



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke – Director of Administrative Services

BOARD OF SELECTMEN

Personnel Sub-Committee

Wagner Room – Simsbury Library – 75 Hopmeadow Street, Simsbury

Special Meeting – May 26, 2016 – 6:00 p.m.

Minutes

(Completed by Chair Chris Kelly)

1. Call to Order

The meeting was called to order at 6:00 PM. Sub-Committee Chair Chris Kelly and member Cheryl Cook were present. Also attending was Thomas Cooke, Director of Administrative Services; Sean Kimball, Interim Director of Finance; and Lisa Karim, Director of Simsbury Public Library

2. Pledge of Allegiance

3. Public Audience

No comments were made in public audience

4. Review of Updated Circulation Assistant Job Description

Lisa Karim reviewed an updated Circulation Assistant Job Description. Some key points:

- The previous job description was from August 11, 1997
- Most updates were to reflect modern technology and current services
- The role reports to the same person – Head of Circulation services
- The grade remains the same
- The description had been reviewed with the appropriate collective bargaining unit president and the current version reflects her input and approval

A motion was made by Cheryl Cook and seconded by Chris Kelly to approve the revised description. The motion passed unanimously.

5. Hearing on Claim of Hiram Peck for Retroactive Pension Benefits

Present for the hearing were Sub-Committee Chair Chris Kelly and member Cheryl Cook. Town staff present included Thomas Cooke, Director of Administrative Services and Sean Kimball, Interim Director of Finance. Also present were Hiram Peck and his attorney Eric Brown of Law Office of Eric Brown. Simsbury's Retirement Plan Counsel, Attorney John Galiette of Reid and Riege, P.C., was also present.

Hearing Background

Mr. Peck was eligible to receive pension payments commencing on September 1, 2015. He and Sean Kimball had been involved in discussions, education, and administrative processing dating from July 24, 2015 to February 23 2016. In February, 2016 Mr. Peck submitted his formal pension application. Under the provision of the plan (Section 13.1) a participant must file an application prior to the date on which the benefit begins. The plan provides no provisions for retroactively starting benefits prior to the application date. At the point that Mr. Peck's application was received, under the provisions of the plan the first date he could receive payment of his benefit was March 1, 2016. Upon discovering this, Mr Peck requested that his benefits be retroactive to September 1, 2015. This request was denied as there is no provision for such in the plan.

Hearing Testimony Questions – Key Points

1) Sean Kimball reviewed the history of emails and meetings with Mr. Peck. He assumed Mr. Peck was aware of this plan provision, and that Mr. Peck was delaying submission of his application due to reviewing the information with his financial planning team. When asked by Mr. Peck to initiate benefits retroactive to September 1, 2015; Mr Kimball requested input from the town's Pension Attorney; Attorney Galiette. Based upon the confirmation that the pension plan does not allow for benefits retroactive to a date prior to the date of the application, the request was denied.

2) Mr. Peck and his attorney, Mr. Brown, stated that due to the length of time in which a number of issues were open-ended (pension estimate, decision on retroactive salary increase, etc.), and the nature of the wording of conversations between Mr. Peck and town staff; and the fact that no documentation or interaction highlighted for Mr. Peck that he had to apply before September 1, 2015 to receive benefits; it was natural for him to assume that he was following a process consistent with accessing the full benefits of the Pension Plan.

3) Members Chris Kelly and Cheryl Cook asked Attorney Galiette confirming his interpretation of the pension plan; which confirmed that the plan provided no mechanism for retroactive benefits. If extenuating circumstances, as deemed by the Sub Committee, warranted any degree of retroactive benefits, these would be funded outside of the plan.

4) Members Chris Kelly and Cheryl Cook asked questions of parties to seek further understanding.

6. Executive Session to Review Pending Claim

Members Chris Kelly and Cheryl Cook adjourned to Executive Session at 6:58 p.m. Mr. Cooke was called into the Executive Session at 7:15 p.m. to address procedural questions.

Mr. Cooke left Executive Session at 7:17. Members Chris Kelly and Cheryl Cook left Executive Session at 7:18 p.m.

7. Action on Claim for Retroactive Pension Benefits

A motion was made by Chris Kelly to provide Mr. Peck with a pension benefit retroactive to December 1, 2015. This motion was seconded by Cheryl Cook. The motion was unanimously approved.

8. Adjourn

A motion was made by Cheryl Cook to adjourn the meeting and seconded by Chris Kelly. The motion passed unanimously. The meeting adjourned at 7:23 PM.