

EAST CLINTON FIRE DISTRICT

Town of Clinton
Dutchess County, New York

**RESOLUTION TO CREATE A DEFINED CONTRIBUTION 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 16, 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; the Board of Fire Commissioners has determined that it is in the best interests of the East Clinton Fire District to adopt a Defined Contribution 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 for all individuals who are not participants in the Defined Benefits Program or are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020;

NOW, THEREFORE, BE IT RESOLVED that the Board of Fire Commissioners of the East Clinton Fire District, in accordance with Article 11-A of the New York State General Municipal Law, subject to approval at a mandatory referendum of East Clinton Fire District residents, proposes to close the existing Defined Benefit Service Award Program to those individuals who were not participants in the Defined Benefit Program as of January 1, 2020, and to adopt, effective January 1, 2020, a Defined Contribution Service Award Program, hereinafter the “Program”, for all individuals who are approved as Active Firefighters of the East Clinton Fire District on or after January 1, 2020; and as well as any other individual who did not become at participants in the Defined Benefit Program prior to of January 1, 2020; and

IT IS FURTHER RESOLVED THAT

1. The type of Program shall be a defined contribution program as set forth in New York State General Municipal Law Section 218;

2. All Active volunteer firefighters of the East Clinton Fire District, who are not participants in the Defined Benefits Program and who are at least 18 years of age and who have completed at least one (1) year of firefighting service with the East Clinton Fire District, shall become Program participants. Except for those participants who attain the Program entitlement age before attaining five years of service credit, a participant must earn five years of service credit to attain a fully 100% vested status in the Program.

3. Any Active volunteer firefighter who is eligible to participate in the Program may waive participation. Such waiver of participation shall be in writing in a form acceptable to the Board of Fire Commissioners of the East Clinton Fire District. Such waiver of participation may be rescinded at any time in which case said firefighter’s participation in the Program shall commence on the date such written rescission is received by the Secretary of the Fire District.

4. The estimated initial annual cost of the defined contribution program is \$3,500.00 plus an estimated annual administration fee of \$300.00. The estimated annual cost to fund the Program thereafter shall be \$700.00 for each participant who qualifies for a contribution, as set forth below, plus an annual

administration fee per participant pursuant to the NYS Comptroller's contract with the Plan Administrator; and

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the amount of \$700 shall be contributed for each participant who earns at least 50 points (i.e., one year of service credit) pursuant to New York State General Municipal Law Section 217(c) and, as adopted by the East Clinton Fire District Board of Fire Commissioners; and

IT IS FURTHER RESOLVED THAT, pursuant to New York State General Municipal Law Section 218 (b), the maximum number of years of service for which a participant may receive a Program contribution shall be 40 years; and

IT IS FURTHER RESOLVED THAT the Entitlement Age, as defined in New York State General Municipal Law Section 215, is 62 years of age; and

IT IS FURTHER RESOLVED THAT participants who continue to be Active volunteer firefighters of the East Clinton Fire District after they attain the Entitlement Age shall have the right to continue to earn service credits pursuant to the Program; and

IT IS FURTHER RESOLVED THAT the East Clinton Fire District Board of Fire Commissioners shall be the Sponsor of the Program; and

IT IS FURTHER RESOLVED THAT the New York State Office of the Comptroller shall be the Administrator of the Program, as set forth in New York State General Municipal Law Section 216-c.; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.3, the Secretary of the Board of Fire Commissioners of the East Clinton Fire District shall send notice to New York State Office of the Comptroller of the approval of the Program and the approval of the New York State Office of the Comptroller as Administrator of the Program, within 30 days of such approval; and

IT IS FURTHER RESOLVED THAT, pursuant to 2 NYCRR Part 154.4, the East Clinton Fire District Board of Fire Commissioners is hereby authorized to enter into an Agreement with the Administrator setting forth the obligations of the

Sponsor and the East Clinton Fire District's locally determined features of the Program; and.

IT IS FURTHER RESOLVED THAT all other provisions of the Program shall be subject to, and governed by, Article 11-A of the New York State General Municipal Law, as may be amended from time to time; and

IT IS FURTHER RESOLVED THAT the Board of Fire Commissioners of the East Clinton Fire District may retain qualified professional services to assist them in their duties as Sponsor; and

IT IS FURTHER RESOLVED THAT nothing herein shall act in any way to abridge or prejudice any rights of any East Clinton Fire District Active volunteer firefighter who is currently a participant in the East Clinton Fire District's Defined Benefit Program.

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	Aye
Arthur Weiland	Aye
Michael DiGiacomio	Aye
Robert Trzcinski	Aye
Byron Calame	Aye

The resolution was thereupon declared duly adopted by the East Clinton Board of Fire Commissioners pursuant to Article 11-A of the New York State General Municipal Law.

Dated: October 16, 2019

Clinton Corners, New York

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