

**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 and Robert Healy. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present. Board member Joseph Kearns was expected shortly. Board member Brian Curtin was not 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. Healy, it was moved to approve Consent Agenda items #4a.- #4o.**

**The motion passed.**

At this time, the Board welcomed Melissa Hurley from MJH Communications. The Board discussed several topics for the Spring Newsletter, which is scheduled to be distributed in June. In addition, it finalized the format of the May 4th webinar for active members.

Mr. Kearns arrived at 10:38 A.M.

**At 10:57 A.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 (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**

<b>John Brown</b>	<b>YES</b>
<b>Thomas F. Gibson</b>	<b>YES</b>
<b>Robert W. Healy</b>	<b>YES</b>

**Joseph Kearns                    YES**

**The motion passed.**

**At 11:30 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  
Thomas F. Gibson            YES  
Robert W. Healy            YES  
Joseph Kearns              YES**

**The motion passed.**

**At 12:19 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. The Board will reconvene in open session at 1:15 P.M.**

**Roll Call Vote**

**John Brown                    YES  
Thomas F. Gibson            YES  
Robert W. Healy            YES  
Joseph Kearns              YES**

**The motion passed.**

**At 1:15 P.M. the Board reconvened in regular session without the Board Secretary in attendance.**

**COLA**

The Chairman acknowledged receipt of PERAC Memos #4 and #4a/2022 reporting that the Social Security Administration has granted a Cost of Living Adjustment (COLA) in the amount of 5.9%. The COLA which the System may grant, pursuant to Chapter 32, Section 103(c) and 103(i) effective July 1, 2022, is up to 3.0% of the first \$16,000 of benefits.

**On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved that pursuant to General Laws, Chapter 32, sections 103 (c) and 103 (i), the Middlesex County Retirement Board elects to grant a cost of living increase to qualifying retirees of the Middlesex County Retirement System, effective July 1, 2022, in the amount of 3%, and, further, that notice of the Board's action be conveyed forthwith to PERAC, to the System's members, to the Middlesex County Retirement Board Advisory Council, to the Association of Retired, State, County and Municipal Employees, and posted to the System's website.**

**The motion passed.**

**FY 2023 Operating Budget Review**

Next, Ms. Maloney presented another draft of the System's FY 2023 operating budget for the Board's review and discussion. Additional guidance was provided on personnel costs, professional services, and the building budget, among other areas.

At this time, the Board Secretary joined the meeting.

**At 2:10 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 (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.**

At 2:29 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**

<b>John Brown</b>	<b>YES</b>
<b>Thomas F. Gibson</b>	<b>YES</b>
<b>Robert W. Healy</b>	<b>YES</b>
<b>Joseph Kearns</b>	<b>YES</b>

**The motion passed.**

**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.

Ms. Maloney stated that Spring semester student verifications were due February 22, 2022. Seven retirees still have not complied and will have their dependent allowances terminated if no response is received by March 23, 2022.

Ms. Maloney reported that staff recently received an Option C pop-up calculation from PERAC that was less than the amount the retiree was currently receiving. Upon further review, it was determined that Dracut retiree Harry Cullinan has been overpaid more than \$200 per month since 2005 and owes the System \$53,945.41.

After review,

**On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved to waive recoupment of Harry Cullinan's overpayment of benefits, and to correct the retirement allowance going forward.**

**The motion passed.**

At this time, the Chairman discussed the implementation of the Supreme Judicial Court's decision in *Worcester Regional Retirement Board, et. al. 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, irrespective of retirement type, and that such was retroactive.

The recent Court decision results in a mandatory change to current processes which requires the cooperation of all member units. The System is still waiting on PERAC's guidance; however, a memo has been sent to all member units regarding their employees' workers' compensation status.

The Chairman reported that legislation is being drafted by PERAC for the protection of impacted retirees. PERAC has requested the Board's support.

**After review,**

**On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved to support PERAC's legislation that would protect retirees from a reduction in their retirement benefits based on the Vernava decision.**

**The motion passed.**

Ms. Maloney resumed her report.

With respect to the 2022 System valuation, Ms. Maloney reported that staff delivered all the necessary materials to the System's actuary. Further, Ms. Maloney reported that Powers & Sullivan is expected to be on site on April 19, 2022, to conduct the System's 2021 financial audit.

Finally, Ms. Maloney provided an update on staff data reconciliation with the State Retirement System regarding their 2020 Section 3(8)(c) invoice.

### Chairman's Report

The Chairman congratulated the Chief Administrative Officer on her recent appointment to PRIM's Advisory Council.

Next, he discussed the April 20, 2022, meeting of the Advisory Council's Subcommittee on Assessments and Investments as well as legislative changes to the open meeting law, which extends remote meetings through July 15, 2022.

At this time, the Chairman delivered his litigation update. He reported on the status of the *O'Leary* case involving sell backs of unused vacation time as not constituting "regular compensation."

Finally, the Chairman reported that after review of both short term and long-term investment return projections, PERAC is maintaining the Commonwealth's assumed rate of investment return assumption at 7.0%.

**Education**

After review,

**On motion duly made by Mr. Healy, seconded by Mr. Brown, 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:**

- **NAPPA Conference, June 21-24, Louisville, KY**
- **NPEA Conference, October 22-26, Seattle, WA**

**The motion passed.**

There being no further business to come before the Board, on motion duly made by Mr. Healy seconded by Mr. Brown it was moved to adjourn at 3:13 P.M.

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

5(a.) The Board voted to approve the Town of Tewksbury's application for involuntary accidental disability retirement filed on behalf of Douglas Pratt Jr.

5(b.) The Board voted to approve Michael Kenyon Sr.'s application for accidental disability retirement.

5(c.) The Board voted to waive investigation and to conduct an application review on April 20, 2022, in the matter of Glenn McCarthy's application for accidental disability.

The Board voted to adopt the IT Policies subject to Retrofit Technologies' review and approval.

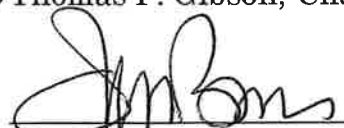
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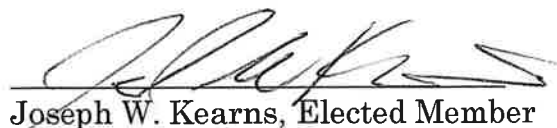
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Thomas F. Gibson, Chairman



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John Brown, Elected Member



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Joseph W. Kearns, Elected Member



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Robert W. Healy, Appointed Member

Regular Session Documents

1. Consent Agenda – Items #4(a) - #4(o)
2. Chief Administrative Officer's Report
3. State Street Performance Summary
4. PRIM Performance Report
5. PRIM Q4 2021 Performance Report
6. Vertex Owner's Representative Proposal
7. Active Litigation Report
8. Office of the Attorney General Updated Open Meeting Law Guidance