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RESOLUTION #37-2026 OF THE TOWN BOARD, TOWN OF NEWFANE, NY

RESOLUTION TO DESIGNATE A COMPETENT AUTHORITY TO CERTIFY DISABILITY AND LINE-OF-DUTY DETERMINATIONS UNDER THE TOWN OF NEWFANE LENGTH OF SERVICE AWARD PROGRAM (LOSAP)

WHEREAS, the Town of Newfane (the “Town”) is the Sponsor of the Town of Newfane Length of Service Award Program (the “Plan” or “LOSAP”), a defined benefit length of service award program established under Article 11-A of the General Municipal Law for the volunteer firefighters of the Olcott Fire Company and the Miller Hose Fire Company; and

WHEREAS, the Plan provides that an active volunteer firefighter who is totally and temporarily disabled, or partially and permanently disabled, as certified by the workers’ compensation board or other competent authority approved by the Sponsor, and whose disability occurs during the course of service while actively engaged in providing line of duty services as defined in Subdivision One of Section 5 of the Volunteer Firefighters’ Benefit Law, shall receive five points for each full month of such disability; and

WHEREAS, the Town as Sponsor wishes to designate a competent authority and procedure to make the medical determinations the Plan requires, in order to provide a consistent, independent, and orderly process for evaluating disability claims under the Plan; and

WHEREAS, Section 205-cc of the General Municipal Law establishes an enhanced cancer disability benefit for eligible volunteer firefighters and, in awarding that benefit, applies a statutory presumption that a covered cancer was incurred as a result of the firefighter’s service; and

WHEREAS, where a participant has been awarded enhanced cancer disability benefits under General Municipal Law Section 205-cc, a statutory presumption of service-related causation has already been applied by the program administering that benefit, and the Town wishes to provide a consistent and orderly process that gives appropriate effect to that presumption without requiring duplicative re-adjudication of causation; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newfane, as Sponsor of the Town of Newfane Length of Service Award Program, hereby designates and approves Occustar as a competent authority under the Plan, authorized to examine Plan participants and to determine (i) the participant's disability status and (ii) whether the disability occurred during the course of service while the participant was actively engaged in providing line of duty services as defined in Subdivision One of Section 5 of the Volunteer Firefighters' Benefit Law; and

BE IT FURTHER RESOLVED, that, in lieu of or in addition to a determination by the designated competent authority, the Town may, in its sole discretion, accept as a sufficient basis for the disability and line of duty determinations any one or any combination of the following: a determination of the Workers' Compensation Board; the determination of the participant's treating physician; or a determination granting the participant benefits under Section 205-cc of the General Municipal Law, in light of, as to such an award, the statutory presumption of service-related causation applied in awarding that benefit; and

BE IT FURTHER RESOLVED, that the certifications, determinations, and supporting documentation addressed herein shall be recorded in the participant's Plan file; and

BE IT FURTHER RESOLVED, that nothing in this resolution shall limit a participant's right to obtain a determination from the Workers' Compensation Board; and

BE IT FURTHER RESOLVED, that this designation shall remain in effect until amended or rescinded by the Town Board, and the Supervisor and the Plan Administrator are authorized to take such steps as are necessary to implement this resolution, including notifying the Plan's administrative service provider of this designation.

By Order of the Town Board
Town of Newfane, Niagara County, New York
Adopted this ____ day of _____, 2026

Town Board Member

Vote

Supervisor John Syracuse

☐ Aye

☐ Nay

Councilman Paul Conrad

☐ Aye

☐ Nay

Councilman Robert Horanburg

☐ Aye

☐ Nay

Councilwoman Jessica Reinhardt

☐ Aye

☐ Nay

Councilman Peter Robinson

☐ Aye

☐ Nay