

MINUTES
BOARD OF SELECTMEN
FRIDAY, MARCH 23, 2007
SPECIAL JOINT SESSION
TOWN CLERK'S CONFERENCE ROOM, TOWN HALL
9:00 AM

A special meeting of the Board was called to order in open session at 9:05 AM in the Town Clerk's Conference Room of the Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present. The Board met in joint session with the Retirement Board.

The Boards discussed a proposed piece of legislation to allow police Lieutenant Rielly to buy back his years of military service to be credited toward his retirement. Lieutenant Rielly previously had the opportunity to do this in the late 1990s and declined, so a special law would be needed to allow it now. Lt. Rielly is requesting the Selectmen to place an Article on the Town Meeting Warrant to support the legislation.

Tom Gibson said that a number of veterans chose not to spend their money to pursue this option because their expected career path would take them to a retirement benefit level that would make the missing years irrelevant. Lt. Rielly claims he was never given sufficient notice of the requirement to make this decision at the time, but the Retirement Board maintains that such notice was given. In 2003, Lt. Rielly asked to apply for this benefit when the state changed the statute governing the benefit, although the changes did not affect his eligibility. The Contributory Retirement Appeal Board has rejected Lt. Rielly's appeal. Lt. Rielly has asked for a judicial review of this decision by the Superior Court. The Retirement Board's counsel believes it is highly unlikely that Lt. Rielly will win this appeal. Lt. Rielly has 30.5 years of service and would need the extra time to receive the maximum benefit (80%), or would need to work another year. He could buy back only the amount of service time he needs to reach this level and would not have to buy back his full duration of military service.

Mr. Gibson said there are situations where a person is denied a benefit because of the way the statute is written, and sometimes the Legislature will pass a law to approve such a benefit when there is a strong moral argument to do so. However, in those cases the appeals process has usually been exhausted, which is not the case here.

Senator Tolman has filed a bill on Lt. Rielly's behalf. However, a Town Meeting vote would be required.

Marion Cote said the cost of this to the Town if Lt. Rielly is successful is estimated at \$39,000 over the course of his lifetime, not counting the buyback contribution of \$1,208 per year of service. There is no interest payment required.

Selectman Brownsberger suggested that the Selectmen not make any decision on the matter at this meeting, since although it is a publicly posted meeting, Lt. Rielly was not directly notified that it was taking place. The Board agreed to offer Lt. Rielly the opportunity to state his views on the matter.

The Retirement Board noted that Lt. Rielly believes the Board is acting based on personal considerations, which is not the case.

The Selectmen thanked the Retirement Board for the information and answering their questions regarding the matter.

It was noted that the Selectmen could offer an early retirement incentive to an employee, but that would not change the employee's pension benefits.

The Retirement Board concluded their meeting.

The Board moved: To enter into executive session to discuss negotiations with non-union personnel and not to return to open session.

Motion carried unanimously (3-0).

The Board entered executive session at 9:55 AM.

(During executive session, one substantive motion was made and passed unanimously. The Board adjourned at 10:02 AM.)

Thomas G. Younger, Town Administrator