

**COMMITTEE ON LIAISON  
MONDAY, SEPTEMBER 27, 2021, at 6:03 p.m.  
CITY COUNCIL CHAMBER  
WOBURN CITY HALL**

Voting Members present: President Edward Tedesco, Alderman Michael Concannon, Alderman Darlene Mercer-Bruen, Alderman Joseph Demers, Alderman Joanne Campbell, Alderman Jeffrey Dillon, Alderman Richard Gately, Alderman Michael Lannan, and Alderman Robert Ferullo

Also present: Denis Devine, Chairman, Woburn Retirement Board; Anne Speicher, Executive Director, Woburn Retirement Board

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**Reading of previous meeting minutes:** Motion made by Alderman Demers and seconded by Alderman Campbell to approve the minutes of the meeting of June 7, 2021; all in favor, 9-0.

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**Citizens Participation request from Richard English, Local 971, to discuss firefighter retirement benefits** – Representing the petitioners were Firefighter Richard English and Firefighter Robert Fleming, of the Woburn Fire Dept. Motion made by Alderman Mercer-Bruen and seconded by Alderman Campbell to accept a communication from Executive Director Speicher dated Sept. 27, 2021 and entitled “Firefighters Local 971 – Reserve Benefits;” approved, 9-0. Alderman Concannon said he has two relatives who are members of the Woburn Fire Dept. He said his brother-in-law is a firefighter and his son is on the reserve firefighter list. He said he sought guidance from the state Ethics Commission and was advised he can participate in tonight’s meeting as long as he discloses his familial ties to the WFD. He said he has filed a disclosure form with the City Clerk’s office. Firefighter Fleming said there are 38 Woburn firefighters who have been impacted by a decision in February 2020 by the Public Employee Retirement Administration Commission (Perac) in regard to creditable service time that was only granted if actual earnings were received, going back to 2009. He said he is sure the members of the committee have had time to look at the package that Firefighter English submitted along with his Citizens Participation request. He said Local 971 spent a lot of time putting that paperwork together. He said Perac’s interpretation of a Supreme Judicial Court ruling regarding creditable service time for reserve firefighters is unfair and not the compensation that was agreed to. He said Local 971 is trying to figure out the best way to combat the Perac interpretation. He said it is a matter of fairness to the firefighters. He said the firefighters went to the Retirement Board and sought guidance from Perac, which advised the union to undertake an effort to pass a home rule petition, which requires approval from the City Council, the Mayor, and the state Legislature. He said this effort started months ago, maybe more than a year. He said the firefighters are asking for support from the council. Alderman Mercer-Bruen said she would like the Readers’ Digest version of events. She asked if the reserves had an agreement for creditable service time that was changed in 2020. Firefighter Fleming said Perac decided to back date the creditable service timeline to 2009. He said Perac indicated there is room for the city to address the discrepancy. He said there are only one or two towns that fall under the same category as Woburn. He said

creditable service time in 99 percent of the communities in the state is accurate and fair. Alderman Mercer-Bruen asked if the creditable service time impacts only employees who earn less than \$5,000 per year. Firefighter Fleming said reserves are required to contribute 11 percent of a \$5,000 base in order to accrue creditable service time. He said the city of Woburn maintains a list of reserve firefighters who never work. He said Woburn is one of the few communities in the state under this scenario. Alderman Mercer-Bruen asked if there was ever any explanation why reserve firefighters do not work. Firefighter Fleming said no reserve firefighter has worked in 50 years, but the city still maintains a list. Alderman Mercer-Bruen asked why. Firefighter Fleming said the list can be manipulated to circumvent hiring of veterans. He said before then the list was used to circumvent hiring minorities. Alderman Mercer-Bruen said she is thinking about this from the taxpayers' perspective. She said if the city maintains a reserve list and no one has worked in 50 years, she said wonders how much it costs. Firefighter Fleming said it will cost the taxpayers nothing because the reserve firefighters do not get paid nor are they eligible for health care benefits. Alderman Mercer-Bruen said she has to explain this to the people she represents and she needs to understand what is happening. Firefighter Fleming said it is important for the taxpayers to understand that what the union is asking for is not going to cost them anything. He said allowing reserve firefighters to accrue creditable service time will actually be more cost effective because once firefighters are added to the full-time work force, they will be retiring sooner. Alderman Ferullo said if a prospective firefighter is on Woburn's reserve list, he is ineligible to be on a hiring list in any other community. He said unlike the police department, which uses reserve officers as a force multiplier, reserve firefighters are sitting in the bullpen. Alderman Lannan asked if the reserve firefighters are not getting what that were promised when they were hired. Firefighter Fleming answered affirmatively. Alderman Concannon said his interpretation is the SJC made a decision that was interpreted by Perac in such a way that impacts the Woburn Fire Department, because there is a unique situation. Firefighter Fleming said correspondence was provided to the committee indicating Perac is not going to open the gates for Woburn. Alderman Concannon asked if Perac suggested an option of a home rule petition for the city to opt out. Firefighter Fleming answered affirmatively. Alderman Concannon said a home rule petition would also add a couple of layers. Firefighter Fleming said the union is not asking for anything other than what was previously agreed to. He said the only question is what will happen with people on the reserve list going forward. Alderman Gately said Woburn used to have a volunteer component to its fire department and asked if that still exists. Firefighter English said Woburn used to have an auxiliary fire department. Firefighter Fleming said the auxiliary department was not a Civil Service entity. He said there was an individual who tried to use his volunteer time toward retirement but the SJC ruled he could not. He said there are a number of towns that use volunteer fire departments, mostly in the more rural parts of the state, and there are possibly thousands of volunteer firefighters. He said the SJC ruled the volunteer firefighters work under separate circumstances. He said auxiliary firefighters will not be eligible for the creditable service time the union is seeking. Alderman Gately said there is a line item of \$36,000-\$38,000 in the annual city budget for a secretary and asked if that is a reserve position. Firefighter Fleming said it is not because reserves do not make any money. Alderman Gately said the secretarial position might be gone by now. He said he thinks a change has to be made to allow the reserves firefighters to accrue creditable serviced time. He said he does not like the way the change was made. He said the reserve firefighters should be given what they lost. Firefighter English said the firefighters were promised they could accrue up to five years of creditable service time while they were reserves.

Alderman Gately said the reserve firefighters should get this benefit. He said to him, it's black and white. Firefighter Fleming said the path of least resistance is to do a home rule petition. He said the other way is through litigation. He said he thinks everyone can agree this dispute is going to end in the firefighters' favor. Alderman Gately said he does not understand why the creditable service benefit is being taken away. Firefighter English said the union is only asking the council to support a fix for what was wronged. He said if the benefit is not reinstated, firefighters will have to work longer, and it puts a lot of pressure on them. He said it's not a pretty sight when a benefit is taken away. Alderman Gately said it seems like the reserve firefighters are being penalized. Alderman Mercer-Bruen said this sounds like a terribly familiar decision that was made that people have no control over. She said she has to see the numbers. She said there will be a cost. She said she needs to see what the cost is. President Tedesco said there are representatives from the Retirement Board here tonight. Alderman Ferullo asked if there is a seniority component on the reserve list. Firefighter English said there is not. Alderman Lannan said it is his understanding there were approximately 35 firefighters who had creditable service time taken away because of the SJC's ruling and Perac's interpretation. Firefighter English said that is correct. Alderman Campbell said a commitment was made to the reserve firefighters and she finds it appalling that a benefit like this can be taken away. She said it seems like this may be an unintended loophole. She said she thinks this is something that should be rectified. She said the council has to support the city's firefighters and police. She said this does not seem right or fair. She said she would be in favor of a home rule petition. She said she wants to find out what is costs. Firefighter Fleming said there will be zero costs. Alderman Demers said the reserve firefighters have to make a commitment not to go anywhere else, and that is an important component to them. He said he shares the same sentiment as Alderman Concannon. He said the city has to be accurate with the language in the home rule petition. He said he thinks the petition needs to be as specific as it can be so there are no new interpretations. He said he does not want 50 other cities and towns to do this. He said it is Woburn deciding to make sure Woburn takes care of its own people. He agreed the council should look at the numbers, but he is pretty much there. He said he thinks there will be a consensus. He said he appreciates the firefighters educating him. Firefighter Fleming said the home rule petition should clearly define what creditable service is. Alderman Dillon said this issue really is something that needs to be looked at. He said he is hoping to get something that's agreeable. He said when he out campaigning he is hearing that the city needs to support its police and fire departments. Alderman Mercer-Bruen asked if this change impacted a total of 38 reservists. She asked if their creditable service is resorted, will they then follow the rules set forth by the SJC. Firefighter Fleming said the union has left that up to the city to decide what it wants to do. He said the second step of the process is how the city will recognize creditable service going forward. He said he doesn't think this will affect anyone from February 2020 going forward. Alderman Mercer-Bruen asked if there are 38 people involved. Firefighter Fleming said 38 people lost creditable service because of the change. He said everyone on the reserve list is in limbo. Alderman Mercer-Bruen said hopefully the city can figure something out. She said she supports this. She said this issue came out of nowhere. She said the council has to understand the numbers. She said it sounds like there is little impact, if any, financially. Firefighter Fleming said there is no additional payment needed. He said the SJC did not decide to make the change; it was Perac's interpretation of the court's ruling. Alderman Mercer-Bruen said she would like to arrange another public meeting. President Tedesco said the next step is to ask the City Solicitor to draft a home rule petition. Alderman Ferullo said there also has to be consideration of part-

time employees. He said that when the SJC made its ruling, it did not understand the distinction of part-time employees. Alderman Mercer-Bruen said these things needs to be clarified in the home rule petition. Alderman Ferullo said when the decision was written, there was no understanding of the distinction between auxiliary and reserve employees. He said auxiliary does not exist in the Civil Service world. He said this type of confusion is common. Firefighter Fleming said the SJC identified the difference but Perac lumped them all together to make it black and white. Alderman Concannon said it appears Perac misapplied what it thought the SJC was ruling. He said the council may have options to restore the reserves' creditable service time and asked what the smoothest path would be. He said he agrees with the fairness argument and that the rules should be respected. He said the next question is what the city should do for reserves from 2020 on. He said the request for a home rule petition has five distinct components, with the first being grandfathering reserve time. He said the second and fourth components are how military service should be considered. He said components three and five address new reserves. Firefighter Fleming said the way the union looks at it, if this benefit is not restored, there is no reason for anyone to be placed on the reserve list in Woburn. Retirement Board Chairman Devine said he was a 34-year member of the Woburn Fire Dept. who retired in 2008. He said the packet distributed by Executive Director Speicher indicates how this situation all came about. He said he believes Perac arbitrarily decided to backdate the SJC's decision to 2009. Executive Director Speicher said this has been going on since 2009. She said the parameters have been changed a couple of times. She said she is just enforcing the rules. She said all she can do is what Perac is saying. She said the 38 employees who were impacted by the change have a total of 87 years of service, and the average is between 2-2.5 years. Alderman Concannon asked if the city sends something to the State House that allows firefighters the option to buy back those years of service, is that doable. Executive Director Speicher said it is doable. She said there is also an interest component at a rate of 3.75 percent. She said if an employee buys back years of service at \$550 per year after 15 years, there will be interest accrued. Alderman Concannon asked if the city can tell the employees that up front. Executive Director Speicher answered affirmatively. Alderman Concannon asked if the Retirement Board is telling the council that Perac misapplied the statute. Chairman Devine said Perac erred in the date that was used. Alderman Campbell asked if Perac gave any explanation why 2009 was chosen. She said it is amazing to her Perac reached back 12 years. Motion made by Alderman Demers and seconded by Alderman Dillon to send a communication to the City Solicitor asking her to draft a home rule petition that will allow reserve firefighters to accrue service time in a manner consistent with the five recommendations from Local 971 in the Citizens Participation request submitted by Firefighter English; approved 9-0. Motion made by alderman Mercer-Bruen and seconded by Alderman Demers to send a communication to Mayor Scott Galvin advising him the committee has asked City Solicitor Ellen Callahan Doucette to draft a home rule petition; approved, 9-0.

**Motion made by Alderman Demers and seconded by Alderman Mercer-Bruen to adjourn;** approved, 9-0. President Tedesco adjourned the meeting at 7:16 p.m.

Attest: \_\_\_\_\_  
Gordon Vincent  
Clerk of Committees

