

HOUSE No. 5207

The Commonwealth of Massachusetts



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GOVERNOR

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LIEUTENANT GOVERNOR

December 18, 2020

To the Honorable Senate and House of Representatives,

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as appearing in Article LXXXIX of said Amendments, I am filing for your consideration the attached legislation entitled “An Act Authorizing The Town of Berlin to Continue the Employment of Paul Kenneth Clark.”

I am filing this special legislation at the request of the Select Board for the Town of Berlin.

The legislation will permit the Town to extend the term of employment for its Fire Chief until he reaches age 70, which is 5 years past the otherwise mandatory age of retirement. The Town had planned to pursue this change by a home rule petition, but they were unable to hold a planned special Town Meeting in December to authorize the petition due to the COVID-19 pandemic. Timing considerations require that the Town resolve this matter before the date of its annual Town Meeting in the Spring.

I urge your prompt consideration of this bill.

Respectfully submitted

Charles D. Baker,
Governor

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act authorizing the town of Berlin to continue the employment of Paul Kenneth Clark.

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

1 SECTION 1. Notwithstanding any general or special law to the contrary, Paul Kenneth
2 Clark, Fire and Emergency Medical Services Chief of the town of Berlin, may continue to serve
3 in such position until May 5, 2026, the date of his retirement, or the date on which he is relieved
4 of his duties by the Berlin Select Board, whichever occurs first; provided, however, that he is
5 mentally and physically capable of performing the duties of such position. The Select Board
6 may, at the expense of Paul Kenneth Clark, require him to be examined by an impartial physician
7 designated by the Select Board to determine such capability. No further deductions shall be
8 made from the regular compensation of Paul Kenneth Clark under chapter 32 of the General
9 Laws for any service performed subsequent to reaching age 65 and upon retirement Paul
10 Kenneth Clark shall receive a superannuation retirement allowance equal to that to which he
11 would have been entitled had he retired upon reaching age 65.

12 SECTION 2. This Act shall take effect upon its passage.