

AMENDMENT TO AWARDS PROGRAM

EXTRACT OF MINUTES

Meeting of the Board of Fire Commissioners of the Orchard Park Fire District, in the Town of Orchard Park, County of Erie, State of New York.

A regular meeting of the Board of Fire Commissioners of the Orchard Park Fire District, in the Town of Orchard Park, County of Erie, State of New York, was held at 30 School Street in the Village of Orchard Park, New York, in said Fire District, on October 14, 2008 at 8 o'clock p.m. There were present:

Commissioners:
William G. Szewc, Chairman
John Leach
Jerry Davern
Robert Glace
Robert Eiskant

Roberta Buczkowski, Secretary
Deborah Rogers, Treasurer
Michael F. Chelus, Esq., Attorney

Commissioner Robert Eiskant offered the following resolution and moved its adoption and seconded by Jerry Davern.

RESOLUTION OF THE ORCHARD PARK FIRE DISTRICT, IN THE TOWN OF ORCHARD PARK, COUNTY OF ERIE, STATE OF NEW YORK, CALLING AT THE ANNUAL ELECTION ON DECEMBER 9, 2008, DIRECTING PUBLICATION OF NOTICES OF ELECTION AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

RESOLVED BY THE BOARD OF FIRE COMMISSIONERS OF THE ORCHARD PARK FIRE DISTRICT, IN THE TOWN OF ORCHARD PARK, COUNTY OF ERIE, AND STATE OF NEW YORK, BY FAVORABLE VOTE OF NOT LESS THAN THREE-FIFTHS OF THE MEMBERS OF SAID BOARD, AS FOLLOWS:

Section 1. The Orchard Park Fire District shall conduct a mandatory referendum to determine whether the Board of Fire Commissioners shall amend the service award program as provided in Section 216 of the General Municipal Law to 40 years of service and to buy back two more years of service at a cost of \$27,216.

Section 2. The type of service award program is a defined benefit program as described in Section 219 of the General Municipal Law.

Section 3. The estimated annual cost of the service award program will be increased by \$19,600, including an estimated annual administration fee of \$2,590.

The estimated annual cost per covered participant to fund this program is \$172,280.13 and such estimated annual cost per covered participant varies from \$264. for an 18 year—old to \$3,325 for a 65 year—old participant.

Section 4. The Defined Benefit award to be paid to eligible volunteer firefighters is projected to be \$20.00 per month for each qualified year of active firefighting service not to exceed 40 years, payment to commence when the eligible volunteer firefighter reaches age 65, and completes one year of Active Plan Participation.

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 amendment of the service award program. Death and disability payments are authorized to commence upon the date of establishment of the amendment of the service award program.

Section 5. 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.

Section 6. At the Annual Election of the qualified voters of the Orchard Park Fire District, in the Town of Orchard Park, County of Erie, and State of New York, (herein called “District”), shall be held for District 1—2—3—4—9—12—14—15—18—22 at Orchard Park Fire Hall, 30 School Street, Orchard Park, New York, for District 8—10—11—13—17— 19—20 at Windom Fire Hall, 3736 Abbott Road, Orchard Park, New York and District 5—6--

7—16—21 at Hillcrest Fire Hall, 7125 Ellicott Road, Orchard Park, New York, in said District on December 9, 2008 at 6:00 o’clock p.m. (Eastern Standard Time) and the polls shall remain open until 9:00 o’clock p.m. (Eastern Standard Time) or as much longer as may be necessary to enable the voters then present to cast their votes upon the Proposition to amend the service award program and for the purpose of electing one Commissioner for a five—year term, commencing January 1, 2009 and ending on December 31, 2014.

Section 7. The vote upon the Proposition and Commissioner’s election to be submitted to the qualified voters shall be by paper ballot and the Fire District Secretary is hereby authorized and directed to have the necessary ballots prepared for use in voting.

Section 8. The Fire District Secretary is hereby authorized and directed to give notice of said Annual Election by causing a notice in substantially the form set forth in Section 11 hereof to be published once at least twenty—seven (27) days prior to the Annual Election and in substantially the form set forth in Section 11 not less than thirteen (13) days nor more than twenty (20) days prior to the date of such Election in a newspaper published in Orchard Park, New York, and having a general circulation within -the District and hereby designated as the official newspaper of the District for such publication.

Section 9. The following resident Fire District electors, each of whom is a registered voter of the District, are hereby appointed to act as Chairman, Election Inspectors and Ballot Clerks at the Annual Election:

Chairman:

Inspectors of Election and Ballot Clerks:

Section 10. The Chairman and Inspectors of Election shall each be paid at the rate of \$40 for the time necessary to prepare the register and for conducting said Annual Election.

Section 11. Said Notice of Annual Election shall be in substantially the following form:

ANNUAL ELECTION OF
ORCHARD PARK FIRE DISTRICT
DECEMBER 9, 2008

NOTICE is hereby given pursuant to the Town Law of the State of New York, that at the Annual Election of the Orchard Park Fire District which will take place on December 9, 2008, between the hours of 7:00 o'clock p.m. (Eastern Standard Time) and 10:00 o'clock p.m. (Eastern Standard Time) for District 1—2—3—4—9—12—14—15—18—22 at Orchard Park Fire Hall, 30 School Street, Orchard Park, New York, for District 8—10—11—13-17—19—20 at Windom Fire Hall, 3736 Abbott Road, Orchard Park, New York and District 5—6—7—16—21 at Hillcrest Fire Hall, 7125 Ellicott Road, Orchard Park, New York,

for the purpose of the Annual District Election electing one Commissioner for a five— year term, commencing on January 1, 2009 and ending on December 31, 2014 and voting upon the following proposition.

All residents of the Orchard Park Fire District who were duly registered to vote with the County Board of Elections on or before November 17, 2008, shall be entitled to vote at this election.

PROPOSITION

Shall the Board Resolution of Orchard Park Fire District, in the Town of Orchard Park, New York, entitled:

“BOARD RESOLUTION OF THE ORCHARD PARK FIRE DISTRICT IN THE TOWN OF ORCHARD PARK, COUNTY OF ERIE, STATE OF NEW YORK, ADOPTED OCTOBER 14, 2008, AUTHORIZING THE AMENDMENT OF A DEFINED SERVICE AWARD PROGRAM FOR THE VOLUNTEER FIREFIGHTERS OF THE ORCHARD PARK FIRE DISTRICT, TO 40 YEARS OF SERVICE AND TO BUY BACK TWO MORE YEARS OF SERVICE AT A COST OF \$27,216 STATING THE ESTIMATED ANNUAL COST TO BE \$19,600.00 BASED ON THE EXISTING NUMBER OF FIREFIGHTERS; STATING THE ESTIMATED ANNUAL ADMINISTRATIVE FEE TO BE \$2,590; STATING THE ESTIMATED ANNUAL COST PER FIREFIGHTER TO RANGE FROM \$264 FOR AN 18-YEAR-OLD FIREFIGHTER TO \$3,325 FOR A 65-YEAR-OLD FIREFIGHTER; STATING THE PROJECTED MONTHLY AWARD TO BE \$20.00 PER YEAR OF ACTIVE SERVICE; 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 SERVICE AWARD PROGRAM, AND REGULAR DEFINED AWARD PAYMENTS TO BE AUTHORIZED TO COMMENCE ONE YEAR THEREAFTER; AND APPROPRIATING SAID AMOUNT THEREFOR,” be approved?

Candidates for District Office shall -file their names with the Secretary of the Fire District, Roberta Buczkowski at 30 School Street, Orchard Park, New York no later than November 19, 2008. Such nominations shall be submitted in petition form subscribed by twenty—five (25) qualified, registered voters of the District.

Roberta Buczkowski,
Secretary
Orchard Park Fire District

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

AYES : FIVE
NOES : None

The resolution was declared adopted.

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