATION EQUIP & | | 405.26 | |
| 01-2010-25-1212-A00 | | BUDGET POLICE O/E OFFICE EXPENSE AND SUPPLIES | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 8.79 | 12/04/19 |
| Total for | | BUDGET POLICE O/E OFFICE EXPENSE AND SUPPLIES | | 8.79 | |
| 01-2010-25-1212-B00 | | BUDGET POLICE O/E PROFESSIONAL SERVICES | | | |
| 465185 | 11/14/19 | EKG INTERPRETATION GROUP | VOID | 0.00 | 11/22/19 |
| Total for | | BUDGET POLICE O/E PROFESSIONAL SERVICES | | 0.00 | |
| 01-2010-25-1212-C06 | | BUDGET POLICE O/E TELEPHONE | | | |
| 465364 | 12/03/19 | VERIZON | DECCEMBER 2019 PHONE CHARGES; | 98.41 | 12/04/19 |
| 465371 | 12/02/19 | VERIZON | PHONE CHARGES PD | 30.10 | 12/04/19 |
| 465363 | 12/03/19 | VERIZON WIRELESS | WIRELESS PHONE CHARGES | 545.53 | 12/04/19 |
| Total for | | BUDGET POLICE O/E TELEPHONE | | 674.04 | |
| 01-2010-25-1212-E00 | | BUDGET POLICE O/E EDUCATIONAL COURSES / TRAINING | | | |
| 465087 | 10/29/19 | J. HARRIS ACADEMY | USE OF FORCE INST CLASS KROLL / | 498.00 | 12/04/19 |
| Total for | | BUDGET POLICE O/E EDUCATIONAL COURSES / | | 498.00 | |
| 01-2010-25-1212-F00 | | BUDGET POLICE O/E AUTO MAINTENANCE / EXPENSE | | | |
| 465197 | 11/14/19 | BUY WISE AUTO PARTS | AUTO PARTS FOR POLICE FLEET | 471.87 | 12/04/19 |
| 465184 | 11/14/19 | CLEANWAY CAR WASH | OCTOBER 2019 CAR WASHES | 262.80 | 12/04/19 |
| 465183 | 11/14/19 | TIREHUB, LLC. | 6415078 - TIRES FOR POLICE FLEET | 532.08 | 12/04/19 |
| 465198 | 11/14/19 | TIREHUB, LLC. | 10468500 - TIRES FOR POLICE FLEET | 270.00 | 12/04/19 |
| 465196 | 11/14/19 | TOWNSHIP OF MAPLEWOOD | 1335,36,37,38,40,41 & 42 POLICE | 997.18 | 12/04/19 |
| Total for | | BUDGET POLICE O/E AUTO MAINTENANCE / EXPENSE | | 2,533.93 | |
| 01-2010-25-1212-K00 | | BUDGET POLICE O/E BUILDING REPAIR AND MAINT | | | |
| 463471 | 05/08/19 | ESSEX LOCKSMITH LLC | 330123 - KEYS CUT | 44.85 | 12/04/19 |
| 465154 | 11/06/19 | FAIRFIELD MAINTENANCE INC. | 36228 - MONTHLY UST INSPECTION | 307.00 | 12/04/19 |
| 465378 | 12/04/19 | HOWARD LEVISON | REIMBURSEMENT FOR KEY FOB FOR PD | 64.49 | 12/04/19 |
| 465146 | 11/06/19 | RAMAS CLIMATE & | E # 2129 - 2 SPACE MOTORS / 3 | 1,563.00 | 12/04/19 |

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|--------------------------|----------------|---|------------------------------------|------------------|------------------|
| Total for | | BUDGET POLICE O/E BUILDING REPAIR AND MAINT | | 1,979.34 | |
| Department Total: | | BUDGET POLICE O/E | | 7,671.46 | |
| 01-2010-26-1291-010 | | BUDGET PUBLIC WORKS S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 76,185.68 | 12/03/19 |
| Total for | | BUDGET PUBLIC WORKS S&W | | 76,185.68 | |
| Department Total: | | BUDGET PUBLIC WORKS S&W | | 76,185.68 | |
| 01-2010-26-1292-150 | | BUDGET PUBLIC WORKS O/E SAFETY EQUIPMENT | | | |
| 465082 | 10/29/19 | CCP INDUSTRIES, INC.. | RAIN GEAR NEW HIRE UNIFORMS | 2,186.88 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E SAFETY EQUIPMENT | | 2,186.88 | |
| 01-2010-26-1292-520 | | BUDGET PUBLIC WORKS O/E TOOLS & EQUIPMENT | | | |
| 465035 | 10/23/19 | OMAHA STANDARD | ROLL OFF FENDERS FLAPS LIGHTS | 975.20 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E TOOLS & EQUIPMENT | | 975.20 | |
| 01-2010-26-1292-530 | | BUDGET PUBLIC WORKS O/E PARKS/GROUNDS SUPPLIES | | | |
| 465077 | 10/29/19 | AMERICAN PAPER TOWEL | GARBAGE BAGS | 975.80 | 12/04/19 |
| 464912 | 10/09/19 | CITY FIRE EQUIPMENT | PARTS FOR FOUNTAIN | 1,899.27 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E PARKS/GROUNDS SUPPLIES | | 2,875.07 | |
| 01-2010-26-1292-610 | | BUDGET PUBLIC WORKS O/E STREET & ROADS -MATERIAL SUPP | | | |
| 465081 | 10/29/19 | POWERS ELECTRICAL SUPPLY | VOID | 0.00 | 11/22/19 |
| Total for | | BUDGET PUBLIC WORKS O/E STREET & ROADS | | 0.00 | |
| 01-2010-26-1292-710 | | BUDGET PUBLIC WORKS O/E RECYCLING PROGRAM | | | |
| 463977 | 06/19/19 | DOWNSTATE PROPERTY | ELECTRONIC WASTE EVENTS | 1,800.00 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E RECYCLING PROGRAM | | 1,800.00 | |
| 01-2010-26-1292-740 | | BUDGET PUBLIC WORKS O/E RECYCLING LEAF COMPOSTING | | | |
| 465186 | 11/14/19 | S. ROTONDI & SONS, INC. | HAULING OF LEAVES INV 362352 | 1,215.00 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E RECYCLING LEAF | | 1,215.00 | |
| 01-2010-26-1292-C01 | | BUDGET PUBLIC WORKS O/E CABLE VISION | | | |
| 465382 | 12/04/19 | OPTIMUM | CABLE SRVCS: 300 WALTON AV 12/01 - | 128.05 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E CABLE VISION | | 128.05 | |
| 01-2010-26-1292-C06 | | BUDGET PUBLIC WORKS O/E TELEPHONE | | | |
| 465363 | 12/03/19 | VERIZON WIRELESS | WIRELESS PHONE CHARGES | 111.29 | 12/04/19 |
| Total for | | BUDGET PUBLIC WORKS O/E TELEPHONE | | 111.29 | |
| 01-2010-26-1292-F00 | | BUDGET PUBLIC WORKS O/E AUTO MAINTENANCE / EXPENSE | | | |

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|---|---|----------------------------|--------------------------------|------------------|------------------|
| 465050 | 10/23/19 | AMP PRODUCTS | STOCK FOR TRUCKS | 614.42 | 12/04/19 |
| 463576 | 05/17/19 | FRANK'S TRUCK CENTER, INC. | PAY DOWN- PARTS AND SUPPLIES | 60.39 | 12/04/19 |
| Total for | BUDGET PUBLIC WORKS O/E AUTO MAINTENANCE / | | | 674.81 | |
| 01-2010-26-1292-K00 BUDGET PUBLIC WORKS O/E BUILDING REPAIR AND MAINT | | | | | |
| 464645 | 09/11/19 | E.L. CONGDON & SONS LUMBER | CONCRETE BLOCKS FOR YARD | 3,970.00 | 12/04/19 |
| 464083 | 07/03/19 | ELITE DOOR CO. | FRONT GARAGE DOOR | 5,400.00 | 12/04/19 |
| Total for | BUDGET PUBLIC WORKS O/E BUILDING REPAIR AND | | | 9,370.00 | |
| Department Total: BUDGET PUBLIC WORKS O/E | | | | 19,336.30 | |
| 01-2010-27-1391-010 BUDGET HEALTH S&W | | | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 3,958.25 | 12/03/19 |
| Total for | BUDGET HEALTH S&W | | | 3,958.25 | |
| Department Total: BUDGET HEALTH S&W | | | | 3,958.25 | |
| 01-2010-27-1392-170 BUDGET HEALTH O/E ENVIRONMENTAL SAMPLING | | | | | |
| 465103 | 10/31/19 | SANI PURE FOOD LABS | Certificate of Analysis | 280.00 | 12/04/19 |
| Total for | BUDGET HEALTH O/E ENVIRONMENTAL SAMPLING | | | 280.00 | |
| 01-2010-27-1392-B00 BUDGET HEALTH O/E PROFESSIONAL SERVICES | | | | | |
| 465202 | 11/14/19 | GARY DORSI | INSPECTIONS & RE-INSPECTIONS | 227.50 | 12/04/19 |
| Total for | BUDGET HEALTH O/E PROFESSIONAL SERVICES | | | 227.50 | |
| Department Total: BUDGET HEALTH O/E | | | | 507.50 | |
| 01-2010-28-1471-010 BUDGET RECREATION S&W | | | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 17,530.14 | 12/03/19 |
| Total for | BUDGET RECREATION S&W | | | 17,530.14 | |
| Department Total: BUDGET RECREATION S&W | | | | 17,530.14 | |
| 01-2010-28-1472-340 BUDGET RECREATION O/E GENERAL PROGRAM EXPENSES | | | | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 527.85 | 12/04/19 |
| Total for | BUDGET RECREATION O/E GENERAL PROGRAM EXPENSES | | | 527.85 | |
| 01-2010-28-1472-360 BUDGET RECREATION O/E RECREATION PROGRAMS | | | | | |
| 465094 | 10/29/19 | ULINE | CUST #7015031 RACKS/SPORT ITEM | 399.15 | 12/04/19 |
| Total for | BUDGET RECREATION O/E RECREATION PROGRAMS | | | 399.15 | |
| 01-2010-28-1472-810 BUDGET RECREATION O/E SENIORS | | | | | |
| 464896 | 10/09/19 | RESERVOIR RESTAURANT | SENIOR LUNCHEON NOV REC | 400.00 | 12/04/19 |
| Total for | BUDGET RECREATION O/E SENIORS | | | 400.00 | |

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|--------------------------|----------------|--|---|------------------|------------------|
| 01-2010-28-1472-A00 | | | BUDGET RECREATION O/E OFFICE EXPENSE AND SUPPLIES | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 303.31 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E OFFICE EXPENSE AND | | 303.31 | |
| 01-2010-28-1472-C01 | | | BUDGET RECREATION O/E CABLE VISION | | |
| 465302 | 11/22/19 | OPTIMUM | CABLE SRVCS: 82 N RIDGEWOOD RD | 168.10 | 12/04/19 |
| 465381 | 12/04/19 | OPTIMUM | CABLE SRVCS; 5 MEAD ST. COMM 12/01- | 128.05 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E CABLE VISION | | 296.15 | |
| 01-2010-28-1472-C03 | | | BUDGET RECREATION O/E NJ AMERICAN WATER | | |
| 465300 | 11/21/19 | SOUTH ORANGE VILLAGE WATER ACCT #58-0463730-3; WATER BILLING | | 1,627.75 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E NJ AMERICAN WATER | | 1,627.75 | |
| 01-2010-28-1472-C06 | | | BUDGET RECREATION O/E TELEPHONE | | |
| 465363 | 12/03/19 | VERIZON WIRELESS | WIRELESS PHONE CHARGES | 53.17 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E TELEPHONE | | 53.17 | |
| 01-2010-28-1472-F00 | | | BUDGET RECREATION O/E AUTO MAINTENANCE / EXPENSE | | |
| 465094 | 10/29/19 | ULINE | CUST #7015031 RACKS/SPORT ITEM | 853.00 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E AUTO MAINTENANCE / | | 853.00 | |
| 01-2010-28-1472-H00 | | | BUDGET RECREATION O/E DUES AND BUSINESS EXPENSES | | |
| 465038 | 10/23/19 | SAL ELECTRIC CO., INC | BLDG OUTLETS WALTON AVE REC | 565.00 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E DUES AND BUSINESS | | 565.00 | |
| 01-2010-28-1472-K00 | | | BUDGET RECREATION O/E BUILDING REPAIR AND MAINT | | |
| 465099 | 10/31/19 | CITY FIRE EQUIPMENT | BLDG SKATE HOUSE WIRE UP IN ATTIC | 980.00 | 12/04/19 |
| 464917 | 10/09/19 | ESSEX LOCKSMITH LLC | BLDG SKATE HOUSE ADD'L LOCKS/KEYS | 595.00 | 12/04/19 |
| 465047 | 10/23/19 | O'NEILL PLUMBING & | BLDG WATER FOUNTAIN RELOCATE | 2,488.65 | 12/04/19 |
| 465044 | 10/23/19 | RAMAS CLIMATE & | BLDG SKATE HOUSE HEAT REC | 903.50 | 12/04/19 |
| 464808 | 09/25/19 | SAL ELECTRIC CO., INC | BUILDING ELECTRIC WALTON AVENUE | 1,170.00 | 12/04/19 |
| Total for | | BUDGET RECREATION O/E BUILDING REPAIR AND | | 6,137.15 | |
| Department Total: | | BUDGET RECREATION O/E | | 11,162.53 | |
| 01-2010-29-2510-010 | | | BUDGET MUNICIPAL LIBRARY SALARIES AND WAGES | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 32,168.00 | 12/03/19 |
| Total for | | BUDGET MUNICIPAL LIBRARY SALARIES AND WAGES | | 32,168.00 | |
| 01-2010-29-2510-020 | | | BUDGET MUNICIPAL LIBRARY OPERATING EXPENSES | | |
| 462955 | 03/04/19 | RAMAS CLIMATE & | 2019 HVAC REPAIR AND MAINTENANCE | 388.00 | 12/04/19 |

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|--------------------------|----------------|--|-------------------------------------|------------------|------------------|
| 465350 | 11/27/19 | SO ORANGE PUBLIC LIBRARY | 4TH QTR 2019 TAX APPROPRIATION | 0.00 | 12/04/19 |
| 465350 | 11/27/19 | SO ORANGE PUBLIC LIBRARY | 4TH QTR 2019 TAX APPROPRIATION | 35,000.00 | 12/04/19 |
| Total for | | BUDGET MUNICIPAL LIBRARY OPERATING EXPENSES | | 35,388.00 | |
| Department Total: | | BUDGET MUNICIPAL LIBRARY | | 67,556.00 | |
| 01-2010-31-2072-130 | | BUDGET TELEPHONE TELEPHONE | PUBLIC BUILDINGS | | |
| 465363 | 12/03/19 | VERIZON WIRELESS | WIRELESS PHONE CHARGES | 187.68 | 12/04/19 |
| Total for | | BUDGET TELEPHONE TELEPHONE PUBLIC BUILDINGS | | 187.68 | |
| Department Total: | | BUDGET TELEPHONE | | 187.68 | |
| 01-2010-31-2092-010 | | BUDGET STREET LIGHTING STREET LIGHTING | | | |
| 465299 | 11/21/19 | UGI ENERGY SERVICES, LLC | APRIL - SEPTEMBER 2019 GAS/ELECTRIC | 86,986.31 | 12/04/19 |
| Total for | | BUDGET STREET LIGHTING STREET LIGHTING | | 86,986.31 | |
| Department Total: | | BUDGET STREET LIGHTING | | 86,986.31 | |
| 01-2010-31-2095-010 | | BUDGET RENT RENT | | | |
| 462396 | 01/16/19 | SOUTH ORANGE PROPERTY LLC | 2019 LEASE AGREEMENT 76 SO AVE | 19,028.70 | 12/04/19 |
| Total for | | BUDGET RENT RENT | | 19,028.70 | |
| Department Total: | | BUDGET RENT | | 19,028.70 | |
| 01-2010-36-2130-770 | | BUDGET SOCIAL SECURITY SOCIAL SECURITY | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 21,355.06 | 12/03/19 |
| Total for | | BUDGET SOCIAL SECURITY SOCIAL SECURITY | | 21,355.06 | |
| Department Total: | | BUDGET SOCIAL SECURITY | | 21,355.06 | |
| 01-2010-42-4900- | | BUDGET SHARED - MUNICIPAL COURT | | | |
| 465167 | 11/06/19 | TOWNSHIP OF MAPLEWOOD | 3RD QTR SHARED COURT 2019 | 20,050.50 | 12/04/19 |
| Total for | | BUDGET SHARED - MUNICIPAL COURT | | 20,050.50 | |
| Department Total: | | BUDGET SHARED - MUNICIPAL COURT | | 20,050.50 | |
| 01-2010-43-1241-010 | | BUDGET MUNICIPAL COURT S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 4,876.41 | 12/03/19 |
| Total for | | BUDGET MUNICIPAL COURT S&W | | 4,876.41 | |
| Department Total: | | BUDGET MUNICIPAL COURT S&W | | 4,876.41 | |
| 01-2010-43-1251-110 | | BUDGET PUBLIC DEFENDER S&W | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 1,088.99 | 12/03/19 |
| Total for | | BUDGET PUBLIC DEFENDER S&W | | 1,088.99 | |

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| Department Total: BUDGET PUBLIC DEFENDER S&W | | | | 1,088.99 | |
| 01-2050- | - | - | TAX OVERPAYMENTS | | |
| 465156 | 11/06/19 | CORELOGIC | 2019 TAX REFUND O/P | 3,215.16 | 12/04/19 |
| 465158 | 11/06/19 | CORELOGIC | 2019 TAX REFUNDS O/P | 4,541.96 | 12/04/19 |
| 464330 | 07/31/19 | EUGENE LIPKIN | 2019 TAX REFUNDS O/P | 1,088.40 | 12/04/19 |
| 465161 | 11/06/19 | JOHN & REBECCA KIRKWOOD | 2019 TAX REFUNDS O/P | 3,629.03 | 12/04/19 |
| 465204 | 11/14/19 | LERETA CORP | 2019 TAX REFUNDS O/P | 3,435.89 | 12/04/19 |
| Total for TAX OVERPAYMENTS | | | | 15,910.44 | |
| Department Total: TAX OVERPAYMENTS | | | | 15,910.44 | |
| 01-2070- | - | - | SCHOOL TAXES PAYABLE | | |
| 465307 | 11/22/19 | SO/MPLWD BOARD OF | OCTOBER 2019 SCHOOL TAXES | 4,322,398.33 | 11/25/19 |
| Total for SCHOOL TAXES PAYABLE | | | | 4,322,398.33 | |
| Department Total: SCHOOL TAXES PAYABLE | | | | 4,322,398.33 | |
| 02-3000-03-3000-015 | | | APPROPRIATED GRANTS COUNCIL ON THE ARTS 2015-COUNCIL ON THE ARTS | | |
| 459758 | 02/28/18 | HOME DEPOT CREDIT SERVICES VOID | | 0.00 | 11/27/19 |
| Total for APPROPRIATED GRANTS COUNCIL ON THE ARTS | | | | 0.00 | |
| Department Total: APPROPRIATED GRANTS COUNCIL ON THE ARTS | | | | 0.00 | |
| 02-3000-07-3000-018 | | | APPROPRIATED GRANTS GROTTA FUND PLANNING GRANT GROTTA FUND | | |
| 465297 | 11/21/19 | CATHY ROWE | REIMBURSEMENT FOR SOMA EXPENSES | 600.00 | 12/04/19 |
| Total for APPROPRIATED GRANTS GROTTA FUND PLANNING GRANT | | | | 600.00 | |
| Department Total: APPROPRIATED GRANTS GROTTA FUND PLANNING GRANT | | | | 600.00 | |
| 04-2150-17-0603-000 | | | IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS AND FACILITIE | | |
| 458650 | 10/23/17 | DASKAL, LLC | BUILDING RENOVATIONS - S.O. POLICE | 35,099.10 | 12/04/19 |
| Total for IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS | | | | 35,099.10 | |
| Department Total: IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS | | | | 35,099.10 | |
| 04-2150-17-0604-000 | | | IMPROVEMENT AUTHORIZATIONS STREETS AND ROADS | | |
| 464470 | 08/14/19 | JENELECTRIC, INC. | REPLACE FLASHING SIGN AT MONTROSE & | 20,746.00 | 12/04/19 |
| Total for IMPROVEMENT AUTHORIZATIONS STREETS AND ROADS | | | | 20,746.00 | |
| Department Total: IMPROVEMENT AUTHORIZATIONS STREETS AND ROADS | | | | 20,746.00 | |
| 04-2150-18-0602-000 | | | IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS AND FACILITIE | | |
| 458650 | 10/23/17 | DASKAL, LLC | BUILDING RENOVATIONS - S.O. POLICE | 0.00 | 12/04/19 |

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| Total for | | IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS | | 0.00 | |
| Department Total: | | IMPROVEMENT AUTHORIZATIONS PUBLIC BUILDINGS | | 0.00 | |
| 04-2150-19-0212-000 | | IMPROVEMENT AUTHORIZATIONS POLICE CONSTRUCTION | | | |
| 464154 | 07/11/19 | SENTRY SECURITY FASTENERS, VOID | | 0.00 | 11/22/19 |
| Total for | | IMPROVEMENT AUTHORIZATIONS POLICE CONSTRUCTION | | 0.00 | |
| Department Total: | | IMPROVEMENT AUTHORIZATIONS POLICE CONSTRUCTION | | 0.00 | |
| 05-2010-00-6011-010 | | BUDGET SALARIES & WAGES SALARIES & WAGES | | | |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 5,360.00 | 12/03/19 |
| Total for | | BUDGET SALARIES & WAGES SALARIES & WAGES | | 5,360.00 | |
| Department Total: | | BUDGET SALARIES & WAGES | | 5,360.00 | |
| 05-2010-00-6012-050 | | BUDGET WATER DEPT O/E CONTRACT SERVICES (O&M) | | | |
| 465295 | 11/21/19 | AMERICAN WATER SERVICES VOID | | 0.00 | 12/04/19 |
| 465379 | 12/04/19 | AMERICAN WATER SERVICES MONTHLY MANAGEMENT FEE NOVEMBER 2019 | | 65,725.92 | 12/04/19 |
| Total for | | BUDGET WATER DEPT O/E CONTRACT SERVICES (O&M) | | 65,725.92 | |
| Department Total: | | BUDGET WATER DEPT O/E | | 65,725.92 | |
| 06-2150-16-0100-000 | | UTILITY IMPROVEMENT AUTHORIZAT VARIOUS WATER IMPROVEMENTS | | | |
| 465211 | 11/15/19 | HDR ENGINEERING, INC. PROJECT #10065939; BRENTWOOD | | 18,523.80 | 12/04/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE P/R 2 WE 12/05/19 | | 600.00 | 12/03/19 |
| Total for | | UTILITY IMPROVEMENT AUTHORIZAT VARIOUS WATER | | 19,123.80 | |
| Department Total: | | UTILITY IMPROVEMENT AUTHORIZAT VARIOUS WATER | | 19,123.80 | |
| 06-2150-18-2800-000 | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) CREST DR STANDPIPE | | | |
| 465210 | 11/15/19 | HDR ENGINEERING, INC. PROJECT #10065935;CREST DRIVE | | 3,113.74 | 12/04/19 |
| Total for | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) CREST DR | | 3,113.74 | |
| Department Total: | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) CREST DR | | 3,113.74 | |
| 06-2150-19-0700-000 | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) SCOTLAND ROAD | | | |
| 460776 | 06/25/18 | HDR ENGINEERING, INC. NEW WATER MAIN ALONG SCOTLAND ROAD | | 6,452.19 | 12/04/19 |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|--------------------------|----------------|---------------------------------------|---|------------------|------------------|
| Total for | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) | SCOTLAND | 6,452.19 | |
| Department Total: | | UTILITY IMPROVEMENT AUTHORIZAT (NJIB) | SCOTLAND | 6,452.19 | |
| 10-2000-00-0000-011 | | RESERVE FOR EXPENDITURES | RESERVE FOR EXPENDITURES ANIMAL CONTROL | | |
| 465225 | 11/19/19 | RESIDEX CORPORATION | 1 CASE OF CONTRAC SUPER SIZED BLOX | 83.10 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES | RESERVE FOR | 83.10 | |
| Department Total: | | RESERVE FOR EXPENDITURES | RESERVE FOR | 83.10 | |
| 11-2000-00-0300-100 | | RESERVE FOR EXPENDITURES | RECREATION DONATIONS RECREATION/SOCCER | | |
| 465298 | 11/21/19 | TOWNSHIP OF SOUTH ORANGE | SCHOLARSHIP ASSISTANCE 4TH QTR 2019 | 435.00 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES | RECREATION DONATIONS | 435.00 | |
| 11-2000-00-0300-200 | | RESERVE FOR EXPENDITURES | RECREATION DONATIONS SOUTH BY SOUTH | | |
| 465352 | 12/02/19 | BANK OF AMERICA | PURCHASING CARD; 11/01/2019 - | 20.17 | 12/04/19 |
| 465072 | 10/25/19 | NATION BEAT MUSIC | SOUTH NEXT PERFORMANCE | 500.00 | 12/04/19 |
| 465308 | 11/22/19 | SO PERFORMING ART CENTER | SOUTH NEXT; RENTAL FEES FOR USE OF | 800.00 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES | RECREATION DONATIONS | 1,320.17 | |
| Department Total: | | RESERVE FOR EXPENDITURES | RECREATION DONATIONS | 1,755.17 | |
| 11-2000-00-1000- | | RESERVE FOR EXPENDITURES | POLICE OUTSIDE DUTY | | |
| 465362 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | POLICE SDJS:12/05/19 PR | 1,465.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 0.00 | 12/03/19 |
| 465358 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | P/R 2 WE 12/05/19 | 9,875.00 | 12/03/19 |
| Total for | | RESERVE FOR EXPENDITURES | POLICE OUTSIDE DUTY | 11,340.00 | |
| Department Total: | | RESERVE FOR EXPENDITURES | POLICE OUTSIDE DUTY | 11,340.00 | |
| 11-2000-00-1300- | | RESERVE FOR EXPENDITURES | POOL TRUST | | |
| 464667 | 09/11/19 | O'NEILL PLUMBING & | POOL PLUMBING REPAIRS REC | 712.87 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES | POOL TRUST | 712.87 | |
| Department Total: | | RESERVE FOR EXPENDITURES | POOL TRUST | 712.87 | |
| 11-2000-00-1800- | | RESERVE FOR EXPENDITURES | RECREATION - FIELD USE | | |
| 461831 | 10/31/18 | TRUGREEN, LP | FIELD USE M3 TOPDRESSING REC | 1,600.00 | 12/04/19 |
| 462957 | 03/04/19 | TRUGREEN, LP | CHEMICAL TREATMENT & FERTILIZATION | 17,475.00 | 12/04/19 |
| 462957 | 03/04/19 | TRUGREEN, LP | CHEMICAL TREATMENT & FERTILIZATION | 23,650.00 | 12/04/19 |
| 462958 | 03/04/19 | TRUGREEN, LP | CHEMICAL TREATMENT & FERTILIZATION | 1,567.84 | 12/04/19 |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|--------------------------|----------------|---|-----------------------------------|-------------------|------------------|
| Total for | | RESERVE FOR EXPENDITURES RECREATION - FIELD | | 44,292.84 | |
| Department Total: | | RESERVE FOR EXPENDITURES RECREATION - FIELD | | 44,292.84 | |
| 11-2000-00-2200- | | RESERVE FOR EXPENDITURES RECREATION - GARDEN FEES | | | |
| 464256 | 07/24/19 | O'NEILL PLUMBING & | GARDEN WINTERIZATION WATER VALVES | 257.98 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES RECREATION - GARDEN | | 257.98 | |
| Department Total: | | RESERVE FOR EXPENDITURES RECREATION - GARDEN | | 257.98 | |
| 13-2000-00-1000- | | PAYROLL EXPENDITURES ADP NET PAYROLL | | | |
| 465355 | 12/03/19 | ADP | P/R DIRECT DEPOSIT 2 W/E 12/05/19 | 360,231.92 | 12/03/19 |
| 465313 | 11/27/19 | HOWARD LEVISON | CHECK ISSUE P/R 11/21/19 | 2,167.70 | 11/27/19 |
| Total for | | PAYROLL EXPENDITURES ADP NET PAYROLL | | 362,399.62 | |
| Department Total: | | PAYROLL EXPENDITURES ADP NET PAYROLL | | 362,399.62 | |
| 13-2000-00-2000- | | PAYROLL EXPENDITURES PAYROLL TAXES | | | |
| 465356 | 12/03/19 | ADP | P/R TAXES2 W/E 12/05/19 | 135,650.37 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES PAYROLL TAXES | | 135,650.37 | |
| Department Total: | | PAYROLL EXPENDITURES PAYROLL TAXES | | 135,650.37 | |
| 13-2000-00-3000- | | PAYROLL EXPENDITURES WAGE GARNISHMENTS | | | |
| 465357 | 12/03/19 | ADP | P/R WAGE GARNISHMENTS 2 W/E | 4,275.18 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES WAGE GARNISHMENTS | | 4,275.18 | |
| Department Total: | | PAYROLL EXPENDITURES WAGE GARNISHMENTS | | 4,275.18 | |
| 13-2000-03-2000- | | PAYROLL EXPENDITURES AFLAC | | | |
| 465369 | 12/03/19 | AFLAC | EE CONTRIBUTIONS NOVEMBER 2019 | 2,056.60 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES AFLAC | | 2,056.60 | |
| Department Total: | | PAYROLL EXPENDITURES AFLAC | | 2,056.60 | |
| 13-2000-04-1000- | | PAYROLL EXPENDITURES OPEIU | | | |
| 465370 | 12/03/19 | TEAMSTERS LOCAL 125 | EE CONTRIBUTIONS NOVEMBER 2019 | 985.74 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES OPEIU | | 985.74 | |
| Department Total: | | PAYROLL EXPENDITURES OPEIU | | 985.74 | |
| 13-2000-05-1000- | | PAYROLL EXPENDITURES AXA | | | |
| 465359 | 12/03/19 | AXA EQUITABLE | EE CONTRIBUTIONS 12/05/19 PR | 4,123.00 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES AXA | | 4,123.00 | |
| Department Total: | | PAYROLL EXPENDITURES AXA | | 4,123.00 | |

Bills List**VILLAGE OF SOUTH ORANGE**

12/05/19 04:00:57 PM

| <u>PO Number</u> | <u>Po Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> | <u>Paid Date</u> |
|---|----------------|--|------------------------------------|------------------|------------------|
| 13-2000-05-2000- | | PAYROLL EXPENDITURES MASS MUTUAL | | | |
| 465360 | 12/03/19 | MASS MUTUAL | EE CONTRIBUTIONS 12/05/19 PR | 16,906.68 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES MASS MUTUAL | | 16,906.68 | |
| Department Total:PAYROLL EXPENDITURES MASS MUTUAL | | | | 16,906.68 | |
| 13-2000-06-1000- | | PAYROLL EXPENDITURES SHBP | | | |
| 465361 | 12/03/19 | TOWNSHIP OF SOUTH ORANGE | SHBP TO CURRENT 12/05/19 PR | 25,946.32 | 12/03/19 |
| Total for | | PAYROLL EXPENDITURES SHBP | | 25,946.32 | |
| Department Total:PAYROLL EXPENDITURES SHBP | | | | 25,946.32 | |
| 16-2000-15-0883- | | RESERVE FOR EXPENDITURES 1000509772 ED NOCCIA - ST PAULS | | | |
| 465226 | 11/19/19 | BOWMAN CONSULTING | INV# 280262 ST. PAULS OUTREACH | 712.50 | 12/04/19 |
| 465227 | 11/19/19 | TOPOLOGY NJ, LLC | INV# 4039 ST. PAULS OUTREACH | 1,125.00 | 12/04/19 |
| 465228 | 11/19/19 | TOPOLOGY NJ, LLC | INV# 4102 ST. PAULS OUTREACH | 900.00 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES 1000509772 ED NOCCIA | | 2,737.50 | |
| Department Total:RESERVE FOR EXPENDITURES 1000509772 | | | | 2,737.50 | |
| 17-2000- - - | | RESERVE FOR EXPENDITURES | | | |
| 465215 | 11/15/19 | PIAZZA & ASSOCIATES, INC. | INV #1509-10; SEPT - OCT '19 SRVCS | 200.00 | 12/04/19 |
| Total for | | RESERVE FOR EXPENDITURES | | 200.00 | |
| Department Total:RESERVE FOR EXPENDITURES | | | | 200.00 | |
| Total Bill List: | | 6,172,037.72 | | | |

Totals by Fund**VILLAGE OF SOUTH ORANGE**

12/05/19 04:03:03 PM

| | | <u>Amount</u> |
|-------------------------|----------------------|---------------|
| Total for | 01 CURRENT FUND | 5,402,094.00 |
| Total for | 02 GRANTS | 600.00 |
| Total for | 04 GENERAL CAPITAL | 55,845.10 |
| Total for | 05 WATER OPERATING | 71,085.92 |
| Total for | 06 WATER CAPITAL | 28,689.73 |
| Total for | 10 ANIMAL CONTROL | 83.10 |
| Total for | 11 TRUST | 58,358.86 |
| Total for | 13 PAYROLL | 552,343.51 |
| Total for | 16 DEVELOPERS ESCROW | 2,737.50 |
| Total for | 17 COAH | 200.00 |
| Total Bill List: | 6,172,037.72 | |



SOUTH ORANGE VILLAGE
CHRISTOPHER BATTAGLIA
XXXX-XXXX-XXXX-1768

Purchasing Card

November 01, 2019 - November 30, 2019

Company Statement

| Account Information | Payment Information | Account Summary |
|--|--|---|
| Mail Billing Inquiries to: BANKCARD CENTER PO BOX 982238 EL PASO, TX 79998-2238 Customer Service: 1.888.449.2273 24 Hours TTY Hearing Impaired: 1.800.222.7365 24 Hours Outside the U.S.: 1.509.353.6656 24 Hours For Lost or Stolen Card: 1.888.449.2273 24 Hours | Statement Date 11/30/19 Payment Due Date 12/24/19 Days in Billing Cycle 30 Credit Limit \$150,000 Cash Limit \$0 Total Payment Due \$1,139.40 | Previous Balance \$3,728.83 Payments -\$3,728.83 Credits \$0.00 Cash \$0.00 Purchases \$1,139.40 Other Debits \$0.00 Overlimit Fee \$0.00 Late Payment Fee \$0.00 Cash Fees \$0.00 Other Fees \$0.00 Finance Charge \$0.00 Current Balance \$1,139.40 |

| Cardholder Activity Summary | | | | |
|---|---------|------|----------------------------|----------------|
| Account Number | Credits | Cash | Purchases and Other Debits | Total Activity |
| Credit Limit LOEHNER, ADAM XXXX-XXXX-XXXX-5152 50,000 | 0.00 | 0.00 | 1,139.40 | 1,139.40 |

| Transactions | | | | | | |
|--|------------------|---------------------|------------------------|------|--------|-----------------------|
| Posting Date | Transaction Date | Description | Reference Number | MCC | Charge | Credit |
| SOUTH ORANGE VILLAGE | | | | | | Total Activity |
| Account Number: XXXX-XXXX-XXXX-1768 | | | | | | -\$3,728.83 |
| 11/13 | 11/10 | PAYMENT - THANK YOU | 3171530000000596543459 | 0008 | | 191.25 |
| 11/13 | 11/10 | PAYMENT - THANK YOU | 3171530000000596543475 | 0008 | | 3,420.82 |
| 11/13 | 11/10 | PAYMENT - THANK YOU | 3171530000000596846456 | 0008 | | 116.76 |

0011676 0113940 0113940 4715291206131768

Account Number: XXXX-XXXX-XXXX- 1768
November 01, 2019 - November 30, 2019

Total Payment Due \$1,139.40
Payment Due Date 12/24/19

Enter payment amount

\$

Check here for a change of mailing address or phone numbers. Please provide all corrections on the reverse side.

Mail this coupon along with your check payable to:
BANK OF AMERICA

BANK OF AMERICA
PO BOX 15731
WILMINGTON, DE 19886-5731

SOUTH ORANGE VILLAGE
CHRISTOPHER BATTAGLIA
TWSP SOUTH ORANGE VILLAGE
76 S ORANGE AVE STE 302
SOUTH ORANGE, NJ 07079-1923

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.

Service for the hearing impaired (TTY/TDD): Contact our service for the hearing-impaired at 1.800.222.7365.

Telephone monitoring: For the purposes of monitoring and improving the quality of service, Bank's supervisory personnel may listen to and/or record telephone calls between Bank employees and any person acting on Company's behalf.

Disclosure: We may furnish to your employer information concerning your use of your account. To read more about our information disclosure, please visit www.bankofamerica.com/corporatecarddisclosure or call the customer service number listed on your statement to request a copy.

In case of errors or questions about your bill: Errors or questions about your bill must be received in writing no later than 60 days after we sent you the first statement on which the error or problem appeared. Please mail this information to BANKCARD CENTER, PO BOX 982238, EL PASO, TX 79998-2238. Your letter must include the following information:

- The company name, cardholder name and account number in question.
- The dollar amount of the suspected error.
- A written description of the error and why you believe there is an error. If you need more information, describe the item you are unsure about.

| | | |
|-------------------|--|---|
| Customer Service: | For questions regarding transactions, general assistance, and reporting lost and stolen cards, call: | |
| | <u>Within the U.S.</u> 1.888.449.2273 | <u>Outside the U.S.</u> 1.509.353.6656 (collect calls accepted) |

Thank you for your business.

Please write your change of address here:

Street

City

State

Zip

()

()

Home Phone

Business Phone

Posting payments: Payments received by mail at the remittance address shown on the Payment Coupon portion of the face of this statement on a banking day will be posted to your account on the day received. If we receive your mailed payment on a non-banking day, we will post it to your account on the next banking day. There may be a delay of up to 5 banking days in posting payments made at a location other than the mailing address listed on the front of your payment coupon.



SOUTH ORANGE VILLAGE
CHRISTOPHER BATTAGLIA
XXXX-XXXX-XXXX-1768
November 01, 2019 - November 30, 2019
Page 3 of 4

Transactions

| Posting Transaction | | | | | | |
|--|-------|--|-------------------------|------|----------|-----------------------|
| Date | Date | Description | Reference Number | MCC | Charge | Credit |
| LOEHNER, ADAM | | | | | | Total Activity |
| Account Number: XXXX-XXXX-XXXX-5152 | | | | | | 1,139.40 |
| 11/01 | 10/31 | AMZN Mktp US*0W2TC5DC3 Amzn.com/billWA | 24692169304100849262313 | 5942 | 29.32 ✓ | |
| 11/04 | 11/02 | AMZN Mktp US*L82DD7433 Amzn.com/billWA | 24692169306100915591593 | 5942 | 12.99 ✓ | |
| 11/05 | 11/04 | AMAZON.COM*JN97Z6233 AMZNAMZN.COM/BILLWA | 24431069308083714056404 | 5942 | 178.01 ✓ | |
| 11/05 | 11/04 | AMZN MKTP US*413TB3XP3 AMAMZN.COM/BILLWA | 24431069308083725096092 | 5942 | 23.30 ✓ | |
| 11/05 | 11/04 | AMZN MKTP US*QH44C7Q53 AMAMZN.COM/BILLWA | 24431069308083322912816 | 5942 | 38.45 ✓ | |
| 11/06 | 11/04 | MITIMITI_1 SOUTH ORANGE NJ | 24275399309900018047624 | 5812 | 25.00 ✓ | |
| 11/06 | 11/04 | MITIMITI_1 SOUTH ORANGE NJ | 24275399309900018047632 | 5812 | 25.00 ✓ | |
| 11/08 | 11/07 | AMAZON.COM*B871B2AX3 AMZNAMZN.COM/BILLWA | 24431069311083756930545 | 5942 | 8.79 ✓ | |
| 11/11 | 11/09 | AMZN MKTP US*QH6H447L3 AMAMZN.COM/BILLWA | 24431069313083701239461 | 5942 | 60.99 ✓ | |
| 11/18 | 11/16 | AMAZON.COM*OD0RR8I03 AMZNAMZN.COM/BILLWA | 24431069320083749271048 | 5942 | 6.99 ✓ | |
| 11/20 | 11/19 | BC.BASECAMP 3 4092590 312-281-5333 IL | 24492159323715042289340 | 8699 | 99.00 ✓ | |
| 11/21 | 11/20 | AMZN MKTP US*V355S9LZ3 AMAMZN.COM/BILLWA | 24431069324083355138404 | 5942 | 387.86 ✓ | |
| 11/21 | 11/20 | GOOGLE *GOOGLE STORAGE 650-253-0000 CA | 24055239324083706139592 | 5968 | 19.99 ✓ | |
| 11/22 | 11/21 | AMZN MKTP US*IM0NL1O83 AMAMZN.COM/BILLWA | 24431069325083316627254 | 5942 | 29.99 ✓ | |
| 11/27 | 11/26 | AMZN MKTP US*Y08RF77Y3 AMAMZN.COM/BILLWA | 24431069330083707567104 | 5942 | 139.99 ✓ | |
| 11/27 | 11/26 | WWW.1AND1.COM 877-461-2631 PA | 24055229331047293364204 | 4816 | 20.17 ✓ | |
| 11/27 | 11/27 | Amazon.com*X37U25FB3 Amzn.com/billWA | 24692169331100914479112 | 5942 | 33.56 ✓ | |

Finance Charge Calculation

Your Annual Percentage Rate (APR) is the annual interest rate on your account.

| | Annual Percentage Rate | Balance Subject to Interest Rate | Finance Charges by Transaction Type |
|-----------|------------------------|----------------------------------|-------------------------------------|
| PURCHASES | 8.00% V | \$0.00 | \$0.00 |
| CASH | 8.00% V | \$0.00 | \$0.00 |

V = Variable Rate (rate may vary), Promotional Balance = APR for limited time on specified transactions.



SOUTH ORANGE VILLAGE
CHRISTOPHER BATTAGLIA
XXXX-XXXX-XXXX-1768
November 01, 2019 - November 30, 2019
Page 4 of 4



Bill Text: NJ S4204 | 2018-2019 | Regular Session | Amended

New Jersey Senate Bill 4204

Bill Title: Concerns employment status of individuals with respect to wage and hour and unemployment status.

Spectrum: Partisan Bill (Democrat 1-0)

Status: (Introduced) 2019-11-14 - Reported from Senate Committee with Amendments, 2nd Reading [S4204 Detail]

Download: [New_Jersey-2018-S4204-Amended.html](#)

[First Reprint]

SENATE, No. 4204

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED NOVEMBER 7, 2019

Sponsored by:

Senator **STEPHEN M. SWEENEY**

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Concerns employment status of individuals with respect to wage and hour and unemployment laws.

CURRENT VERSION OF TEXT

As reported by the Senate Labor Committee on November 14, 2019, with amendments.

AN ACT concerning the employment status of individuals with respect to State wage and hour and unemployment laws, supplementing Article 3 of chapter 11 of Title 34 of the Revised Statutes, and amending P.L.2007, c.114 and R.S.43:21-19.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) For the purposes of all State employment laws, individuals who perform services for remuneration shall be deemed employees, not independent contractors, and shall be subject to the provisions of those laws, and shall be entitled to all rights and remedies provided by those laws, unless and until it is shown to the satisfaction of the Commissioner of Labor and Workforce Development that:

- a. The individual has been and will continue to be free from control or direction over the performance of the service, both under the individual's contract of service and in fact; and
- b. The individual's service is outside the usual course of the business for which that service is performed; and
- c. The individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the work performed.

¹An individual shall not be regarded as an employee for the purposes of this section if the individual is a certified public accountant licensed by the State of New Jersey, or the individual satisfies the requirements to be exempt from being deemed to be in employment as set forth in R.S.43:21-

19(i)(7)(J) or R.S.43:21-19(i)(7)(K).¹

For the purposes of this section, "State employment laws" means Article 1 of chapter 11 of Title 34 of the Revised Statutes and all acts supplementing that article (R.S.34:11-2 et al.), P.L.1966, c.113 and all acts supplementing that act (C.34:11-56a et al.), P.L.2005, c.379 (C.34:11-56.58 et seq.), and Article 3 of chapter 11 of Title 34 of the Revised Statutes and all acts supplementing that article (R.S.34:11-57 et al.), but "State employment laws" do not include the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), or the "Construction Industry Independent Contractor Act," P.L. 2007, c.114 (C.34:20-1 et seq.).

2. Section 4 of P.L.2007, c.114 (C. 34:20-4) is amended to read as follows:

4. For purposes of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "unemployment compensation law," R.S.43:21-1 et seq., the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or other applicable State tax laws, P.L.1965, c.173 (C.34:11-4.1 et seq.) and the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), services performed in the making of improvements to real property by an individual for remuneration paid by an employer shall be deemed to be employment unless and until it is shown to the satisfaction of the Department of Labor and Workforce Development that:

a. the individual has been and will continue to be free from control or direction over the performance of that service, both under his contract of service and in fact; and

b. the individual's service is [either] outside the usual course of the business for which the service is performed[, or the service is performed outside of all the places of business of the employer for which the service is performed]; and

c. the individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the work performed.

The failure to withhold federal or State income taxes or to pay unemployment compensation contributions or workers' compensation premiums with respect to an individual's wages shall not be considered in making a determination under this section.

(cf: P.L.2007, c.114, s.4)

3. R.S.43:21-19 is amended to read as follows:

43:21-19. Definitions. As used in this chapter (R.S.43:21-1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of R.S.43:21-7 means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last three or five preceding calendar years, whichever average is higher; provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R.S.43:21-1 et seq.), with respect to his unemployment.

(c) (1) "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year.

With respect to a benefit year commencing on or after July 1, 1995, if an individual does not have sufficient qualifying weeks or wages in his base year to qualify for benefits, the individual shall have the option of designating that his base year shall be the "alternative base year," which means the last four completed calendar quarters immediately preceding the individual's benefit year; except that, with respect to a benefit year commencing on or after October 1, 1995, if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding his benefit year to qualify for benefits, "alternative base year" means the last three completed calendar quarters immediately preceding his benefit year and, of the calendar quarter in which the benefit year commences, the portion of the quarter which occurs before the commencing of the benefit year.

The division shall inform the individual of his options under this section as amended by P.L.1995, c.234. If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit year is not available to the division from the regular quarterly reports of wage information and the division is not able to obtain the information using other means pursuant to State or federal law, the division may base the determination of eligibility for benefits on the affidavit of an individual with respect to weeks and wages for that calendar quarter. The individual shall furnish payroll documentation, if available, in support of the affidavit. A determination of benefits based on an alternative base year shall be adjusted when the quarterly report of wage information from the employer is received if that information causes a change in the determination.

(2) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period defined as a period of disability by section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27). An individual who files a claim under the provisions of this paragraph (2) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(3) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the workers' compensation law (chapter 15 of Title 34 of the Revised Statutes), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the period of disability was not longer than two years, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and if the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period from the time at which the individual becomes unable to work because of the compensable disability until the time that the individual becomes able to resume work and continue work on a permanent basis. An individual who files a claim under the provisions of this paragraph (3) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of R.S.43:21-6 shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of R.S.43:21-4.

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R.S.43:21-1 et seq.), shall be deemed to be performed by the division.

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor and Workforce Development, established by the 1982 Reorganization Plan of the Department of Labor.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R.S.43:21-7. "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P.L.1971, c.346 (C.43:21-7.2 or 43:21-7.3).

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R.S.43:21-1 et

seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (B) (i) is performed after December 31, 1971; and as defined in R.S.43:21-19 (i) (1) (B) (ii) is performed after December 31, 1977;

(6) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (c) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of the "unemployment compensation law" for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R.S.43:21-1 et seq.);

(8) (Deleted by amendment; P.L.1977, c.307.)

(9) (Deleted by amendment; P.L.1977, c.307.)

(10) (Deleted by amendment; P.L.1977, c.307.)

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section;

(12) Any employing unit for which agricultural labor in employment as defined in R.S.43:21-19 (i) (1) (I) is performed after December 31, 1977;

(13) Any employing unit for which domestic service in employment as defined in R.S.43:21-19 (i) (1) (J) is performed after December 31, 1977;

(14) Any employing unit which having become an employer under the "unemployment compensation law" (R.S.43:21-1 et seq.), has not under R.S.43:21-8 ceased to be an employer; or for the effective period of its election pursuant to R.S.43:21-8, any other employing unit which has elected to become fully subject to this chapter (R.S.43:21-1 et seq.).

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act, solely by reason of section 3306 (c)(8) of that act, if such service is not excluded from "employment" under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization, or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in R.S.43:21-19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

(aa) as an elected official;

(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;

(cc) as a member of the State National Guard or Air National Guard;

(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(ec) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policy making or advisory position, or a policy making or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week; or

(iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;

(v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof; or

(vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971) and prior to January 1 of the year following the year in which the U.S. Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) in the employ of an American employer (other than the service which is deemed employment under the provisions of R.S.43:21-19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

(i) The American employer's principal place of business in the United States is located in this State; or

(ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of another state; or

(iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State;

(iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R.S.43:21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the "unemployment compensation law" (R.S.43:21-1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R.S.43:21-19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U.S. Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands.

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such year; or for an employing unit which

(aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more for individuals employed in agricultural labor, or

(bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time.

(ii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub.L.97-470 (29 U.S.C. s.1801 et seq.), or P.L.1971, c.192 (C.34:8A-7 et seq.); or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(bb) if such individual is not an employee of such other person for whom services were performed.

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor or any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual; and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity.

(iv) For the purpose of subparagraph (I)(ii), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity;

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them; and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity.

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of \$1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.).

(5) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) unless and until it is shown to the satisfaction of the division that:

(A) [Such] The individual has been and will continue to be free from control or direction over the performance of [such] the service, both under his contract of service and in fact; and

(B) [Such] The individual's service is [either] outside the usual course of the business for which [such] the service is performed[, or that such service is performed outside of all the places of business of the enterprise for which such service is performed]; and

(C) [Such] The individual is customarily engaged in an independently established trade, occupation, profession or business of the same nature as that involved in the work performed.

(7) Provided that such services are also exempt under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a state unemployment fund as a condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include:

(A) Agricultural labor performed prior to January 1, 1978; and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such calendar year; or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time;

(B) Domestic service in a private home performed prior to January 1, 1978; and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of \$1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R.S.43:21-19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the Federal Unemployment Tax Act, as amended, except as provided in R.S.43:21-19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of any instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the "unemployment compensation law," except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R.S.43:21-14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theater, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than \$1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organizations Immunities Act (22 U.S.C. s.288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R.S.43:21-21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State;

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis;

(X) Services performed by operators of motor vehicles weighing 18,000 pounds or more, licensed for commercial use and used for the highway movement of motor freight, who own their equipment or who lease or finance the purchase of their equipment through an entity which is not owned or controlled directly or indirectly by the entity for which the services were performed and who were compensated by receiving a percentage of the gross revenue generated by the transportation move or by a schedule of payment based on the distance and weight of the transportation move;

(Y) (Deleted by amendment, P.L.2009, c.211.)

(Z) Services performed, using facilities provided by a travel agent, by a person, commonly known as an outside travel agent, who acts as an independent contractor, is paid on a commission basis, sets his own work schedule and receives no benefits, sick leave, vacation or other leave from the travel agent owning the facilities.

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment; but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., with regard to the franchisor if:

(A) The limousine franchisee is incorporated;

(B) The franchisee is subject to regulation by the Interstate Commerce Commission;

(C) The limousine franchise exists pursuant to a written franchise arrangement between the franchisee and the franchisor as defined by section 3 of P.L.1971, c.356 (C.56:10-3); and

(D) The franchisee registers with the Department of Labor and Workforce Development and receives an employer registration number.

(10) Services performed by a legal transcriber, or certified court reporter certified pursuant to P.L.1940, c.175 (C.45:15B-1 et seq.), shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., if those services are provided to a third party by the transcriber or reporter who is referred to the third party pursuant to an agreement with another legal transcriber or legal transcription service, or certified court reporter or court reporting service, on a freelance basis, compensation for which is based upon a fee per transcript page, flat attendance fee, or other flat minimum fee, or combination thereof, set forth in the agreement.

For purposes of this paragraph (10): "legal transcription service" and "legal transcribing" mean making use, by audio, video or voice recording, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups, and causing that record to be printed in readable form or produced on a computer screen in readable form; and "legal transcriber" means a person who engages in "legal transcribing."

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) (Deleted by amendment, P.L.1984, c.24.)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) "Unemployment."

(1) An individual shall be deemed "unemployed" for any week during which:

(A) The individual is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation; or

(B) The individual is eligible for and receiving a self-employment assistance allowance pursuant to the requirements of P.L.1995, c.394 (C.43:21-67 et al.).

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or \$5.00, whichever is the larger, and shall not include any moneys paid to an individual by a county board of elections for work as a board worker on an election day.

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R.S.43:21-1 et seq.), from which administrative expenses under this chapter (R.S.43:21-1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment. If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commission and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in subsection a. of section 1 of P.L.1938, c.322 (C.17:16A-1).

(t) (1) (Deleted by amendment, P.L.2001, c.17).

(2) "Base week," commencing on or after January 1, 1996 and before January 1, 2001, means:

(A) Any calendar week during which the individual earned in employment from an employer remuneration not less than an amount which is 20% of the Statewide average weekly remuneration defined in subsection (c) of R.S.43:21-3 which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (A) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this subparagraph (A) during that week; or

(B) If the individual does not establish in his base year 20 or more base weeks as defined in subparagraph (A) of this paragraph (2), any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (B) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration not less than the amount defined in this subparagraph (B) during that week.

(3) "Base week," commencing on or after January 1, 2001, means any calendar week during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph (3) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (3) during that week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the

number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

For the purpose of computing the average weekly wage, the monetary alternative in subparagraph (B) of paragraph (2) of subsection (e) of R.S.43:21-4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year. For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year; provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52.

(v) "Initial determination" means, subject to the provisions of R.S.43:21-6(b)(2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed service in employment in the base year.

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education):

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher;

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school; and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(2) "Institution of higher education" means an educational institution which:

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) Is legally authorized in this State to provide a program of education beyond high school;

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

(cf: P.L.2017, c.230, s.1)

4. This act shall take effect immediately.



Bill Text: NJ A5936 | 2018-2019 | Regular Session | Amended New Jersey Assembly Bill 5936

Bill Title: Concerns employment status of individuals with respect to wage and hour and unemployment laws.

Spectrum: Partisan Bill (Democrat 2-0)

Status: (*Introduced*) 2019-11-18 - Reported out of Asm. Comm. with Amendments, and Referred to Assembly Appropriations Committee [A5936 Detail]

Download: [New_Jersey-2018-A5936-Amended.html](#)

[First Reprint]
ASSEMBLY, No. 5936
STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 14, 2019

Sponsored by:

Assemblyman **JOSEPH V. EGAN**

District 17 (Middlesex and Somerset)

Assemblyman **WAYNE P. DEANGELO**

District 14 (Mercer and Middlesex)

SYNOPSIS

Concerns employment status of individuals with respect to wage and hour and unemployment laws.

CURRENT VERSION OF TEXT

As reported by the Assembly Labor Committee on November 18, 2019, with amendments.

AN ACT concerning the employment status of individuals with respect to State wage and hour and unemployment laws, supplementing Article 3 of chapter 11 of Title 34 of the Revised Statutes, and amending P.L.2007, c.114 and R.S.43:21-19.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. (New section) For the purposes of all State employment laws, individuals who perform services for remuneration shall be deemed employees, not independent contractors, and shall be subject to the provisions of those laws, and shall be entitled to all rights and remedies provided by those laws, unless and until it is shown to the satisfaction of the Commissioner of Labor and Workforce Development that:

a. The individual has been and will continue to be free from control or direction over the performance of the service, both under the individual's contract of service and in fact; and

b. The individual's service is either¹ outside the usual course of the business for which that service is performed¹, or the service is performed outside of all the places of business of the employer for which the service is performed¹; and

c. The individual is customarily engaged in an independently established ¹[trade, occupation, profession or]¹ business ¹or enterprise¹ of the same nature as that involved in the work performed.

¹An individual shall not be regarded as an employee for the purposes of this section if the individual is a certified public accountant licensed by the State of New Jersey, or the individual satisfies the requirements to be exempt from being deemed to be in employment as set forth in R.S.43:21-19(i)(7)(J) or R.S.43:21-19(i)(7)(K).¹

For the purposes of this section, "State employment laws" means Article 1 of chapter 11 of Title 34 of the Revised Statutes and all acts supplementing that article (R.S.34:11-2 et al.), P.L.1966, c.113 and all acts supplementing that act (C.34:11-56a et al.), P.L.2005, c.379 (C.34:11-56.58 et seq.), and Article 3 of chapter 11 of Title 34 of the Revised Statutes and all acts supplementing that article (R.S.34:11-57 et al.), but "State employment laws" do not include the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), "The Public Works Contractor Registration Act," P.L.1999, c.238 (C.34:11-56.48 et seq.), or the "Construction Industry Independent Contractor Act," P.L.2007, c.114 (C.34:20-1 et seq.).

2. Section 4 of P.L.2007, c.114 (C.34:20-4) is amended to read as follows:

4. For purposes of the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-56.25 et seq.), the "unemployment compensation law," R.S.43:21-1 et seq., the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), the "New Jersey Gross Income Tax Act," N.J.S.54A:1-1 et seq., or other applicable State tax laws, P.L.1965, c.173 (C.34:11-4.1 et seq.) and the "New Jersey State Wage and Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), services performed in the making of improvements to real property by an individual for remuneration paid by an employer shall be deemed to be employment unless and until it is shown to the satisfaction of the Department of Labor and Workforce Development that:

a. the individual has been and will continue to be free from control or direction over the performance of that service, both under his contract of service and in fact; and

b. the individual's service is [either] ¹either¹ outside the usual course of the business for which the service is performed[, or the service is performed outside of all the places of business of the employer for which the service is performed] ¹, or the service is performed outside of all the places of business of the employer for which the service is performed¹; and

c. the individual is customarily engaged in an independently established ¹[trade, occupation, profession or]¹ business ¹or enterprise¹ of the same nature as that involved in the work performed.

The failure to withhold federal or State income taxes or to pay unemployment compensation contributions or workers' compensation premiums with respect to an individual's wages shall not be considered in making a determination under this section.

(cf: P.L.2007, c.114, s.4)

3. R.S.43:21-19 is amended to read as follows:

43:21-19. Definitions. As used in this chapter (R.S.43:21-1 et seq.), unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid during a calendar year (regardless of when earned) by an employer for employment.

(2) "Average annual payroll" means the average of the annual payrolls of any employer for the last three or five preceding calendar years, whichever average is higher, except that any year or years throughout which an employer has had no "annual payroll" because of military service shall be deleted from the reckoning; the "average annual payroll" in such case is to be determined on the basis of the prior three or five calendar years in each of which the employer had an "annual payroll" in the operation of his business, if the employer resumes his business within 12 months after separation, discharge or release from such service, under conditions other than dishonorable, and makes application to have his "average annual payroll" determined on the basis of such deletion within 12 months after he resumes his business; provided, however, that "average annual payroll" solely for the purposes of paragraph (3) of subsection (e) of R.S.43:21-7 means the average of the annual payrolls of any employer on which he paid contributions to the State disability benefits fund for the last three or five preceding calendar years, whichever average is higher; provided further that only those wages be included on which employer contributions have been paid on or before January 31 (or the next succeeding day if such January 31 is a Saturday or Sunday) immediately preceding the beginning of the 12-month period for which the employer's contribution rate is computed.

(b) "Benefits" means the money payments payable to an individual, as provided in this chapter (R.S.43:21-1 et seq.), with respect to his unemployment.

(c) (1) "Base year" with respect to benefit years commencing on or after July 1, 1986, shall mean the first four of the last five completed calendar quarters immediately preceding an individual's benefit year.

With respect to a benefit year commencing on or after July 1, 1995, if an individual does not have sufficient qualifying weeks or wages in his base year to qualify for benefits, the individual shall have the option of designating that his base year shall be the "alternative base year," which means the last four completed calendar quarters immediately preceding the individual's benefit year; except that, with respect to a benefit

year commencing on or after October 1, 1995, if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding his benefit year to qualify for benefits, "alternative base year" means the last three completed calendar quarters immediately preceding his benefit year and, of the calendar quarter in which the benefit year commences, the portion of the quarter which occurs before the commencing of the benefit year.

The division shall inform the individual of his options under this section as amended by P.L.1995, c.234. If information regarding weeks and wages for the calendar quarter or quarters immediately preceding the benefit year is not available to the division from the regular quarterly reports of wage information and the division is not able to obtain the information using other means pursuant to State or federal law, the division may base the determination of eligibility for benefits on the affidavit of an individual with respect to weeks and wages for that calendar quarter. The individual shall furnish payroll documentation, if available, in support of the affidavit. A determination of benefits based on an alternative base year shall be adjusted when the quarterly report of wage information from the employer is received if that information causes a change in the determination.

(2) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-25 et seq.), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period defined as a period of disability by section 3 of the "Temporary Disability Benefits Law," P.L.1948, c.110 (C.43:21-27). An individual who files a claim under the provisions of this paragraph (2) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(3) With respect to a benefit year commencing on or after June 1, 1990 for an individual who immediately preceding the benefit year was subject to a disability compensable under the provisions of the workers' compensation law (chapter 15 of Title 34 of the Revised Statutes), "base year" shall mean the first four of the last five completed calendar quarters immediately preceding the individual's period of disability, if the period of disability was not longer than two years, if the employment held by the individual immediately preceding the period of disability is no longer available at the conclusion of that period and if the individual files a valid claim for unemployment benefits after the conclusion of that period. For the purposes of this paragraph, "period of disability" means the period from the time at which the individual becomes unable to work because of the compensable disability until the time that the individual becomes able to resume work and continue work on a permanent basis. An individual who files a claim under the provisions of this paragraph (3) shall not be regarded as having left work voluntarily for the purposes of subsection (a) of R.S.43:21-5.

(d) "Benefit year" with respect to any individual means the 364 consecutive calendar days beginning with the day on, or as of, which he first files a valid claim for benefits, and thereafter beginning with the day on, or as of, which the individual next files a valid claim for benefits after the termination of his last preceding benefit year. Any claim for benefits made in accordance with subsection (a) of R.S.43:21-6 shall be deemed to be a "valid claim" for the purpose of this subsection if (1) he is unemployed for the week in which, or as of which, he files a claim for benefits; and (2) he has fulfilled the conditions imposed by subsection (e) of R.S.43:21-4.

(e) (1) "Division" means the Division of Unemployment and Temporary Disability Insurance of the Department of Labor and Workforce Development, and any transaction or exercise of authority by the director of the division thereunder, or under this chapter (R.S.43:21-1 et seq.), shall be deemed to be performed by the division.

(2) "Controller" means the Office of the Assistant Commissioner for Finance and Controller of the Department of Labor and Workforce Development, established by the 1982 Reorganization Plan of the Department of Labor.

(f) "Contributions" means the money payments to the State Unemployment Compensation Fund, required by R.S.43:21-7. "Payments in lieu of contributions" means the money payments to the State Unemployment Compensation Fund by employers electing or required to make payments in lieu of contributions, as provided in section 3 or section 4 of P.L.1971, c.346 (C.43:21-7.2 or 43:21-7.3).

(g) "Employing unit" means the State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any individual or type of organization, any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.). Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this chapter (R.S.43:21-1 et seq.), whether such individual was hired or paid directly by such employing unit or by such agent or employee; provided the employing unit had actual or constructive knowledge of the work.

(h) "Employer" means:

(1) Any employing unit which in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(2) Any employing unit (whether or not an employing unit at the time of acquisition) which acquired the organization, trade or business, or substantially all the assets thereof, of another which, at the time of such acquisition, was an employer subject to this chapter (R.S.43:21-1 et seq.);

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units is owned or controlled (by legally enforceable means or otherwise), directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit or interest, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (B) (i) is performed after December 31, 1971; and as defined in R.S.43:21-19 (i) (1) (B) (ii) is performed after December 31, 1977;

(6) Any employing unit for which service in employment as defined in R.S.43:21-19 (i) (1) (c) is performed after December 31, 1971 and which in either the current or the preceding calendar year paid remuneration for employment in the amount of \$1,000.00 or more;

(7) Any employing unit not an employer by reason of any other paragraph of this subsection (h) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or which, as a condition for approval of the "unemployment compensation law" for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required pursuant to such act to be an employer under this chapter (R.S.43:21-1 et seq.);

(8) (Deleted by amendment; P.L.1977, c.307.)

(9) (Deleted by amendment; P.L.1977, c.307.)

(10) (Deleted by amendment; P.L.1977, c.307.)

(11) Any employing unit subject to the provisions of the Federal Unemployment Tax Act within either the current or the preceding calendar year, except for employment hereinafter excluded under paragraph (7) of subsection (i) of this section;

(12) Any employing unit for which agricultural labor in employment as defined in R.S.43:21-19 (i) (1) (I) is performed after December 31, 1977;

(13) Any employing unit for which domestic service in employment as defined in R.S.43:21-19 (i) (1) (J) is performed after December 31, 1977;

(14) Any employing unit which having become an employer under the "unemployment compensation law" (R.S.43:21-1 et seq.), has not under R.S.43:21-8 ceased to be an employer; or for the effective period of its election pursuant to R.S.43:21-8, any other employing unit which has elected to become fully subject to this chapter (R.S.43:21-1 et seq.).

(i) (1) "Employment" means:

(A) Any service performed prior to January 1, 1972, which was employment as defined in the "unemployment compensation law" (R.S.43:21-1 et seq.) prior to such date, and, subject to the other provisions of this subsection, service performed on or after January 1, 1972, including service in interstate commerce, performed for remuneration or under any contract of hire, written or oral, express or implied.

(B) (i) Service performed after December 31, 1971 by an individual in the employ of this State or any of its instrumentalities or in the employ of this State and one or more other states or their instrumentalities for a hospital or institution of higher education located in this State, if such service is not excluded from "employment" under paragraph (D) below.

(ii) Service performed after December 31, 1977, in the employ of this State or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one of the foregoing or any instrumentality of the foregoing and one or more other states or political subdivisions, if such service is not excluded from "employment" under paragraph (D) below.

(C) Service performed after December 31, 1971 by an individual in the employ of a religious, charitable, educational, or other organization, which is excluded from "employment" as defined in the Federal Unemployment Tax Act, solely by reason of section 3306 (c)(8) of that act, if such service is not excluded from "employment" under paragraph (D) below.

(D) For the purposes of paragraphs (B) and (C), the term "employment" does not apply to services performed

(i) In the employ of (I) a church or convention or association of churches, or (II) an organization, or school which is operated primarily for religious purposes and which is operated, supervised, controlled or principally supported by a church or convention or association of churches;

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order;

(iii) Prior to January 1, 1978, in the employ of a school which is not an institution of higher education, and after December 31, 1977, in the employ of a governmental entity referred to in R.S.43:21-19 (i) (1) (B), if such service is performed by an individual in the exercise of duties

- (aa) as an elected official;
- (bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;
- (cc) as a member of the State National Guard or Air National Guard;
- (dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
- (ee) in a position which, under or pursuant to the laws of this State, is designated as a major nontenured policy making or advisory position, or a policy making or advisory position, the performance of the duties of which ordinarily does not require more than eight hours per week; or
- (iv) By an individual receiving rehabilitation or remunerative work in a facility conducted for the purpose of carrying out a program of rehabilitation of individuals whose earning capacity is impaired by age or physical or mental deficiency or injury or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market;
- (v) By an individual receiving work-relief or work-training as part of an unemployment work-relief or work-training program assisted in whole or in part by any federal agency or an agency of a state or political subdivision thereof; or
- (vi) Prior to January 1, 1978, for a hospital in a State prison or other State correctional institution by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.

(E) The term "employment" shall include the services of an individual who is a citizen of the United States, performed outside the United States after December 31, 1971 (except in Canada and in the case of the Virgin Islands, after December 31, 1971) and prior to January 1 of the year following the year in which the U.S. Secretary of Labor approves the unemployment compensation law of the Virgin Islands, under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) in the employ of an American employer (other than the service which is deemed employment under the provisions of R.S.43:21-19 (i) (2) or (5) or the parallel provisions of another state's unemployment compensation law), if

- (i) The American employer's principal place of business in the United States is located in this State; or
- (ii) The American employer has no place of business in the United States, but (I) the American employer is an individual who is a resident of this State; or (II) the American employer is a corporation which is organized under the laws of this State; or (III) the American employer is a partnership or trust and the number of partners or trustees who are residents of this State is greater than the number who are residents of another state; or
- (iii) None of the criteria of divisions (i) and (ii) of this subparagraph (E) is met but the American employer has elected to become an employer subject to the "unemployment compensation law" (R.S.43:21-1 et seq.) in this State, or the American employer having failed to elect to become an employer in any state, the individual has filed a claim for benefits, based on such service, under the law of this State;
- (iv) An "American employer," for the purposes of this subparagraph (E), means (I) an individual who is a resident of the United States; or (II) a partnership, if two-thirds or more of the partners are residents of the United States; or (III) a trust, if all the trustees are residents of the United States; or (IV) a corporation organized under the laws of the United States or of any state.

(F) Notwithstanding R.S.43:21-19 (i) (2), all service performed after January 1, 1972 by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed, and controlled, is within this State.

(G) Notwithstanding any other provision of this subsection, service in this State with respect to which the taxes required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act is required to be covered under the "unemployment compensation law" (R.S.43:21-1 et seq.).

(H) The term "United States" when used in a geographical sense in subsection R.S.43:21-19 (i) includes the states, the District of Columbia, the Commonwealth of Puerto Rico and, effective on the day after the day on which the U.S. Secretary of Labor approves for the first time under section 3304 (a) of the Internal Revenue Code of 1986 (26 U.S.C. s.3304 (a)) an unemployment compensation law submitted to the Secretary by the Virgin Islands for such approval, the Virgin Islands.

(I) (i) Service performed after December 31, 1977 in agricultural labor in a calendar year for an entity which is an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such year; or for an employing unit which

- (aa) during any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more for individuals employed in agricultural labor, or
- (bb) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time.

(ii) for the purposes of this subsection any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other entity shall be treated as an employee of such crew leader

(aa) if such crew leader holds a certification of registration under the Migrant and Seasonal Agricultural Worker Protection Act, Pub.L.97-470 (29 U.S.C. s.1801 et seq.), or P.L.1971, c.192 (C.34:8A-7 et seq.); or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(bb) if such individual is not an employee of such other person for whom services were performed.

(iii) For the purposes of subparagraph (I) (i) in the case of any individual who is furnished by a crew leader to perform service in agricultural labor or any other entity and who is not treated as an employee of such crew leader under (I) (ii)

(aa) such other entity and not the crew leader shall be treated as the employer of such individual; and

(bb) such other entity shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his own behalf or on behalf of such other entity) for the service in agricultural labor performed for such other entity.

(iv) For the purpose of subparagraph (I)(ii), the term "crew leader" means an individual who

(aa) furnishes individuals to perform service in agricultural labor for any other entity;

(bb) pays (either on his own behalf or on behalf of such other entity) the individuals so furnished by him for the service in agricultural labor performed by them; and

(cc) has not entered into a written agreement with such other entity under which such individual is designated as an employee of such other entity.

(J) Domestic service after December 31, 1977 performed in the private home of an employing unit which paid cash remuneration of \$1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year.

(2) The term "employment" shall include an individual's entire service performed within or both within and without this State if:

(A) The service is localized in this State; or

(B) The service is not localized in any state but some of the service is performed in this State, and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this State.

(3) Services performed within this State but not covered under paragraph (2) of this subsection shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(4) Services not covered under paragraph (2) of this subsection and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) if the individual performing such services is a resident of this State and the employing unit for whom such services are performed files with the division an election that the entire service of such individual shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.).

(5) Service shall be deemed to be localized within a state if:

(A) The service is performed entirely within such state; or

(B) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(6) Services performed by an individual for remuneration shall be deemed to be employment subject to this chapter (R.S.43:21-1 et seq.) unless and until it is shown to the satisfaction of the division that:

(A) [Such] The individual has been and will continue to be free from control or direction over the performance of [such] the service, both under his contract of service and in fact; and

(B) [Such] The individual's service is [either] ¹either¹ outside the usual course of the business for which [such] the service is performed[, or that such service is performed outside of all the places of business of the enterprise for which such service is performed]¹, or the service is performed outside of all the places of business of the employer for which the service is performed¹; and

(C) [Such] The individual is customarily engaged in an independently established ¹[trade, occupation, profession or]¹ business ¹or enterprise¹ of the same nature as that involved in the work performed.

(7) Provided that such services are also exempt under the Federal Unemployment Tax Act, as amended, or that contributions with respect to such services are not required to be paid into a state unemployment fund as a condition for a tax offset credit against the tax imposed by the Federal Unemployment Tax Act, as amended, the term "employment" shall not include:

(A) Agricultural labor performed prior to January 1, 1978; and after December 31, 1977, only if performed in a calendar year for an entity which is not an employer as defined in the "unemployment compensation law," (R.S.43:21-1 et seq.) as of January 1 of such calendar year; or unless performed for an employing unit which

(i) during a calendar quarter in either the current or the preceding calendar year paid remuneration in cash of \$20,000.00 or more to individuals employed in agricultural labor, or

(ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment in time;

(B) Domestic service in a private home performed prior to January 1, 1978; and after December 31, 1977, unless performed in the private home of an employing unit which paid cash remuneration of \$1,000.00 or more to one or more individuals for such domestic service in any calendar quarter in the current or preceding calendar year;

(C) Service performed by an individual in the employ of his son, daughter or spouse, and service performed by a child under the age of 18 in the employ of his father or mother;

(D) Service performed prior to January 1, 1978, in the employ of this State or of any political subdivision thereof or of any instrumentality of this State or its political subdivisions, except as provided in R.S.43:21-19 (i) (1) (B) above, and service in the employ of the South Jersey Port Corporation or its successors;

(E) Service performed in the employ of any other state or its political subdivisions or of an instrumentality of any other state or states or their political subdivisions to the extent that such instrumentality is with respect to such service exempt under the Constitution of the United States from the tax imposed under the Federal Unemployment Tax Act, as amended, except as provided in R.S.43:21-19 (i) (1) (B) above;

(F) Service performed in the employ of the United States Government or of any instrumentality of the United States exempt under the Constitution of the United States from the contributions imposed by the "unemployment compensation law," except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to service performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services; provided that if this State shall not be certified for any year by the Secretary of Labor of the United States under section 3304 of the federal Internal Revenue Code of 1986 (26 U.S.C. s.3304), the payments required of such instrumentalities with respect to such year shall be refunded by the division from the fund in the same manner and within the same period as is provided in R.S.43:21-14 (f) with respect to contributions erroneously paid to or collected by the division;

(G) Services performed in the employ of fraternal beneficiary societies, orders, or associations operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order, or association, or their dependents;

(H) Services performed as a member of the board of directors, a board of trustees, a board of managers, or a committee of any bank, building and loan, or savings and loan association, incorporated or organized under the laws of this State or of the United States, where such services do not constitute the principal employment of the individual;

(I) Service with respect to which unemployment insurance is payable under an unemployment insurance program established by an Act of Congress;

(J) Service performed by agents of mutual fund brokers or dealers in the sale of mutual funds or other securities, by agents of insurance companies, exclusive of industrial insurance agents or by agents of investment companies, if the compensation to such agents for such services is wholly on a commission basis;

(K) Services performed by real estate salesmen or brokers who are compensated wholly on a commission basis;

(L) Services performed in the employ of any veterans' organization chartered by Act of Congress or of any auxiliary thereof, no part of the net earnings of which organization, or auxiliary thereof, inures to the benefit of any private shareholder or individual;

(M) Service performed for or in behalf of the owner or operator of any theater, ballroom, amusement hall or other place of entertainment, not in excess of 10 weeks in any calendar year for the same owner or operator, by any leader or musician of a band or orchestra, commonly called a "name band," entertainer, vaudeville artist, actor, actress, singer or other entertainer;

(N) Services performed after January 1, 1973 by an individual for a labor union organization, known and recognized as a union local, as a member of a committee or committees reimbursed by the union local for time lost from regular employment, or as a part-time officer of a union local and the remuneration for such services is less than \$1,000.00 in a calendar year;

(O) Services performed in the sale or distribution of merchandise by home-to-home salespersons or in-the-home demonstrators whose remuneration consists wholly of commissions or commissions and bonuses;

(P) Service performed in the employ of a foreign government, including service as a consular, nondiplomatic representative, or other officer or employee;

(Q) Service performed in the employ of an instrumentality wholly owned by a foreign government if (i) the service is of a character similar to that performed in foreign countries by employees of the United States Government or of an instrumentality thereof, and (ii) the division finds that the United States Secretary of State has certified to the United States Secretary of the Treasury that the foreign government, with respect to

whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar services performed in the foreign country by employees of the United States Government and of instrumentalities thereof;

(R) Service in the employ of an international organization entitled to enjoy the privileges, exemptions and immunities under the International Organizations Immunities Act (22 U.S.C. s.288 et seq.);

(S) Service covered by an election duly approved by an agency charged with the administration of any other state or federal unemployment compensation or employment security law, in accordance with an arrangement pursuant to R.S.43:21-21 during the effective period of such election;

(T) Service performed in the employ of a school, college, or university if such service is performed (i) by a student enrolled at such school, college, or university on a full-time basis in an educational program or completing such educational program leading to a degree at any of the severally recognized levels, or (ii) by the spouse of such a student, if such spouse is advised at the time such spouse commences to perform such service that (I) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and (II) such employment will not be covered by any program of unemployment insurance;

(U) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(V) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital; service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and regularly attending classes in a nurses' training school approved under the laws of this State;

(W) Services performed after the effective date of this amendatory act by agents of mutual benefit associations if the compensation to such agents for such services is wholly on a commission basis;

(X) Services performed by operators of motor vehicles weighing 18,000 pounds or more, licensed for commercial use and used for the highway movement of motor freight, who own their equipment or who lease or finance the purchase of their equipment through an entity which is not owned or controlled directly or indirectly by the entity for which the services were performed and who were compensated by receiving a percentage of the gross revenue generated by the transportation move or by a schedule of payment based on the distance and weight of the transportation move;

(Y) (Deleted by amendment, P.L.2009, c.211.)

(Z) Services performed, using facilities provided by a travel agent, by a person, commonly known as an outside travel agent, who acts as an independent contractor, is paid on a commission basis, sets his own work schedule and receives no benefits, sick leave, vacation or other leave from the travel agent owning the facilities.

(8) If one-half or more of the services in any pay period performed by an individual for an employing unit constitutes employment, all the services of such individual shall be deemed to be employment; but if more than one-half of the service in any pay period performed by an individual for an employing unit does not constitute employment, then none of the service of such individual shall be deemed to be employment. As used in this paragraph, the term "pay period" means a period of not more than 31 consecutive days for which a payment for service is ordinarily made by an employing unit to individuals in its employ.

(9) Services performed by the owner of a limousine franchise (franchisee) shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., with regard to the franchisor if:

(A) The limousine franchisee is incorporated;

(B) The franchisee is subject to regulation by the Interstate Commerce Commission;

(C) The limousine franchise exists pursuant to a written franchise arrangement between the franchisee and the franchisor as defined by section 3 of P.L.1971, c.356 (C.56:10-3); and

(D) The franchisee registers with the Department of Labor and Workforce Development and receives an employer registration number.

(10) Services performed by a legal transcriber, or certified court reporter certified pursuant to P.L.1940, c.175 (C.45:15B-1 et seq.), shall not be deemed to be employment subject to the "unemployment compensation law," R.S.43:21-1 et seq., if those services are provided to a third party by the transcriber or reporter who is referred to the third party pursuant to an agreement with another legal transcriber or legal transcription service, or certified court reporter or court reporting service, on a freelance basis, compensation for which is based upon a fee per transcript page, flat attendance fee, or other flat minimum fee, or combination thereof, set forth in the agreement.

For purposes of this paragraph (10): "legal transcription service" and "legal transcribing" mean making use, by audio, video or voice recording, of a verbatim record of court proceedings, depositions, other judicial proceedings, meetings of boards, agencies, corporations, or other bodies or groups, and causing that record to be printed in readable form or produced on a computer screen in readable form; and "legal transcriber" means a person who engages in "legal transcribing."

(j) "Employment office" means a free public employment office, or branch thereof operated by this State or maintained as a part of a State-controlled system of public employment offices.

(k) (Deleted by amendment, P.L.1984, c.24.)

(l) "State" includes, in addition to the states of the United States of America, the District of Columbia, the Virgin Islands and Puerto Rico.

(m) "Unemployment."

(1) An individual shall be deemed "unemployed" for any week during which:

(A) The individual is not engaged in full-time work and with respect to which his remuneration is less than his weekly benefit rate, including any week during which he is on vacation without pay; provided such vacation is not the result of the individual's voluntary action, except that for benefit years commencing on or after July 1, 1984, an officer of a corporation, or a person who has more than a 5% equitable or debt interest in the corporation, whose claim for benefits is based on wages with that corporation shall not be deemed to be unemployed in any week during the individual's term of office or ownership in the corporation; or

(B) The individual is eligible for and receiving a self-employment assistance allowance pursuant to the requirements of P.L.1995, c.394 (C.43:21-67 et al.).

(2) The term "remuneration" with respect to any individual for benefit years commencing on or after July 1, 1961, and as used in this subsection, shall include only that part of the same which in any week exceeds 20% of his weekly benefit rate (fractional parts of a dollar omitted) or \$5.00, whichever is the larger, and shall not include any moneys paid to an individual by a county board of elections for work as a board worker on an election day.

(3) An individual's week of unemployment shall be deemed to commence only after the individual has filed a claim at an unemployment insurance claims office, except as the division may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this chapter (R.S.43:21-1 et seq.), from which administrative expenses under this chapter (R.S.43:21-1 et seq.) shall be paid.

(o) "Wages" means remuneration paid by employers for employment. If a worker receives gratuities regularly in the course of his employment from other than his employer, his "wages" shall also include the gratuities so received, if reported in writing to his employer in accordance with regulations of the division, and if not so reported, his "wages" shall be determined in accordance with the minimum wage rates prescribed under any labor law or regulation of this State or of the United States, or the amount of remuneration actually received by the employee from his employer, whichever is the higher.

(p) "Remuneration" means all compensation for personal services, including commission and bonuses and the cash value of all compensation in any medium other than cash.

(q) "Week" means for benefit years commencing on or after October 1, 1984, the calendar week ending at midnight Saturday, or as the division may by regulation prescribe.

(r) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30, or December 31.

(s) "Investment company" means any company as defined in subsection a. of section 1 of P.L.1938, c.322 (C.17:16A-1).

(t) (1) (Deleted by amendment, P.L.2001, c.17).

(2) "Base week," commencing on or after January 1, 1996 and before January 1, 2001, means:

(A) Any calendar week during which the individual earned in employment from an employer remuneration not less than an amount which is 20% of the Statewide average weekly remuneration defined in subsection (c) of R.S.43:21-3 which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (A) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this subparagraph (A) during that week; or

(B) If the individual does not establish in his base year 20 or more base weeks as defined in subparagraph (A) of this paragraph (2), any calendar week of an individual's base year during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this subparagraph (B) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to each of the employers from whom the individual earns remuneration not less than the amount defined in this subparagraph (B) during that week.

(3) "Base week," commencing on or after January 1, 2001, means any calendar week during which the individual earned in employment from an employer remuneration not less than an amount 20 times the minimum wage in effect pursuant to section 5 of P.L.1966, c.113 (C.34:11-56a4) on October 1 of the calendar year preceding the calendar year in which the benefit year commences, which amount shall be adjusted to the next higher multiple of \$1.00 if not already a multiple thereof, except that if in any calendar week an individual subject to this paragraph (3) is in employment with more than one employer, the individual may in that calendar week establish a base week with respect to

each of the employers from whom the individual earns remuneration equal to not less than the amount defined in this paragraph (3) during that week.

(u) "Average weekly wage" means the amount derived by dividing an individual's total wages received during his base year base weeks (as defined in subsection (t) of this section) from that most recent base year employer with whom he has established at least 20 base weeks, by the number of base weeks in which such wages were earned. In the event that such claimant had no employer in his base year with whom he had established at least 20 base weeks, then such individual's average weekly wage shall be computed as if all of his base week wages were received from one employer and as if all his base weeks of employment had been performed in the employ of one employer.

For the purpose of computing the average weekly wage, the monetary alternative in subparagraph (B) of paragraph (2) of subsection (e) of R.S.43:21-4 shall only apply in those instances where the individual did not have at least 20 base weeks in the base year. For benefit years commencing on or after July 1, 1986, "average weekly wage" means the amount derived by dividing an individual's total base year wages by the number of base weeks worked by the individual during the base year; provided that for the purpose of computing the average weekly wage, the maximum number of base weeks used in the divisor shall be 52.

(v) "Initial determination" means, subject to the provisions of R.S.43:21-6(b)(2) and (3), a determination of benefit rights as measured by an eligible individual's base year employment with a single employer covering all periods of employment with that employer during the base year.

(w) "Last date of employment" means the last calendar day in the base year of an individual on which he performed services in employment for a given employer.

(x) "Most recent base year employer" means that employer with whom the individual most recently, in point of time, performed service in employment in the base year.

(y) (1) "Educational institution" means any public or other nonprofit institution (including an institution of higher education):

(A) In which participants, trainees, or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher;

(B) Which is approved, licensed or issued a permit to operate as a school by the State Department of Education or other government agency that is authorized within the State to approve, license or issue a permit for the operation of a school; and

(C) Which offers courses of study or training which may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(2) "Institution of higher education" means an educational institution which:

(A) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) Is legally authorized in this State to provide a program of education beyond high school;

(C) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(D) Is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this State are institutions of higher education for purposes of this section.

(z) "Hospital" means an institution which has been licensed, certified or approved under the law of this State as a hospital.

(cf: P.L.2017, c.230, s.1)

4. This act shall take effect immediately.