

Nov 20 2023 11:01 am

August 18, 2023 10:03 a.m.

A public meeting of the Fitchburg Retirement Board was held in the North Meeting Room located on the 3rd floor of Fitchburg City Hall at 718 Main Street, Fitchburg, MA 01420.

Fitchburg Retirement Board members present: Thomas Dateo Jr. (Chair), John Brown, Mary Cringan, Jacquelyn Cronin and Anna Farrell

Staff present: Tina Schneider, Administrator and Steffani Santiago, Administrator Assistant

Mr. Dateo Jr., asked Jacquelyn Cronin to lead the Pledge of Allegiance.

Mr. Dateo Jr., noted for the record, that the regularly scheduled meeting of the Fitchburg Contributory Retirement Board, previously scheduled for August 22, 2023, was rescheduled due to retirement office staff scheduling conflicts.

Review and Approval of Warrant and Meeting Minutes:

The Board reviewed the August 2023 Warrant, the July 25, 2023 Meeting Minutes. On a motion made by Mary Cringan and seconded by Anna Farrell, to approve the August 2023 Warrant and the July 25, 2023 Meeting Minutes. Voted unanimous (5-0).

Review and Approval of Bank Statement and Accounting:

The Board reviewed the May 2023 and June 2023 Bank Statements. On a motion made by John Brown and seconded by Anna Farrell, to approve and accept the May 2023 and June 2023 Bank Statements. Voted unanimous (5-0).

The Board reviewed the May 2023 and June 2023 accounting. On a motion made by Mary Cringan and seconded by Anna Farrell, to approve and accept the May 2023 and June 2023 accounting. Voted unanimous (5-0).

Review and Approval of Retirement Applications and Calculations:

Ellen Mahon, School Dept., Paraprofessional, Superannuation Retirement Allowance, Option B, effective August 26, 2023. On a motion made by John Brown and seconded by Anna Farrell, to approve Ellen Mahon's Option B. Superannuation Retirement effective August 26, 2023. Voted unanimous (5-0).

Notification of Member(s) Passing:

- John M. Ponusky, Firefighter, Option A., Retirement Date: 07/11/97, DOD: 08/02/23.
- Anna Lagoy, Survivor of Russell Lagoy, Retirement Date: 08/10/90, DOD: 08/14/23.

Review and Approval of New Members:

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>START DATE</u>
Laura Wade	BOH	Clerk	08/15/2023
Amanda Koeck	Senior Center	Principal Clerk	08/14/2023

On a motion made by Anna Farrell and seconded by John Brown, to admit to membership the new members listed for August 2023. Voted unanimous (5-0).

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Review and Accept GASB Statements No. 67 and 68 for FY22 and FY23, prepared by Stone Consulting, Inc.:

Ms. Schneider reminded the Board that Colin Edgar, Lead Pension Consultant from Stone Consulting, Inc., had forwarded via email, the GASB Statements No. 67 and 68 for FY23 and revised statements for FY22 for Board review and approval. Copies of which were emailed to the Board members in advance of the meeting for review. Mr. Dateo Jr., stated the Board was mandated by PERAC to complete these forms fiscally. On a motion made by John Brown and seconded by Mary Cringan, to accept the FY23 GASB Statements No. 67 and 68 and the revised FY22 GASB Statements No. 67 and 68, prepared by Stone Consulting, Inc.

Voted unanimous (5-0).

Stephen J. Hachey – Military Buyback Waiver Request:

Ms. Schneider advised the Board that Mr. Hachey had submitted a letter requesting the Board's consideration to grant him a waiver to complete the buyback of his military service. Ms. Schneider informed the Board, that Mr. Hachey had been actively buying back his eligible military service, but due to personal reasons, explained in detail in the letter he submitted to the Board, was unable to complete the buyback and that he had ten (10) months and twenty (20) days of military service remaining to purchase.

Ms. Cringan informed the Board that Mr. Hachey had broached the subject during an event they were both attending. Ms. Cringan and Ms. Farrell stated they agreed there was a hardship resulting in the interruption of Mr. Hachey's buyback and that he should be given the option to resume the buyback. On a motion made by Anna Farrell and seconded by Mary Cringan, to grant Mr. Hachey the opportunity to complete his veteran buyback. Voted unanimous (5-0).

Retirement Office Space:

Mr. Dateo Jr., informed the Board that he spoke with the City's Facilities Manager, Russell Karlstad, regarding the expansion of the retirement office space to include the former State Representative suite. Mr. Karlstad advised, he was informed by the City's Procurement Office that he would need to obtain two additional bids to comply with procurement law. Mr. Dateo Jr., advised that he did question Mr. Karlstad regarding the items that were excluded from the initial bid and inquired as to what the potential additional costs could be. Mr. Karlstad predicted it could be approximately six hundred dollars (\$600.00) for electrical work and that the remaining items would be taken care of from excess material the City had from the City Hall renovation and that his office would install those items. Mr. Dateo, Jr., inquired if the Board was interested in considering approving a budget to expedite the project as he was hopefully Mr. Karlstad would satisfy the procurement requirements prior to the next Board meeting and was concerned the project could be delayed as a result of the Board not having an approved budget in place. Ms. Cronin inquired as to whether Mr. Karlstad had requested additional bids to-date. Mr. Dateo, Jr., stated he was not sure. Ms. Cronin inquired as to whether the City's I.T. Department had been contacted regarding technical work that would be needed and whether they had agreed to complete the work, or if there could be additional costs associated with those needs. Ms. Schneider advised, Mr. Karlstad had informed her that he spoke with I.T. Manager, Trevor Bonilla, regarding the project and that Mr. Bonilla confirmed his office would complete any I.T. related needs associated with the project.

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On a motion made by Anna Farrell and seconded by Mary Cringan, to allocate a budget not to exceed five thousand dollars (\$5,000.00), for the expansion project of the current retirement office suite in City Hall. Voted unanimous (5-0).

Attorney Gibson Opinion regarding FLSA Status of Retirement Office Staff (Tabled from June 2023) Meeting:

Mr. Dateo Jr., advised that Attorney Gibson had responded to the Board's request for an opinion relative to the FLSA status of the retirement office staff. Mr. Dateo Jr., distributed copies of the email as well as the referenced attachments (Attorney Gibson's Opinion and Draft Compensatory Leave Policy). Mr. Dateo Jr., stated that he wished to table the matter until their September 26, 2023 meeting, to allow the Board time to review the material provided by Attorney Gibson. Mr. Dateo Jr., noted Attorney Gibson's statement in his email indicating that the Board could edit the draft policy, as desired, and stated that he would like the Board to consider recognizing overtime after thirty-five (35) hours.

On a motion made by Anna Farrell and seconded by Mary Cringan, to table the discussion regarding the FLSA status of retirement staff and potential compensatory leave to the September 26, 2023 meeting, to allow the Board time to review the material provided by Attorney Gibson. Voted unanimous (5-0).

Bay State Pension Solutions Software (Tabled from June 2023 Meeting): Mr. Brown acknowledged he was aware of several retirement systems who were disgruntled with PTG due to all of the technical issues with the software program. Mr. Brown advised that MACRS had an upcoming meeting with PTG and that he was hoping for updates. Ms. Schneider explained that the software had slowed down critically and that there had been no communications from PTG representatives regarding how they plan to address any of the issues. Mr. Brown stated he hoped to have an update at the Board's September meeting.

Update on Home Rule Petition for Personal Time Buybacks:

Mr. Dateo Jr., advised, that the petition did not make it through the legislature prior to their summer recess, however, they will reconvene in September and the matter will be on the table until February 2024. Mr. Dateo Jr., reaffirmed that the Board did their part in pursuing a solution, and that the matter was in the hands of the legislature, but that he felt optimistic there would be a positive outcome given the matter was approved on the local level and had unanimous support from the Retirement Board, Mayor's Office and City Council.

Election Update ~ First Elected Board Member Seat:

Ms. Schneider advised the Board Ms. Farrell was still the only candidate to pull election papers to-date and that arrangements had been made with the City Clerk's Office to ensure Ms. Santiago was contacted while the retirement office was closed, should another candidate file nomination papers, so the signatures could be certified.

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2023 Annual Affidavits:

Ms. Schneider informed the Board the 2023 Annual Affidavits were mailed to all benefit recipients on May 1, 2023 and were marked for return by or before June 16, 2023. Ms. Schneider noted, the office had sent out three separate notices to several benefit recipients who had not returned their affidavits. Two retirees' affidavits remain outstanding. In addition to the three separate notices, certified letters had been sent and multiple attempts to make contact these individuals have been made. The office made contact with one of the individuals and was assured multiple times, the affidavit would be returned, however, nothing has been received. The other retiree, lives out-of-state and their telephone number has been disconnected. Three notices have been mailed, marked return service requested, and none have been returned. The office also sent a notice via certified mail and has not received return service. The office has attempted Google searches and contacted every phone number listed. The office also contacted the City's Benefits Coordinator in an attempt to request verification of the contact information for the retiree who is on the City health insurance. According to Blue Cross Blue Shield, the retiree's insurance remains active and is assumed alive with no reporting placement in a nursing facility. Pursuant to State Regulations (840 CMR 15.01(2)), the Board should have withheld the retirees' benefits for June 2023, but the office wanted to ensure they exhausted every method of contact. Ms. Schneider advised that paper checks would be issued for the retirees in question for the August benefit and would be held in office until staff was contacted by the retiree (or next of kin) and the affidavit was completed and returned.

Questions were raised by Ms. Cronin, Ms. Farrell and Ms. Cringan relative to the State Regulation in question and whether the benefit should be withheld for August or if additional time should be allotted. Ms. Schneider advised of a similar situation in previous years and how the Board had not withheld the benefit and later discovered the retiree had passed a few months earlier and that the Board had contacted next of kin regarding the overpayment, but never received reimbursement. Ms. Schneider assured the Board, should the retirees contact the retirement office and return their completed affidavits, any monies withheld would be issued to the retirees. Mr. Brown suggested the office reach out to Middlesex County Retirement as he believed they had a vendor that conducted monthly death audits. Ms. Cringan requested a status update on this matter at the September meeting.

William Healey, School Building Maintenance, ADR Application Update:

Ms. Schneider reminded the Board of her update regarding Mr. Healey's ADR Application during their July meeting and advised that she had not received the completed Employer's portion of the ADR Application back from the School Department within the fourteen day timeline. As such, Ms. Schneider reached out to School's HR Director Cari Fabale, for an update. Ms. Fabale stated that she did not have the information regarding workers' comp to complete the form and that the member's supervisor refused to sign the document. Ms. Schneider advised Ms. Fabale, that she could contact the City's HR Department, who manages workers' comp cases, to obtain information necessary to complete the document. The signed document was returned, however, the workers' comp section of the document was left blank. Ms. Schneider advised that she did follow-up via email with Ms. Fabale requesting the document be completed in its entirety and return, however, she has not received the completed document to-date. As to not delay the submission of Mr. Healey's ADR Application further, Ms. Schneider submitted the incomplete document to PROPSER and stated that she would upload the fully completed document once

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returned by the School Department. The Board instructed Ms. Schneider to follow-up with Attorney Gibson regarding the matter if the completed document was not returned to the retirement office, to request his office send a request letter to the School for the material required.

New Business:

Mr. Dateo, Jr., circulated copies of the Fraud Inquiry Report that was requested by the City's auditing firm, MARCUM. Mr. Dateo Jr., advised that the Retirement System participates in the City's annual audit conducted by MARCUM, f/k/a Melanson and reported he had completed the requested document with the assistance of retirement office staff, and filed the same with MARCUM electronically.

Mr. Brown advised the Board that the Middlesex County Retirement Board had a cybersecurity firm attend their last meeting to discuss security parameters and steps that should be taken to strengthen defenses against cybersecurity threats. Mr. Brown briefed the Board on some of the safeguards that have been implemented by Middlesex County Retirement as a result of that meeting.

On a motion made by John Brown and seconded by Mary Cringan, to adjourn the August 18, 2023 meeting of the Fitchburg Contributory Retirement Board. Voted unanimous (5-0).

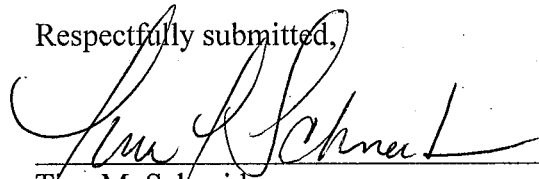
The next public meeting of the Fitchburg Contributory Retirement Board is scheduled for September 26, 2023 at 10:00 a.m.

Meeting Adjourned 11:21 a.m.

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The following payment was approved for the August 2023 warrant:	\$1,889,102.95
Applications for withdrawal of accumulated deductions were:	\$1,685.04
Transfers to other systems were:	\$50,794.62
Management fees for July 2023 were: PRIT Core Fund	\$28,330.84
Management fees for August 2023 were: PRIT Core Fund	\$93,975.39

Respectfully submitted,



Tina M. Schneider
Board Administrator

The Retirement Board attest to the accuracy of the minutes.

