



DANBURY FIRE PENSION BOARD
19 New Street
Danbury, Connecticut 06810
(203) 796-1550

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June 25 2021

Special Meeting Minutes

The special meeting of the Firemen's Pension Board came to order on June 24th 2021 @ 2:04 PM via Zoom Conference Meeting ID 859 2219 1282. In attendance was Mayor Joe Cavo, David St.Hilaire, Warren Levy, Jeff Tomchik, Sean McGee, Gabe Rivera and Dianne Rosemark from Council.

Chairman Rivera read off the letter from Assistant Corporation Council Dianne Rosemark and the attached letter from the Mayor with his request to have Acting Assistant Chief Williams retired pursuant to the the Ordinance Sec. 32-70 (Mandatory retirement for Age). Motion made by David St.Hilaire and seconded by Warren Levy to accept the letter.

Under discussion - Jeff Tomchik requested why the City and Mayor are taking action on this now at this time and with this pensioner. Mayor Cavo answered with after discussion with council and human resource personnel they felt it was time for the city to uphold the ordinance and referenced the ordinance that it is clear. Dianne Rosemark also added that the city is recommitting to the ordinance as it is the law and needs to be followed. Jeff Tomchik added that the Pension board present and past has been acting under an interpretation that has been set from previous pensioners who have submitted application for retirement with disabilities prior to reaching age 65 and have been considered a protected class during that process and the city has not forced the mandatory age retirement on them. This process was just completed with the same action taken by the pensioner just days before attaining the age of 65 and the city did not act then. Warren Levy referenced the language in the ordinance where it states "shall be"



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and that does not allow for any leeway of the language or interpretation. Mayor Cavo answered that he was not the Mayor last June but he is now and he is now aware of the ordinance and will enforce it and wants to make sure the city and pension board are aware of it. He also restated that Assistant Chief Williams still will have to complete the process of his disability request and if the pension board grants him that pension it will be retroactive to the 21st of June 2021. David St Hilaire spoke to the pension process and that it is a time consuming endeavor and echoed the Mayor's statement about completing the IME process and if granted pension will be adjusted. Sean McGee spoke to the timing of this action and the way it is being enforced. He feels that moving forward and enacting this for future pension requests but not for this current pensioner. Mayor Cavo referenced that the pension process can hold up promotions where someone is going through the process and would not allow for movement until they are pensioned off.

Chairman Rivera read a letter submitted by Assistant Chief Williams in regard to the Mayor's letter to him. Chairman Rivera stated that this current practice of allowing a pensioner who submitted application for pension prior to attaining age 65 was allowed. During research of other pension requests like this the ordinance was never enforced. Past chairman of the pension board have brought this specific issue up to council and was advised that the pensioner who has already submitted application for pension is in the process. He also stated for the record that to his knowledge that no member of the Fire Department who has reached the age of 65 has been employed by the fire department and if they were past that age they were in the pension process.

Mayor Cavo made the motion to have Assistant Chief Williams retired on 32-70 (Mandatory retirement for Age) effective June 21 2021 and if his current application process is granted by the pension board it will be retro active to the 21st of June 2021 as stated in his letter to Assistant Chief Williams. Seconded by



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David St.Hiliare. Under discussion all members echoed previous statements made.

Motion was called to a vote, 3 YES and 3 NO. Motion was denied.

Adjournment was at 2:56pm.

A handwritten signature in blue ink, appearing to read "Gabriel Rivera".

Gabriel Rivera

Chairman, Firemen's Pension Board