

002094

**CHELSEA RETIREMENT BOARD MEETING**  
**500 Broadway, Chelsea MA, 3<sup>rd</sup> Floor Conference Room of the Chelsea City Council**  
**Minutes from the meeting held on Monday, November 15, 2021 at 9:00AM**

**Present Were: Mr. Edward Dunn, Acting Chair Carolyn Russo, Ms. Cheryl Watson Fisher and Mr. Richard Carroccino**

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

**Not Present: Chairman Joseph Siewko-due to medical appointment**

At 9:02 AM Acting Chair Russo called the meeting to order.

Michael McLaughlin matter –

- Count 2 Status Conference
- PERAC's October 13, 2021 response to the Board's June 10, 2021 letter

At 9:02 AM Mr. Dunn made a motion seconded by Mr. Carroccino to enter Executive Session to discuss the Michael McLaughlin matters pursuant to Purpose 7 of the Open Meeting Law and the member having exercised his statutory right to a private hearing. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:28 AM the Board returned to Regular Session.

At 9:29 AM Mr. Dunn made a motion seconded by Mr. Carroccino to acknowledge receipt of PERAC's October 13, 2021 letter in response to the Board's June 10, 2021 letter. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

The Board took a recess from 9:30 AM to 9:34 AM to allow the Executive Director to obtain Carlos Figueroa's file from the Retirement Office.

Member, Carlos Figueroa, and his counsel, Attorney William Neelon, entered the meeting during the recess at 9:32 AM.

Carlos J. Figueroa's request for an Accidental Disability Retirement –tabled from the October 20, 2021 Retirement Board Meeting

The Executive Director provided Attorney Neelon with a copy of the Department Head's Memo and Revised Employer's Statement which was previously provided to Board Counsel and uploaded to the State's Prosper System for the Board to review.

At 9:37 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to accept the updated Application including the revised Employer's Statement page provided by the Commissioner of Public Works, Fidel Maltez, and the Memorandum dated October 25, 2021 from the Commissioner of Public Works, Fidel Maltez, to the Executive Director. In response to Board Member Dunn's request, Acting Chair Russo stated that the member before us has identified himself as Carlos Figueroa and then Mr. Figueroa's Counsel identified himself as well. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Acting Chair Russo explained to Attorney Neelon that the next step will be that the Medical Panel Appointments will be scheduled for his client, Carlos Figueroa.

At 9:38 AM Attorney Neelon and member, Carlos Figueroa, left the meeting.

#### Mark Lee's request for an Accidental Disability Retirement

The Executive Director stated that Mr. Lee has had all three appointments, the last one being November 10, 2021. The Executive Director stated that one Medical Panel Certificate and Narrative was received and that the other two are pending.

At 9:40 AM Mr. Carroccino made a motion seconded by Mr. Dunn to table the review of the Executive Session Minutes of the September 16, 2021 Retirement Board Meeting as they were transcribed by the Assistant Director who was not present at this meeting. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:41 AM, Mr. Dunn made a motion seconded by Mr. Carroccino to table the review of the Regular Session Minutes and the Executive Session Minutes of the Special Meeting held on September 28, 2021 as they were transcribed by the Assistant Director who was not present at this meeting. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:42 AM Mr. Carroccino made a motion seconded by Ms. Watson Fisher to table the review of the Regular Session Minutes and the Executive Session Minutes of the October 20, 2021 Retirement Board meeting since neither Mr. Dunn nor Ms. Watson Fisher were at the October 20, 2021 Board meeting. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

#### John Nofle – Calculation of Reserve Buyback

Board Member Dunn asked if he should abstain from the vote on this matter since he was not at last month's meeting when this matter was discussed. Board Counsel stated that the Executive Director included a memorandum in the Board's monthly packet explaining what transpired at last month's meeting and provided the calculation. Board Counsel said that there is no need to abstain unless Board Member Dunn feels that he does not have enough information in front of him to make an informed decision.

At 9:45 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the Executive Director's calculation for John Nofle's reserve buyback. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:50 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve Robert Delaney's request to purchase 6 months of Military Service pursuant to M.G.L. c.32, §4(1)(h). The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

#### John Sullivan, Jr. – Refund of erroneously withheld retirement deductions.

Board Member Dunn asked for a status as to when and if the School Department was going to do a bulk refund of these erroneously withheld retirement deductions on the snow overtime codes 222, 223 and 224. The Executive Director stated that she has an outstanding email to Maria Acosta, School Business Manager, relating to this issue and will follow up with her in writing.

At 9:52 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve John Sullivan Jr's refund of erroneously withheld retirement deductions in the amount of \$182.59. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Follow Up 2013-2016 PERAC Audit-Dominic Pegnato

Acting Chair Russo stated that it appears that there was an overpayment to Mr. Pegnato for \$1,332.43 including collection of errors interest which the Board has previously determined to be 3%. Acting Chair Russo said that the Board can set the terms relating to the recovery of these funds.

At 9:56 AM Mr. Dunn made a motion seconded by Mr. Carroccino to accept the letter to Dominic Pegnato as drafted by the Executive Director in regards to the overpayment and pursuant to the 2013-2016 PERAC Audit finding and outlined in PERAC's Follow Up letter. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

There was discussion relating to the 2013-2016 PERAC Audit Follow Up Letter, specifically Findings 2, 3 and 4 - the Executive Director stated she has previously discussed this matter with Chairman Siewko and stated that she acknowledges that these items need to be addressed and also acknowledged that not all corrections have been made yet. Board Member Dunn stated that the first item, the 2% issue, 911 Dispatchers and the Fire Department were not resolved in October 2021 but will be resolved in December 2021. Board Member Dunn suggests that Finding 2, 3 and 4 be resolved by the end of February 2022 when PERAC will be looking for an update and he acknowledged that the pandemic matters might have had an impact on the completion. Acting Chair Russo stated that if not complete, PERAC would follow up. Board Member Watson Fisher said an outside auditor usually looks for some movement on outstanding items.

The Executive Director stated that approximately 9.5% of the 2021 Annual Affidavits, which were due to be returned to the Retirement Office by November 1, 2021, were outstanding. The Board advised the Executive Director to send out second notices stating if the affidavits are not returned by a certain date, the direct deposit would be changed to check and held in the Retirement Office until such time as the notarized Affidavit is received.

At 10:08 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to pay the retirees/survivors on December 20, 2021. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:09 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to send out the 2<sup>nd</sup> notice regarding the affidavits giving a deadline to return the affidavits as December 13, 2021. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 10:16 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to obtain Cyber Security Insurance Quotes. The votes were as follows: Mr. Dunn:Yea Acting Chair 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
Miguel Sanchez/Lieutenant/Court Liaison/4	11/22/2021	51	33.0000	\$126,706.23
David Nims/Firefighter/4	10/23/2021	52	29.9167	\$71,695.28
Patricia Phelan/Paraprofessional/1	12/31/2021	55	26.6667	\$28,086.59

There was discussion that payment will not be made to David Nims until our receipt of the Spousal Acknowledgement of his Option Selection. The Executive Director was advised to contact Mr. Nims' spouse directly to request the Spousal Acknowledgement and to Cc the member.

At 10:18 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to approve the above retirements. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

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

Name/Title/Group	Accumulated Deductions	Age	Service Credit	Taxes Withheld
Daniel Teixeira/Firefighter/4	\$3679.79	31	.6667	Yes

At 10:21 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the above refund. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

The following Retirement Systems have requested the transfer of funds for the following members:

Name/Title/Group	Board Requesting Transfer	Accumulated Deductions	Total Service Credit / 3(8)c Liability	10/12 Month Basis
Gertijan Hysa/Patrol Officer/4	State Ret. Bd	\$13,421.06	2.2500	12

At 10:22 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to approve the above transfer. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Attorney's Report:

- Michael McLaughlin matter-Board Counsel stated that he would be filing a Status Report with the Division of Administrative Law Appeals (DALA) by the December 10, 2021 due date.
- Board Counsel advised that he issued a response to the City Auditors.

Executive Director's Report:

- Update on Susan Sullivan matter-Kerry Sullivan reported to the Executive Director that she mailed the requested documents to the Board on November 6, 2021. The Executive Director stated the documents still have not been received. Acting Chair Russo suggested the Executive Director provide another update next month.

At 10:29 AM Mr. Carroccino made a motion seconded by Mr. Dunn to approve the November 2021 Cash Disbursements Warrant, the Retiree Payroll and the Staff Payroll. The votes were as follows: Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

The following vouchers were approved for payment for the November, 2021 Accounts Payable Warrant:

Shamus Murphy-Stop Pay ck # 14793 dated 3/18/21	\$ -47.32
Shamus Murphy-Ref of Ret. Deds-Reissue ck # 14793	\$ 47.32
James Perisie-Stop Pay ck # 14796 dated 3/18/21	\$ -592.22
James Perisie-Ref of Deds-Reissue ck # 14796	\$ 592.22
Dental Maintenance Service, Inc.-void lost ck # 14912 dated 3/18/21	\$ -441.10
Dental Maintenance Service, Inc.-Reissue ck # 14912	\$ 441.10
The Hartford-Prop. & Cas. Ins. Renewal	\$ 1,013.00
City of Chelsea- Reimb. for postage	\$ 218.36
Coen Business Forms/Kingsbury Press	\$ 339.80
COPRICO Printing	\$ 507.24
Everett Retirement Board 2020 3(8)(c)	\$ 6,199.01
Brian P. Monahan, Esq.	\$ 4,500.00
ReadyRefresh	\$ 5.69

W.B. Mason	\$ 61.39
MA State Retirement System-Gertijan Hysa	\$13,421.06
John F. Sullivan, Jr.	\$ 151.67
City of Chelsea-Federal Taxes-John F. Sullivan, Jr.	\$ 37.92
Daniel Teixeira	\$ 2,943.83
City of Chelsea-Federal Taxes-Daniel Teixeira	\$ 735.96

002028

Distribution of:

- PERAC Memo #28, 2021 Buying Back Elected Official Service Time
- PERAC Memo #29, 2021 Expansion of Post-Retirement Work in the Public Sector
- PERAC Memo #30, 2021 Investment Fraud Alert
- PERAC Memo #31, 2021-2021 Pension Fraud Prevention Campaign
- Oct. 27, 2021 Amity Insurance Email and Fiduciary Premium Increase article
- YTD March 31, 2021 and June 30, 2021 Budget to Actual Reports
- July and August 2021 Cashbooks, Bank Statement, Bank Reconciliation and PRIT Balance Sheet
- PERAC Pension News #58 - October 2021
- November 3, 2021 PERAC Letter-Follow Up of PERAC Audit for 2013-2016

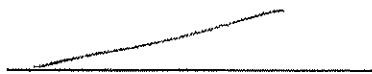
At 10:31 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to adjourn. The votes were as follows:  
Mr. Dunn:Yea Acting Chair Russo:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Respectfully submitted,




Barbara O'Brien  
Executive Director

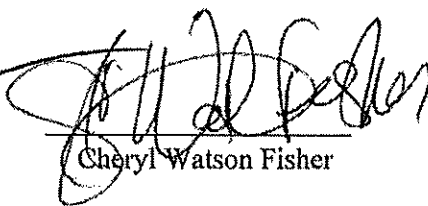
Members' Approval:



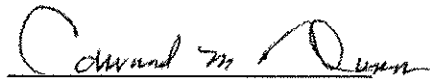
Joseph M. Siewko, Chairman



Richard Carroccino



Cheryl Watson Fisher



Edward M. Dunn, Ex Officio



Carolyn M. Russo



Small vertical text or stamp on the right edge of the page.

Small vertical text or stamp on the right edge of the page.