

February 16, 2022

8281

Notice of Remote Participation

The meeting of the Middlesex County Retirement Board convened at 10:32 A.M. Present at the Board's offices were Chairman Thomas Gibson and Board members John Brown, Brian Curtin, Joseph Kearns, and Robert Healy. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present. Members of the public were required to access today's meeting via the GoToMeeting platform.

The Pledge of Allegiance was recited.

Next, there being no requests by any Board member to remove items from the Consent Agenda,

On motion duly made by Mr. Brown, seconded by Mr. Curtin, it was moved to approve Consent Agenda items #3a.- #3q.

The motion passed.

At this time, the Board welcomed Douglas Russell of the Vertex Companies. Mr. Russell discussed the property condition assessment his firm recently completed. The Board stated they were very satisfied with the building's overall rating and the work performed by Vertex.

Mr. Russell provided an overview of the project management services offered by Vertex. Vertex will work in conjunction with the Board on prioritizing goals and objectives and will customize a plan to fit the System's building needs.

Following further discussion of the specifics of such a plan, it was agreed that Mr. Russell will draft a proposal for the Board's consideration which will include scope of work as well as a "not to exceed cap" for project management services.

Finally, Board Members Mr. Healy and Mr. Kearns agreed to serve as Building Subcommittee members to assist Ms. Maloney, if necessary, with the project's implementation and decision-making process.

After review,

On motion duly made by Mr. Curtin, seconded by Mr. Healy, it was moved to retain Vertex Companies for Owner's Project Management Services for 25 Linnell Circle.

The motion passed.

At 11:12 A.M.,

On motion duly made by Mr. Brown, seconded by Mr. Healy, 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 Kearns	YES

The motion passed.

At 11:35 A.M.

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to come out of Executive Session under Purpose 7 of the Open meeting Law to comply with G.L. c. 4, s. 7(26)(c) and re-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 Kearns	YES

The motion passed.

At 11:40 A.M.

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to come out of Executive Session under Purpose 7 of the Open meeting Law to comply with G.L. c. 4, s. 7(26)(n) and re-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 Kearns	YES

The motion passed.

At 12:00 P.M.

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to come out of Executive Session under Purpose 7 of the Open meeting Law to comply with G.L. c. 4, s. 7(26)(c) and re-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 Kearns YES

The motion passed.

At 12:17 P.M.

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

Roll Call Vote

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

The motion passed.

The Board reconvened back into regular session at 1:00 P.M. without the Board Secretary in attendance.

At 1:00 P.M.,

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to enter into Executive Session under Purpose 6 of the Open Meeting Law: "To consider the purchase, exchange, lease or value of real property..." the Chair having declared "that an open meeting may have a detrimental effect on the negotiating position of the public body" in accordance with G.L. c. 30A, s. 21(a)(6), 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 Kearns YES

The motion passed.

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At 1:10 P.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 Kearns	YES

The motion passed.

FY 2023 Operating Budget Review

At this time, Ms. Maloney presented a draft of the System's FY 2023 operating budget for the Board's review and discussion. Guidance was provided on personnel costs, professional services, and the building budget, among other areas.

Chief Administrative Officer's Report

Ms. Maloney referred the Board members to her written summary of the System's activities since the last Board meeting, and reported on the number of counseling sessions, superannuation retirement applications, and retirement calculations pending for February.

Ms. Maloney reported that affidavits will be mailed to the System's benefit recipients by February 25th to ensure their eligibility to continue receiving payments. Responses will be due April 15, 2022.

With respect to the 2021 payrolls, all units are fully posted through December 2021 and variances reconciled. Member annual statements will be mailed on or before March 31, 2022.

Ms. Maloney reported that the actuarial files for all active and inactive members and benefit recipients have been delivered to PERAC and the System's actuary. The remaining reports necessary for the 2022 System Valuation will be delivered to System's actuary by March 1st.

Finally, Ms. Maloney provided an update on the implementation of the Employee Self-Service module and the building's masterbox replacement for the Town of Billerica.

Education

After review,

On motion duly made by Mr. Curtin, seconded by Mr. Healy, it was moved to approve the attendance of Board members and the Chief Administrative Officer at the following conferences and that the expenses for attendance at said conferences be reimbursed in accordance with the Board's policies and PERAC's travel regulations:

- NCPERS Annual Conference, May 22-25, Washington, D.C.
- MACRS Annual Spring Conference, June 12-15, Hyannis, MA

The motion passed.

After review,

On motion duly made by Mr. Curtin, seconded by Mr. Healy, it was moved that the Board member attending the NCPERS conference be certified as the System's Delegate at that Conference.

The motion passed.

Chairman's Report

At this time, the Chairman delivered his report. He reminded the Board members that their Statements of Financial Interest are due to PERAC by May 1, 2022. He will be attending PRIM's meeting tomorrow.

The Chairman reported on the various pieces of PERAC legislation and where they are in the legislative process, including the three-year COVID retirement credit bill that was sent to study. The Chairman reported that Governor Baker filed his FY 2023 budget bill which included a 3% COLA for state and teachers' retirees.

Next the Chairman reviewed his Litigation Report and the recent decision in *Worcester Regional Retirement Board v. PERAC (Vernava II)*. In *Vernava II*, the Supreme Judicial Court determined that supplemental payments made in conjunction with workers' compensation payments to employees, did not constitute "regular compensation" under the public employee retirement law.

The Court's decision clarified a prior determination it had rendered in 2018, which had been interpreted as being applicable only to the calculation of retirement allowances for employees who were granted accidental disability retirement. The Court has now expressly applied its decision to all public employees who have yet to

retire, and to those who have previously retired for superannuation and ordinary disability.

At 2:25 P.M., Mr. Kearns departed the meeting. The remaining Board members reviewed the office's COVID-19 protocols and made no changes.

Finally, the May 2022 Advisory Council and Board meetings were rescheduled to May 25, 2022.

There being no further business to come before the Board, on motion duly made by Mr. Brown seconded by Mr. Healy it was moved to adjourn at 2:30 P.M.

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

4(b.) The Board voted to waive investigation and to conduct an application review on March 16, 2022, in the matter of Douglas Pratt, Jr.'s application for involuntary accidental disability.

4(c.) The Board voted to waive investigation and to conduct an application review on March 16, 2022, in the matter of Michael Kenyon, Sr.'s application for accidental disability.

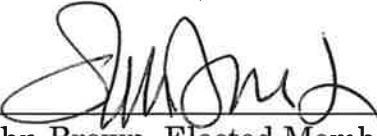
4(d.) The Board voted to accept the Town of Wilmington's application for the involuntary accidental disability retirement of Michael Rideout, and to petition PERAC to convene a medical panel.

4(a.) The Board voted to approve Jared Yanis' application for accidental disability retirement.




Thomas F. Gibson, Chairman

Brian P. Curtin, Vice Chairman



John Brown, Elected Member



Joseph W. Kearns, Elected Member



Robert W. Healy, Appointed Member

Regular Session Documents

1. Consent Agenda – Items #3(a) - #3(q)
2. Chief Administrative Officer's Report
3. State Street Performance Summary
4. PRIM Performance Report
5. Vertex Property Condition Assessment
6. Vertex Construction Management and Rate Table
7. Active Litigation Report
8. Worcester Regional Retirement Board v. PERAC SJC 02/04/2022