

**ESSEX REGIONAL RETIREMENT BOARD**  
**REGULAR SESSION**  
**January 30, 2023**

At a meeting of the Essex Regional Retirement Board held on Monday, January 30, 2023, at 491 Maple Street, Suite 201 at 8:30 a.m., the following Board members were present for all or some of the meeting: Katherine E. Carleton, Vincent R. Malgeri, Kevin A. Merz, Andrew J. Sheehan, and Susan J. Yaskell.

In attendance for all or some of the meeting were the following individuals:

Charles Kostro, ERRS Executive Director  
Lori O'Donnell, ERRS Executive Assistant  
Chris Collins, ERRS Counsel  
Debra Rogers, Member from the Town of Hamilton  
Daniel Napolitano, Counsel to Ms. Rogers  
Harold White, Member from the Town of Merrimac  
Michael A Torrisi, Counsel to Mr. White  
Eric Ryan, Member from the Town of Groveland  
Leigh Panetierre, Counsel to Mr. Ryan

Ms. Yaskell called the meeting to order at 8:30 a.m. The Board said the Pledge of Allegiance.

**Statement**

The Massachusetts Open Meeting Law permits meetings to be recorded and states that the Chair shall inform attendees at the beginning of the meeting of any such recording. Therefore, I am informing everyone that Lori O'Donnell is recording this meeting. If anyone else is recording the meeting, please identify yourself at this time.

**Approval of Board Minutes**

Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted 4-0, (Mr. Sheehan absent); To approve the minutes of the regular and executive session of the meeting of December 19, 2022.

**Public Comment Period**

There were no public comments

**New Enrollments**

Upon a motion by Vincent R. Malgeri, seconded by, Kevin A. Merz, the Board voted 4-0, (Mr. Sheehan absent); That the following named employees be enrolled in the Essex Regional

Retirement System, a list of forty-four names beginning with Michelle Atwood and ending with Katelyn Tully.

<b>Last Name</b>	<b>First Name</b>	<b>Unit</b>	<b>Title/Position</b>	<b>Enrollment Date</b>	<b>Group</b>
Atwood	Michelle	Town of North Andover	Café Worker	8/29/2022	1
Bilodeau	Daniel	Town of North Andover	Custodian	12/12/2022	1
Blum	Mia	Town of North Andover	Teaching Assistant	1/9/2023	1
Cabral	Samantha	Town of Middleton	Intensive Needs Aide	1/10/2023	1
Carabillo	Peter	Town of Topsfield	Firefighter	11/30/2022	4
Collins	Rachel	Town of Ipswich	RBT	9/29/2022	1
Conlin	Stephanie	Triton RSD	Cafeteria Worker	1/3/2023	1
Dalleva	Jehna	Pentucket RSD	Custodian	12/5/2022	1
Darisse	Carolyn	Town of Ipswich	Clerk	1/23/2023	1
Dean	Marianne	Town of Rockport	Cafeteria Worker	1/3/2023	1
Deschenes	Rachel	Triton RSD	Instructional Assistant	11/22/2022	1
Doane	Callie	Manchester-Essex RSD	Teaching Assistant	8/29/2022	1
Doyle	Caitlin	Pentucket RSD	Paraprofessional	1/4/2023	1
Dubus-Brandolini	Allegra	Pentucket RSD	Paraprofessional	12/12/2022	1
Fabian	Eliana	Town of Ipswich	RBT-Unlicensed	1/3/2023	1
Farkash	Savannah	Manchester-Essex RSD	Teaching Assistant	1/3/2023	1
Finocchiaro	Courtney	Town of Boxford	Aide	12/19/2022	1
Gagne	Susan	Town of Lynnfield	Cafeteria Worker	12/1/2022	1
Good	Brandon	Town of Wenham	DPW Driver-Operator	1/3/2023	1
Hale	Margaret	Town of Rockport	Bus Driver/Coordinator	12/15/2022	1
Halkey	James	Town of Rockport	Custodian	12/15/2022	1
Keating	Brian	Town of North Andover	Assistant Planning Director	12/19/2022	1
Lee	Yoonjin	Town of Boxford	Secretary	12/5/2022	1
Lee-Pszenny	Cynthia	Town of Ipswich	Collection Clerk	1/3/2023	1
Marshall	Jacob	Triton RSD	Custodian	12/27/2022	1
Marshall	Lisa	Town of Ipswich	Clerk	4/4/2022	1
McCann	Traci Lynn	Town of North Andover	DPW Assistant	11/28/2022	1
McKenna	Robert	Town of Georgetown	Building Based Sub	12/2/2022	1
Miranowicz	Diana	Pentucket RSD	Custodian	1/3/2023	1
Mornebeck	Lauren	Town of Middleton	Intensive Needs Aide	11/2/2022	1
Morrill	Holly Ann	Triton RSD	Instructional Assistant	11/1/2022	1
Mosson	Patricia	Town of Salisbury	Payroll & Accounting Assistant	1/2/2023	1

Oser	Barbara	Town of Middleton	Instructional Assistant	1/3/2023	1
Ott	Nicole	Town of Georgetown	Instructional Assistant	1/5/2023	1
Peckham	Becky	Triton RSD	Instructional Assistant	1/3/2023	1
Pike	James	Town of Georgetown	Building Inspector	12/5/2022	1
Qesja	Elona	Town of Lynnfield	Paraprofessional	12/20/2022	1
Rajarajan	Subashini	Town of North Andover	Teaching Assistant	12/5/2022	1
Ramos	Ronald	Town of Manchester	Police Officer	1/1/2023	4
Rivera	Corina	Town of Ipswich	RBT	1/3/2022	1
Salt	Mackenzie	Pentucket RSD	Paraprofessional	11/7/2022	1
Tejada	Maria	Georgetown Housing Authority	Tenant Selector	12/19/2022	1
Thomas	Courtney	Town of Georgetown	Assistant to the Chief	12/1/2022	1
Tully	Katelyn	Town of Newbury	Police Officer	12/13/2022	4

*Mr. Sheehan entered the meeting at approximately 8:33 am.*

### **New Retirements**

Upon a motion by Kevin A. Merz, seconded by Katherine E. Carleton, the Board voted 5-0; That the following named members of the Essex Regional Retirement System be awarded retirement benefits calculated as presented below, a list of nine names, beginning with Colleen A Castagna and ending with Joanne Vallone:

1. Colleen A. Castagna, ESP Teaching Assistant, Town of Boxford, Group 1  
Effective Retirement Date: December 23, 2022  
Monthly Retirement Allowance: \$625.13  
Annual Retirement Allowance: \$7,501.56
2. Andrea L. Distefano, Kitchen Manager/Cook, Town of Lynnfield, Group 1  
Effective Retirement Date: November 30, 2022  
Monthly Retirement Allowance: \$1,629.98  
Annual Retirement Allowance: \$19,559.76
3. Carol A. Falconer, Clerk, Electric Light Department, Town of Ipswich, Group 1  
Effective Retirement Date: November 30, 2022  
Monthly Retirement Allowance: \$2,459.64  
Annual Retirement Allowance: \$29,515.68
4. Jennette Elizabeth Loring, Instructional Assistant, Triton RSD, Group 1  
Effective Retirement Date: December 23, 2022  
Monthly Retirement Allowance: \$1,824.70  
Annual Retirement Allowance: \$21,896.40

5. John R. Lucey, Jr., Chief of Police, Town of Newbury, Group 4  
Effective Retirement Date: December 7, 2022  
Monthly Retirement Allowance: \$8,402.52  
Annual Retirement Allowance: \$100,830.24
6. Pamela L. Lutes, Dispatcher, Town of Rowley, Group 1  
Effective Retirement Date: December 6, 2022  
Monthly Retirement Allowance: \$2,684.22  
Annual Retirement Allowance: \$32,210.64
7. Robert W. Marshall, Custodian, Hamilton-Wenham RSD, Group 1  
Effective Retirement Date: November 9, 2022  
Monthly Retirement Allowance: \$1,480.83  
Annual Retirement Allowance: \$17,769.96
8. Patricia N. Pitari, Administrative Assistant, Zoning Board, Town of Georgetown, Group 1  
Effective Retirement Date: November 24, 2022  
Monthly Retirement Allowance: \$1,047.76  
Annual Retirement Allowance: \$12,573.12
9. Joanne Vallone, Assistant to the Chief of Police, Town of Georgetown, Group 1  
Effective Retirement Date: November 30, 2022  
Monthly Retirement Allowance: \$2,976.87  
Annual Retirement Allowance: \$35,722.44

### **Creditable Service Awards**

Upon a motion by Vincent R. Malgeri, seconded by, Kevin A. Merz, the Board voted 5-0; That the retirement system staff has verified that the required payment having been received, that the following members of the Essex Regional Retirement System be awarded creditable service as presented below;

1. Douglas C. Janvrin, Jr. shall be awarded four months of creditable service for the purchase of prior call firefighter service rendered from January 1, 1987 to October 17, 1994, with the Town of Newbury.
2. Michael W. Merritt shall be three years, two months and nine days of creditable service for late entry into membership with the Town of Salisbury, and his membership date shall be changed to April 1, 1994, as he was eligible for membership as of that date and, further, he shall be awarded four years and two months of creditable service for the purchase of prior call firefighter service rendered from February 1, 1990 to March 31, 1994, also with the Town of Salisbury.

3. James P. Rodden shall be awarded six months of creditable service for the purchase of prior non-membership service rendered from July 2, 1991 to December 8, 1992, with the City of Beverly's Youth Services Department.

### **Liability Requests**

Upon a Motion by Kevin A. Merz, seconded by Andrew J. Sheehan, the Board voted 5-0; To take the following action on request for the acceptance of liability received by the retirement system:

1. To deny liability as requested by the Lynn Retirement Board on behalf of Thomas Reddy for non-membership service rendered with Town of Lynnfield from April 1979 to June 1980, as this individual was not eligible for membership in the retirement system, did not remit contributions, was not wrongfully excluded from membership, and was not employed in a temporary, provisional or substitute position.

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### **December Retirees Payroll**

Upon a motion by Kevin A. Merz, seconded by Andrew J. Sheehan, the Board voted 5-0; To approve the retirement allowances for the month of November 2022 in the actual amount of \$4,752,364.85.

### **January Retirees Payroll**

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To approve the retirement allowances for the month of January 2023 in the actual amount of \$4,769,135.67.

### **ERRS Payroll**

Upon a motion by Kevin A. Merz, seconded by Andrew J. Sheehan, the Board voted 5-0; To approve the payment of the ERRS employee payroll for December 30, 2022, in the amount of \$19,934.63, for January 13, 2023, in the amount of \$18,672.10, and for January 27, 2023, in the amount of \$20,532.24.

### **Cash Disbursement Warrant CD2023.01**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2023.01 for January 2023, as presented below in the total amount of \$41,670.14.

<b>Vendor</b>	<b>Amount (\$)</b>
Access - Record Storage - Monthly Fee - 2023.01	636.78
Benefit Strategies - Admin Fees - 2022.12	1.00
Comcast - Internet - 2023.01	227.68

Comcast - Phone - 2023.01	313.03
Danvers, Town of - #201 - 2022.12	86.33
Danvers, Town of - #202 - 2022.12	143.95
Danvers, Town of - #201 - 2023.01	114.40
Danvers, Town of - #202 - 2023.01	186.70
Group Insurance Commission - Health - Q4 2022	15,277.53
Harper's Payroll Service - 2022.12.30	91.76
Harper's Payroll Service - 2023.01.13	53.21
Harper's Payroll Service - 2023.01.27	221.76
HCOPT Condo Fees - January Balance & February Fee	1,760.00
HIQ Computers - #134735 - New Server - 2022 Expense	5,200.00
HIQ Computers - #135082 - Moves & Set-Up, Remote Service, 11/14-12/27	1,330.00
HIQ Computers - Monthly Replication Services - 2023.01	90.00
Law Office of Michael Sacco - 2022.12	9,352.00
MACRS 2023 Dues	650.00
Quadient Finance, USA, Inc. - Postage - Regular & 1099R Mailings	5,010.00
Ricoh USA, Inc. - Monthly Fee - 2022.12 - Copier Lease	297.45
Ricoh USA, Inc. - Monthly Fee - 2023.01 - Copier Lease	283.29
S.J. Services - Monthly Cleaning Fee - 2022.12	283.33
W.B. Mason - Office Supplies - Water - 2022.12	59.94
Total	41,670.14

#### **Cash Disbursement Warrant CD2023.01a - PRIT Fund Transfer**

Upon a motion by Vincent R. Malgeri, seconded by Andrew J. Sheehan, the Board voted 5-0;  
To approve the Cash Disbursement Warrant CD2023.01a for a transfer from the PRIT Fund as presented below in the total amount of \$3,000,000.00.

<b>Vendor</b>	<b>Amount</b>
Transfer from PRIT Cash to Eastern Bank	\$3,000,000.00
Total	\$3,000,000.00

#### **Schedule FY2024 COLA Hearing**

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To schedule a separate meeting on Monday, April 24, 2023, at 8:30 a.m., in order to conduct a hearing to consider a Cost-of-Living Adjustment of up to 3% for eligible members of the retirement system and that a notice be submitted to the Advisory Council regarding this hearing pursuant to PERAC's recommendation in Memo #4 of 2023.

## **Matthew Twiss Military Service Purchase Eligibility**

Mr. Kostro reviewed the issues surrounding whether or not Matthew Twiss was properly notified regarding his ability to purchase military service. He reviewed the issues identified in notices given under the prior Board and whether such notices were actually sent. Mr. Kostro discussed the lack of adequate documentation available from these earlier notices and the difficulty justifying a denial should such a decision be appealed. Mr. Malgeri asked if PERAC has ever raised this as an issue. Mr. Kostro said that none of the prior purchases conducted in similar situations have been challenged in any audit thus far. Mr. Malgeri asked what the process is now for military purchases. Ms. Carleton stated that there is a detailed process now, the letters are sent certified mail, and ERRS staff follows up with the member when an application is pending. Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted 5-0; That Matthew Twiss be permitted to purchase his military service as there is not sufficient documentation that he received the proper application and subsequently failed to file timely to purchase this service.

## **Updated Position Descriptions**

Mr. Kostro presented revised position descriptions for all retirement system positions. Mr. Merz asked if these could be voted at one time rather than individually. Mr. Kostro said they could be voted together and reviewed the changes in each position. He noted that most of the changes were minor but reflect the actual work assignments for each position. Mr. Kostro reviewed the more significant changes, such as moving the refund/rollover/transfer warrant to the Retirement Counselor position. He said that with the addition of new staff, he thought it was important to make sure that all of the position descriptions reflected adjustments in assignments that have taken place over the past several months. Mr. Kostro noted that he has met with all of the employees and gone over every change in their position description. He also pointed out that several of the additions reflect employees acting as back-ups for functions primarily assigned to other positions. Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted 5-0; To approve the updated position descriptions for the Deputy Executive Director, Senior Retirement Counselor, Retirement Counselor, Employer Reporting Representative, Executive Assistant, all to be effective as of February 1, 2023.

## **Remote Work Policy**

The Board discussed the revised remote work policy, which was previously presented and has been reviewed by ERRS Counsel. Mr. Malgeri indicated his opposition to scheduled remote work as he felt that employees should be in the office full-time and available to members. Ms. Yaskell indicated that she has previously been opposed to remote work options for staff but noted that she has done some research among local communities and has found that remote work options are being offered to municipal employees. Ms. Carleton asked what happens if a member tries to contact an employee that is working remotely. Mr. Kostro explained that if a member calls and leaves a message for an employee that is working remotely that employee will receive an email with the voicemail attached. The employee should be in touch with the member within 24 hours.

Ms. Yaskell asked if that meant twenty-four work hours or in one day. Mr. Kostro said that the member should be contacted by the employee by the next business day if not sooner. Ms. Carleton thought that there are benefits to allowing employees to work remotely when something comes up at home, instead of having to use their vacation/personal time, these employees can work and still be at home when needed. Ms. Yaskell does not believe that employees should be allowed to work remotely on a weekly basis. Mr. Sheehan believes that Mr. Kostro should have the flexibility to manage the office schedule and the ERRS staff at his discretion. Mr. Kostro said that in today's competitive job market, offering a hybrid/work from home option is nearly universal and is attractive to potential candidates. The Board concurred with Mr. Sheehan that managing remote work should be up to Mr. Kostro. Mr. Kostro indicated that he was fine with that decision, although he wanted to make sure that the Board and he were on the same page regarding how remote working should be managed. Mr. Kostro reviewed what his intention would be regarding managing remote work schedules. First, he stated that he did not think any previously approved schedules should be revoked without cause, but in going forward he did not intend to approve set, remote work schedules. Rather, Mr. Kostro said that he planned to approve remote work after an employee has completed their six month introductory period and upon proper notice from the employee making the request. He said he would only approve remote work if there were still enough employees available to properly cover the office. Discussion ensued about the minimum number of employees who should be in the office on a regular basis, and Mr. Kostro said that he typically tries never to have less than three employees scheduled to be in the office at any time. Mr. Kostro said if the Board was in general agreement with this approach, he felt confident that the retirement system can successfully manage providing employees with a limited remote work option. Mr. Merz withdrew his motion. Upon a motion by Andrew Sheehan, seconded by Mr. Malgeri, the Board voted 5-0; To take no action on the proposed remote work policy.

#### **First Member Election, 5% COLA, FY2024 Appropriation**

Mr. Kostro noted that there were three items on the agenda that were passed over. Mr. Kostro asked if Board members had any questions on these items. The three items were; the status of the First Member election and the correspondence with PERAC; the 5% COLA vote and the correspondence with the units; and, the correspondence with PERAC on the FY2024 appropriation, which discussed PERAC's decision to only use the salary amounts through 9/30/2022 in calculating the FY2023 appropriation, and Mr. Kostro's response requesting PERAC to use the full twelve months salary totals in future years. Ms. Yaskell asked about the election and Mr. Kostro responded that the notices of the election were all sent out and reviewed the schedule for nominations and voting. Mr. Kostro also said that in the past, if only one candidate was nominated, then the election was still held, and a write-in option was provided on the ballot. He assumed that the Board would want to proceed in the same manner in this election. Mr. Malgeri asked when the new First Member will take office. Mr. Kostro replied that the new First Member will take office in time for the March meeting. Mr. Kostro discussed the process for municipalities to notify the retirement system regarding their votes on whether to grant a 5% COLA for FY2023.



## **Executive Session**

Upon a motion by Vincent R. Malgeri, seconded by Andrew J. Sheehan, the Board voted 5-0; To move to executive session to act on the disability retirement applications of Debra Rogers, Eric Ryan, and Harold White, and to remain in executive session to discuss strategy with respect to litigation in the matter of Shawn Smith v. the Essex Regional Retirement Board, as an open meeting may have a detrimental effect on the litigating position of the retirement board.

## **Statement of the Chair**

Ms. Yaskell stated that the Board will be returning to open session upon the conclusion of the executive session only for the purpose of adjourning the meeting.

*The Board entered executive session at 9:19 a.m.*

## **Debra Rogers – Disability Application**

Upon a motion by Vincent R. Malgeri, seconded by Andrew J. Sheehan, the Board voted by roll call as follows: Mrs. Carleton, Yes; Mr. Malgeri, Yes; Mr. Merz, Yes; Mr. Sheehan, Yes; and Mrs. Yaskell, Yes; To seek further clarification from the medical panel and to authorize ERRS Counsel to draft a request for clarification and to ask questions as he may deem necessary, request that Dr. Fisher be replaced and to record this vote in the open session minutes of this meeting. Ms. Rogers and Mr. Napolitano left the meeting at 9:46 am.

## **Eric Ryan – Disability Application**

Upon a motion by Vincent R. Malgeri, and seconded by Kevin A. Merz, the Board voted by roll call as follows; Ms. Carleton, Yes; Mr. Malgeri, Yes; Mr. Merz, Yes, Mr. Sheehan, Yes and Ms. Yaskell, Yes; To approve the application for accidental disability retirement for Eric Ryan and to record this vote in the open session minutes of this meeting.

## **Harold White – Disability Application**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted by roll call as follows: Ms. Carleton, Yes; Mr. Malgeri, Yes; Mr. Merz, Yes; Mr. Sheehan, Yes; and Ms. Yaskell, Yes; That upon confirmation that all relevant medical records have been received, to request PERAC to appoint an in-person regional medical panel for the purpose of examining the accidental disability retirement application of Harold White, that ERRS Counsel be authorized to submit to the medical panel any questions that he may deem necessary and relevant, and that this vote be recorded in the open session minutes of the meeting.

## **Shawn Smith – DALA Decision**

Upon a motion by Vincent R. Malgeri, seconded by Andrew J. Sheehan, the Board voted by roll call

as follows: Ms. Carleton, Yes; Mr. Malgeri, Yes; Mr. Merz, Abstained; Mr. Sheehan, Yes; and Ms. Yaskell, Yes; To appeal the decision of the Division of Administrative Law Appeals in the matter Shawn Smith v the Essex Regional Retirement Board, and to authorize ERRS Counsel to take all actions necessary to effectuate this vote.

*The Board exited executive session at 10:54 a.m.*

**Motion to Adjourn**

Upon a motion by Kevin A Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To adjourn the meeting.


The meeting adjourned at 10:55 a.m.

  
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Katherine E. Carleton

  
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Vincent R. Malgeri

  
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Kevin A. Merz

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Andrew J. Sheehan

  
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Susan J. Yaskell

The following materials were provided to the Board for items acted upon at the meeting:

Meeting Minutes  
New Enrollments  
Retirement Benefit Calculations  
Award of Creditable Service Documents  
Denial of Liability Documents  
Refund, Retiree Payroll, Employee Payroll and Cash Disbursement Warrants  
First Member Election Documents  
Notice to Units on 5% COLA Vote and Subsequent Emails  
Email from PERAC re: FY2024 Appropriation Calculation  
Documents Relating to the Military Service of Matthew Twiss  
Revised Position Descriptions  
Draft Policy on Remote Work

In addition to the materials provided to the Board for items acted upon at the meeting, the following documents were also provided:

Advisory Council Draft Meeting Minutes - September 28, 2022  
Agenda Posting Checklist  
Annual Appropriation Unsigned Salary Survey List – 2022  
ERRS Board and Staff Ethics Compliance Tracking Spreadsheet  
ERRS Final 2023 Budget Narrative - January 2023  
ERRS Final 2023 Budget Narrative - Unit Email Notice  
ERRS Staff 2022-2023 Time and Attendance Accruals  
Executive Director's Schedule  
Final Benefit Termination Notice Letters - 2021 91A Non-Compliance  
Financial Reports – Monthly Bank Reconciliation - November 2022  
Financial Reports – Monthly Cash Flow – January 2023  
Financial Reports – November 2022 – Adjustments  
Financial Reports – November 2022 – Disbursements  
Financial Reports – November 2022 – General Ledger  
Financial Reports – November 2022 – Receipts  
Financial Reports – November 2022 – Trial Balance  
Financial Reports - PRIM Q3 2022 Quarterly Update  
Financial Reports - PRIT Performance Update - December 2022  
Financial Reports - PRIT Performance Update - Essex - December 2022  
Financial Reports - PRIT Performance Update - Essex - November 2022  
Financial Reports - PRIT Performance Update - November 2022  
PERAC Memo #1 2023 - Reinstatement of Post-Retirement Limitations  
PERAC MEMO #5 2023 - PROSPER Training  
PTG Notice and Update  
Public Records Request – Cassandra Green – Emails, Invoices, and Meeting Tapes  
Public Records Request - Kathy Curran NBC10 - Perry Collins Retirement Application  
Public Records Request Tracking  
Retirement Counselor Hiring - Employee Salary Budget.2023