

CHELSEA RETIREMENT BOARD MEETING
500 Broadway, Chelsea MA, 3rd Floor Conference Room of the Chelsea City Council
Minutes from the meeting held on Thursday, October 20, 2021 at 9:00AM

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Present Were: Board Chairman, Mr. Joseph M. Siewko, Mr. Edward Dunn*, 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: Ms. Carolyn Russo-due to medical appointment

Chairman Siewko called the meeting to order at 9:00 AM.

Michael McLaughlin matter:

- Count One-Review of Chelsea Retirement Board's decision
- Count Two- Scheduling for Parties and Board Members

At 9:00 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to enter Executive Session to discuss the Michael McLaughlin matter due to the member having had exercised his statutory right to a private hearing. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:08 AM the Board returned to Regular Session

At 9:08 AM Member Carlos Figueroa and his counsel Attorney William Neelon arrived.

At 9:09 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to accept the findings of Count 1 of the McLaughlin matter. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:10 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to schedule a status conference for Count 2 of the McLaughlin matter. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:10 AM Ms. Watson Fisher made a motion seconded by Mr. Dunn to take the items out of order to discuss the matter relating to the Funding Schedules next since the Board was waiting for Carlos Figueroa's Department Head, Fidel Maltez to arrive. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Funding Schedules – there was discussion relating to the various funding schedules provided by PERAC's Actuary, John Boorack. Chairman Siewko stated that it is his intention to address the matter relating to the COLA base increase closer to the beginning of next year.

At 9:14 AM Mr. Dunn made a motion seconded by Ms. Watson Fisher to accept the Alternative 2 Funding Schedule that includes a 7% investment return assumption and increases 5.05% each year until FY27 with a final amortization payment in FY28. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

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At 9:16 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the Regular Session Minutes of the September 16, 2021 Retirement Board meeting. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:17 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to table the Executive Session Minutes of the September 16, 2021 Retirement Board meeting, the Regular Session Minutes of the Special Meeting held on September 28, 2021 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: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Carlos J. Figueroa's request for an Accidental Disability Retirement – tabled from August 19, 2021

At 9:19 AM, Carlos J. Figueroa's Department Head, Fidel Maltez, arrived and Ms. Watson Fisher disclosed that she, as the City Solicitor, has reviewed Mr. Figueroa's injury file and has met with Department Head Maltez to further explain to him what the Chelsea Retirement Board was seeking from him. Ms. Watson Fisher stated that she does not believe that she is biased. Attorney Neelon, Counsel for Carlos J. Figueroa, who was present along with Carlos Figueroa, confirmed that he does not have any objection to Ms. Watson Fisher's involvement in this matter.

Board Counsel explained that M.G.L. c.32, s.5B prohibits a Retirement Board from entertaining any Application for Disability Retirement in which there is indication that the member has failed to participate in an assessment or required rehabilitation, assuming that plan exists within that department, and that the member waives their right to a disability retirement. Board Counsel stated that this determination has not been made in the Figueroa matter and added that a statement included in the Employer's Statement did, however, allege that. Board Counsel stated that the Board now needs to make a determination regarding this matter based on information provided to them by the Department Head.

At 9:22 AM all present introduced themselves stating their name and title, including member Carlos J. Figueroa (member), Attorney William Neelon (Counsel for Mr. Figueroa) and Fidel Maltez (Mr. Figueroa's Department Head).

Department Head Maltez stated that this type of matter does not happen often and that he completed the Employer's Statement as best he could with the assistance of FutureComp, who handles all matters relating to Workers Compensation. Department Head Maltez stated that he now understands that in the Employer's Statement he was being asked if Mr. Figueroa was offered special accommodations and stated that the correct answer is "no" and further explained that there is no such thing as "light duty" in his department, the Department of Public Works. Board Counsel asked Department Head Maltez to provide the Board with a re-executed form and a detailed letter explaining why he has changed his response. Department Head Maltez agreed to provide the requested documentation and also added that he originally understood the question to be asking if FutureComp worked with Mr. Figueroa. Board Counsel also suggested that the Department Head, with the assistance of the City Solicitor, review M.G.L. c.32, s. 5B to be sure they are in compliance.

At 9:32 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to table the matter until Department Head Maltez provides the revised Employer's Statement documentation. The votes were as follows: Chairman Siewko:Yea Mr. Dunn:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

At 9:33 AM *Mr. Dunn left the meeting due to a prior commitment. Mr. Figueroa, Mr Maltez and Attorney Neelon also left the meeting.

John Nofle-Calculation of Reserve Buyback

The Executive Director explained that John Nofle is requesting to buyback 2 years and 11 months of reserve time (6/1/96-5/11/99) and that now the cost to purchase this creditable service based on the regular compensation earned during

this time period (not including the details paid) must be determined. The Executive Director explained that she is in receipt of attendance records from the Police Department (not including detail hours) prospective from November 1996, W2's, partial payroll records for the period prior to April 1, 1998 (she was advised by the City Auditor that the payroll records for 6/1/96-3/31/98 predate the electronic payroll recordkeeping, are kept in a records storage area and are not complete) and complete payroll records prospective from April 1, 1998. There was discussion relating to the Board having to decide on a reasonable method to use to calculate the salary on which retirement deductions are due for the reserve buyback. The Board agreed that it would be reasonable, due to the lack of complete records available to the Board and the lack of records provided by the member, to calculate the reserve salary by subtracting the known detail payments from the known total salary. There was discussion that this method may inflate the salary since not all the detail payments are known, but it is reasonable.

At 9:56 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to calculate the reserve salary by subtracting the known detail payments from the known total reserve salary paid. The votes were as follows: Chairman Siewko:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Michael P. Keefe – refund of erroneously withheld retirement deductions

At 9:57 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve a refund to Michael P. Keefe for the erroneously withheld retirement deductions in the amount of \$42.06. The votes were as follows: Chairman Siewko:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Determination of Regular Compensation – SpED Interpreters

After discussion and reviewing the job description provided to them, the Board and Board Counsel agreed that pay for hours worked up to 40 hours weekly would be considered regular compensation.

The following member has 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
Josephine Thomas/Security/1	09/15/2021	59	20.4167	\$31,982.81

At 10:01 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the above retirement. The votes were as follows: Chairman Siewko: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
Sarah Jimenez/1/Paraprofessional	\$10,309.20	40	3.75	No, Rollover

At 10:02 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the above refund. The votes were as follows: Chairman Siewko: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
Barbara Rivera/ Paraprofessional/1	Lawrence Ret. Bd.	\$19,840.16	8.5833	12
Antonella Sordillo/ Paraprofessional/1	Waltham Cont. Ret. Bd.	\$7,638.99	2.5833	12
Rachael Trifone/ Paraprofessional/1	MTRS	\$3,967.82	1.3333	12

Louise Campanella/ Paraprofessional/1	MTRS	\$13,261.51	5.0000	12
Francisco Rodriguez Molina/ Police Officer/4	State Retirement Bd	\$19,236.03	2.9167	12

At 10:03 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to approve the above transfers. The votes were as follows: Chairman Siewko:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Attorney's Report:

- Michael McLaughlin matter-Board Counsel stated that the Count 1 decision has been finalized and that the Board is moving forward with a status conference for Count 2, Defrauding the United States, which will be scheduled during the regular November 2021 Board meeting. Board Counsel stated that once the Board Members provide their availability to the Assistant Director to continue the hearing for Count 2, the Assistant Director will then check with Attorney Boumil and Attorney Sacco for their availability.
- There was discussion relating to Divorce Settlement Agreements, Judgement Nisi's, DRO's and situations in which an alternate payee predeceases the participant.
- Reference was made to PERAC's 10/13/2021 Response to the Board re: Michael McLaughlin-M.G.L. c.32, s.15 (7) Excess Contributions. The Board agreed that this matter should be included on the November 2021 agenda.

Executive Director's Report:

- Update on Susan Sullivan matter-On October 14, 2021 Kerry Sullivan confirmed receipt of the Board's August 31, 2021 certified mail and stated that she would provide the Board with the requested documentation.
- Fall 2021 MACRS Conference – 10/4/21-10/5/21
- Board Laptops

The following vouchers were approved for payment:

Michael P. Keefe-Ref. of Ret. Deds.	\$ 33.65
City of Chelsea-Federal Taxes-Keefe	\$ 8.41
Brian P. Monahan	\$ 4,500.00
ReadyRefresh	\$ 15.17
Ricoh USA, Inc.	\$ 270.50
WB Mason	\$ 42.74
MACRS	\$ 200.00
Barbara O'Brien-Reimb. for Member Laptops/Svcs.	\$ 5,899.80
City of Chelsea -- Reimb. Postage Meter	\$ 250.16
Fidelity Investments f/b/o Sarah Jimenez	\$ 10,309.20
Lawrence Retirement Board-Barbara Rivera	\$ 19,840.16
Waltham Retirement Board-Antonella Sordillo	\$ 7,638.99
MTRS-Rachel M. Trifone	\$ 3,967.82
MTRS-Louise Campanella	\$ 13,261.51
MA State Retirement System-Francisco J. Rodriguez	\$ 19,236.03

Retiree payroll and Staff payroll were approved.

Distribution of:

- July 2021 PRIT Balance Sheet
- Funding Schedule based on estimated results using \$14,000 COLA base-as requested at the 9/16/2021 Retirement Board meeting
- PERAC Memo #25, 2021 Tobacco Company List
- PERAC Memo #26, 2021 Mandatory Retirement Board Member Training-4 Quarter 2021
- PERAC Memo #27, 2021 Appropriation Data Due 10/31/2021

- Fall 2021 MACRS Conference – 10/4/21-10/5/21 Handouts:
 1. Legal Panel - Select Cases and Current Legal Issues
 2. COVID-19: Mandatory Vaccinations and Workplace Guidance
 3. PERAC Presentation -Section 100, Section 101, and Other Beneficiary Matters
- PERAC's 10/13/2021 Response to Board re: Michael McLaughlin-M.G.L. c.32, s.15(7) Excess Contributions (emailed to Board on 10/18/2021)

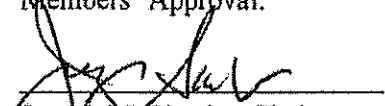
At 10:45 AM Ms. Watson Fisher made a motion seconded by Mr. Carroccino to adjourn. The votes were as follows:
 Chairman Siewko:Yea Ms. Watson Fisher:Yea Mr. Carroccino: Yea

Respectfully submitted,

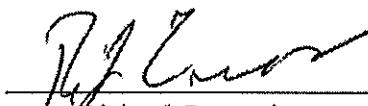


Barbara O'Brien
 Executive Director

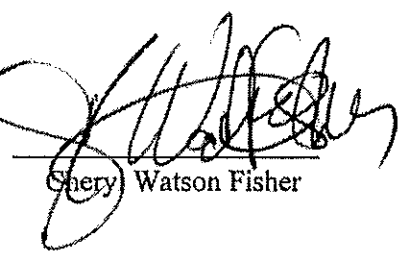
Members' Approval:



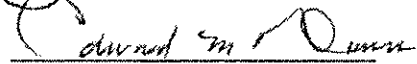
Joseph M. Siewko, Chairman



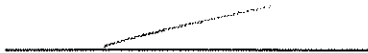
Richard Carroccino



Cheryl Watson Fisher



Edward M. Dunn, Ex Officio



Carolyn M. Russo

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