

FRANKLIN REGIONAL RETIREMENT SYSTEM
BOARD SPECIAL MEETING
May 12, 2009

A meeting of the Franklin Regional Retirement Board duly posted to be held in the Planning Department Conference Room, on the first floor of 278 Main Street, Greenfield, MA. on the above date was called to order at 8:30 AM by Board Chair, Sandra Hanks with Board members Herbert Sanderson, David Gendron, Mary Stokarski and Paul Mokrzecki present. Also present were Executive Director Dale Kowacki, Assistant Director Susan Bobe, Attorney Michael Sacco, legal counsel to the board; Ricky Sumner, applicant, James Dolan, Attorney for the applicant.

Prior to and during the meeting, the following items were available for the Board's review: member files related to items on the agenda.

The Chair of the Board stated that this meeting is an evidentiary hearing on the Accidental Disability Retirement application of Ricky Sumner and asked Mr. Sumner and his Attorney, James Dolan if they wished the meeting be in Executive Session to which they answered in the affirmative.

At 8:31 AM:

On a motion by P. Mokrzecki and a second by M. Stokarski, the Board voted by roll call vote to move into Executive Session: Mokrzecki – aye, Stokarski – aye, Sanderson – aye, Gendron – aye, Hanks – aye.

In executive session:

The board had previously voted at the March 31, 2009 regular board meeting to accept and submit the Accidental Disability Application of Ricky Sumner to PERAC for a medical panel review.

At 9:45 AM:

On a motion by M. Stokarski and a second by D. Gendron, the Board voted by roll call vote to come out of Executive Session: Mokrzecki – aye, Stokarski – aye, Sanderson – aye, Gendron – aye, Hanks – aye.

Other Topics

\$200 Annual Salary Minimum for Membership – With Attorney Sacco available and present, Dale and Susan discussed with the board the circumstances that caused a change in approach in dealing with the status of people in the system who have various amounts of years in which they had earned less than the \$200 minimum annual salary requirement of M.G.L. 32 §3(2)(d). Originally it was believed that although the July 1, 1991 board regulations did not include reference to the \$200 limit, membership was still limited, and the status of effected members could be reassessed. However, prompted by the resolution of the “Rotundi” court case, staff discussed in more depth with Attorney Sacco the

steps to reassess the membership status of people in this class and concluded that any action to revoke or restrict membership was precluded by the July 1, 1991 regulation because it appears to eliminate the need for any affirmative Board vote to permit an individual earning less than \$200 to be a member. The \$200 limit was reaffirmed by a vote of the Board on May 28, 2008.

Pension Reform Legislation (pending) – A brief conversation with Attorney Sacco on the various proposals by the legislature on reforming the pension system. Particular note made of the proposal to change the retirement calculation when someone retires from dual, concurrent positions in two systems, and mention made of the proposal to give no creditable service when annual salary is less than \$5,000.

Creditable Service for Call Firefighters – A recent (and strong) opinion from PERAC changes our practice of giving no creditable service to call firefighters. Up to this point, staff followed previous legal opinion that indicated call firefighters were not eligible for creditable service. Now, with PERAC expressing that we should give prorated service, and Attorney Sacco believing it to be incongruous to make them members but not give them creditable service, we are compelled to change policy

Adjournment

On a motion made by P. Mokrzecki, and a second by M. Stokarski, the Board unanimously voted to adjourn the meeting at 10:20 a.m.

Respectfully submitted,

Dale C. Kowacki, Executive Director

These minutes were approved on May 27, 2009 and released on April 20, 2010

Sandra A. Hanks, Chair

Herbert L. Sanderson Jr., Vice-Chair

David R. Gendron, Board Member

Mary A. Stokarski, Board Member

Paul J. Mokrzecki, Board Member