

Wording for Special Legislation – Age 65, Group 4

To the Reader of this:

The following examples generally present the idea that it would be a town that would seek the legislation for an individual, but I wonder a few things about that – could an individual on their own seek the legislation; could the legislation/act be more general in that it covers employment anywhere in Massachusetts with any city or town in any public safety position thus making the individual readily available to work in whatever town that wanted their services? I don't have the answers but if one of you get the answers let me know and I'll be sure to add to and/or edit this information. Thanks, Dale

Hi Dale,

Hope all is well. Thank you for sharing the information on mandatory retirement age. You're absolutely right that small communities are becoming increasingly burdened with call force personnel reaching retirement age. I thought I'd share with you the warrant article recently voted by Sunderland Town Meeting. Steve Kulik will be filing, or has already filed the special legislation. I understand a few other small towns in the area may be seeking special legislation for their call force personnel, so if any towns contact you, feel free to share the town meeting language or refer them to Sunderland for more information.

Margaret

ARTICLE 6: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to allow <insert name>, a Town of <insert town> call firefighter, notwithstanding the provisions of any general or special law to the contrary, to serve in such position until the age of 70, or until the date of his retirement or non-reappointment, whichever occurs first; provided, however that no deductions from the regular compensation of <insert name> shall be made under chapter 32 of the General Laws subsequent to his reaching the age of 65 in connection with his service to the Town for retirement or pension purposes; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any vote or votes in relation thereto.

Majority Vote -Mass. Constitution, Amend. Art. 2, §8

SUBMITTED BY: Fire Chief

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

AN ACT AUTHORIZING THE TOWN OF <town 1> AND THE TOWN OF <town 2> TO CONTINUE THE EMPLOYMENT OF <PERSON'S NAME>

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, <person's name>, fire chief of the town of <town 1>, may continue to serve in such position until September 30, 2028, until the date of his retirement or until the date he is relieved of his duties by the board of fire engineers, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The town may, at its own expense, require that <person's name> be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of <person's name> pursuant to chapter 32 of the General Laws for service subsequent to his reaching the age of 65 and, upon retirement, he shall receive a superannuation retirement allowance equal to the allowance to which he would have been entitled had he retired upon reaching the age of 65.

SECTION 2. Notwithstanding any general or special law to the contrary, <person's name>, fire chief of the town of <town 2>, may continue to serve in such position until he reaches 70 years of age, until the date of his retirement or until his non-reappointment, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. The town may, at its own expense, require that <person's name> be examined by an impartial physician designated by them to determine such capability. No further deductions shall be made from the regular compensation of <person's name> pursuant to chapter 32 of the General Laws for service subsequent to his reaching the age of 65 and, upon retirement, he shall receive a superannuation retirement allowance equal to the allowance that he would have been entitled to had he retired upon reaching the age of 65.

SECTION 3. This act shall take effect upon its passage.

Approved, September 29, 2023.

AN ACT AUTHORIZING THE TOWN OF <TOWN> TO CONTINUE THE EMPLOYMENT OF <PERSON'S NAME>

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, <person's name>, the fire chief of the town of <town>, may continue to serve in such position until August 13, 2024, until the date of his retirement or until his non-reappointment, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of the office; provided further, that the town shall, at its own expense, require that <person's name> be examined by an impartial physician designated by the town to determine such capability; and provided further, that no deductions from the regular compensation of <person's name> shall be made pursuant to chapter 32 of the General Laws for retirement or pension purposes.

SECTION 2. This act shall take effect upon its passage.

Approved, November 20, 2023.