

**THE COMMISSIONERS OF FIRE DISTRICT NO. 2
IN THE BOROUGH OF BUENA, COUNTY OF ATLANTIC**

Resolution #2021-015

Determining Eligibility for a LOSAP Benefit Relative to Various Individuals

WHEREAS, the Fire District has previously established a LOSAP program; and,

WHEREAS, an issue has arisen as to whether a Fire Commissioner who is not an active member of the Fire Company in the Fire District may receive a LOSAP benefit; and

WHEREAS, legal counsel for the Fire District advised the Fire District that it was his legal opinion that individual Commissioners who were not active members of the Fire Company would not be entitled to a LOSAP benefit; and,

WHEREAS, the Fire District sought an opinion from the DCA to determine if a different determination would be provided concerning this issue; and,

WHEREAS, the DCA issued an opinion dated July 14, 2021 whereby it advised that the Fire District Commissioners who accrued LOSAP benefits solely through their service as elected Fire District Commissioners and not from any firematic service are not entitled to receive a LOSAP benefit and any proceeds in their LOSAP account; and

WHEREAS, the referenced opinion from the DCA Director is incorporated herein and made a part hereof.

NOW THEREFORE, be it RESOLVED by the Commissioners of Fire District No. 2, in the Borough of Buena, County of Atlantic as follows:

- (1) It is the position of the Fire District that any individual Commissioner who

received a LOSAP benefit and was not an active member of the Fire Company in accruing this benefit is not entitled to any monies accumulated as a result of the program.

- (2) It is the position of the Fire District that this determination would apply to all individuals who served as Commissioner and were not active members in the Fire Company.
- (3) Appropriate actions shall be undertaken by the Fire District to secure reimbursement of any monies inappropriately provided to an individual based on this determination and furthermore to secure from the LOSAP vendor for the Fire District any monies currently on account with the LOSAP vendor for any individual not entitled to the benefit as referenced herein. Specifically based upon the action of counsel for Arnold English in attempting to secure the LOSAP monies from the LOSAP vendor without prior notice to the Fire District the District shall undertake necessary action to have the LOSAP vendor surrender these monies to the Fire District.