

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

RESOLUTION #18-223

**A RESOLUTION REVERSING THE DENIAL OF
LENGTH OF SERVICE AWARD PROGRAM (LOSAP) PAYMENT**

WHEREAS, the Township of Raritan (“Township”) has created a Length of Service Program (LOSAP) for its “active full-time volunteer(s) in good standing” by way of Ordinance #02-38; and

WHEREAS, Thomas McGreevy and Paul Carnovale (“Appellants”) are Life Members of the Raritan Township Fire Company (“RTFC”); and

WHEREAS, the RTFC denied LOSAP payments to Appellants for the year 2017 because it adjudged that Appellants were not “active full-time volunteers in good standing” because Appellants had not “participate[d] in a minimum of 30% of meetings, drills, and fire calls” as required by Section 4.1 of the RTFC’s by-laws as amended in 2011; and

WHEREAS, pursuant to N.J.S.A. 40A:14-188(f), Appellants appealed this denial to the Township Committee arguing that, as Life Members, Appellants were exempt from the general participation requirement set forth above pursuant to Section 2.4 of the RTFC’s 2008 by-laws¹; and

WHEREAS, the language cited to by Appellants in the RTFC’s 2008 by-laws was removed by way of revisions to said by-laws in 2011; and

WHEREAS, Ordinance #02-38 requires that any by-law change which “in any way affects the calculation or award of points” for the LOSAP, must first be approved by resolution of the Township Committee (See Section I(4)(d) of Ordinance #02-38); and

WHEREAS, a review of the Township’s files indicates that the 2011 by-law changes, notably the deletion of language cited by Appellants, was never approved by the Township Committee in conformance with Ordinance #02-38; and

WHEREAS, the fact that these changes were not approved by the Township Committee means that the RTFC’s 2011 by-laws are not in effect as relates to LOSAP payments; and

WHEREAS, this means that the RTFC 2008 by-laws are in effect as related to LOSAP payments, specifically Section 2.4 of same; and

¹ These by-laws were changed by the RTFC in 2007 but approved by the Township Committee in 2008 by way of Resolution 08-39. Because the by-laws were approved in 2008, the Township Committee refers to them as the “2008 RTFC by-laws.”

WHEREAS, Section 2.4 of the RTFC 2008 by-laws indicates that Appellants, as Life Members, are “active full-time volunteer(s) in good standing” for the purposes of LOSAP eligibility.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey that:

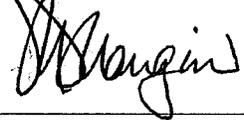
1. The RTFC’s denial of Appellant’s LOSAP payments is reversed for the reasons set forth in this resolution.
2. The RTFC is directed to amend its 2017 LOSAP award in conformance with this resolution.

ATTEST:



Lisa Fania, RMC
Township Clerk

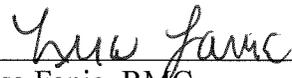
**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Karen Gilbert
Deputy Mayor

CERTIFICATION

I, Lisa Fania, Clerk of the Township of Raritan, County of Hunterdon, State of New Jersey, hereby certify that the foregoing resolution is a true, complete and accurate copy of a resolution adopted by vote by the Township Committee of the Township of Raritan at a meeting held on November 7, 2018.



Lisa Fania, RMC
Township Clerk