

CHELSEA RETIREMENT BOARD

001048

Minutes from the meeting held Thursday, August 20, 2020 at 10:00 AM

In accordance with Governor Baker's order, signed on March 12, 2020, suspending certain provisions of the Open Meeting Law G.L. c. 30A, §20, this meeting was held via conference call using Webex. As indicated on the agenda, instructions on how to join the meeting were available by emailing the Executive Director @ bobrien@chelseama.gov before or during the meeting.

Participating Remotely Were: Board Chairman, Mr. Joseph M. Siewko, Mr. Edward Dunn, Ms. Carolyn Russo, Ms. Cheryl Watson Fisher and Mr. Richard Carroccino

Also Participating Remotely: Mrs. Barbara A. O'Brien, Executive Director and Mr. Brian P. Monahan, Esq., Board Counsel

Chairman Siewko called the meeting to order at 10:05 AM.

In attendance for the McLaughlin matter were: Attorney Rauseo-Ricupero from Nixon-Peabody representing Chelsea Housing Authority (CHA), Attorney Boumil representing Mr. Michael McLaughlin and Attorney Sacco representing the Chelsea Retirement Board's Executive Director.

First on the agenda was the matter relating to Michael McLaughlin and Chelsea Housing Authority's (CHA) Further Renewed Application for Restitution, Motion to Intervene, Motion to Stay Section 15(4) and Motion That Further Proceedings be Held in Open Session. Attorney Rauseo-Ricupero spoke regarding these requests.

At 10:11 AM Ms. Russo made a motion seconded by Mr. Dunn to enter Executive Session pursuant to the member, Michael McLaughlin, having asserted his right to a private hearing to discuss the matters relating to Michael McLaughlin and CHA's Further Renewed Application for Restitution, Motion to Intervene, Motion to Stay Section 15(4) and Motion That Further Proceedings be Held in Open Session. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 11:24 AM the Board returned to Open Session. Attorney Boumil, Attorney Sacco and Attorney Rauseo-Ricupero were no longer in attendance as they had left during Executive Session at 10:37 AM.

At 11:25 AM Ms. Russo made a motion seconded by Mr. Dunn to deny the CHA's request for restitution since it does not pertain to current M.G.L. c. 32, s.15(4) proceedings. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 11:26 AM Ms. Russo made a motion seconded by Ms. Watson Fisher to deny the CHA's request to stay all of M.G.L. c. 32, s. 15(4) proceedings. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 11:27 AM Ms. Russo made a motion seconded by Mr. Carroccino to deny CHA's request for intervener or participant party status. The motion passed 4-1 and the votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Mr. Carroccino: Yea Ms. Watson Fisher: No

At 11:28 AM Ms. Russo made a motion seconded by Mr. Dunn to deny CHA's request for M.G.L. c. 32, s. 15(4) proceedings to be held in Open Session as the member has asserted his right to hold the hearing in Executive Session and the Board will continue to comply with the member's request unless and until the member chooses to relinquish that right.

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The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea
Mr. Carroccino: Yea

At 11:29 AM Ms. Russo made a motion seconded by Mr. Dunn to deny any such relief as requested by CHA as there is no statutory relief provided by M.G.L. c.32, s. 15(4) for the employer. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Next on the agenda was the Approval of the Executive Session minutes from the June 18, 2020 Retirement Board meeting – tabled from the July 23, 2020 Board meeting – revisions as suggested at the July 23, 2020 Executive Session are reflected.

Relating to this matter, Chairman Siewko began by stating that the discussion at the July 23, 2020 meeting regarding the June 18, 2020 Executive Session minutes got out of hand. Chairman Siewko stated that minutes do need to be clear, not changed but accurate and stated over the years he has become very sensitive to the need for clarity in the minutes. Chairman Siewko stated that he takes pride in his position on the Retirement Board and explained that he took offense to Ms. Watson Fisher claiming what the Board is doing in regards to the minutes is illegal. Ms. Watson Fisher responded stating that as an attorney for boards, it is illegal to change minutes and referenced that there are boards that receive fines by changing minutes after being reviewed by the Attorney General. Ms. Watson Fisher stated she took offense as it appears that there were conversations amongst people and that no-one came to her. Ms. Watson Fisher stated that she has a right to her opinion and to listen to the recording of the meeting in regards to requested changes and added that she appreciates Attorney Monahan stating that she has the right to listen to the recording. She stated that she disagrees with changes being made to the minutes a month later and disagrees with Board members requesting changes to the minutes to clarify them for themselves as opposed to clarifying the minutes for others. Ms. Watson Fisher stated that the Board could get in trouble if the Board is changing what was actually said. Chairman Siewko stated he is not faulting the Executive Director or the Assistant Director he is just stating that clarifications sometimes need to be made. Ms. Watson Fisher stated that she is not stating that the Board is intentionally doing something illegal, she stated that she is just saying that the Board could be found to be in violation of the law which is the same thing as saying illegal. Ms. Watson Fisher stated she understands that things that are inaccurate in the minutes need to be corrected. Board Counsel stated that he is not aware of any instance in which the summary reflected in the minutes was substantively changed by the Board nor would he advise a Board member to sign any minutes in which there were substantive changes. Board Counsel stated during the review of the June 18, 2020 Executive Session minutes Ms. Watson Fisher didn't agree with requested changes and commended her for taking the time to listen to the recording of that meeting. Board Counsel stated it is incumbent on the Board to table a vote on the minutes if a Board member is not comfortable with the requested changes and to give the Board member the opportunity to listen to the recording. Board Counsel stated that no-one on this Board would act in any manner contrary to the law, negligently or knowingly. Board Counsel stated it may happen inadvertently but that is based on the best recollection of all the Board members. Mr. Dunn stated he has been on the Board for over 10 years, that he also takes offense to the word illegal and that he thinks saying that the Board spends over an hour at every meeting reviewing the minutes is an exaggeration. Mr. Dunn stated that he has never been in a position in which he recommended a change to the context of what was said and that any time he suggested changes to the minutes it was to better clarify the minutes for the reader or for the official record. Mr. Dunn shared his concern that when an outside reader reads the draft minutes of the July 23, 2020 meeting, the outside reader is going to think that the Board is doing illegal things and spends an hour every meeting on the minutes changing them to their liking rather than what was actually said. He stated for as long as he has been on the Board that has never been done. Mr. Dunn stated that he takes pride in his position on the Board and feels that the word illegal does not belong in the minutes nor do the accusations. Ms. Watson Fisher stated that she finds it odd that anyone's review of the minutes were reflected in the next month's minutes and stated that has never occurred since she was on the Board and stated that she feels that was directed at her more than anything else. Mr. Dunn stated that the word illegal was not justified and that the Board has never reacted in this manner. In response to Ms. Watson Fisher stating that she should have been confronted at the meeting instead of discussions without her, Ms. Russo stated that she did confront her and that she asked for examples during the July 23, 2020 meeting because she took offense

of Ms. Watson Fisher making an allegation of illegal activity in Open Session. Ms. Watson stated that she did not make an allegation of illegal activity and that she stated she did not want to do anything illegal. Ms. Russo stated she didn't agree and that she felt she did make an allegation. Mr. Carroccino stated he was not at the July 23, 2020 meeting and stated that during the short time that he has been on the Board he has only seen verbiage changes in the minutes. Chairman Siewko then stated he would like to move on from this matter and further stated he thinks this is a great Board with great opinions and that he appreciates the difference of opinions.

At 11:42 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to adopt as amended the Executive Session minutes from the June 18, 2020 Retirement Board meeting. The motion passed 4-0 and the votes were as follows: Chairman Siewko:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea; Mr. Dunn abstained as he was not present at the June 18, 2020 Retirement Board meeting.

Next on the agenda was the approval of the Regular and Executive Session Minutes from the July 23, 2020 Retirement Board meeting. Chairman Siewko stated they will first discuss the Regular Session minutes from the July 23, 2020 meeting for which everyone was in attendance except Mr. Carroccino. Mr. Dunn stated he does not know how to approach the section of the minutes that covers the previously discussed issues and stated he is uncomfortable with making it a public record. Mr. Dunn shared his concern that after reading these minutes, the readers will have no confidence in the Board. Ms. Watson Fisher stated, just for the record, that discussions regarding the changes in the minutes were never put in the minutes for as long as she has been on the Board and stated she takes it as a personal attack. Board Counsel stated this month's minutes will reflect the discussions relative to this matter and that he feels that it was an unfortunate circumstance and choice of words and that this discussion would have been better handled outside of these proceedings. Chairman Siewko asked if there were any other comments on the minutes at which time Ms. Russo and Ms. Watson Fisher requested clarifications. Mr. Dunn stated that he agrees with Ms. Watson Fisher that the Board hasn't commented on discussions of the minutes in the past and asked if the Board had to keep those discussions in the minutes to which Chairman Siewko responded affirmatively. The Executive Director explained that after listening to the recording of a meeting, what she reflects in the minutes is the material and statements that she feels the Board members would think is important and would want to be included in the minutes and that she would never personally attack any Board member or any attorney. The Executive Director stated she wanted to apologize if Ms. Watson Fisher took offense to it and took it as a personal attack.

At 11:50 AM Mr. Dunn made a motion seconded by Ms. Watson Fisher to accept the Regular Session minutes from the July 23, 2020 meeting as amended. The motion passed 4-0 and the votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea; Mr. Carroccino abstained as he was not in attendance at that meeting.

Chairman Siewko stated the Board would move on to the Executive Session minutes from the July 23, 2020 meeting and asked if there were any questions. Mr. Dunn pointed out the section the minutes relating to posting the audio of the meeting and asked if the Board intends on doing such. Chairman Siewko stated that is not the Board's intention. Mr. Dunn also pointed out the paragraph in the minutes relating to the word illegal and stated as he mentioned previously, he is not comfortable with this being included in the minutes. Chairman Siewko stated that this matter has been clarified.

At 11:53 AM Mr. Dunn made a motion seconded by Ms. Russo to accept the Executive Session minutes from the July 23, 2020 meeting as written. The motion passed 4-0 and the votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea; Mr. Carroccino abstained as he was not in attendance at that meeting.

Next on the agenda was to Nominate Election Officer for Retirement Board Member Election scheduled for December 15, 2020; Joseph Siewko's term expires December 17, 2020 - Election Timeline and copy of Notice of Election which

will be posted and distributed on September 17, 2020 has been provided to the Board. Chairman Siewko stated this is just a clarification of what is going to happen. 001050

There was discussion relating to the locations of the posting of the Notice of Election as indicated on the Election Timeline drafted by the Executive Director followed by a request by Mr. Dunn to make a clarification on the Notice of Election.

At 12:00 PM Ms. Watson Fisher left the meeting and explained that she had another Webex meeting that she had to attend.

Next on the agenda was the matter relating to Alice Principe – Review earnings as it relates to Section 18 of Chapter 176 of the Acts of 2011. The Executive Director stated that Ms. Principe’s salary with the addition of her Retirement Board member stipend indicated a potential violation to Section 18 on the Anti-Spiking worksheet. The Executive Director explained that she brought this to the attention of PERAC who opined that this situation would most likely meet two of the exceptions: increase in number of hours worked and bona fide change in position. Board Counsel stated he agreed with that opinion. The Executive Director stated that she will send this to PERAC for review and approval of the calculation as the Board has previously instructed for all cases in which there is a potential violation to Section 18 of Chapter 176 of the Acts of 2011.

The following member has submitted an application for voluntary superannuation retirement benefits pursuant to M.G.L. c. 32 §5:

Name/Title	DOR	Age	Years of Service	Estimated 3 Yr. Average
Edina Berilo/Paraprofessional	09/11/2020	55	15 years, 11 months	\$30,714.15

At 12:03 PM Mr. Dunn made a motion seconded by Ms. Russo to approve the above application. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Mr. Carroccino: Yea

The following member has requested a refund of their accumulated deductions:

Name/Title	Accumulated Deductions	Age	Service Credit	Taxes Withheld
Clifford Cunningham/ City Councilor	\$3,997.36	30	4.0000 years	yes

At 12:05 PM Mr. Dunn made a motion seconded by Ms. Russo to approve the above request for a refund. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Mr. Carroccino: Yea

Attorney’s Report:

- Board Counsel stated he will craft the order relating to the CHA requests and is asking that the Executive Director provide him with the preliminary draft minutes from this meeting. Board Counsel stated he wants to be sure the order is in conformity with the draft minutes from this meeting. Board Counsel stated as soon as the order is crafted he will send it to the Executive Director and ask that she provide it to all Board members for their review. Board Counsel stated that the Board can wait until the September 2020 Board meeting to issue the order or if all Board members indicate to the Executive Director that there are no issues with the order, the order can be issued forthwith. Chairman Siewko agreed to this process and Ms. Russo stated she would just authorize Board Counsel to issue the order.
- Board Counsel stated he suggests a status conference at the September 2020 Board meeting with the attorneys as it relates to the ongoing 15(4) matter which is predicated on the 4 counts of falsifying reports to the Federal Agency that Mr. McLaughlin stands convicted of out of the US District Court. Board Counsel stated also pending is the Campaign Finance convictions out of the Massachusetts Suffolk Superior Court as well as the remaining charge of defrauding and impeding the US government, the so-called “Inspection Rigging” indictment that Mr.

McLaughlin stands convicted of. As it relates to the Campaign Finance and "Inspection Rigging", Attorney Sacco will dictate to the Board how he intends to move forward with the prosecution relating to those issues. Board Counsel stated as it relates to the 15(4) the Board needs to consider the constraints due to Covid-19, how that affects the ability to move forward and if the Board is going to table this matter and if so, for what period of time.

Chairman Siewko stated he received a phone call from an investigative reporter who asked questions relating to the McLaughlin matter and discussion followed relating to this call. Chairman Siewko reminded the Board that he is the only one that is allowed to talk to reporters on behalf of the Board.

Executive Director's Report:

- The Executive Director stated she participated in a PERAC Webinar yesterday – "Options on Retirement and Beneficiary Selection" put on by John Boorack and Judith Corrigan.

The Executive Director stated that the following warrants were emailed to the Board for their review:

August 2020 Accounts Payable Warrant totaling \$9,232.06:

Brian P. Monahan, Esq.	\$ 4,500.00
The Law Offices of Michael Sacco, P.C.	\$ 404.95
Ricoh USA, Inc.	\$ 135.25
Clifford J. Cunningham-Ref of Acc. Deductions	\$ 3,197.89
City of Chelsea-Federal Taxes-Clifford J. Cunningham	\$ 799.47
City of Chelsea-Postage Meter Reimbursement	\$ 194.50

Date	Retiree Payroll/Vendor Warrant
July 31, 2020	\$1,040,360.73/\$139,187.94

Date	Staff Payroll Warrant	Vendor Warrant
July 22, 2020	\$3,190.98	\$977.94
July 29, 2020	\$3,190.98	\$974.99
August 5, 2020	\$3,690.98(includes Executive Director's Longevity payment)	\$1,062.14
August 12, 2020	\$5,190.98 (includes Board Stipends)	\$1,320.74

At 12:15 PM Mr. Dunn made a motion seconded by Mr. Carroccino to approve the above warrants. The motion passed and the votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Mr. Carroccino: Yea

Chairman Siewko asked Board Counsel to review the Fiduciary policy to determine what the coverage is if the immunity issue passes through the legislature. Board Counsel agreed to review the policy although he stated that he is not an insurance expert. Discussion followed relating to the need to begin researching liability policies.

At 12:23 PM Ms. Watson Fisher returned to the meeting.

Discussion continued regarding the current legislation relating to immunity and the need to research liability policies for board members.

Distribution of:

- Fiduciary Liability Ins. Renewal Quote and letter dated August 14, 2020
- 2020 Annual Affidavits-Attorney Parsons email dated July 27, 2020

- Notice of Election dated September 17, 2020 and revised Election Timeline
- May 2020 PRIT Balance Sheet
- May 2020 Cash Pages, Bank Statement, Bank Reconciliation
- Chelsea Housing Authority's (CHA) Further Renewed Application for Restitution, Motion to Intervene, Motion to Stay Section 15(4) and Motion That Further Proceedings be Held in Open Session –emailed to the Board members on July 23, 2020
- Michael McLaughlin's Response dated August 12, 2020 to Chelsea Housing Authority's (CHA) Further Renewed Application for Restitution, Motion to Intervene, Motion to Stay Section 15(4) and Motion That Further Proceedings be Held in Open Session – emailed to the Board members on August 13, 2020
- Executive Director O'Brien's response dated August 13, 2020 to Chelsea Housing Authority's (CHA) Further Renewed Application for Restitution, Motion to Intervene, Motion to Stay Section 15(4) and Motion That Further Proceedings be Held in Open Session – Emailed to the Board members on August 13, 2020

The Board did not return to Executive Session.

At 12:28 PM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to adjourn. The votes were as follows:
Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Mr. Carroccino: Yea Ms. Watson Fisher: Yea

Respectfully submitted,

Barbara O'Brien
Executive Director

Members' Approval:

Joseph M. Siewko, Chairman
Richard Carroccino
Cheryl Watson Fisher
Edward M. Dunn, Ex Officio
Carolyn M. Russo