

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, Brian Curtin, and Joseph Kearns. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present. Board member Robert Healy was expected to join the meeting shortly, via remote participation.

Following the Pledge of Allegiance, the Board reviewed the Consent Agenda. There being no requests 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 #3(a) through #3(q).**

**The motion passed.**

**At 10:02 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.**

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

**The motion passed.**

At 10:09 A.M. Board Member Healy joined the meeting via remote participation.

**At 10:53 A.M.,**

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

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|-------------------------|------------|
| <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> |

**Joseph W. Kearns**

**YES**

**The motion passed.**

Board Member Robert Healy departed the meeting at 10:58 A.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.

Ms. Maloney reported on the number of superannuation retirement applications pending for January. Due to staffing challenges, as of February 1, 2024, all counseling appointments will be conducted by telephone.

PERAC has notified the System that disability retiree Joseph Barrila has excess earnings in accordance with G.L. c. 32, §91A in the amount of \$38,667.76. Mr. Barrila has been notified of his obligation to repay the System or appear at a Show Cause Hearing on February 6<sup>th</sup> to avoid suspension of his retirement allowance.

In response to PERAC Memo #28/2023, Ms. Maloney reported staff are reviewing the list of disability retirees and updating PERAC's data with the necessary status and demographic changes.

Ms. Maloney reported favorably on the 1099R processing. The year-end balancing of benefits paid and the reconciliation with the 1099 reporting is complete. The IRS test filed passed all validations, and the data was delivered to the print vendor last week. The 2023 1099R forms will be mailed to benefit recipients on or around January 19, 2024.

Next, Ms. Maloney reported planning is underway for the 2024 Pension Education Series. In addition to the traditional in person presentations and virtual program, she recommends implementing a monthly presentation on site. Following further discussion, the Board agreed to have Ms. Maloney schedule a smaller group session in April and at that time evaluate the response and determine if a need exists moving forward.

The Board also discussed retaining the services of a Social Security Specialist. The Chairman will reach out to a prospective candidate and report back to the Board.

At 11:30 A.M., Ms. Maloney suspended her monthly report, and the Board Secretary was excused from the meeting.

The Board discussed with Ms. Maloney the three interviews scheduled for today of the candidates for the position of Member Services Representative/Insurance Coordinator. Ms. Maloney previously interviewed them and conducted reference checks. One of the three candidates withdrew her application this morning. The two remaining candidates for the Board's consideration are Kimberly Sandeffer and Mary Brady.

The Board interviewed Ms. Sandeffer first, inquiring as to her overall strengths, weaknesses, and work style. Ms. Brady will be interviewed after the lunch recess.

At this time, the Board welcomed John Parsons, Executive Director, Public Employee Retirement Administration Commission, to administer the oath of office to re-elected Board Member John Brown. In November, the Advisory Council's Subcommittee on Investments and Assessments, which serves as the System's Election Board, declared Mr. Brown the Fourth Elected Member of the Middlesex County Retirement Board, for a three-year term commencing January 1, 2024.

Next, the Board acknowledged Mr. Parsons upcoming retirement and presented him with an award in recognition of his exemplary public service to the Commonwealth and to the members and beneficiaries of the Middlesex County Retirement System.

At this time, Ms. Maloney resumed her monthly report and informed the Board of the status of employer payroll processing, outstanding FY 2024 unit appropriation payments, and the outstanding CY 2023 Section 3(8)(c) payment due from the State Retirement System. With respect to the latter, the Board directed Ms. Maloney to contact Kathryn Kougiass, Executive Director, State Retirement System regarding the outstanding payment which is more than \$850,000.

The Board next discussed its Cash Reserve Policy. The System's 6-month CD with Cambridge Savings Bank is up for renewal. Ms. Maloney provided the Board with the CD interest rates she obtained from Cambridge Savings Bank, M&T Bank, and Rockland Trust.

**After review,**

**On motion duly made by Mr. Curtin, seconded by Mr. Brown, it was moved to reinvest the System's 6-month CD into a 9-month CD with Cambridge Savings Bank at the offered rate of 5.5% APY.**

**The motion passed.**

Next, Ms. Maloney reported that the System's telephone support agreement with Martin Technical Services is up for renewal.

After review,

**On motion duly made by Mr. Curtin, seconded by Mr. Brown, it was moved to pay Martin Technical Services \$5,161.62 for telephone hardware and software support.**

**The motion passed.**

This concluded Ms. Maloney's monthly report.

### **Chairman's Report**

The Chairman reported on his attendance at the PERAC Commission meeting on January 10th, noting that the selection process for the Executive Director was progressing and finalists should be scheduled for interviews in February. A request to increase PERAC's FY24 operating budget with respect to employee compensation in order to equate salaries to those recently approved for employees of other agencies under the Executive Office of Administration and Finance was approved. The annual Statement of Financial Interests to be completed by Board members will be distributed this month. The recent DALA decision in *Dillon v. MCRS* was presented and discussed, with emphasis on the underlying issue of whether sick leave paid to a disabled employee should be regular compensation, in view of the SJC's ruling the *Vernava* cases.

Legislative committees must report on all pending bills by February 7<sup>th</sup>. The formal session ends in July.

The Chairman reported that an appeal to CRAB of DALA's decision in the *Dillon v. MCRS* had been filed within the statutory time constraints, pending further review by the Board.

After discussion,

**On motion duly made by Mr. Brown, seconded by Mr. Kearns, it was moved to withdraw the Board's appeal to CRAB in the matter of *Dillon v. MCRS*, and to adjust the member's retirement allowance pursuant to DALA's order.**

**The motion passed.**

At 12:45 P.M., the Board recessed for lunch and reconvened in open session at 1:15 P.M.

The Board welcomed Mary Brady, the second candidate for the Member Services Representative/Insurance Coordinator position. They inquired as to her overall strengths, weaknesses, and work style.

After the interview was completed, the Board discussed the merits of each finalist.

**After review,**

**On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved to offer the Member Services Representative/Insurance Coordinator position to Kimberly Sandeffer at the terms discussed, and, if the offer is declined, to offer the position to Mary Brady.**

**The motion passed.**

The Board asked Ms. Maloney to notify the candidates of its decision.

The Chairman resumed his report and reviewed the settlement of disability retiree David Tyler's workers' compensation and third party claims pursuant to G.L. c. 152, § 15. Pursuant to the Board's policy, an allocation of the net settlement of \$70,000 was made payable to the Middlesex County Retirement System.

The Chairman reported on a request of the Acton-Boxborough Regional School District to reclassify Kurt Babick, Electrician, from Group 1 to Group 2. The request was based upon the member's services being compensated by and rendered to the Town of Acton until the separation of the units on July 1, 2014.

**After review,**

**On motion duly made by Mr. Brown, seconded by Mr. Curtin, it was moved to affirm Mr. Babick's current Group 1 classification as an Electrician with the Acton-Boxborough Regional School District and that upon receipt of sufficient evidence of employment, to reclassify Mr. Babick as Group 2 for the period of time he was employed by and providing services as an Electrician to the Town of Acton.**

**The motion passed.**

The Chairman reported that after the annual review of Executive Session minutes, it was determined that the need for confidentiality continued to exist in all such minutes.

All Board members reviewed the listing of vendors for conflicts of interest and none were reported.

The Chairman advised of litigation that has been initiated by PTG involving principles of Bay State Pension Administration, in which certain contract breaches have been alleged. The litigation is not expected to impede PTG's obligations to the Board; nor does it involve the System.

Lastly, the Chairman distributed and discussed an Advisory published by the Office of the Inspector General addressing the need for proper off-boarding and banking controls to protect public funds.

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 file by the Town of Dracut on behalf of Todd Allard.


4(b) The Board voted to have the Chairman seek clarification from the medical panel regarding David Mahoney's application for involuntary accidental disability retirement.

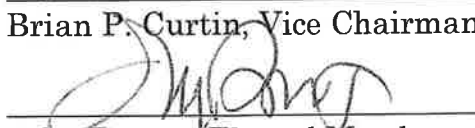
4(c) The Board voted to waive investigation and to conduct an application review on February 21, 2024, in the matter of James Ruggiero's application for accidental disability retirement.

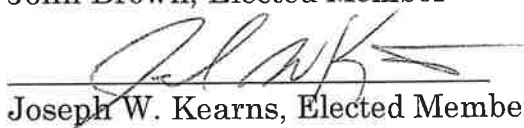
4(d) The Board voted to approve Sheila Finegan's application for ordinary disability retirement.

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 2:15 P.M.

  
Thomas F. Gibson, Chairman

  
Brian P. Curtin, Vice Chairman

  
John Brown, Elected Member

  
Joseph W. Kearns, Elected Member

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Robert Healy, Appointed Member

Regular Session Documents

1. Consent Agenda – Items #3(a) - #3(q)
2. Chief Administrative Officer's Report
3. PRIM Performance Report
4. Q3 2023 PRIM Board Quarterly Update
5. 2023 PRIT GIPS Report
6. Litigation Report
7. *Dillon v. MCRB* DALA Decision
8. David Tyler Settlement Agreement under G.L. c. 152, §15
9. Kurt Babick Group Classification Change Request
10. 2023 Vendor List
11. OIG Advisory Banking Control Fraud Protection