

**MINUTES OF THE
MIDDLESEX COUNTY RETIREMENT BOARD MEETING
January 20, 2021**

1. A meeting of the Middlesex County Retirement Board was held on Wednesday, January 20, 2021.
2. Members present:
 - Thomas F. Gibson, Esq., Chairman
 - John Brown, Elected Member
 - Brian P. Curtin, Advisory Council Elected Member (Remotely)
 - Joseph Kearns, Elected Member
 - Robert Healy, Appointed Member (Remotely)
3. On motion duly made by Mr. Healy, seconded by Mr. Kearns, it was moved, via roll call vote, to approve the expenses of the Middlesex County Retirement System: retirement office payrolls for the month of December 2020, benefits for contributory retirees and new retirees for the month of December 2020, including travel expenses, expenses for professional services, and legal services as required. It was further moved to authorize payment vouchers to be drawn by Chen Ching Lee or Lisa Maloney authorizing and directing the Treasurer/Custodian to make the above payments in the amount indicated on said vouchers from the funds of the Middlesex County Retirement System.
4. On motion duly made by Mr. Healy, seconded by Mr. Kearns, it was moved, via roll call vote, to review and accept the cash balance sheet and operating budget.
5. The minutes of the retirement Board meeting held on December 16, 2020 were presented to the Board for their review and approval and on motion duly made by Mr. Healy, seconded by Mr. Kearns, it was moved, via roll call vote, to approve the minutes of the retirement Board meeting outlined above.

Order Suspending Certain Provisions of the Open Meeting Law

The meeting of the Middlesex County Retirement Board convened at 10:03 A.M. in accordance with the Governor's March 12, 2020 *Order Suspending Certain Provisions of the Open Meeting Law* due to the COVID-19 pandemic. Specifically, public access to the meeting was provided solely through remote participation utilizing the GoToMeeting platform.

Notice of Remote Participation

Chairman Thomas Gibson and Board members John Brown, and Joseph Kearns were present. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary were also present

Board members Brian Curtin and Robert Healy participated remotely in accordance with the Governor's March 12, 2020 Order. From their remote locations, Mr. Curtin and Mr. Healy stated that for executive session purposes, there were no other persons present who were able to hear the executive session proceedings and discussions.

After the Pledge of Allegiance was recited, the Board welcomed John Parsons, Executive Director of PERAC, who administered the oath of office to Elected Member John Brown, First Member Thomas Gibson and Fifth Member Robert Healy. The Chairman expressed his appreciation to Mr. Parsons for his participation.

Next, the Chairman presented the Chief Administrative Officer's "2020 Year in Review" which highlighted the System's accomplishments throughout the year.

Finally, the Chairman reported that he has been gathering historical data with respect to the County Asset Transfer for PERAC's analysis and review. The Board believes PERAC's input is essential in this process and looks forward to their feedback. Mr. Parsons agreed to review the materials and assist as appropriate.

Mr. Parsons departed the meeting and at 10:32 A.M.,

On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved to enter into Executive Session under Purpose 7 of the Open Meeting Law: "To comply with, or act under the authority of, any general ... law", that law being Exemption (c) of the Public Records Law (G.L. c. 4, s. 7(26)(c)) exempting personnel and medical files or information and other materials or data relating to a specifically named individual, the disclosure of which may constitute an

unwarranted invasion of personal privacy, following which the Board will reconvene in open session.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

At 11:23 A.M.,

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to come out of Executive Session.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

At this time, the Board welcomed, via remote participation, Chris Scott, Executive Director of Valley Collaborative, the Board's tenant. She is seeking the Board's permission to line and number the parking spaces on the upper, north side of the parking lot in order to properly maintain their fleet of vans. Ms. Scott stated the work will be performed by a third party.

After review,

On motion duly made by Mr. Healy, seconded by Mr. Brown, it was moved to approve Valley Collaborative's request to line and number the parking spaces on the upper, north-side of the parking lot.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES

Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

Next, a discussion ensued regarding areas that Valley Collaborative are utilizing for storage purposes in a portion of the unleased space. Ms. Scott explained that in an effort to satisfy the COVID-19 safety protocols, and social distancing requirements, they were compelled to re-arrange the space, and, as a result, several pieces of furniture were relocated. The Chairman noted that there appears to be other areas they are using for cleaning supplies and equipment which poses a security risk. Ms. Scott acknowledged the Board's concerns and proposed moving some of the furniture to their vacant office spaces.

With respect to the lease, there was confusion among the parties as to the termination date. The Chairman stated the Board will forward Ms. Scott a copy of the lease and, if necessary, will amend same to reflect the appropriate term dates.

Finally, Ms. Scott expressed her appreciation to the Board for all of their accommodations over the years. She stated Valley Collaborative is extremely satisfied with the lease arrangement and, if the Board is so inclined, she looks forward to continuing the tenant/landlord relationship. Ms. Scott departed the meeting.

At this time, the Board reviewed a draft of the Policy on Consent Agendas which was prepared by the Chairman. The Board agreed the consent agenda will provide for greater efficiency to the monthly Board meetings.

After review,

On motion duly made by Mr. Brown, seconded by Mr. Healy, it was moved to adopt the Board's Policy on Consent Agendas as drafted by the Chairman.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

Next, in accordance with the Board's newly adopted Policy on Consent Agendas,

On motion duly made by Mr. Healy, seconded by Mr. Kearns, it was moved to approve agenda items #3-#15.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

At 11:54 A.M. the Board recessed for lunch and reconvened back into regular session at 12:45 P.M. without the Board Secretary.

At 12:46 P.M.,

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to enter into Executive Session under Purpose 7 of the Open Meeting Law: "To comply with, or act under the authority of, any general ... law", that law being Exemption (n) of the Public Records Law (G.L. c. 4, s. 7(26)(n)) exempting records which relate to cyber security or other infrastructure located within the Commonwealth, the disclosure of which is likely to jeopardize cyber security, following which the Board will reconvene in open session.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

At 1:30 P.M.,

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to come out of Executive Session and reconvene in open session.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

Chief Administrative Officer's Report

Ms. Maloney referred the Board members to her written report for a detailed summary of the System's activities since the last Board meeting.

Retirement Processing

There are 37 retirement applications pending for the month of January.

Retiree Payroll

This month staff will be adjusting the supplemental dependent allowance paid to accidental disability retirees and accidental death survivors to reflect the COLA increases awarded by PERAC, in the amount of \$980.88 per year. Fifty-seven benefit recipients will receive the adjustment.

PERAC Notification – G.L. c. 32, § 91A Compliance

One disability retiree still has not filed a complete 2019 Annual Statement of Earned Income, despite extensions provided by PERAC and the Board. A show cause hearing has been scheduled for January 26, 2021 to give retiree Joseph Hanslip the opportunity to explain why his benefits should not be terminated. With respect to the three retirees identified by PERAC as having excess earnings, all have repaid the amounts due the System.

1099R Processing

The 2020 1099R forms were mailed to benefit recipients on January 15, 2021. Ms. Maloney noted the System now truncates benefit recipient social security numbers on the forms.

MCRS Pension Education Series

The MCRS Pension Education Series will return this year in a virtual format. One program is planned for the spring. Depending on its success, additional virtual programs may be scheduled.

Employer Reporting

Year-end closing is progressing well. Ninety-nine percent of the units are posted through November and 90% through December.

FY 2021 Appropriation

With the exception of one unit, all FY 2021 appropriation payments have been made. Littleton Housing Authority will receive a second notice for the amount due of \$21,678.00.

Section 3(8)(c) Billing – Accounts Receivable

The CY 2021 Section 3(8)(c) invoices for 2020 retiree liability were mailed this week to 88 retirement systems. The total amount billed was \$4,598,987.72.

Section 3(8)(c) Billing - Accounts Payable

After review,

On motion duly made by Mr. Healy, seconded by Mr. Curtin, it was moved to approve payment of Section 3(8)(c) invoices for January 2021 in the amount of \$452,955.10.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

State Retirement System

Ms. Maloney reported the longstanding Section 3(8)(c) liability issue with the State Retirement System has been resolved. In accordance with the December 22, 2020 Memorandum of Understanding, the System issued payment in the amount of \$4,104,145.53 on December 30, 2020. On December 31, 2020, the System received the expected COLA reimbursement from the State Retirement System in the amount of \$375,345.57. The only issue remaining is the County asset transfer. The Chairman commended Ms. Maloney and staff for their work in this regard.

Investments

Ms. Maloney referred the Board to the System's investment performance reports.

FY 2021 Real Estate Tax

The System received its FY 2021 tax bill for the third quarter. It reflects the agreed taxable value of \$1,506,346 and the resulting annual tax of \$45,024.68. According to Attorney DeCoursey, the Assessor has complied with the settlement and the System will not need to file for an abatement this year.

Next Ms. Maloney reviewed the tasks to be completed within the next ninety days, including preparing a draft of the FY 2022 budget for the Board's review.

This concluded Ms. Maloney's report.

Chairman's Report

PERAC Update

The Chairman reported that Richard MacKinnon, President of the Professional Firefighters of Massachusetts, was appointed to a five-year term on the PERAC Commission. He fills the seat vacated by the retirement of long-time PERAC Commissioner Robert McCarthy.

Effective February 1, 2021, Board members will need to complete their annual Statement of Financial Interest online using the PROSPER application. The deadline to complete the task is May 1, 2021. Board members can receive education credits for attending the training sessions to be held in February.

COLA Notice

The Chairman reported on PERAC Memo #04/2021 – COLA Notice.

After review,

On motion duly made by Mr. Curtin, seconded by Mr. Kearns, it was moved, in accordance with G.L. c. 32, § 103(i), to notify the Middlesex County Retirement Board Advisory Council that the cost of living adjustment (COLA) will be on the Board's agenda for discussion at the meeting of March 17, 2021.

Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Robert W. Healy	YES
Joseph W. Kearns	YES

The motion passed.

PRIM Update

The Chairman noted that investment returns have significantly rebounded since March, and he is hopeful the System will meet its investment rate of return of 7.3% for CY 2020.

Legislative Update

The Chairman reported that he is aware of no recent legislative filings.

Litigation Update

Recent litigation activity and newly filed appeals were reviewed. The Petitioner in *Perry vs. Middlesex County Retirement System* has filed for a protective order in response to the subpoena issued by the Board to Mr. Perry's former employer seeking pertinent employment records.

COVID-19 Update

The office remains closed to the public. System operations continue to run smoothly despite necessary employee quarantines.

National Institute on Retirement Security: Pensionomics 2021

The National Institute on Retirement Security has published *Pensionomics 2021: Measuring the Economic Impact of DB Pension Expenditures*. The Chairman noted that retirement benefits paid by Massachusetts public pension plans to public

workers and their families continue to generate a significant amount of economic activity in the Commonwealth of Massachusetts. The article will be included in the System's spring newsletter.

Annual Review of Executive Session Minutes

The open meeting law requires that a public body, or its chair or designee, review the minutes of its executive sessions at reasonable intervals to determine if the open meeting law warrants continued non-disclosure. The Chairman completed his review of the System's 2020 Executive Session minutes and determined that all of the 2020 executive session minutes contain medical and personal information exempt from disclosure; therefore, the need for secrecy continues to exist.

Annual Review of System Vendors - Conflict of Interest

The Board members were provided with a copy of the 2020 Vendor List. After review, it was confirmed that no actual or potential conflicts of interest with Board members exist.

Board Meeting Dates

The Board set the following future meeting dates:

- April 14, 2021: Advisory Council's Subcommittee on Investments and Assessments followed by a regular Board meeting
- May 19, 2021: Advisory Council Meeting followed by a regular Board meeting
- June 16, 2021

The Board noted that beginning, February 17th the regular Board Meetings will start at 10:30 A.M. unless otherwise noted.

Regular Compensation Review

The Chairman reported on the System's obligation to obtain and review member collective bargaining agreements and personal service contracts to ensure compliance with the public employee retirement law, including the definition of "regular compensation." He has begun that initiative and will develop a protocol for reviewing the contract terms and enforcing the provisions of the retirement plan.

The Board announced the following votes which were taken in Executive Session:

16 (a). The Board voted to approve the accidental disability retirement of Robert Noel.

16 (e). Disability Report - The Board voted to deny Steven Manning's application for accidental disability retirement due to the failure of his physician to certify that his

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disability is related to his employment and to provide Mr. Manning with notice of his appeal rights.

16 (b). The Board voted to approve the ordinary disability retirement of Scott Florio.

16 (c). The Board voted to schedule an investigation and conduct further review of the application for accidental disability retirement of Marc Pare.

16 (d). The Board voted to schedule an investigation and conduct further review of the application for accidental disability retirement of Gregory Proctor.

17. The Board voted to direct Ms. Maloney to obtain a second proposal for the equipment necessary for the System's information technology upgrade.

17. The Board voted to upgrade the System's ColorTrax filing system once all technical issues have been resolved and to authorize Ms. Maloney to expend the necessary funds.

There being no further business to come before the Board, on motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to adjourn at 3:00 P.M.


Roll Call Vote

John Brown	YES
Brian P. Curtin	YES
Thomas F. Gibson	YES
Joseph W. Kearns	YES
Robert Healy	YES

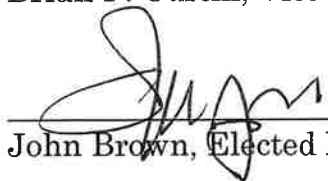
The motion passed.



Thomas F. Gibson, Chairman




Brian P. Curtin, Vice Chairman



John Brown, Elected Member

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Joseph W. Kearns, Elected Member

Robert W. Healy, Appointed Member

Regular Session Documents

1. Meeting Agenda
2. Cover Page and Agenda Items #3 - #16
3. Retirement Board Meeting Minutes of December 16, 2020
4. Chief Administrative Officer's Report
5. Cash Balance Sheet and Operating Budget
6. PRIM Performance Report
7. State Street Performance Update
8. Section 3 (8) (c) Payables
9. PERAC Memo #4/2021 COLA Notice
10. National Institute on Retirement Security: Pensionomics 2021
11. Vendors List 2020
12. Draft Policy on Consent Agendas
13. CAO 2020 Year in Review PowerPoint