

NOTICE OF SPECIAL ELECTION  
Pawling Joint Fire District in the Town of Pawling,  
Dutchess County, New York

**NOTICE IS HEREBY GIVEN** that, pursuant to Section 179 of the N.Y. Town Law, a special election of the qualified voters of Pawling Joint Fire District in the Town and Village of Pawling, Dutchess County, New York, will be held at Fire Station No. 1, 25 South Street, Town of Pawling, New York in said Fire District, on the 16<sup>th</sup> day of September, 2010, between the hours of 6:00 o'clock p.m. and 9:00 o'clock p.m., Prevailing Time, for the purpose of voting by ballot on the adoption or rejection of the following resolution:

**RESOLUTION DATED AUGUST 3, 2010.**

**A RESOLUTION ADOPTING A SERVICE AWARD PROGRAM FOR THE ACTIVE VOLUNTEER FIREFIGHTER MEMBERS OF THE PAWLING FIRE DEPARTMENT PURSUANT TO ARTICLE 11-A OF THE N.Y. GENERAL MUNICIPAL LAW.**

**WHEREAS**, a proposal has been made to establish a Service Award Program for active volunteer firefighter members of the Pawling Fire Department; and

**WHEREAS**, the Board of Fire Commissioners of the Pawling Joint Fire District now desires to authorize this Program, pursuant to mandatory referendum in accordance with the applicable law.

**NOW, THEREFORE, BE IT**

**RESOLVED** by the Board of Fire Commissioners of the Pawling Joint Fire District as

follows:

**Section 1** The Board of Fire Commissioners of the Pawling Joint Fire District, as authorized by Article 11-A of the N.Y. General Municipal Law, directs that there shall be a special election of the Pawling Joint Fire District to be held on September 16, 2010 wherein the qualified voters of the Pawling Joint Fire District to adopt or reject this resolution to establish such Service Award Program effective January 1, 2010.

**Section 2** The type of program shall be a defined benefit plan as described in Section 219 of Article 11-A of the N.Y. General Municipal Law. All active volunteer firefighters who are at least 18 years old and who are Active Members of the Pawling Fire Department, in accordance with the Fire Department by-laws, shall be eligible to become Service Award Program Participants. Unless participation is waived, an eligible person age 18 or older shall become a Participant on December 31 of the first calendar year after calendar year 2009 during which he or she earns a year of Service Award Program service credit.

**Section 3** This Service Award Program shall be administered and operated by the Board of Fire Commissioners of the Pawling Joint Fire District.

**Section 4** Pawling Fire Department Active Members shall have the opportunity to earn pension-like benefits as well as death and disability benefits under the Service Award Program. The pension-like benefit, shall be a monthly payment accrued "Service Award" paid to a Participant with payments beginning after attainment of age 62 the "Entitlement Age", but not before a Participant earns at least one year of Service Award Program service credit for a calendar year after calendar year 2009. The monthly payment accrued "Service Award" shall be equal to \$20 for each year of Service Award Program service credit earned. The maximum monthly payment shall be \$800. In the event that a Participant begins to be paid such monthly

payments and then dies before receiving 120 monthly payments, the Participant's designated beneficiary (or estate if no beneficiary is designated) shall be paid the remaining monthly payments until 120 payments have been received altogether or to immediately be paid a lump sum payment equal to the discounted value of the remaining payments. By the adoption of a resolution, the Board of Fire Commissioners may add other actuarially equivalent forms of such monthly payments. In the event of the death of a Participant before he or she attains the Entitlement Age, a lump sum death benefit shall be paid to the Participant's designated beneficiary (or estate if no beneficiary is designated) and shall be equal to the discounted value at the time of death of the actuarial present value of the Participant's accrued Service Award. A Participant, who, before attaining the Entitlement Age shall be awarded benefit payments due to a total and permanent disability by the Social Security Administration or by any entity which pays benefits under the Volunteer Firefighters' Benefit Law or by any other authority approved by the Board of Fire Commissioners, shall be eligible to be paid a pre Entitlement Age disability benefit payment under the Service Award Program. Such disability benefit payment shall be a lump-sum payment to the Participant equal to the discounted actuarial present value of the Participant's accrued Service Award payable upon application by the Participant to, and approval by, the Board of Fire Commissioners. During calendar year 2010 the Board of Fire Commissioners may, at its discretion, consider an Active Member to be totally and permanently disabled if the Active Member is unable to earn a year of service credit due to a disability which first prevents the Active Member from earning a year of service credit during calendar year 2010. The Board of Fire Commissioners may require a physician to certify such disability.

**Section 5** A Participant's accrued Service Award shall become fully vested (i.e. a Participant shall obtain a nonforfeitable right to his or her accrued Service Award) after: he or she earns and does not permanently forfeit Service Award Program service credit for at least five (5) years of active volunteer firefighter service; or, attains age 62 while an Active

Member; or is awarded a Service Award Program total and permanent disability benefit payment; or dies while an Active Member.

**Section 6** As of December 31 of the year a non-vested Participant ceases being an Active Member of the Pawling Fire Department he or she shall forfeit any earned service credit and any accrued Service Award. The forfeited service credit and Accrued Service Award of a volunteer who ceased being an Active Member of the Pawling Fire Department shall be restored if the person again becomes an Active Member of the Pawling Fire Department within five years and subsequently earns at least one year of service credit under the Service Award Program Point System.

**Section 7** A year of Service Award Program service credit shall be earned by a Participant for each calendar year after 2009 during which a Participant earns at least 50 “points” while an Active Member of the Pawling Fire Department for participating in the volunteer firefighter activities set forth by the Board of Fire Commissioners in the Service Award Program “Point System” as authorized by Section 217 of Article 11-A of the General Municipal Law, and during which he or she agrees to participate in the Service Award Program. The Point System shall be set forth in writing and copies of the written explanation of Point System shall be distributed to Active Members (a copy of the Point System explanation is attached). The Board of Fire Commissioners may amend the Point System from time to time provided such amendments are adopted in accordance with and are allowable under all applicable statutes, rules and regulations. In the event the Point System is amended by the Board of Fire Commissioners, a written explanation of the changes shall be distributed to Active Members within 180 days of the date such changes are adopted.

**Section 8** Up to five years of service credit may be earned under the Point System by eligible Participants for service prior to January 1, 2010 and after December 31, 2004. To be

eligible to earn credit for such service, a Participant must earn a year of service credit during calendar year 2010. An Active Member eligible to earn credit for service before January 1, 2010 who, during calendar year 2010 and after the date Fire District residents approve the proposition to establish the program, dies or becomes totally and permanently disabled shall be considered to have been a Participant at the time of his or her death or disablement and he or she shall be given credit for his or her otherwise allowable pre-2010 service if during calendar year 2010 he or she was prevented by his or her death or disablement from earning service credit under the Point System (as determined by the Board of Fire Commissioners). For this purpose, an Active Member claiming to be disabled must be eligible to be paid a Service Award Program disability benefit in accordance with Section 4 of this resolution.

**Section 9** Persons who are Active Members of the Pawling Fire Department after they attain the Entitlement Age shall have the opportunity to earn service credit under the Point System. An Active Member who earns service credit under the Point System for the calendar year during which he or she shall attain the Entitlement Age and for years thereafter, shall commence to be paid as of January 1<sup>st</sup> in the next succeeding calendar year.

**Section 10** Under Article 11-A of the N.Y. General Municipal Law, the Pawling Joint Fire District shall be the Service Award Program “Sponsor” and its Board of Fire Commissioners shall establish and maintain a Service Award Program Trust Fund. The Board of Fire Commissioners shall have the authority to manage or dispose of program assets held within the Trust Fund and shall do so in the interest of the volunteers who participate in the program and the volunteers’ beneficiaries. The Board of Fire Commissioners may authorize individuals or entities to hold and invest the program assets. They may also seek investment counsel.

**Section 11** The Board of Fire Commissioners may retain a qualified firm to assist them to administer the Program.

**Section 12** The total annual cost of funding the Pawling Joint Fire District Service Award Program benefits for current volunteers is estimated to be \$220,000 or about \$3,500 per Active Member, including the cost of administration. The estimated annual cost to administer the program is about \$4,500. The annual cost for current Active Members is expected to decrease by about 30% after ten years when the cost of service awards earned for service before January 1, 2010 shall be fully paid. The cost of granting such credit is about \$62,000 per year payable for ten years.

**Section 13** Pawling Joint Fire District Service Award Program benefit payments shall commence to eligible firefighters after December 31, 2009 when they and/or their beneficiaries qualify for payment.

**Section 14** All other provisions of the Pawling Joint Fire District Service Award Program shall be in accordance with Article 11-A of the General Municipal Law as amended from time to time.

**Section 15** The appropriate officers of the Pawling Joint Fire District are authorized, empowered and directed to take the actions necessary and proper to carry out this resolution.

**Section 16** This resolution is adopted subject to approval at a special election of the Pawling Joint Fire District to be held in accordance with Section 1 of this resolution.

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

IN FAVOR    OPPOSED

Commissioner Ronald Gallagher, Chairman          X          \_\_\_\_\_

Commissioner Taren Cummings                          X          \_\_\_\_\_

Commissioner Eugene Daniels                          X          \_\_\_\_\_

Commissioner John Esposito                      ABSENT

Commissioner Richard Frost                      ABSENT

Commissioner James McCarthy                          X          \_\_\_\_\_

Commissioner Terrell Muller        X          \_\_\_\_\_

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The polls will be kept open for the receipt of ballots during the aforesaid hours and the proposition will be in substantially the following form, to wit:

**PROPOSITION**

**FOR SUBMISSION TO ELECTORS OF THE  
PAWLING FIRE DISTRICT  
REFERENDUM ON THE ESTABLISHMENT  
OF A SERVICE AWARD PROGRAM FOR ACTIVE  
VOLUNTEER FIREFIGHTER MEMBERS OF THE  
PAWLING FIRE DEPARTMENT**

SHALL THE BOARD OF FIRE COMMISSIONERS OF THE PAWLING FIRE DISTRICT ESTABLISH AND ADMINISTER A DEFINED BENEFIT SERVICE AWARD PROGRAM FOR ACTIVE VOLUNTEER FIREFIGHTER MEMBERS OF THE PAWLING FIRE DEPARTMENT

EFFECTIVE JANUARY 1, 2010, UNDER WHICH: FIREFIGHTERS SHALL BE PAID, GENERALLY BEGINNING AT AGE 62, MONTHLY LIFETIME SERVICE AWARDS OF \$20, OR THE ACTUARIAL EQUIVALENT THEREOF, FOR EACH YEAR OF CREDITED VOLUNTEER FIREFIGHTER SERVICE WITH THE PAWLING FIRE DEPARTMENT INCLUDING CREDIT FOR UP TO FIVE YEARS OF PAWLING FIRE DEPARTMENT SERVICE PRIOR TO JANUARY 1, 2010 AND AFTER DECEMBER 31, 2004; PAYMENT OF BENEFITS SHALL BEGIN AS OF JANUARY 1, 2011, AS FIREFIGHTERS BECOME ELIGIBLE; ACTIVE POST AGE 62 VOLUNTEERS MAY CONTINUE TO EARN SERVICE CREDIT AFTER ATTAINING AGE 62 AND BEGINNING TO BE PAID SERVICE AWARDS; THE TOTAL ANNUAL COST OF THE PROPOSED PROGRAM FOR CURRENT VOLUNTEERS IS ESTIMATED TO BE ABOUT \$220,000 INCLUDING AN ADMINISTRATION FEE OF ABOUT \$4,500; THE ANNUAL COST OF SUCH PROGRAM PER CURRENT VOLUNTEER IS ABOUT \$3,500; THE ANNUAL COST FOR CURRENT VOLUNTEERS SHALL DECREASE BY ABOUT 30% AFTER TEN YEARS WHEN THE COST FOR GRANTING PROGRAM CREDIT FOR SERVICE BEFORE 2010 HAS BEEN PAID?

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YES

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NO

Dated: Pawling, New York  
August 3, 2010

BY ORDER OF THE BOARD OF  
FIRECOMMISSIONERS OF PAWLING JOINT FIRE  
DISTRICT IN THE TOWN AND VILLAGE OF  
PAWLING, DUTCHESS COUNTY, NEW YORK

By: /s/ SHARON C. TURNER  
Sharon Turner, Fire District Secretary