

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 John Brown, Robert Healy, and Joseph Kearns. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present. Board member Brian Curtin was expected shortly.

Following the Pledge of Allegiance,

At 10:02 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.

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

The motion passed.

At 10:18 A.M. Board member Brian Curtin arrived.

At 10:33 A.M.,

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

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

The motion passed.

At this time, Melissa Hurley of MJH Communications joined the meeting via telephone. The Board discussed the fall newsletter topics and production schedule. A mid-November mailing is planned.

At 10:53 A.M., Ms. Hurley departed the meeting.

On motion duly made by Mr. Brown, seconded by Mr. Healy , it was moved to 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.

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

The motion passed.

At 11:01 A.M.,

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

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

The motion passed.

At 11:01 A.M.,

On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to re-enter into Executive Session under Purpose 3 of the Open Meeting Law: "To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental

effect on the bargaining or litigating position of the public body and the chair so declares.”

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

The motion passed.

At 11:12 A.M.,

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

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

The motion passed.

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

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

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.

She reported 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. In addition, retroactive payments will be made this month to Section 100 benefit recipients and one disability retiree whose retirement allowance is determined by special legislation.

Next, Ms. Maloney reported there are two retirees who have not complied with the filing requirements of G.L. c. 32, 91A regarding their 2022 Annual Statement of Earned Income: Jonathan Byrne and Joseph Colbert. At its last meeting, the Board voted to terminate their benefits effective September 1, 2023. Since then, PERAC has placed Mr. Byrne's file on hold. Further on August 29, 2023, Mr. Colbert contacted the office and requested the necessary paperwork. He was referred to PERAC and given until October 1, 2023, to resolve the matter.

After review,

On motion duly made by Mr. Healy, seconded by Mr. Curtin, it was moved to terminate the disability retirement benefits of Joseph Colbert effective the payroll period ending October 31, 2023, as required by G.L. c. 32, § 91A, if the matter is not resolved.

The motion passed.

With respect to the three disability retirees with excess earnings, the Chairman reported on the show cause hearings that were held this week for Michael Desjardins and Jared Yanis. Both Mr. Desjardins and Mr. Yanis recognize their obligation to reimburse the System and payment plans have been arranged. Kristin Leary's show cause hearing has been postponed due to receipt of further information from the Town of Chelmsford.

At this time, Ms. Maloney resumed her report and provided an update on the MCERS Pension Education Program which was held September 13th in Hopkinton. The last program will be held virtually on November 8, 2023.

The total amount billed for the FY 2024 appropriation was \$166,512,886. Due to a change in Treasurer, all but one unit has submitted payment. A third notice has been sent to Wilmington Housing Authority.

Ms. Maloney reported that the employer survey regarding employees who were called to active military duty for CY 2022 is nearly complete. Invoices for member contributions are being prepared for the employer units and payment will be due July 1, 2024.

The State Retirement System and Turnpike Authority have not paid their CY 2023 Section 3(8)(c) invoices. Considering the staffing challenges at the State Retirement System, bills are taking longer to review and process.

With respect to the Employer Education Series, two in person sessions are scheduled for October 31st and November 1st. The virtual program will be held November 6th.

Ms. Maloney informed the Board that Liberty Mutual recently conducted an on-site audit to determine the final workers' compensation insurance premiums for the System. As a result of the audit, the System can expect a premium increase in the amount of \$616.00.

Next, Ms. Maloney reviewed the System's business owners' insurance policy and umbrella liability policy and the respective premium increases.

After review,

On motion duly made by Mr. Curtin, seconded by Mr. Healy, it was moved to renew the System's business owners' insurance and umbrella liability policies and pay the premiums as reported by Ms. Maloney.

The motion passed.

As part of their new customer service initiatives, Ms. Maloney noted PTG is forming an Advisory Board comprised of members of the MACRS community. She has been invited to serve on the Board along with other retirement administrators. Ms. Maloney will keep the Board apprised on the matter.

Finally, implementation of PTG's Insurance portal has begun. Staff has undergone training, and the units are expected to be trained this fall in advance of the December insurance changes.

The Board recessed for lunch at 11:55 A.M. and reconvened in regular session at 12:44 P.M.

Chairman's Report

The Chairman reported on PERAC's recent meeting that both he and Mr. Brown attended. At the meeting, John Parsons, PERAC Executive Director, announced his retirement in March 2024. As expected, preliminary results show the state's unfunded liability has increased due to last year's investment performance. Unfortunately, PERAC's expected move in January 2024 has fallen through. They are now exploring the possibility of leasing another property in the same vicinity.

PERAC has reported full compliance with respect to Board members' filing of Statements of Financial Interest.

The Chairman reviewed a notable Appeal's Court decision and a DALA decision involving the reporting of PTSD injuries and delayed onset of disabling symptoms, both of which are under further review.

With respect to legislative matters, the Chairman noted that the Joint Committee on Public Service has held several hearings on bills impacting Chapter 32.

Next, the Chairman delivered his Litigation Report and provided status updates on new and pending appeals. Despite advisories from PERAC to the contrary, DALA has ruled that the ten-year vesting requirement to purchase military service was never removed from the original statute. He will continue to monitor this development and report back to the Board.

At this time, the Board discussed the schedule for the Election of the Fourth Member.

Next, the Chairman discussed the recent NIRS Report entitled: *The Role of Public Pensions in Reducing Retirement Inequality*, previously provided to the Board members.

Finally, the Board engaged in a discussion of PERAC and DALA's prohibition of serial waivers of retirement allowances.

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

4(a) The Board voted to approve the involuntary application for accidental disability retirement filed by the Town of North Reading on behalf of Michael McAuliffe.

4(b) The Board voted to accept the involuntary application for accidental disability retirement filed by the Town of Dracut on behalf of Todd Allard, and request that PERAC convene a medical panel.

4(c) The Board voted to accept the involuntary application for accidental disability retirement filed by the Town of Billerica on behalf of David Mahoney, and request that PERAC convene a medical panel.

4(d) The Board voted to waive investigation and to conduct an application review on October 23, 2023, in the matter of Warren Ryder's application for accidental disability retirement.

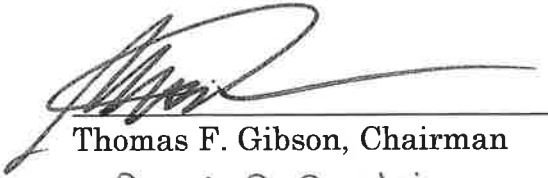
4(e) Disability Report – The Board voted to approve Joseph DelPapa's application for accidental disability retirement.

6(a) The Board voted to withdraw their appeal to CRAB in the matter of *Walter Jop, III v. MCRS*, and request that PERAC convene a medical panel.

There being no further business to come before the Board, on motion duly made by Mr. Curtin, seconded by Mr. Brown, it was moved to adjourn at 1:17 P.M.

September 20, 2023

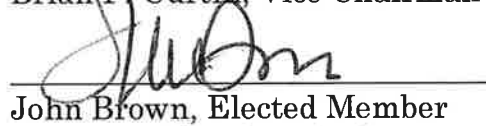
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Thomas F. Gibson, Chairman




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(p)
2. Chief Administrative Officer's Report
3. PRIM Performance Report
4. Litigation Report
5. PERAC Memo Re: *Kirk K. v. Worcester Retirement Board*
6. Brown and Brown Premium Summary
7. Brown and Brown Schedule of Insurance
8. Schedule of Insurance
9. DALA Decision – *Walter Jop, III v. v. Middlesex County Retirement System*
10. National Institute of Retirement Security: *The Role of Public Pensions in Reducing Retirement Inequality*
11. PERAC 2022 Investment Report