

FITCHBURG CITY CLERK

Apr 06 2023 8:38 am

January 24, 2023 10:00 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: Calvin D. Brooks (Chair), John Brown, Mary Cringan, Thomas Dateo Jr., and Anna Farrell

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

Review and Approval of Warrant and Meeting Minutes:

The Board reviewed the January 2023 Warrant and deferred the review and approval of the December 20, 2022 meeting minutes to the February 21, 2023 meeting. On a motion made by Mary Cringan and seconded by Anna Farrell, to approve the January 2023 Warrant. Voted unanimous (5-0).

Review and Approval of Bank Statement and Accounting:

Due to a last minute closure of City Hall due to inclement weather on January 23, 2023, the review and approval of the November 2022 Accounting, December 2022 Bank Statements & December 2022 Accounting, and January 2023 Bank Statements was deferred to the February 21, 2023 meeting.

Katherine T. Ball, submission of Spousal Affidavit for Member Survivor Allowance Option D

Tina Schneider advised the Board that Stephen G. Ball, Sr., a Heavy Special Motor Equipment Operator in the Department of Public Works Streets Division, had passed away on December 15, 2022 as an active member. Mr. Ball Sr., had named his son, Stephen Ball Jr., as his Option D Beneficiary however, after discussions with the retirement Office, Mr. Ball Sr.'s surviving spouse, Katherine T. Ball elected to file the Affidavit necessary to petition the Board for her husband's Option D survivor allowance.

Calvin Brooks advised the Board that Stephen Ball Jr., and Katherine T. Ball had met with Administrator Assistant Steffani Santiago and himself to discuss their options. Mrs. Ball and her son, Stephen Ball Jr., inquired about health insurance and were advised that she would be entitled to health insurance as an Option D beneficiary. During said meeting, Katherine Ball elected to complete the Affidavit for Member Survivor Allowance and petition the Board for the Option D survivor allowance.

On a motion made by Thomas Dateo Jr., and seconded by Anna Farrell, to acknowledge Katherine T. Ball as the surviving spouse of Stephen G. Ball Sr., and grant her the Option D survivor retirement allowance. Voted unanimous (5-0).

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Review and Approval of Retirement Applications and Calculations:

Gregg J. Normandin, Deputy Chief, Fire Department, Superannuation Retirement Allowance, Option A, effective January 15, 2023. On a motion made by Thomas Dateo Jr., and seconded by Mary Cringan, to approve Gregg J. Normandin's Option A. Superannuation retirement effective January 15, 2023. Voted unanimous (5-0).

Randall F. Doughty, Firefighter, Fire Department, Superannuation Retirement Allowance, Option C, effective January 15, 2023. On a motion made by Thomas Dateo Jr., and seconded by Anna Farrell to approve Randall F. Doughty's Option C. Superannuation retirement effective January 15, 2023. Voted unanimous (5-0).

Gerald P. Gallant, Custodian, School Department, Superannuation Retirement Allowance, Option C, effective January 3, 2023. On a motion made by Thomas Dateo Jr., and seconded by Mary Cringan to approve Gerald P. Gallant's Option C. Superannuation retirement effective January 3, 2023. Voted unanimous (5-0).

Katherine T. Ball, Option D Beneficiary for Stephen G. Ball Sr., Heavy Special Motor Equipment Operator, Department of Public Works/Streets Division, effective date December 15, 2022. On a motion made by Thomas Dateo Jr., and seconded by Anna Farrell, to approve Katherine T. Ball's Option D Member Survivor Retirement Allowance, effective December 15, 2022. Voted unanimous (5-0).

Notification of Member(s) Passing:

Stephen G. Ball Sr., HSMEO, DPW/Streets, Active Member, DOD 12/15/2022
Theresa Cormier, Survivor of Robert Cormier, Firefighter: 04/28/07, DOD 01/15/2023
Earl Contois, DPW/Cemetery, Option B, Retirement Date: 01/03/1996, DOD 01/01/2023

Review and Approval of New Members:

Schultz, Emily R.	School	Paraprofessional	12/05/2022
Marchand, Christopher	School	Nutrition Services	12/05/2022
Johnson, Michael W.	School	Paraprofessional	12/05/2022
Fuentes Fernandez, Pablo E.	DPW	LMEO	1/3/2023

On a motion made by Mary Cringan and seconded by Thomas Dateo Jr., to admit to membership the new members listed for January 2023. Voted unanimous (5-0).

Personal Time Buybacks:

Board reviewed the draft legislation prepared by Attorney Gibson and strategized as to whether to move forward with filing a Home Rule Petition or Amendment to c.32, §106. The Board agreed to move forward with Home Rule petition and gaining the support of City Council. Board discussed filing petition for Home Rule with the City Clerk's Office to be heard during the City Council's March 7, 2023 meeting. Calvin Brooks advised he would contact Attorney Gibson to

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make him aware of the Board's intentions and request his attendance at the March 7, 2023 City Council meeting. The Board requested that the Retirement Office Staff reach out to State Representative Michael Kushmerek's Office and State Senator John Cronin's Office to advise them of the Board's intentions and request their presence at the Board's February 21, 2023 public meeting to discuss logistics and their thoughts on support from colleagues at the State House.

Continuation of discussions regarding implementation of Sec.147 of the Acts of 2022 (c.32, §106) ~ Vacation Buybacks:

Calvin Brooks advised the Board that he sent the draft Vacation Buyback Guidelines to Attorney Gibson for his review and comment and was awaiting his feedback. Mr. Brooks went on to inform the Board that Tina Schneider had calculated the vacation buyback deductions due and owing from all active members who bought back vacation time from January 1, 2019 through December 31, 2022. Board agreed #5 of the vacation buyback guidelines which dictates the dates by which members must make-up the deductions due and owing would need to be adjusted once the Board was ready to move forward with notification to members.

Military Buyback Update for Member: John Viola

Retirement Office Staff advised the Board that they had received payment, via rollover from Voya Financial, for John Viola's July 1, 2022 increment of military buyback.

Scott Gabriel Request for Return of Deductions taken for Vacation Buybacks

Calvin Brooks advised the Board that recent accidental disability retiree, Scott Gabriel had reached out to the Retirement Office and had his attorney reach out to Attorney Gibson, regarding the vacation buyback deductions that were taken from his last paycheck with the City for deductions due from vacation buybacks received during January 1, 2019 – December 31, 2022.

Mr. Brooks advised the Board, the Retirement Office had calculated the vacation buyback deductions due, notified the City to make the adjustments for deductions due in Mr. Gabriel's final pay with the City and then notified Mr. Gabriel of the same. It was later discovered while preparing Mr. Gabriel's retirement estimate, Mr. Gabriel had never participated in vacation buybacks prior to May 1, 2018 and had only done so in what would be considered his final two years of service. Thus, the buybacks would be considered spiking pursuant to c.32, §106. Mr. Brooks stated that Ms. Schneider spoke with Mr. Gabriel regarding the vacation buybacks not counting toward his monthly benefit calculation as a result of spiking and she informed him of his right to write a letter to the Board regarding the deductions taken and his request to have them refunded as they were not going to benefit his monthly pension.

Thomas Dateo Jr., stated he met with the Fitchburg Police Union regarding the Board's drafted Vacation Buyback Guidelines and they discussed Mr. Gabriel's situation. Mr. Dateo Jr., advised the Board that the Fitchburg Police Union was very concerned about the ten (10) year look back set out in the Board's draft guidelines. Mr. Dateo Jr., went on to state that after his conversation with the Union and further consideration, he himself was also concerned that the Board was taking deductions from people who may not qualify for the vacation buybacks to be included in their retirement calculation. Mr. Dateo Jr., stated that he believed many members would not meet the ten (10) year look back set out in the Board Vacation Buyback Guidelines and suggested

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refunding members deductions for vacation buybacks if they do not qualify for it to count in their retirement calculation.

The Board referenced drafted guideline #7 in which it stated hardships would be considered and that prospective retirees had the option to address the Board on their calculation at the time the Board was acting on their retirement allowance. The Board agreed in Mr. Gabriel's case, he would not qualify to have the vacation buybacks calculated in his retirement pursuant to the statute. Mr. Brooks stated he would reach out to Attorney Gibson regarding Mr. Gabriel's situation specifically, whether the buybacks should count pursuant to the calculation process for an accidental disability retirement, or whether the Board's guidelines should be used and whether or not members can and should be refunded if they do not meet the Board's Buyback Guidelines.

New Business

Calvin Brooks advised the Board that he and Administrator Schneider spoke with Mass PRIM relative to increasing the Board's monthly redemption as the Board did not have enough funds to cover the December 2022 warrant. Ms. Schneider stated that she believed the drop may be connected to retro-payments made to retirees as a result of recent contract settlements and vacation buyback adjustments as well as several large transfers that had been processed in the December 2022 warrant. Mr. Brooks advised the Board that a one-time redemption of five hundred thousand (\$500,000.00) was requested for January 2023 (in addition to the regular monthly redemption) to account for the funds needed for the December 2022 warrant. Mr. Brooks advised the Board, upon review of the Board's records, it had been approximately five (5) years since the Board increased the amount of their monthly redemption and upon discussions with the Administrator, agreed that it would behoove the Board to increase the monthly redemption from one million two hundred thousand (\$1,200,000.00) to one million five hundred thousand (\$1,500,000.00) to ensure the Board would have the funds needed to account for upcoming retro-payments due for vacation buybacks, contract settlements and the additional two percent (2%) COLA that will be paid to eligible retirees retro back to July 1, 2022. The appropriate forms were filed with Mass PRIM to increase the monthly redemption which went into effect in January 2023.

On a motion made by Anna Farrell and seconded by Mary Cringan, to adjourn the January 24, 2023 meeting of the Fitchburg Contributory Retirement Board. Voted 5-0.

The next public meeting of the Fitchburg Contributory Retirement System is scheduled for February 21, 2023 at 10:00 a.m.

Meeting Adjourned 11:51 a.m.

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The following payment was approved for the January 2023 warrant: \$1,665,008.47

Applications for withdrawal of accumulated deductions were: \$0.00

Transfers to other systems were: \$0.00

Respectfully submitted,



Tina M. Schneider
Board Administrator

The Retirement Board attest to the accuracy of the minutes.

