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TOWN OF NEWFANE

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RESOLUTION #19 -2024

**THE TOWN BOARD OF THE TOWN OF NEWFANE,
ACTING AS COMMISSIONERS OF THE TOWN OF NEWFANE FIRE
PROTECTION DISTRICT, PROPOSE THE ADOPTION OF A LENGTH OF
SERVICE AWARD PROGRAM (LOSAP) AS PROVIDED IN SECTION 216 OF
THE GENERAL MUNICIPAL LAW, AND SHALL CONDUCT A MANDATORY
REFERENDUM TO DETERMINE WHETHER THE TOWN OF NEWFANE FIRE
PROTECTION DISTRICT SHALL ESTABLISH AND PROVIDE A DEFINED
BENEFIT PROGRAM FOR ACTIVE VOLUNTEER FIREFIGHTERS AS PROVIDED
IN SECTION 215 AND 219 OF THE GENERAL MUNICIPAL LAW.**

LOSAP PROGRAM

Town of Newfane Defined Benefit Length of Service Award Program

Whereas, a length of service award program (LOSAP) is authorized by Article 11 – A of the General Municipal Law; and

Whereas, the purpose of said legislation is to encourage volunteer firemen to remain active within their respective fire companies and further to promote interest in the volunteer service and to encourage new members to join and remain active as volunteer fire members; and

Whereas, it is in the interest of the residents of the Town of Newfane Fire Protection District, served by the Olcott Fire Company and Miller Hose Fire Company, to provide a LOSAP to said fire companies; and

Whereas, the Fire Protection District has contracts to receive fire protection services from the Olcott Fire Company and the Miller Hose Fire Company; and

Whereas, section 216 of the General Municipal Law requires that the governing board of the political subdivision that has contracted with volunteer fire companies located in the fire protection district of such political subdivision to receive fire protection services may establish a LOSAP; and

Whereas, it is the desire and intention of the Fire Protection District, the Olcott Fire Company and the Miller Hose Fire Company, to establish a LOSAP for the said volunteer fire companies located within said municipality and to thereafter, enter into a intermunicipal cooperation agreement to provide for the funding and administration of said LOSAP.

Now, Therefore, be it Resolved as follows:

Section 1. The Town Board of the Town of Newfane, acting as Commissioners of the Town of Newfane Fire Protection District, proposes the adoption of a length of service award program (LOSAP) as provided in Section 216 of the General Municipal Law, and shall conduct a mandatory referendum to determine whether the Town of Newfane Fire Protection District shall establish and provide a defined benefit program for Active Volunteer Firefighters as provided in Section 215 and 219 of the General Municipal Law.

Section 2. The name of each fire company having volunteer firefighters who are potential participants in the Town of Newfane Fire Protection District LOSAP program is as follows: the Olcott Fire Company and the Miller Hose Fire Company.

Section 3. The Newfane Town Board, acting as Commissioners of the Town of Newfane Fire Protection District, shall administer the program as set forth in the Official Plan Document and be responsible for exercising the powers and duties conferred upon it. The Town of Newfane shall initially administer the program with the understanding that the Town of Newfane shall engage the services of qualified professionals to provide administrative and actuarial services including accounting, legal, and financial advisement services to assist it in administering the LOSAP.

Section 4. The entitlement age under the LOSAP shall be 65 years of age. No payments shall be made to a participant without first reaching age 65, except in cases of death or disability for an Active Volunteer Firefighter.

Section 5. The estimated annual cost of LOSAP, including the estimated annual administrative fee, is as follows: Total Annual Cost of \$217,841.00 for a 10-year amortization, and \$70,842.00 per year thereafter, plus an Annual Administrative Fee of \$4,710.00. The annual tax rate to raise said \$217,841.00 is estimated to be \$0.50 per thousand of assessed valuation.

Section 6. To obtain a nonforfeitable and vested right to a service award, each participant must first obtain five years of Firefighting Service. The age to begin to participate in LOSAP shall be 18 years of age.

Section 7. A year of "Firefighting Service" shall be credited under the "Town of Newfane Fire Protection District Service Award Program Point System", a copy of which is attached hereto as Exhibit A, for each calendar year after establishment of the program in which an active volunteer firefighter accumulates at least 50 points.

Section 8. A participant who joins or rejoins after the age of 65, and who earns at least one year of Firefighting Service, is entitled to collect a service award for that year and for every subsequent year of Firefighting Service. A participant who does not have five years of Firefighting Service at the age of 65 but remains active after age 65 and earns at least one year of Firefighting Service, is entitled to collect a service reward based on every year of Firefighting Service.

Section 9. The amount of the contribution to the program to be made on behalf of each participant credited with a year of Firefighting Service is estimated to be \$2,293.00.

Section 10. The extent to which the program provides credit for years of Firefighting Service rendered during one or more of the five calendar years immediately preceding the establishment of the program is one year of credit for each year that Firefighting Services were rendered.

Section 11. The timing and method of financing the contributions for fire service rendered by a participant during one or more of the five calendar years immediately preceding the adoption of the program shall be as follows: taxes shall be imposed and levied in the Town of Newfane Fire Protection District for Budget Year 2025 and thereafter sufficient to pay the costs set forth in paragraphs 5 and 9.

Section 12. The Defined Benefit award to be paid to eligible volunteer firefighters is projected to be \$20 per month for each qualified year of active Firefighting Service, not to exceed 20 years, with payment in any month not to exceed \$400, payment to commence when (1) the eligible volunteer firefighter reaches the stipulated entitlement age of 65 and has five years of qualified active Firefighting Service or (2) the eligible volunteer firefighter reaches the stipulated entitlement age of 65 and thereafter completes one year of active Firefighting Service. After payments commence, the amount of payment will increase by \$20 per month for each additional year of active Firefighting Service, subject to the \$400 cap.

Payment of the award shall be in the form of life annuity with 120 payments guaranteed. Any such payment shall be actuarially equivalent to any other method of payment, which may be permitted under the law.

Regular Defined Benefit award payments are authorized to commence one year after the date of the establishment of the LOSAP. Death and disability payments are authorized to commence upon the date of establishment of the LOSAP. Death and disability payments would be one-time lump sums actuarially equivalent to the 120 months as set forth in the official Plan Document.

Section 13. LOSAP shall take effect the first day of January next succeeding the date of the last voter approval required to establish the program.

Section 14. All other provisions of the plan shall be in accordance with Article 11 – A of the General Municipal Law as amended from time to time. Amendments to the plan shall be made pursuant to the General Municipal Law.

Section 15. The proposition authorizing the adoption of the program shall be submitted to referendum at a special election of the qualified voters of the Town of Newfane Fire Protection District on August 20, 2024.

Section 16. A Special Election of the qualified voters of the Town of Newfane Fire Protection District, County of Niagara, and State of New York, shall be held at the Olcott Fire Hall, 1691 Lockport Olcott Rd, Burt, NY 14028 and at the Town of Newfane Community Center, 2737 Main St, Newfane, NY 14108, in said Town of Newfane Fire Protection District on August 20, 2024, at 12:00PM Noon and the poll shall remain open until 9:00PM, or as much longer as may be necessary to enable the voters then present to cast their votes. The cost of conducting the referendum shall be charged to the Town of Newfane Fire Protection District.

The vote upon the Proposition to be submitted to the qualified voters shall be by voting machine or absentee ballot, and the Town Clerk is hereby authorized and directed to have the necessary machines and ballots prepared for use. Absentee ballots will be available upon request of the Town Clerk and must be postmarked no later than August 20, 2024, and received no later than August 31, 2024.

Section 17. Notice of the referendum/Special Election shall be published at least once, not less than 14 days prior to the date of the referendum in the Union Sun & Journal.

Section 18. The Town Clerk shall also cause said Notice to be posted in at least four (4) conspicuous public places in the Town at least 34 days prior to the Special Election and by causing said Notice to be posted on the Town signboard at least 10 days prior to the Special Election.

Section 19. The Town Clerk shall take all other steps necessary to carry out the intent and purpose of this resolution.

Section 20. The following resident Town of Newfane Fire Protection District electors, each of whom is a registered voter of the Newfane Fire Protection District, are hereby appointed to act as Election Inspectors and Ballot Clerks at the Special Election (either two or four): Four Election Inspectors,

APPOINTEES TO BE DETERMINED

Section 21. The Chairman and Inspectors of Election shall each be paid at the rate of \$15.00 per hour for the time necessary to prepare the register and the additional sum of \$125.00 each for conducting the Special Election.

Section 22. The Inspectors of Election shall meet at the Olcott Fire Hall, 1691 Lockport Olcott Rd, Burt, NY 14028 and Town of Newfane Community Center 2737 Main St, Newfane NY 14108 on August 20, 2024, prior to 12:00PM Noon, to commence preparation of the register for the Special Election.

Section 23. Preparing such register, the Inspectors of Election shall comply with the following procedure:

(a) They shall adopt, use or copy from, the registration that was certified and supplied by the Niagara County Board of Elections, the names appearing thereon of all persons residing in the Town of Newfane Fire Protection District and qualified to vote in such forthcoming election.

(b) The register for the Town of Newfane Fire Protection District shall include at a minimum a space for the name of the voter, his/her address within the District and a space for his/her signature to be signed by the voter on election day, and the space in which there shall be entered, the qualifications for voters.

Section 24. The Town Clerk shall furnish the Inspectors of Election, at Town of Newfane Fire Protection District Expense, with all necessary registration books, papers, equipment, and supplies.

Section 25. Said Notice of Preparation of Registration Role shall be in substantially the following form:

NOTICE OF PREPARATION OF REGISTRATION ROLLS FOR SPECIAL
ELECTION OF THE TOWN OF NEWFANE FIRE PROTECTION DISTRICT

Resolved that the Inspectors of Election of the Town of Newfane Fire Protection District shall meet on August 20, 2024, prior to 12:00PM Noon at Olcott Fire Hall, 1691 Lockport Olcott Rd, Burt, NY 14028 and Town of Newfane Community Center, 2737 Main St, Newfane, NY 14108, for the purpose of preparing the roles of registered voters of the Town of Newfane Fire Protection District.

A Special Election of the Town of Newfane Fire Protection District will be held on August 20, 2024, between the hours of 12:00PM Noon and 9:00PM at Olcott Fire Hall 1691 Lockport Olcott Rd, Burt, NY 14028 and Town of Newfane Community Center 2737 Main St, Newfane, NY 14108.

Be it Further Resolved that only those persons who registered with the County Board of Elections on or before the August 9, 2024, shall be eligible to vote.

Town Clerk, Donna Lakes

Section 26. Said Notice of Special Election shall be in substantially the following form:
(IF PRECEDING RESOLUTION IS ADOPTED)

Special Election of the Town of Newfane Fire Protection District

August 20, 2024

Notice is hereby given pursuant to the Town Law of the State of New York, that a Special Election of the Town of Newfane Fire Protection District will take place at the Olcott Fire Hall, 1691 Lockport Olcott Rd, Burt NY, 14028 and Town of Newfane Community Center, 2737 Main St, Newfane NY 14108, between the hours of 12:00PM Noon and 9:00PM at August 20,2024, prevailing time, for the purpose of voting upon the following Proposition. All residents of the Town of Newfane Fire Protection District who were duly registered to vote with the County Board of Elections on or before August 9, 2024, shall be entitled to vote at the election.

PROPOSITION

Shall the Board Resolution of the Newfane Town Board, in the County of Niagara, New York, adopted June 26, 2024, entitled:

“Board Resolution of the Newfane Town Board, in the County of Niagara, New York adopted June 26, 2024, authorizing the establishment of a defined benefit service award program (LOSAP) under General Municipal Law section 219, in the Town of Newfane Fire Protection District for the volunteer firefighters of the Olcott Fire Company and the Miller Hose Fire Company, stating that the LOSAP shall be administered by the Town of Newfane on behalf of Town of Newfane Fire Protection District; stating the estimated annual cost will be \$217,841.00 for a 10 year amortization and \$70,842.00 per year thereafter, based on the existing number of firefighters; stating that the annual tax rate to raise said \$217,841.00 is estimated to be \$0.50 per thousand of assessed valuation; stating the estimated annual administrative fee will be \$4,710.00; stating the estimated annual cost per covered firefighter will be \$2,293.00; stating that each eligible participant shall receive credit for up to five (5) qualified years of active Firefighting Service prior to the establishment of the LOSAP; stating that payment of the benefit shall be in the form of a life annuity with 120 payments guaranteed; stating death and disability payments to be authorized to commence upon the date of establishment of the LOSAP, and regular defined award payments to be authorized to commence one year thereafter, stating that the projected monthly award to be paid to eligible volunteer firefighters shall be \$20 per month for each qualified year of active Firefighting Service, not to exceed 20 years, with payment in any month not to exceed \$400, payment to commence when (1) the eligible volunteer firefighter reaches the stipulated entitlement age of 65 and has five years of qualified active Firefighting Service or (2) the eligible volunteer firefighter reaches the stipulated entitlement age of 65 and thereafter completes one year of active Firefighting Service, after payments commence, the amount of payment will increase by \$20 per month for each additional year of active Firefighting Service, subject to the \$400 monthly “cap” be approved.

AYE _____ NAY _____

John Syracuse, Supervisor

AYE _____ NAY _____

Richard Coleman, Councilman

AYE _____ **NAY** _____

Robert Horanburg, Councilman

AYE _____ **NAY** _____

Sue Neidlinger, Councilwoman

AYE _____ **NAY** _____

Peter Robinson, Councilman

DATED: June 26, 2024

DONNA LAKES
Newfane Town Clerk