

## 2 moderators use obscure law to pad pensions *The Boston Globe*

### Milton, Canton pair drew on political connections

By Sean P. Murphy, Globe Staff | March 10, 2009

Robert K. Lamere was an esteemed figure as Milton's volunteer town moderator, the steady hand on the gavel at the annual Town Meeting. One town to the south, Michael P. Curran also bore the moderator's title, leading the familiar rite of small-town government in Canton.

But these local figures came to differ from virtually every other town moderator in the state. Using their political connections, they successfully lobbied the Legislature in 2002 to win lucrative pension enhancements for the brief stints they served at the podium - which typically amounted to 10 hours a year.

The little-known Beacon Hill legislation allowed both men to cobble service credits from their volunteer duties for their towns onto pension credit for other public-sector jobs, giving them enough service time to collect greatly enhanced pensions.

The law could benefit any town moderator with the right employment history, but interviews over several weeks failed to turn up any other unpaid moderators who have taken advantage of it.

Lamere today has a pension of about \$63,000 annually, based on the 22 years he presided over Milton Town Meeting in the 1960s and 1970s combined with the 10 years he worked as a Big Dig lawyer. For his 10 years as moderator in Canton in the 1970s and 1980s and the 12 years he worked as the Canton town counsel, Curran now collects about \$46,500 a year in pension benefits.

The enhancements were sizable, with Lamere gaining an extra \$43,000 a year and Curran earning an extra \$16,500.

Their cases illustrate the Legislature's frequent willingness to reward the politically connected with lucrative public pensions, in votes that typically receive scant public attention. Lawmakers have passed bills to allow library trustees, for example, to win pensions, as well as authorized certain disability pensions for firefighters and police officer without requiring any medical reviews.

The moderator cases also raise questions about why the Legislature would approve tens of thousands of dollars in taxpayer-supported pensions for a few local officials who put modest amounts of time into public service while many other town volunteers - some donating hundreds of hours - go without.

Lamere, who began collecting his pension in 2004, said he served Milton well and paid his dues. When he told Town Meeting members in 1982 that he would no longer be a candidate for reelection, the

members responded with a standing ovation.

"I did a hell of a good job for the town," said the 83-year-old Lamere, who was reached by telephone recently at his winter home in Key West, Fla.

And while other town moderators in Massachusetts said they viewed the opportunity to engage in a rich civic tradition as enough reward for their work, Curran, 76, said there was nothing inappropriate about using his political connections to push legislation and cash in.

"If the system exists, you have the right to take advantage of it," he said. "I was entitled to something and I took it." Curran said he was unaware of any other moderators who received pensions before the bill passed and he began collecting his pension in 2002.

Officials in Canton said they were not aware Curran had won the benefits. "Wow - I did not know that," said James R. Murgia, Canton's finance director. "That was kind of a generous gesture by the Legislature."

Avril T. Elkort, a longtime Canton selectwoman, said she would investigate Curran's pension, which is paid by local property taxes.

"It looks like he was given a gift by someone," she said.

Lamere and Curran made no contributions during their tenures as moderators because they had no salaries. So the law allowed them to contribute retroactively, as if they had been paid \$2,500 a year. For Lamere that meant a one-time payment of \$13,418; for Curran, a \$42,185 payment, records show.

Edward N. Perry, president of the state Moderators Association and the Concord town moderator, said he would not accept a pension and that the association does not advocate for such benefits.

"The association has taken no part in developing, drafting, lobbying, or passing legislation involving pensions," he said.

There are about 300 moderators in the state, and the majority of them, like Lamere and Curran, are unpaid, Perry said. About two-thirds of them are lawyers.

"I do it to give back to the community that raised me," said Perry, who added that he had been unaware of pension eligibility for moderators until recently contacted by the Globe.

Michael P. Miller, the association treasurer and the Brimfield town moderator, also said he knew of no moderator who received a pension. He said he is not interested in a pension. "I consider it an honor to do it," he said.

The Globe was able to identify only one other moderator - paid or unpaid - who receives a pension: Thomas N. George, a former state representative and Republican who served as Yarmouth town moderator for more than 30 years. His case is different, however, because he was paid \$300 a year

(increased to \$500 in 1991) and therefore did not need the special 2002 legislation to apply for a pension. George, a lawyer, served eight years in the Legislature until 2005.

Had George retired from the Legislature without credit for his years as moderator, his annual pension would have been about \$11,000. But by including those additional years he was able to boost his annual pension dramatically - to almost \$42,000, according to retirement records.

"I just took what they gave me," George said. "I knew what the rules were and I was happy to get it."

The 2002 bill that benefited Lamere and Curran was shepherded through the Legislature by state Representative William C. Galvin of Canton, a Democrat and longtime friend and political ally of Curran.

Curran and Lamere lobbied him, Galvin said. What convinced him to support it, he said, was that other moderators - in towns where that elected official is paid a modest sum - are eligible for pensions.

"It was not done to pad someone's pension," Galvin said in an interview. "It was not targeted for someone. It was more philosophical. It put unpaid moderators on the same footing as paid moderators."

Curran has been a staunch political supporter of Galvin - and of Galvin's father when the elder Galvin held the same legislative seat his son now occupies. For many years, Curran chaired the Canton Democratic Town Committee. He has contributed to the younger Galvin's campaign fund regularly since 1991.

Moreover, Curran and Galvin for many years rubbed shoulders as town hall colleagues: Curran served as full-time town counsel in the 1990s, earning about \$66,000 a year, while Galvin served as an elected member of the Board of Assessors (qualifying him for an enhanced pension). William T. Friel, Canton town administrator, said he knew about the legislative proposal to enhance Curran's pension, but decided not to notify the Board of Selectmen, the finance committee, or the finance director, even though it would affect the town's bottom line.

"It was not done under the cover of darkness," he said. "People knew about it." But the bill was never publicly discussed in Canton. Unlike Canton, Milton is not stuck with the bill for its former moderator's pension.

Lamere served as moderator from 1960 to 1982, during which time he was a partner in the Boston law firm Sullivan and Worcester. When he retired after 33 years with the firm, Lamere became a senior counsel to the Big Dig. While there, he lobbied for pension credit. He retired 18 months after the bill passed.

Lamere is retired from the Turnpike Authority, which managed the Big Dig. When the Turnpike Authority demanded the Town of Milton help pay Lamere's pension, Milton refused. That means turnpike and tunnel toll-payers are underwriting the \$43,000 portion of Lamere's pension attributable to his town moderator service.

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