

*Apr 06 2023 8:39 am*

February 21, 2023 10:05 a.m.

A public meeting of the Fitchburg Retirement Board was held in the North Meeting Room located on the 3<sup>rd</sup> floor of Fitchburg City Hall at 718 Main Street, Fitchburg, MA 01420.

Fitchburg Retirement Board members present: Calvin D. Brooks (Chair), John Brown, Mary Cringan, Thomas Dateo Jr., and Anna Farrell

Staff present: Tina Schneider, Retirement Administrator and Steffani Santiago, Administrator Assistant

Attendees: Jacquelyn Cronin, Deputy Auditor; State Representative Michael P. Kushmerek and Legislative Aide Rebecca Hess and Susan C. Templeton, District Director to State Senator John J. Cronin

**Personal Time Buybacks:**

Calvin Brooks addressed the attendees and gave a brief overview of the evolution of the *O'Leary v. Lexington Retirement Board, et al.*, case and corresponding order from PERAC instructing Boards to discontinue the acceptance of retirement deductions from vacation buybacks. At the time, the Fitchburg Retirement Board elected to also cease accepting deductions from Personal Time Buybacks as well. Pursuant to recent legislative updates, specifically, Chapter 147 of the Acts of 2022 which added §106 to M.G.L. c.32. Mr. Brooks advised, as a result of the newly added §106 not specifically including personal time buybacks, there had been conversations relative to addressing the matter and that the Board had sought counsel from Attorney Gibson. Attorney Gibson drafted two pieces of legislation a Home Rule Petition and a Petition to Amend M.G.L. c.32, §106.

Thomas Dateo Jr., thanked Representative Kushmerek and Senator Cronin's designee and District Director Susan Templeton for their efforts relative to the work that was done on §106 and for accepting the Board's invite to the meeting. Mr. Dateo Jr., disseminated copies of M.G.L. c.32, §106, the draft Home Rule Petition and the draft Petition to Amend M.G.L. c.32, §106. Mr. Dateo Jr., expressed the Board's desire to create parity between the recognition of personal time buybacks and vacation buybacks, as set out in §106. Mr. Dateo Jr., advised the Board accepted deductions on both vacation and personal time buybacks for thirty years and that the Board was still holding deductions that were taken on personal time buybacks that had been taken prior to January 1, 2019 for members who had not retired prior to November 30, 2018. Mr. Dateo Jr., went on to state that he sat on the negotiation team for the Fire Department for many years and that the City offered additional time (vacation and personal) with the ability to buybacks said time in lieu of monetary pay increases for many years and emphasized how it would benefit the union members upon retirement. Mr. Dateo Jr., acknowledged that the Retirement System accepted deductions on personal and vacation buybacks since the inception of the concept and included said deductions in a member's retirement calculation.

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Mr. Dateo Jr., explained it was the Board's intention to address personal time buybacks for the same individuals who were covered by §106 and requested guidance from Representative Kushmerek and District Director Templeton as to what legislative action they believed would be the most effective route to take to achieve that result.

Representative Kushmerek recommended the Board pursue a Home Rule Petition as he believed it would be the most successful avenue. Representative Kushmerek advised the Board to effectuate a Home Rule Petition at the State House, it is beneficial if the petition received unanimous support from City Council. Representative Kushmerek explained the petition would need to go through the Mayor and City Council for approval prior to reaching the legislature. Representative Kushmerek reminded the Board of how long it took to pass legislation for vacation buybacks and acknowledged the process to receive the same for personal time could be lengthy and that he did not know if there would be opposition once the Petition reached the State House. Representative Kushmerek stated that the Board had his support.

Mr. Dateo Jr., advised he had recently spoken with PERAC Executive Director John Parsons regarding the Board's intentions. Mr. Parsons stated that he sympathized with the members effected and agreed the local option would be the best path to pursue and that he was not opposed to the Home Rule Petition, but wanted to ensure the Petition would be drafted to encompass the requirements set out in §106. Mr. Dateo Jr., advised that he had also spoken with Rich MacKinnon Jr., President of the Professional Fire Fighters of Massachusetts, who was also in favor of the Home Rule Petition and in support of the Board's intentions.

Deputy Auditor Jacquelyn Cronin inquired as to the contrast between "Personal Time" and "Administrative Days" as they were each referenced in the drafted Petition and that no contract granted administrative days or allowed for the buyback of such time. The Board explained Attorney Gibson had included the phrase "Administrative Days" as he was not sure whether or not personal time was defined differently in the City's collective bargaining agreements and did not know what terminology the City used to define leave with pay. Representative Kushmerek suggested the Board and Attorney Gibson review the language and modify accordingly to avoid any ambiguity. Mr. Brooks stated he would contact Attorney Gibson regarding removing "administrative days" from the Home Rule Petition.

The Board strategized as to the best way to present the Home Rule Petition to the Mayor and City Council and what supplemental information should be drafted and provided for educational purposes.

The Board thanked Representative Kushmerek and District Director Susan Templeton for their time and consideration. Representative Kushmerek, Legislative Aide Rebecca Hess and District Director Susan Templeton thanked the Board for inviting them to the meeting and left the meeting at 10:45 a.m.

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**Review and Approval of Warrant and Meeting Minutes:**

The Board reviewed the February 2023 Warrant and the December 20, 2022 Meeting Minutes and the January 24, 2023 Meeting Minutes. On a motion made by Mary Cringan and seconded by Anna Farrell, to approve the February 2023 Warrant, the December 20, 2022 and January 24, 2023 Meeting Minutes. Voted unanimous (5-0).

**Review and Approval of Bank Statement and Accounting:**

The Board reviewed the November 2022 Accounting and December 2022 Bank Statements. On a motion made by Thomas Dateo Jr., and seconded by Anna Farrell to approve and accept the November 2022 Accounting and December 2022 Bank Statements. Voted unanimous (5-0).

**Review and Approval of Retirement Applications and Calculations:**

**Mary DiFrancesco**, Paraprofessional, School Department, Superannuation Retirement Allowance, Option A, effective January 18, 2023. On a motion made by Mary Cringan and seconded by Thomas Dateo Jr., to approve Mary DiFrancesco's Option A. Superannuation Retirement effective January 18, 2023. Voted unanimous (5-0).

**Renee Herold**, Option D Survivor of Martin J. Kukkula, Firefighter, who passed January 31, 2023. On a motion made by Mary Cringan and seconded by Thomas Dateo Jr., to approve Renee Herold's Option D Member Survivor Retirement Allowance effective January 31, 2023. Voted unanimous (5-0).

**Dorothy McNamara**, Public Health Nurse, Board of Health, Superannuation Retirement Allowance, Option A, effective February 3, 2023. On a motion made by Mary Cringan and seconded by Anna Farrell to approve Dorothy McNamara's Option A. Superannuation Retirement effective February 3, 2023. Voted unanimous (5-0).

**Michael O'Hara**, Principal Planner, Community Development & Planning, Superannuation Retirement Allowance, Option C, effective February 3, 2023. On a motion made by Anna Farrell and seconded by Thomas Dateo Jr., to approve Michael O'Hara's Option C. Superannuation Retirement effective February 3, 2023. Voted unanimous (5-0).

**Michael Torres**, Firefighter, Fire Department, Superannuation Retirement Allowance, Option C, effective February 5, 2023. On a motion made by Thomas Dateo Jr., and seconded by Mary Cringan to approve Michael Torres's Option C. Superannuation Retirement effective February 5, 2023. Voted unanimous (5-0).

**William F. MacDonald**, Maintenance, Fitchburg Housing Authority, Superannuation Retirement Allowance, Option C, effective February 17, 2023. On a motion made by Mary Cringan and seconded by Thomas Dateo Jr., to approve William F. MacDonald's Option C. Superannuation Retirement effective February 17, 2023. Voted unanimous (5-0).

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**Notification of Member(s) Passing:**

Alice D. Bujold, Public Library, Option B., Retirement Date: 07/14/1955, DOD: 01/20/2023

Martin J. Kukkula, Firefighter, Active Member, DOD: 01/31/2023

Raymond W. Lashua, FHA, Option B., Retirement Date: 06/07/1985, DOD: 02/11/2023

Raymond G. Stone, Ward Councilor, Option B., Retirement Date: 06/28/1991, DOD: 02/09/2023

**Review and Approval of New Members:**

<u>MEMBER</u>	<u>DEPT.</u>	<u>POSITION</u>	<u>START DATE</u>
Martinez-Ceballo, Ruth	School	Para	12/19/2022
Crowley, Thomas R.	School	Custodian	01/03/2023
Tetreault, Rebecca L.	School	Perm. Building Sub.	01/04/2023
Cartier, Christopher G.	School	Para	01/09/2023
Disessa, Shawn M.	DPW/Streets	LME0	01/23/2023
Delorme, Peter J.	BOH	Weights & Measurers INSP.	01/27/2023
McNiff, Elizabeth M.	City Clerk	Asst. City Clerk	01/30/2023

On a motion made by Thomas Dateo Jr., and seconded by Mary Cringan to admit to membership the new members listed for February 2023. Voted unanimous (5-0).

**Continuation of discussions regarding implementation of Sec.147 of the Acts of 2022 (c.32, §106) ~ Vacation Buybacks:**

Calvin Brooks advised the Board that he had emailed the "Newly Revised Vacation Buybacks Guidelines" to Attorney Gibson after their Special Meeting on February 14, 2023 and he was awaiting a response.

Mr. Dateo Jr., inquired as to whether there should be language in the guidelines defining "continuous" as he felt there should be requirements specifically set out to avoid eligible members only buying back in the last few years of their careers to avoid spiking and not continuously throughout their career. The Board discussed the matter and stated the statute was broad to grant retirement boards the ability to interpret "continuous" participation and as such, the Board referred back to the requirements delineated in §106 specifically, eligibility is contingent on vacation buybacks not occurring only in the final three years of employment for pre April 2, 2012 members and in the final five years of employment for post April 2, 2012 members, or as a result of providing retirement notice.

**New Business**

None.

On a motion made by Mary Cringan and seconded by Anna Farrell, to adjourn the February 21, 2023 meeting of the Fitchburg Contributory Retirement Board. Voted unanimous (5-0).

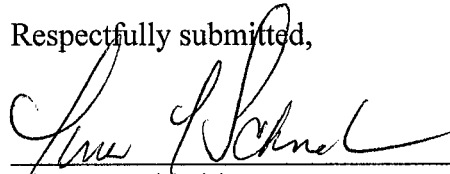
The next public meeting of the Fitchburg Contributory Retirement System is scheduled for March 28, 2023 at 10:00 a.m.

Meeting Adjourned 11:32 a.m.

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The following payment was approved for the February 2023 warrant:	\$1,887,589.05
Applications for withdrawal of accumulated deductions were:	\$38,814.85
Transfers to other systems were:	\$11,287.21
Management fees for January 2023 were: PRIT Core Fund	\$31,009.02
Management fees for February 2023 were: PRIT Core Fund	\$33,992.57

Respectfully submitted,



Tina M. Schneider  
Board Administrator

The Retirement Board attest to the accuracy of the minutes.

