

BAL



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: April 26, 2023

Sponsored by Council Members: Resciniti, Riley, Burns, Strawn, Scanlon, Scaringi

Introduced by Committee: Employees

RESOLUTION

entitled

A RESOLUTION AUTHORIZING A HOME
RULE REQUEST TO AUTHORIZE THE CITY OF
BINGHAMTON TO OFFER AN OPTIONAL
TWENTY-FIVE YEAR RETIREMENT PLAN TO
FIREFIGHTER SCOTT PAVLICK

WHEREAS, Assembly Bill A.5762 and Senate Bill S.5605 have been introduced into the New York State Assembly and Senate respectively, for the authority to allow for the enrollment of a firefighter who failed to make a timely application to participate in such optional twenty-five year retirement plan; and

WHEREAS, Scott Pavlick may elect to be covered by the provisions of section 384 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session does hereby:

RESOLVE that the City of Binghamton hereby urges and approves the adoption and passage of said Assembly Bill A.5762 and Senate Bill S.5605 entitled, "An Act to authorize the City of Binghamton to offer an optional twenty-five year retirement plan to firefighter Scott Pavlick" and hereby declares that a necessity exists for the passage of such bill and that the local Legislative Body of the City of Binghamton does not have the power to enact such Legislation by Local Law; and be it further

RESOLVED that a Home Rule Request be submitted to the Assembly and Senate of the New York State Legislature indicating the necessity exists for the enactment of said Legislation.

Introductory No. R23-26

Permanent No. R23-26

Sponsored by City Council Members:
Resciniti, Riley, Burns, Strawn, Scanlon, Scaringi

A RESOLUTION AUTHORIZING A HOME RULE
REQUEST TO AUTHORIZE THE CITY OF
BINGHAMTON TO OFFER AN OPTIONAL
TWENTY-FIVE YEAR RETIREMENT PLAN TO
FIREFIGHTER SCOTT PAVLICK

The within Resolution was adopted by the Council of
the City of Binghamton.

4/26/23
Date

Jamie Faulder
City Clerk

4/27/23
Date Presented to Mayor

4/28/23
Date Approved

[Signature]
Mayor

	Ayes	Nays	Abstain	Absent
Councilwoman Resciniti	✓			
Councilwoman Riley	✓			
Councilwoman Friedman	✓			
Councilman Burns	✓			
Councilman Strawn	✓			
Councilman Scanlon	✓			
Councilman Scaringi	✓			
Total	<u>7</u>	<u>0</u>	<u>0</u>	<u>0</u>

Code of the City of Binghamton

Adopted Defeated

7 Ayes 0 Nays 0 Abstain 0 Absent

I hereby certify the above to be a true
copy of the legislation adopted by the
Council of the City of Binghamton at a
meeting held on 4/26/23 Approved
by the Mayor on 4/28/23 [Signature]

STATE OF NEW YORK

5762

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the city of Binghamton to offer an optional twenty-five year retirement plan to firefighter Scott Pavlick

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Binghamton, in the county of Broome, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty-five year retire-
5 ment plan, established pursuant to section 384 of the retirement and
6 social security law, to firefighters employed by such city, is hereby
7 authorized to make participation in such plan available to Scott
8 Pavlick, a firefighter employed by the city of Binghamton, who, for
9 reasons not ascribable to his own negligence, failed to make a timely
10 application to participate in such optional twenty-five year retirement
11 plan. The city of Binghamton may so elect by filing with the state comp-
12 troller, within nine months of the effective date of this act, a resol-
13 ution of its own common council together with certification that such
14 firefighter did not bar himself from participation in such retirement
15 plan as a result of his own negligence. Thereafter, such firefighter may
16 elect to be covered by the provisions of section 384 of the retirement
17 and social security law, and shall be entitled to the full rights and
18 benefits associated with coverage under such section, by filing a
19 request to that effect with the state comptroller within one year of the
20 effective date of this act.

21 § 2. All employer past service costs associated with implementing the
22 provisions of this act shall be borne by the city of Binghamton and may
23 be amortized over a ten year period.

24 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD08984-02-3

This bill would allow the City of Binghamton to elect to reopen the provisions of section 384 of the Retirement and Social Security Law for firefighter Scott Pavlick.

If this bill is enacted during the 2023 legislative session and Scott Pavlick becomes covered under the provisions of section 384, we anticipate that there will be an increase of approximately \$5,300 in the annual contributions of the City of Binghamton for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Scott Pavlick change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$42,500 which will be borne by the City of Binghamton as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If the City of Binghamton elects to amortize this cost over a 10-year period, the cost for the first year including interest would be \$5,420.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 3, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-83, prepared by the Actuary for the New York State and Local Retirement System.



STATE OF NEW YORK

5605

2023-2024 Regular Sessions

IN SENATE

March 8, 2023

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to authorize the city of Binghamton to offer an optional twenty-five year retirement plan to firefighter Scott Pavlick

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Notwithstanding any other provision of law to the contrary,
2 the city of Binghamton, in the county of Broome, a participating employ-
3 er in the New York state and local police and fire retirement system,
4 which previously elected to offer the optional twenty-five year retire-
5 ment plan, established pursuant to section 384 of the retirement and
6 social security law, to firefighters employed by such city, is hereby
7 authorized to make participation in such plan available to Scott
8 Pavlick, a firefighter employed by the city of Binghamton, who, for
9 reasons not ascribable to his own negligence, failed to make a timely
10 application to participate in such optional twenty-five year retirement
11 plan. The city of Binghamton may so elect by filing with the state comp-
12 troller, within nine months of the effective date of this act, a resol-
13 ution of its own common council together with certification that such
14 firefighter did not bar himself from participation in such retirement
15 plan as a result of his own negligence. Thereafter, such firefighter may
16 elect to be covered by the provisions of section 384 of the retirement
17 and social security law, and shall be entitled to the full rights and
18 benefits associated with coverage under such section, by filing a
19 request to that effect with the state comptroller within one year of the
20 effective date of this act.

21 § 2. All employer past service costs associated with implementing the
22 provisions of this act shall be borne by the city of Binghamton and may
23 be amortized over a ten year period.

24 § 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD08984-02-3

This bill would allow the City of Binghamton to elect to reopen the provisions of section 384 of the Retirement and Social Security Law for firefighter Scott Pavlick.

If this bill is enacted during the 2023 legislative session and Scott Pavlick becomes covered under the provisions of section 384, we anticipate that there will be an increase of approximately \$5,300 in the annual contributions of the City of Binghamton for the fiscal year ending March 31, 2024. In future years, this cost will vary as the billing rates and salary of Scott Pavlick change.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$42,500 which will be borne by the City of Binghamton as a one-time payment. This estimate assumes that payment will be made on February 1, 2024. If the City of Binghamton elects to amortize this cost over a 10-year period, the cost for the first year including interest would be \$5,420.

Summary of relevant resources:

Membership data as of March 31, 2022 was used in measuring the impact of the proposed change, the same data used in the April 1, 2022 actuarial valuation. Distributions and other statistics can be found in the 2022 Report of the Actuary and the 2022 Annual Comprehensive Financial Report.

The actuarial assumptions and methods used are described in the 2020, 2021, and 2022 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes, Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2022 New York State and Local Retirement System Financial Statements and Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the actuarial opinion contained herein.

This fiscal note does not constitute a legal opinion on the viability of the proposed change nor is it intended to serve as a substitute for the professional judgment of an attorney.

This estimate, dated March 3, 2023, and intended for use only during the 2023 Legislative Session, is Fiscal Note No. 2023-83, prepared by the Actuary for the New York State and Local Retirement System.