

Resolution #168-05 – Council-member Carlson motioned, seconded by Council-member Frisbee to allow for post age 65 volunteer firefighters to earn credit in Mariaville Fire Department Service Award Program.
Resolution of the Board of the Town Board Members of the Town of Duanesburg

*In the matter of retroactively
correcting an error in the
administration of the Town of
Duanesburg Fire Protection
District #2 Service Award
Program.*

WHEREAS; voters of the Town of Duanesburg approved a proposition to establish a Service Award Program for the Mariaville Volunteer Fire Department effective January 1, 1995, in accordance with Article 11-A of the New York State General Municipal Law; and,

WHEREAS; Persons who continued to serve as active volunteer firefighter members of the Mariaville Volunteer Fire Department after having attained age 65 and having begun being paid a monthly Service Award payment have been incorrectly denied the opportunity to continue to earn Service Award Program credit for active volunteer firefighter service rendered after age 65; and,

WHEREAS; Persons who became active volunteer firefighter members of the Mariaville Volunteer Fire Department after the age of 65 have been incorrectly denied the opportunity to earn Service Award Program credit for active volunteer firefighter service rendered; and,

WHEREAS, Such denial of the opportunity for senior active volunteer firefighters to earn Service Award Program credit may be age discrimination which has been prohibited under ADEA, the federal Age Discrimination In Employment Act; and

WHEREAS; New York State volunteer firefighter Service Award Programs are governed by Article 11-A of the General Municipal Law; and,

WHEREAS; Article 11 –A as originally enacted did not prohibit active volunteer firefighters, regardless of age or payment status, from earning Service Award Program credit up to the maximum credit allowed under a program; and,

WHEREAS; Article 11-A was amended by Chapter 647 of the laws of 2003 to explicitly state that a service Award Program may allow post Entitlement Age volunteers to continue to earn credit.

Now, Therefore, BE IT RESOLVED, That:

The Town Board of the Town of Duanesburg, directs that Town of Duanesburg Fire Protection District #2 Service Award Program administration procedures shall be corrected retroactively effective to January 1, 1995 to allow post age 65 active volunteer firefighters to earn Service Award Program service credit under the point system and to thereby increase their monthly Service Award payments, by twenty dollars (\$20) for each year of post age 65 service credit earned under the point system effective the January 1st following the calendar year in which such service credit was earned. These retroactive payments shall be made to senior active volunteer firefighters as soon as possible by the Town.

The increase in the annual cost of the Town of Duanesburg Fire Protection District #2 Service Award Program to retroactively correct this administration procedure is approximately \$3,200 per year with the first payment of \$3,200 made in calendar year 2006 and the last payment of \$3,200 made in calendar year 2019. The increase in annual cost for post-65 service earned during a calendar year after 2005 may ultimately be \$13,500 per year for current firefighters for all future calendar years.

All other provisions of the Town of Duanesburg Fire Protection District #2 Service Award Program shall not change and the program shall continue to be administered by the Town Board of the Town of Duanesburg in accordance with Article 11-A of the New York State General Municipal Law as such law is amended from time to time.

Town Board Member Carlson moved, Town Board Member Frisbee seconded, and the Town Board voted as follows: Carried 5 Ayes.

<u>Town Board Member Carlson</u>	<u>Yes</u>
<u>Town Board Member Frisbee</u>	<u>Yes</u>
<u>Town Board Member Potter</u>	<u>Yes</u>
<u>Town Board Member Pneuman</u>	<u>Yes</u>
<u>Supervisor Merrihew</u>	<u>Yes</u>