



To: Town Council

Fr: Paul Bockelman
Town Manager

Dt: December 15, 2021

Re: Town Council Support for Special Legislation:
Continuation of Walter (Tim) Nelson as Fire Chief

Summary:

Under State law, firefighters are required to retire upon reaching the age of 65. Special Legislation is required to allow an individual to work beyond that age.

I desire to continue having Tim Nelson serve as the Town's Fire Chief. And Chief Nelson would like to continue in this role after his 65th birthday in April.

Special State legislation is required to permit this. I am requesting the Town Council's support for this Special Legislation.

Motion:

MOVED: To support the passage of Special Legislation that would enable Fire Chief Walter (Tim) Nelson to continue his employment with the Town of Amherst as Fire Chief beyond his 65th birthday.

Explanation:

Massachusetts law sets age 65 as the mandatory retirement age for police officers and firefighters in every city and town in the Commonwealth. However, exemptions are available through legislative means. The exemption allows a firefighter to receive a salary, but additional pension benefits are not increased for any years after 65.

I want to have Tim Nelson continue as the Town's Fire Chief beyond his 65th birthday which occurs in April. And Tim would like to continue in this role after his 65th birthday.

This is permissible – and, actually, not unusual – if the State Legislature passes Special Legislation which is then signed by the Governor.

I am working with the Town Attorney and Senator Comerford and Representative Domb and their staffs to prepare the language for the Special Legislation. The Special Legislation would likely be titled “An Act Authorizing the Town of Amherst to Continue the Employment of Walter (Tim) Nelson a member of the Fire Department of the Town of Amherst”.

The Special Legislation would stipulate that Chief Nelson’s employment would continue until the date of retirement, or his non-reappointment or termination, whichever occurs first, provided that he is mentally and physically capable of performing the duties of his office. The Town, at its own expense, may require that Chief Nelson be examined by an impartial physician designated by the Town Manager to determine such capability.

There are a handful of bills like this filed by State Legislators each year. In fact, Senator Comerford filed a similar bill this session with Representative Blais for the Town of Whately. Most are dealt with in informal session and they’re filed on an as-needed basis. Looking back through the Town’s records and our collective memory of about four decades, no one has found nor recalls that the Town has ever filed similar legislation for another employee.