

EAST CLINTON FIRE DISTRICT

Town of Clinton
Dutchess County, New York

**RESOLUTION AMENDING
THE DEFINED BENEFIT SERVICE AWARDS PROGRAM
FOR THE EAST CLINTON FIRE DISTRICT**

October 16, 2019

At a regular meeting of the Board of Fire Commissioners of the East Clinton Fire District (hereinafter the "Board"), Town of Clinton, Dutchess County, New York, held at 9 Firehouse Lane, Clinton Corners, New York, on October 16, 2019, at 7:30 o'clock P.M.

The meeting was called to order by Stephen N. Forschler, Chairman, and upon the roll being called, the following were present:

Stephen N. Forschler, Chairman
Arthur Weiland
Michael DiGiacomio
Robert Trzcinski
Byron Calame

The following resolution was moved and seconded, to-wit:

WHEREAS; the eligible voters residing within the East Clinton Fire District approved, at a referendum held on October 14, 2008, the establishment of a Defined Benefit Service Award Program for active volunteer firefighters of the East Clinton Fire District in accordance with Article 11-A of the New York State General Municipal Law (hereinafter the "**Defined Benefit Program**"); and,

WHEREAS; Section 4 of the Defined Benefit Program provides, inter alia, in pertinent part, that:

"The monthly payment accrued Service Award shall be equal to \$20 for each year of Service Award Program service credit earned.", and

WHEREAS; Section 5 of the Defined Benefit Program provides, inter alia, in pertinent part, that:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”; and

WHEREAS; the Internal Revenue Code has been amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments; and

WHEREAS; the Board desires to amend the Defined Benefit Program such that the monthly payment accrued Service Award shall continue to be equal to \$20 for each year the Program’s service credit is earned by deleting the following sentence from Section 5 of the Program:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”;

which amendment to the Defined Benefit Program would have no increase in the estimated annual cost per covered participant;

WHEREAS; New York State Service Award Programs are governed by Article 11-A of the General Municipal Law which provides that any amendment to a Service Awards Program shall be subject to a mandatory referendum of the eligible voters residing within the East Clinton Fire District to determine if such amendment shall be adopted.

NOW, THEREFORE, BE IT RESOLVED, that Section 5 of the Defined Benefit Program be amended to delete the following sentence:

“The \$20 monthly lifetime payment service award shall be increased to \$30 after and only if the Internal Revenue Code is amended to provide consistent federal income tax treatment for both \$20 and \$30 service award payments.”

such that Section 5 shall read, in full, as follows:

“All service award payments are subject to any adjustment that may be required by application of the Internal Revenue Code for Participants in the East Clinton Fire District Service Award Program to be liable for payment of federal income tax only after they have begun to be paid their Accrued Service Award; and

BE IT FURTHER RESOLVED that all other provisions of the East Clinton Fire District Service Award Program shall not change and the Program shall continue to be administered by the Board in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time; and

BE IT FURTHER RESOLVED that this resolution is adopted subject to approval of the eligible voters residing within the East Clinton Fire District at a special election to be held on December 10, 2019, and the Fire District Secretary is hereby authorized and directed to prepare ballots in substantially the following form:

SHALL THE RESOLUTION, ADOPTED BY THE EAST CLINTON FIRE DISTRICT BOARD OF FIRE COMMISSIONERS ON OCTOBER 16, 2019, AMENDING SECTION 5 OF THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM BY DELETING THE FOLLOWING SENTENCE:

“THE \$20 MONTHLY LIFETIME PAYMENT SERVICE AWARD SHALL BE INCREASED TO \$30 AFTER AND ONLY IF THE INTERNAL REVENUE CODE IS AMENDED TO PROVIDE CONSISTENT FEDERAL INCOME TAX TREATMENT FOR BOTH \$20 AND \$30 SERVICE AWARD PAYMENTS.”

SUCH THAT SAID SECTION 5 SHALL READ, IN FULL, AS FOLLOWS:

“ALL SERVICE AWARD PAYMENTS ARE SUBJECT TO ANY ADJUSTMENT THAT MAY BE REQUIRED BY APPLICATION OF THE INTERNAL REVENUE CODE FOR PARTICIPANTS IN THE EAST CLINTON FIRE DISTRICT SERVICE AWARD PROGRAM TO BE LIABLE FOR PAYMENT OF FEDERAL INCOME TAX

**ONLY AFTER THEY HAVE BEGUN TO BE PAID
THEIR ACCRUED SERVICE AWARD.”**

BE ADOPTED?

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Stephen N. Forschler, Chairman	Aye
Arthur Weiland	Aye
Michael DiGiacomio	Aye
Robert Trzcinski	Aye
Byron Calame	Aye

The resolution was thereupon declared duly adopted.

Dated: October 16, 2019

Clinton Corners, New York

East Clinton Fire District
Board of Fire Commissioners
Karen Buechele, Secretary