

CHELSEA RETIREMENT BOARD

001039

Minutes from the meeting held Thursday, April 15, 2021 at 9:00 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, Mrs. Cindy Donarumo, Assistant Director and Mr. Brian P. Monahan, Esq., Board Counsel

At 9:00 AM Chairman Siewko opened the meeting, stated that the meeting was being recorded and then all present stated their names and titles.

Chairman Siewko stated that the first matter on the agenda was Michael McLaughlin – M.G.L. c. 32, s. 15(4) Status Conference. Chairman Siewko stated that the Board would be going into Executive Session to discuss two documents and that Attorney Sacco and Attorney Boumil were scheduled to join the meeting at 9:30 AM.

Chairman Siewko stated that the Executive Director will leave the meeting and return following the Executive Session. Chairman Siewko explained that the Assistant Director will host the meeting in the Executive Director's absence.

At 9:02 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to enter Executive Session to discuss ongoing litigation and a pending hearing. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

The Executive Director left the meeting and the Assistant Director took over hosting the meeting and transcribing the minutes.

At 9:16 AM the Board returned to Regular Session, the Executive Director returned to the meeting and resumed hosting the meeting and transcribing the minutes. The Board took a recess while waiting for Attorney Sacco and Attorney Boumil to join the meeting.

At 9:28 AM Attorney Sacco joined the meeting.

At 9:32 AM Attorney Boumil joined the meeting and the recess ended.

At 9:32 AM Chairman Siewko stated that the purpose of meeting with Attorney Boumil and Attorney Sacco today is to discuss the Joint Pre-Hearing Memorandums (JPHM) received regarding the Michael McLaughlin matter. Chairman Siewko announced again that the meeting was being recorded and all present stated their names and titles including Attorney Boumil, representing Michael McLaughlin and Attorney Sacco, representing the Executive Director.

Chairman Siewko stated that they will be discussing two JPHM's today to get them hearing ready and that the first one to be discussed is regarding 18 USC 371-Conspiracy to Defraud the United States.

In response to Chairman Siewko's request for a status of the three disputed exhibits, Attorney Sacco stated that at the last status conference both he and Attorney Boumil agreed that Exhibits B and C were resolved and would be entered into the

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record. Attorney Sacco stated that he would defer to Attorney Boumil in regards to Exhibit A. Attorney Monahan suggested that the Board enter Executive Session if details of the case were going to be discussed.

At 9:36 AM Mr. Carroccino made a motion seconded by Ms. Russo to enter Executive Session to discuss the JPHM's received regarding the Michael McLaughlin matter. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:46 AM the Board returned to Regular Session at which time Attorney Boumil and Attorney Sacco left the meeting.

Chairman Siewko asked Attorney Monahan to ensure that he receives the documents as requested in Executive Session from Attorney Boumil and Attorney Sacco. Chairman Siewko confirmed that it appears as if the JPHM's are all hearing ready and confirmed that none of the Board members had any questions relating to these matters.

Chairman Siewko stated that next on the agenda was Mark Lee's request for an Accidental Disability Retirement. There was discussion relating to the fact that the Treating Physician did not provide the additional information/clarification on letterhead as requested by the Executive Director. There was also discussion relating to the fact that the additional information provided by the Treating Physician was not clear.

At 9:50 AM Mr. Dunn made a motion seconded by Ms. Russo to enter Executive Session to discuss the matter relating to Mark Lee in more detail. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:00 AM the Board returned to Regular Session.

At 10:01 AM Mr. Dunn made a motion seconded by Ms. Watson Fisher to request additional information from Mark Lee's Treating Physician as follows and as it relates to the treatment that has not yet been provided to Mr. Lee: To inquire why the treatment has not been provided to Mark Lee, to explain whether Mr. Lee has declined this treatment and if so, explain why the treatment was declined, to advise if the anticipated treatment is within an acceptable degree of risk, to explain whether these treatments, within an acceptable degree of risk, would enable Mr. Lee to perform his essential duties and to table this matter until such time as this additional information is received. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Chairman Siewko stated that the next matter on the agenda was the Approval of 2020 Annual Statement.

At 10:03 AM Ms. Russo made the motion to approve the 2020 Annual Statement and stated she would like to recognize the Executive Director for all the work she put into completing the 2020 Annual Statement. Ms. Watson Fisher seconded the motion and the votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:06 AM Mr. Carroccino made a motion seconded by Mr. Dunn to approve the Regular Session Minutes from the March 18, 2021 Retirement Board meeting as amended. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:07 AM Mr. Dunn made a motion seconded by Mr. Carroccino to approve the Executive Session Minutes starting at 9:34 AM from the March 18, 2021 Retirement Board meeting as transcribed by the Executive Director. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:09 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to approve the Executive Session Minutes starting at 9:02 AM from the March 18, 2021 Retirement Board meeting as transcribed by the Assistant Director. The

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

Shamus Murphy- Vernava – Refund

At 10:14 AM Mr. Dunn made a motion seconded by Ms. Watson Fisher to approve as amended the refund of retirement deductions that were withheld simultaneously with Workers Compensation payments (\$886.21 payable to Shamus Murphy and \$221.55 Federal Tax Payment). The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

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

Name/Title/Group	DOR	Age	Years of Service	Estimated 3 Yr. Average
David J. Bolduc, II/Paraprofessional/1	06/30/2021	64	13.6667	\$35,885.24
Carlos Rosado/Watchman/1	05/31/2021	68	14.25	\$45,735.77
David Videtti/Security/1	4/30/2021	57	20.3333	\$33,737.39
Margarita Franco-Secretary/1	4/26/2021	60	22	\$49,448.22
Shelley Oliveras/Paraprofessional/1	06/30/2021	52	26.5000	\$27,209.78
Julia Velazquez/Analyst/1	06/30/2021	65	19.4167	\$52,658.73
Andrea Rodriguez/Health Aide/1	06/30/2021	55	20.8333	\$25,819.44

At 10:19 AM Mr. Carroccino made a motion seconded by Ms. Watson Fisher to approve the retirements of David J. Bolduc, Carlos Rosado, Margarita Franco, Shelley Oliveras, Julia Velazquez and Andrea Rodriguez.

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

There was discussion relating to the fact that although we are in receipt of David Videtti’s marriage certificate which indicates David Videtti’s date of birth, the birth certificate that we are in receipt of does not indicate David’s first name- the birth certificate indicates the last name “Videtti” and the date of birth, which matches his date of birth indicated on his marriage certificate. The Executive Director stated that David Videtti has confirmed that he has ordered a birth certificate to include his first name. It was determined that the Executive Director will request approval from PERAC’s Actuary to use the documents that we have on hand

At 10:20 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to approve David Videtti’s retirement pending receipt of approval from PERAC’s Actuary to use the documents on hand as described above to verify David Videtti’s date of birth. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:22 AM Mr. Dunn made a motion seconded by Ms. Watson Fisher to approve one year of 3(8)(c) liability for Tracy Tumbleson upon proper repayment for service as a paraprofessional in the Chelsea Public School System from September 1, 1991-June 30, 1992. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Attorney’s Report:

- Susan Sullivan matter - Board Counsel stated that he still has not received the decision from the Division of Administrative Law Appeals (DALA).
- Michael McLaughlin matter -Board Counsel confirmed that he received an updated status report from Magistrate Rooney in which Magistrate Rooney provided the next status report due date of December 10, 2021 or two weeks

after a M.G.L. c.32, s. 15(4) decision. Board Counsel explained that Magistrate Rooney also requested that the M.G.L. c.32, s. 15(4) decision be forwarded to him. Board Counsel explained to the Board that he is reluctant to do so since Mr. McLaughlin has exercised his statutory right to a private hearing. Board Counsel further explained that if the matter is appealed to District Court it is a public record at that point unless a motion is made to seal the record or to continue as a private matter which would be up to the judge. Board Counsel stated he is not comfortable providing the Board's decision to DALA for two reasons: 1.) DALA does not have jurisdiction on a 15(4) appeal and 2.) Because Mr. McLaughlin has exercised his right to a private hearing, Board Counsel stated that he does not want to take measures to corrupt that process by disclosing the Board's decision to a party who may or may not have the authority to receive it. Board Counsel stated that it is not clear to him when the Executive Session protection would end given that there is an appeal right to District Court. Board Counsel further explained that absent Attorney Boumil's acquiescence on behalf of Mr. McLaughlin, he is going to decline issuing the report to Magistrate Rooney until such time as he has a definitive answer as to when that protection ceases. If the matter goes to District Court and there is no motion to seal or protect, Board Counsel stated he would then provide the report to Magistrate Rooney as it would be public record. Board Counsel referenced that he is in the process of organizing the documents in a binder with a table of contents for the upcoming hearings.

Executive Director's Report:

- The Executive Director reported that the office has been very busy keeping up with all the paperwork associated with the increase in the new City and School employees and retirees.
- The Executive Director reported that the Assistant Director was working on folding the Member Annual Statements and inserting them into the envelopes. The Executive Director noted that the challenge this year is that the office has been advised that the city's tri-fold machine was not in working order. Acknowledging the City of Chelsea for extending the courtesy to MWRA employees to avail themselves of the City of Chelsea's vaccine clinics, Ms. Russo stated that she expects that her MWRA Board would not have any problem allowing the Assistant Director, Ms. Donarumo, to use their Tri-Fold machine.

The April 2021 Accounts Payable Warrant, totaling \$152,010.43 and consisting of the following vouchers, was emailed to the Board on April 14, 2021 for their review; Revisions indicated below with an asterisk were made at the meeting resulting in the warrant totaling \$151, 891.18:

Boston Retirement Board	\$ 16,877.10
Essex Regional Retirement Board	\$ 5,317.21
MA Port Authority Employees Ret. Sys	\$ 7,036.37
Mass. Teachers' Retirement System	\$ 76,746.02
Needham Retirement System	\$ 196.60
Wakefield Retirement System	\$ 3,421.49
City of Chelsea-Reimb. Postage Meter	\$ 207.06
Brian P. Monahan, Esq.	\$ 4,500.00
Shamus Murphy	\$ 981.61
City of Chelsea-Federal Taxes	\$ 245.40
Pension Technology Group	\$ 35,470.00
The Law Offices of Michael Sacco, P.C.	\$ 350.00
Ricoh USA, Inc.-Rent	\$ 135.25
Ricoh-Toner	\$ 157.26
W.B. Mason	\$ 368.46
*Shamus Murphy	\$ -981.61
*City of Chelsea-Federal Taxes	\$ -245.40
*Shamus Murphy	\$ 886.21
*City of Chelsea – Federal Taxes	\$ 221.55

The following payroll and vendor warrants were emailed to the Board for their review on April 12, 2021:

Date	Retiree Payroll Warrant	Vendor Warrant
March 31, 2021	\$1,114,064.83	\$154,222.10

Staff Payroll Warrants and Vendor Payment Warrants:

March 24, 2021	\$3,190.98	\$ 996.99
March 31, 2021	\$3,190.98	\$ 996.99
April 7, 2021	\$3,190.98	\$ 996.99
April 14, 2021	\$5,190.98(includes Board Stipends)	\$1,342.74

At 10:37 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to approve the above April 2021 Accounts Payable Warrant as amended, the Retiree Payroll and Vendor Warrant and the Staff Payroll and Vendor Warrants. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Distribution of:

- 2020 Annual Statement
- PRIM Board Quarterly Update- 4th Quarter 2020
- January 2021 PRIT Balance Sheet
- PERAC Memo #13, 2021- 2020 Annual Statement of Earned Income (91A)
- PERAC Memo #14,2021-Mandatory Ret. Board Member Training-2nd Qtr. 2021

At 10:41 AM Mr. Carroccino made a motion seconded by Ms. Watson Fisher to adjourn. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: 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

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