

August 16, 2023

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The meeting of the Middlesex County Retirement Board convened at 10:00 A.M. Present at the Board's offices were Chairman Thomas Gibson and Board members Brian Curtin, John Brown, Robert Healy, and Joseph Kearns. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present.

Following the Pledge of Allegiance,

**At 10:03 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.**

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

**The motion passed.**

**At 10:40 A.M.,**

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

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

**The motion passed.**

Next, the Board reviewed the Consent Agenda. There being no requests to remove items from the Consent Agenda,

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**On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to approve Consent Agenda items #3(a) through #3(r).**

**The motion passed.**

### **Education**

After review,

**On motion duly made by Mr. Brown, seconded by Mr. Curtin, it was moved to approve the attendance of Retirement Board Members and the Chief Administrative Officer at the NPEA Annual Conference, October 14- 18, 2023, in Savannah, Georgia and that expenses for attendance at said conference be reimbursed in accordance with the Board's Policies and PERAC's Travel Regulations.**

**The motion passed.**

At this time, the Chairman welcomed Jeff Ziplow of CliftonLarsonAllen to discuss IT matters, and to conduct cybersecurity training for the Board. Mr. Ziplow's presentation on "Enhancing Good Cybersecurity Hygiene Practices" was delivered to staff in January. He noted it was a very interactive and productive discussion.

Mr. Ziplow reviewed the various forms of cyberattacks and stated 95% of cybersecurity breaches are facilitated by human error. Ransomware continues to rise, and attacks are estimated to cost \$6 trillion annually. The global average to identify and contain a data breach is 280 days. Finally, he emphasized the importance of strong passwords and encrypting messages.

The Board expressed their appreciation to Mr. Ziplow for his presentation and information.

At 12:30 p.m. the Board recessed for lunch and reconvened in regular session at 1:30 P.M.

### **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.

She reported that payments for all newly retired members were processed on July 31<sup>st</sup>. FY 2024 COLA adjustments have been paid to all eligible benefit recipients.

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Next month, staff will adjust the supplemental dependent allowance paid to accidental disability retirees and accidental death survivors to reflect the COLA increases granted by the Legislature. The COLA amount is \$1,092.60 annually effective July 1<sup>st</sup>, for each eligible child.

In addition, staff have requested updated contract information for the Section 100 benefit recipients and one disability retiree whose retirement allowance is determined by special legislation.

As reported previously, recent ADR retiree William Dubois owed payment for deductions omitted in error and a two-year payment plan was approved. When calculating his disability benefit calculations, staff offset the amount owed in contributions from the amount of Mr. Dubois's retroactive retirement allowance, per Board policy.

Mr. Dubois has requested that he remain on the repayment plan as agreed. Since the terms of the Payment Agreement did not explicitly state the Board's policy of offsetting the amount due from any retroactive retirement benefits due, the monthly offset will remain in place until such time as the amount due is recouped. The Board will amend its' policy moving forward to ensure some satisfies the offset requirement.

Next, Ms. Maloney reported that Thomas Romeo's application for disability retirement was recently approved by PERAC. She noted that when his benefits were calculated for PERAC's review, staff determined that his accidental disability retirement benefits were less than the superannuation retirement benefits that he has been receiving. Mr. Romeo was provided with the option of continuing to receive his superannuation retirement allowance or collecting the lesser disability retirement allowance. He has opted to collect his disability retirement benefits and is pursuing special legislation to address his situation.

Ms. Maloney next reported that the System has been advised by PERAC to terminate the disability retirement allowances of Daniel Brox, Jonathan Byrne, Joseph Colbert, Richard Hallion, Thomas Murphy, and Leon Smith for their failure to file completed Annual Statements of Earned Income for 2022 as required by § 91A of Chapter 32. None of the disability retirees appeared at their scheduled show cause hearings.

**After review,**

**On motion duly made by Mr. Healy, seconded by Mr. Curtin, it was moved to terminate the disability retirement benefits of Daniel Brox, Jonathan Byrne, Joseph Colbert, Richard Hallion, Thomas Murphy,**

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**and Leon Smith effective the payroll period ending September 30, 2023.**

**The motion passed.**

In addition, PERAC has identified eight disability retirees with excess earnings in accordance with § 91A. The members will be notified of their obligation to repay the System or appear at a show cause hearing to avoid suspension of their retirement allowances.

With respect to the FY 24 appropriations, the System has received \$161,321,783.50 of the total amount due of \$166,512,886. Second notices were sent out on August 2, 2023, to the units with outstanding invoices. Ms. Maloney will provide a status update on the matter at the Board's next meeting.

On July 21, 2023, the employer units were asked to provide the System with a list of all employees who have been called to active military duty during CY 2022. Responses were due this week. The System will issue invoices this fall for military contributions. Payment will be due in FY 2025.

Ms. Maloney reported that PTG has announced the appointment of Chris Lodge as its new President and Chief Operating Officer.

Finally, with respect to the PTG insurance Portal, staff have requested training to begin testing the module in the QA environment. The goal is to begin training units on the functionality in advance of the December insurance changes.

### **Chairman's Report**

The Chairman reported PERAC did not have a scheduled Commission meeting for August. PERAC's next meeting is scheduled for September 13, 2023.

Next, he noted PRIM held their monthly meeting yesterday. PRIM documents will continue to be downloaded and distributed to the Board.

The Chairman delivered his Litigation Report and provided status updates on new and pending appeals. In the matter of *Brown v. Massport Authority Employees' Retirement System and MCRS*, DALA ruled that the Petitioner is eligible to purchase prior service as a reserve police officer in North Reading and Massport must accept liability. Massport has filed objections and further appealed the matter to CRAB. With respect to *Michael Welsh v. MCRB*, DALA affirmed the Board's denial of his application for accidental disability retirement. The Petitioner has until Monday to further appeal the matter to CRAB.

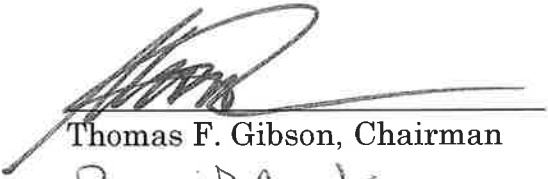
The Board announced the following votes which were taken in Executive Session:

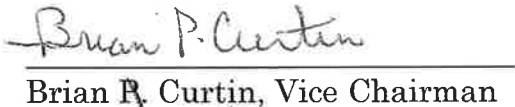
4(a) The Board voted to approve Albert Deshler's application for accidental disability retirement.

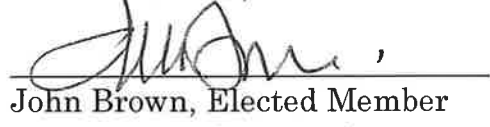
4(b) The Board voted to waive investigation and to conduct an application review on September 21, 2023, in the matter of Michael McAuliffe's application for involuntary accidental disability retirement.

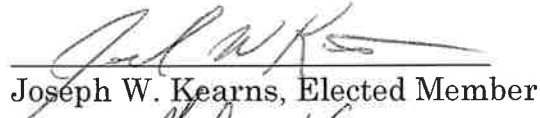
4(c) Disability Report – The Board voted to accept the involuntary application for ordinary disability retirement filed by the Town of Wayland on behalf of Jennifer Ordway, and to petition PERAC to convene a medical panel. The Board will continue to conduct further review of her application for accidental disability retirement.

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 2:06 P.M.

  
Thomas F. Gibson, Chairman

  
Brian P. Curtin, Vice Chairman

  
John Brown, Elected Member

  
Joseph W. Kearns, Elected Member

  
Robert Healy, Appointed Member

Regular Session Documents

1. Consent Agenda – Items #3(a) - #3(r)
2. Chief Administrative Officer's Report
3. PRIM Performance Report
4. CLA Presentation: Enhancing Good Cybersecurity Hygiene Practices
5. Litigation Report
6. DALA Decision – *Michael Welsch v. Middlesex County Retirement System*
7. PTG Press Release
8. Notice of Election of Fourth Member