

A Special Meeting of the Board of Trustees of the Village of Port Washington North was held on Wednesday, **May 20, 2015** at 5:30 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York.

Present:	Mayor	-	Robert S. Weitzner
	Trustees	-	Steven Cohen
		-	Matthew Kepke
		-	Sherman Scheff
	Clerk	-	Palma Torrisi
	Attorney	-	Stuart Besen

Excused: Trustee Malatino

1. On motion of Trustee Cohen, seconded by Trustee Kepke, the following resolution was adopted:

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law §§ 119-n and 119-o, the Incorporated Village of Port Washington North is authorized to enter into cooperative service agreements with municipal corporations (“Intermunicipal Agreement”); and

WHEREAS, the Town of North Hempstead, the Incorporated Village of Sands Point, the Incorporated Village of Flower Hill, the Incorporated Village of Port Washington North, the Incorporated Village of Baxter Estates, the Incorporated Village of Manorhaven, and the Incorporated Village of Plandome Manor, all in the County of Nassau, State of New York (the “Municipalities”), have engaged in discussions contemplating the formation of a municipal sponsoring board (“Joint Sponsoring Board”) for the purpose of administering an existing Defined Benefit Length of Service Award Program (the “LOSAP”) for volunteer firefighters (“Members”) of the Port Washington Fire Department (the “Fire Department”); and

WHEREAS, the Municipalities desire to establish, pursuant to the provisions of General Municipal Law §216-a(3), a Joint Sponsoring Board; and

WHEREAS, this Intermunicipal Agreement will be presented to the governing boards of each of the Municipalities for the purpose of consideration and approval; and

WHEREAS, this Intermunicipal Agreement shall not take effect unless and until it is approved by each of the Municipalities and the establishment of the Joint Sponsoring Board is approved by public referendum as required by law; and

WHEREAS, this Board wishes to enter into the Intermunicipal Agreement with the Municipalities.

NOW, THEREFORE, BE IT RESOLVED that the Mayor be and hereby is authorized and directed to execute an Intermunicipal Agreement with the Municipalities to establish a Joint Sponsoring Board for the purpose of administering the LOSAP for the benefit of the Members of the Fire Department; and be it further

RESOLVED that the Village Attorney be and hereby is authorized and directed to negotiate and oversee the preparation and execution of the Intermunicipal Agreement, a copy of which will be filed with the Village Clerk.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Scheff-aye, Mayor Weitzner-aye. Motion carried.

2. On motion of Trustee Kepke, seconded by Trustee Scheff, the following resolution was adopted:

WHEREAS, the Village Board has approved a certain Intermunicipal Agreement in connection with the proposed establishment, pursuant to the provisions of General Municipal Law §216-a(3), of a joint municipal sponsoring board to jointly sponsor an existing Defined Benefit Length of Service Award Program (the “LOSAP”) for volunteer firefighters (“Members”) of the Port Washington Fire Department (the “Fire Department”); and

WHEREAS, the Mayor has been authorized to execute said Intermunicipal Agreement; and

WHEREAS, General Municipal Law §216-a(4) provides that a proposition authorizing the Village of Port Washington North to jointly sponsor the LOSAP shall be submitted to public referendum not less than 30 days and not more than 90 days after this Board has voted to approve such Intermunicipal Agreement; and

WHEREAS, this Board, in accordance with this section, wishes to now schedule the required referendum.

NOW, THEREFORE, BE IT RESOLVED that a special election be held on June 25, 2015; and be it further

RESOLVED that the polls shall remain open for said special election from 12:00 PM to 9:00 PM and that the voting place shall be at the Port Washington North Village Hall, located at 3 Pleasant Avenue, Port Washington, New York 11050; and be it further

RESOLVED that the Mayor shall designate not less than two nor more than four qualified persons to serve as election inspectors and ballot clerks, each of whom shall be a qualified elector and shall notify the Village Clerk of such designation; and be it further

RESOLVED that the proposition to be voted upon shall be in a form substantially similar to the following:

**NOTICE OF REFERENDUM FOR PORT
WASHINGTON FIRE PROTECTION DISTRICT**

NOTICE IS HEREBY GIVEN that a Referendum of the qualified voters in the incorporated area of the Village of Port Washington North in the Town of North Hempstead, County of Nassau, State of New York shall be held at the Village Hall of Port Washington North located at 3 Pleasant Avenue, Port Washington, New York on June 25, 2015 between the hours of 12:00 P.M. and 9:00 P.M. for the purpose of considering the establishment of a joint sponsoring board for the Port Washington Fire Department.

The proposition shall be substantially in the following form:

PROPOSITION

SHALL the resolution of the Port Washington North Village Board, adopted May 20, 2015, pursuant to Article 11-A of the General Municipal Law of the State of New

York, to jointly sponsor an existing defined benefit Length of Service Award Program for participating members of the Port Washington Fire Department, effective January 1, 2016, be approved?

THE JOINT SPONSORING BOARD WILL ADMINISTER THE EXISTING LENGTH OF SERVICE AWARD PROGRAM, WHICH PROVIDES THAT ELIGIBLE PROGRAM PARTICIPANTS SHALL BE PAID, GENERALLY BEGINNING AT AGE SIXTY FIVE (65), MONTHLY SERVICE AWARD PAYMENTS OF \$20 FOR EACH YEAR OF CREDITED PORT WASHINGTON FIRE DEPARTMENT VOLUNTEER FIREFIGHTER SERVICE, NOT TO EXCEED FORTY (40) YEARS; AND THAT THE MAXIMUM MONTHLY SERVICE AWARD PAYMENT IS \$800. IMPLEMENTATION OF THE JOINT SPONSORING BOARD WILL NOT CHANGE PROGRAM COSTS.

and be it further

RESOLVED, that the Mayor shall ensure the election upon said proposition shall be conducted pursuant to pertinent sections of Village and Municipal Law; and be it further

RESOLVED, that the Village Clerk is authorized to take such other steps as may be reasonable and necessary to conduct the special election; and be it further

RESOLVED that the Treasurer be and hereby is authorized and directed to pay the costs associated with holding the special election; and be it further

RESOLVED, that the provisions of this resolution shall take effect immediately.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Scheff-aye, Mayor Weitzner-aye. Motion carried.

3. On motion of Trustee Scheff, seconded by Trustee Cohen, the following resolution was adopted:

WHEREAS, Article 11-A of the General Municipal Law was enacted to aid in the recruitment and retention of volunteer firefighters by permitting the establishment of a Service Award Program upon approval by the governing boards of the political subdivisions which contract with the volunteer fire department and by the eligible voters in the fire protection district after public referendum; and

WHEREAS, at special elections heretofore held, qualified voters of the Port Washington Fire Protection District (the "District"), pursuant to General Municipal Law §216, approved the establishment of a Defined Benefit Length of Service Award Program (the "LOSAP") for volunteer firefighters ("Members") of the Port Washington Fire Department (the "Fire Department") as described in Section 219 of the General Municipal Law; and

WHEREAS, the Village Board of the Village of Port Washington North contracts with the Fire Department for the provision of services in the incorporated Village of Port Washington North ; and

WHEREAS, following a review of the LOSAP by the Equal Employment Opportunity Commission (the “EEOC”), the EEOC determined that a provision in the LOSAP related to entitlement age was discriminatory under the Age Discrimination in Employment Act of 1967; and

WHEREAS, although the Village of Port Washington North disagrees with the EEOC’s determination, in order to avoid the costs and uncertainty of litigation, the Village has concluded that an amendment to the LOSAP is in the best interests of the Village and its residents; and

WHEREAS, the EEOC requires that retroactive benefits be paid to members of the Fire Department who were not awarded benefits as a result of the cap on entitlement age, but who otherwise would have been awarded such credit (the “Retroactive Payment”); and

WHEREAS, in furtherance of a comprehensive settlement, the Fire Department has agreed to pay the Retroactive Payment; and

WHEREAS, the Village Board wishes to authorize amendments to the LOSAP for the benefit of members of the Fire Department, and to authorize a public referendum with respect thereto; and

WHEREAS, the Village Board proposes to amend the LOSAP, effective January 1, 2016, to allow any eligible member of the Fire Department who reaches the age of sixty five (65) to earn credit toward the forty (40) year service maximum (the “Amendment”); and

WHEREAS, as a result of the Amendment, the cost increase to the Village will be approximately \$7200.00 per year; and

WHEREAS, pursuant to the applicable provisions of law, such amendment requires the approval of the governing bodies of the other political subdivisions which contract with the Fire Department for fire protection services, and approval from the qualified electors of the Village and such subdivisions at a referendum before such amendment may take effect; and

WHEREAS, members of the Village Board believes it to be in the best interest and safety of the Village’s residents to authorize adoption of the Amendment, and wish to approve the Amendment, subject to approval by qualified voters of the Village pursuant to a mandatory referendum pursuant to General Municipal Law §216(3)(d).

NOW, THEREFORE, BE IT RESOLVED, that this Board hereby approves the Amendment to the LOSAP as set forth herein for the Fire Department; and be it further

RESOLVED, that a referendum of the eligible voters in the incorporated Village of Port Washington North, in the Town of North Hempstead, County of Nassau, State of New York, shall be held at the Village Hall of the Village of Port Washington North located at 3 Pleasant Avenue, Port Washington, New York, on June 25, 2015 between the hours of 12:00 PM and 9:00 PM. The vote upon the proposition to be submitted to the qualified voters shall be by voting machine or ballot box and the Village Clerk is hereby authorized and directed to have the necessary equipment prepared for use; and be it further

RESOLVED that the Mayor shall designate not less than two nor more than four qualified persons to serve as election inspectors and ballot clerks, each of whom shall be a qualified elector and shall notify the Village Clerk of such designation; and be it further

RESOLVED that notice of said Referendum shall be given by causing a notice in substantially the form prescribed by the General Municipal Law to be published as required by law; and be it further

RESOLVED that the Village shall pay for the costs of the election as it relates to the referendum held within the incorporated Village of Port Washington North; and shall furnish the Inspectors of Election, at its own expense, with all the necessary registration books, papers, equipment and supplies.

**NOTICE OF REFERENDUM FOR PORT
WASHINGTON FIRE PROTECTION DISTRICT**

NOTICE IS HEREBY GIVEN that a Referendum of the qualified voters in the incorporated Village of Port Washington North in the Port Washington Fire Protection District, in the Town of North Hempstead, County of Nassau, State of New York shall be held at Village Hall in the Village of Port Washington North located at 3 Pleasant Avenue, Port Washington, New York on June 25, 2015 between the hours of 12:00 P.M. and 9:00 P.M. for the purpose of voting upon the amendment of a previously established Service Award Program under Article 11A of the General Municipal Law.

The proposition shall be substantially in the following form:

PROPOSITION

SHALL the Length of Service Award Program for the Port Washington Fire Department be amended, effective January 1, 2016?

AMENDMENT OF THE DEFINED BENEFIT LENGTH OF SERVICE AWARD PROGRAM FOR THE PORT WASHINGTON FIRE DEPARTMENT WILL ALLOW ELIGIBLE PROGRAM PARTICIPANTS WHO CONTINUE IN ACTIVE SERVICE AFTER REACHING THE ENTITLEMENT AGE OF SIXTY FIVE (65) TO ACCRUE ANNUALLY PROGRAM POINTS AND RECEIVE A PROGRAM BENEFIT IN THE SUBSEQUENT YEAR FOR A PERIOD NOT TO EXCEED FORTY (40) YEARS; SAID AMENDMENT SHALL INCREASE THE ESTIMATED ANNUAL COST BY APPROXIMATELY \$66,000 PER YEAR, AND THEREBY INCREASE THE ANNUAL PRO RATA SHARE PAID BY THE Village of Port Washington North BY APPROXIMATELY \$7200.00 FROM THE CURRENT APPROXIMATE COST OF \$45,074.48; SUCH TOTAL ANNUAL COST TO BE APPROXIMATELY \$ TBD PER ELIGIBLE PARTICIPANT; THE MONTHLY SERVICE AWARD PAYMENT WILL BE MAINTAINED AT \$20.00 FOR EACH YEAR OF CREDITED PORT WASHINGTON FIRE DEPARTMENT VOLUNTEER FIREFIGHTER SERVICE; AND THE MAXIMUM MONTHLY AWARD PER ELIGIBLE PARTICIPANTS SHALL BE MAINTAINED AT \$800 PER MONTH. A PARTICIPANT MUST SERVE AT LEAST FIVE (5) YEARS WITH THE DEPARTMENT TO VEST.

RESOLVED, that the Village Clerk is authorized to take such other steps as may be reasonable and necessary to conduct the referendum; and be it further

RESOLVED that the Treasurer be and hereby is authorized and directed to pay the costs associated with holding the referendum.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Scheff-aye, Mayor Weitzner-aye. Motion carried.

On motion of Mayor Weitzner, seconded by Trustee Cohen, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 6:00 p.m.

Palma Torrisi, Village Clerk