

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 11-70

**RESOLUTION AUTHORIZING A DEFERRED
COMPENSATION PLAN IN THE STATE OF NEW JERSEY**

WHEREAS, the Township of Upper Deerfield desires to attract and retain qualified employees to the Employer and, as a means thereof, is contemporaneously adopting an Internal Revenue Code Section 457 Deferred Compensation Plan (hereinafter the “Plan”) for the purpose of making available to eligible employees the accrual of tax benefits under such Plan; and

WHEREAS, the Employer desires such plan to comply with the Small Business Job Protection Act of 1996 and the Economic Growth and Tax Relief Reconciliation Act of 2001 amendments to Section 457 of the Internal Revenue Code, such amendments being necessary to maintain the Plan as an eligible Deferred Compensation Plan within the meaning of Section 457 of the Internal Revenue Code; and

WHEREAS, the Employer also desires that the Plan provide for certain elections that may be made in accordance with the Small Job Protection Act of 1996 amendments to Section 457 of the Internal Revenue Code; and

WHEREAS, the implementation of the Deferred Compensation Plan will serve all the interests of the Employer by enabling it to provide enhanced retirement security to it’s eligible employees; and

WHEREAS, there is no cost to the Employer to adopt and implement said Plan; and

WHEREAS, MetLife has been found to possess the necessary administrative, enrollment, and servicing capabilities for the Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Employer does hereby adopt the Plan prepared by MetLife and assigned Plan Document Identifier **62-PD-metlife-032106** by the Director of the Division of Local Government Service.

BE IT FURTHER RESOLVED, that the Employer is adopting a Deferred Compensation Plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Internal Revenue Service except for provisions added by reason of the Small Job Protection Act of 1996 (United States Public Law No. 104-188) and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United State Public Law No. 107-16), and all such provisions are stated in the Plan in terms substantially similar to the test of those provisions in Internal Revenue Code 457. The use of the Ruling is for guidance only and the Employer acknowledges that for Internal Revenue services purposes, the Ruling of another employer is not to be considered precedent.

BE IT FURTHER RESOLVED, that the Plan Administrator, the Township Administrator, shall be designated as the official representative of the Employer, and he/she is hereby directed to execute the Plan on behalf of the Employer; and

BE IT FURTHER RESOLVED, that MetLife shall be retained by the Employer as a contractor under the Deferred Compensation Plan, and MetLife may educate all eligible employees of the Employer regarding the Plan and shall enroll and service those eligible employees who participate in the Plan. As enrolling agent, MetLife shall be an agent for its funding options to be offered under the Plan.

BE IT FURTHER RESOLVED, that there has been no collusion or evidence or appearance of collusion between any local official and a representative of the contractor in the selection of a contractor for the administration of a service Agreement pursuant to N.J.A.C.5:37-5.7.

BE IT FURTHER RESOLVED, that the Township Administrator is hereby authorized to serve as a Local Plan Administrator for the administration of the Plan and to execute a Service Agreement with MetLife and that such Service Agreement has been assigned by the Director of the Division of Local Government Services the following identifier: **62-SA-metlife-032106** and to submit all necessary documents to the Director of Local Government Services in the State Department of Community Affairs.

Moved By: Bruce Peterson

Seconded By: John Daddario

VOTING

James P. Crilley
John L. Daddario
John T. O'Neill, Sr.
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
X			
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held February 17, 2011

Roy J. Spoltore, Township Clerk