

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2023-113

A motion was made by Councilman Tamburro; seconded by Deputy Mayor McGrath that the following resolution be adopted:

**AUTHORIZING EXECUTION OF A SERVICE AGREEMENT FOR A
DEFERRED COMPENSATION PLAN WITH EQUITABLE
LIFE INSURANCE COMPANY**

WHEREAS, the Township of Verona (hereinafter referred to as the "Employer") by resolution adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under Section 457 Deferred Compensation Plan; and

WHEREAS, there is no direct financial cost to the Employer to adopt and implement both a deferred compensation plan and Service Agreement; and

WHEREAS, the Employer made written requests for proposals from two contractors including Equitable and National Life Group for the administration of the investments of funds under a deferred compensation plan including providing Prototypical Plans and Service Agreements that meet the requirements of the Municipal, County and Authority Deferred Compensation programs Rule N.J.A.C. 5.37; and

WHEREAS, the following contractors submitted proposals: Equitable Life Insurance Company (hereinafter referred to as "Equitable) and National Life Group; and

WHEREAS, the Township of Verona reviewed the proposals and spoke with the representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that Equitable has the ability to: (1) maintain complete records of accounts; (2) manage accounts with absolute fidelity; (3) provide advice concerning various categories of investments; and (4) provide continuing consultation to participants.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey that effective as of the date of this resolution the deferred compensation plan provided by Equitable and assigned the plan identifier: 20-PD-EQUITABLE-091720 by the New Jersey Division of Local Government Services, is hereby adopted and signed by the Employer.

BE IT FURTHER RESOLVED that said deferred compensation plan is substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the federal Internal Revenue Service except for provisions added by reason of The Small Business Job Protection Act of 1996 (United States Public Law No. 104-188), the Tax payer Relief Act of 2001 (United States Public Law No. 105-34), and the Economic Growth and Tax Relief Reconciliation Act of 2001 (United States Public Law No. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Code Section 457 including pertinent applicable Treasury Regulations. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service purposes, the Ruling of another employer is not be considered precedent.

BE IT FURTHER RESOLVED that the Township Manager is authorized to execute the Service Agreement (bearing the identifier: 20-SA-Equitable-091720 assigned by the New Jersey Division of Local Government) with Equitable for the provision of administrative and investment services. There has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Equitable and National Life Group in the selection of Equitable as contractor for the administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby designated as Local Plan Administrator for the administration of this deferred compensation plan.

ROLL CALL:

AYES: Holland, Tamburro, McEvoy, McGrath, Roman

NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON MAY 15, 2023.


JENNIFER KIERNAN
MUNICIPAL CLERK

