

July 17, 2024

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, Robert Healy, and Joseph Kearns. Lisa Maloney, Chief Administrative Officer, and Nancy O'Neil, Board Secretary, were also present.

**After the Pledge of Allegiance,**

**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.**

<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 11:02 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,

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

**The motion passed.**

At this time, the Board reviewed Leslie Walker Gabriliska's request to waive her retirement allowance in accordance with M.G.L. Chapter 32, §90B. Ms. Maloney reported that on three previous occasions the Board has granted Ms. Gabriliska a waiver of her retirement allowance. The Board then discussed PERAC and DALA's prohibition of serial retirement allowance waivers. In addition, the Chairman noted that the Inspector General recently issued a report critical of the lack of accountability in post-retirement employment.

**After review,**

**On motion duly made by Mr. Kearns, seconded by Mr. Brown, it was moved to approve Leslie Walker Gabriliska's request to waive her retirement allowance effective August 12, 2024, and to advise her that no additional waivers will be granted.**

**The motion passed.**

### **Chief Administrative Officer's Report**

Ms. Maloney reported on system operations, including the number of counseling appointments and applications being processed, and upcoming member meetings.

The Cost-of-Living Adjustment (COLA) will be paid this month to all eligible retirees. With respect to Section 100 benefit increases, staff have requested the necessary contract information from the employers to determine whether adjustments are necessary.

Next, Ms. Maloney reported that PERAC has identified 25 disability retirees who have not yet filed the 2023 Annual Statements of Earned Income, and therefore, are not in compliance with the Section 91A filing requirements. Show cause hearings are scheduled for August 26<sup>th</sup> and 27<sup>th</sup>. Further, PERAC has requested that the System perform salary verifications for 42 disability retirees currently under review for excess earnings.

With respect to employer reporting, Ms. Maloney advised that the majority of units have posted member deductions through June. Tyngsborough Housing Authority is

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three months behind on their payrolls. Staff are working with the new director to resolve the issue.

Ms. Maloney next reported on the outstanding FY 2025 appropriation payments. Invoices were mailed on May 24, 2024, in the amount of \$177,336,277. To date \$172,685,866 has been received from 64 units.

Next, Ms. Maloney provided an update on the GASB 67/68 and 2024 System Valuation. Segal has issued the System's GASB 67/68 Report which is currently under review by Marcum, the auditors. With respect to the 2024 System Valuation, the Board accepted, and then ratified, Segal's Preliminary Valuation Results presented at the May 22, 2024, Advisory Council Meeting. At this time, she is requesting the Board to vote on Funding Schedules 1 or 2, and requesting guidance on the issue of equally distributing assessment payments by units over the two-year period of FY 2026 and FY 2027.

**After review,**

**On motion duly made by Mr. Curtin, seconded by Mr. Healy, it was moved to adopt Funding Schedule 1 and to offer member units the option to equally distribute appropriation increases of 10% or above over two years, subject to PERAC's approval.**

**The motion passed.**

Ms. Maloney next reported on Section 3(8)(c) outstanding account receivables. To date, the total amount due from four retirement systems totals \$1,514,985.03. Third requests have been made.

Staff are currently surveying employer units for members called to active military duty during CY 2023. With respect to the payments due July 1, 2024, for CY 2022 active duty, second notices were sent to two units that have not yet submitted payment.

With respect to insurance, Ms. Maloney reported receipt of the notice of coverage change for the System's Commercial Liability Policy. The September renewal will include a \$10,000 Self Insured Retention provision, which represents a slight reduction in the Umbrella Coverage.

Ms. Maloney then delivered an IT update. She reported that phase one of the hardware refresh is complete. Retrofit replaced 11 workstations at the end of June. She expects the remaining workstations will be replaced in FY 2025.

Ms. Maloney advised that John Reidy is transitioning from day-to-day operations at PTG while continuing to support PTG over the coming years in various capacities. Next, she reported that staff training on the insurance module is complete. A go-live date is planned for October 1, 2024. Finally, to improve performance, Ms. Maloney and Mr. Ziplow have agreed to PTG's offer for testing on a stand-alone server.

Next, Ms. Maloney provided a building update and reported that yesterday she received Burnell's final report, which she will forward to the Building Subcommittee for review.

Finally, Ms. Maloney reported on personnel matters, including mandatory vacation payments, upcoming staff performance evaluations and the staff's 3.0% FY 2025 COLA effective July 1, 2024.

### 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:**

- **NPEA Annual Conference, October 12-16, 2024, Greenville, SC**
- **NCPERS Public Safety Conference, October 26-30, 2024, Palm Springs, CA**

**The motion passed.**

### Chairman's Report

The Chairman reported that PERAC'S move to their new office location has been problematic. PERAC is hopeful it can work out the logistics. As is customary, PERAC will not be meeting in the month of August.

The Chairman stated that the System's relationship with PERAC's new Executive Director, Bill Keefe, has been progressing nicely. He expects the positive partnership and mutual sharing of information will continue moving forward.

Next, the Chairman reported on PERAC's 2023 Investment Report. PRIM's next meeting is July 30th.

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The Chairman delivered a current Litigation Report and provided status updates on new, pending and disposed appeals before the Division of Administrative Law Appeals and the Contributory Retirement Appeal Board.

In the matter of *Jason Galofaro vs. MCRS and PERAC*, CRAB has dismissed the appeal of the Board's adjustment of his call firefighter time. Mr. Galofaro has until August 3, 2024, to file the complaint in Superior Court.

In the matter of *Elise Katz v. MCRS*, DALA ruled that it lacked jurisdiction to hear the member's appeal of the denial of her request to purchase non-public service because no notice of appeal rights was provided in the staff email communication. DALA suggested that the Board notify the member and provide appeal rights.

Finally, the Board reviewed its existing Supplementary Travel Regulations and determined minor amendments are needed. The Chairman will make the necessary revisions for review at the next meeting.

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

5(a) The Board voted to accept the medical panel certifications and approve Christopher Alberini's application for accidental disability retirement.

5(b) The Board voted to waive investigation and to conduct an application review on August 14, 2024, in the matter of Paul Nicosia's application for accidental disability retirement.


5(c) The Board voted to waive investigation and to conduct an application review on August 14, 2024, in the matter of Joseph Gervais' application for accidental disability retirement.

5(d) The Board voted to waive investigation and to conduct an application review on August 14, 2024, in the matter of Daniel Harris' application for accidental disability retirement.

5(e) The Board voted to petition PERAC to arrange to have the medical panel re-examine Walter Jop III as requested in the panel's clarification responses.


5(g) The Board voted to approve Melinda Taylor's claim for Killed-in the Line of Duty Benefits under M.G.L. Chapter 32, Section 100.

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 12:12 P.M.




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Thomas F. Gibson, Chairman




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Brian P. Curtin, Vice Chairman



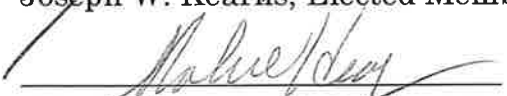
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John Brown, Elected Member



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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 #3(a) - #3(q)
2. Leslie Walker Gabriliska's Request to Waive Retirement Allowance
3. Chief Administrative Officer's Report
4. 91 A 2023/2024 Hearing List
5. PRIM Performance Report
6. Q1 2024 PRIM Board Quarterly Update
7. Unit Results with Two-Year Smoothing
8. January 1, 2024 Preliminary Valuation Results
9. PERAC 2023 Investment Report
10. Litigation Report
11. 2024 Disposed Appeals
12. CRAB Decision *Jason Galofaro vs. MCRS and PERAC*
13. DALA Decision *Elise Katz vs. MCRS*
14. Supplemental Travel Regulations