

**ESSEX REGIONAL RETIREMENT BOARD**  
**REGULAR SESSION**  
**May 22, 2023**

At a meeting of the Essex Regional Retirement Board held on Monday, May 22, 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: Tracy A. Blais, Katherine E. Carleton, Vincent R. Malgeri, 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  
Michael Sacco, ERRS Counsel  
Daniel Cena, Member from West Newbury Police Department  
Gary Nolan, Counsel for Mr. Cena

Ms. Yaskell called the meeting to order at 8:33 a.m.

**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**

Mr. Malgeri noted on page 2, in the middle of the second paragraph, a couple of typos in the executive session minutes, which should be corrected. Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve the minutes of the special meeting of April 24, 2023, and to approve the minutes of the regular and executive session of the meeting of April 24, 2023, as amended.

**MACRS Overnight Travel Approval**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve overnight travel to the 2023 Spring Conference of the Massachusetts Association of Contributory Retirement Systems for the period from Sunday, June 4, 2023, to Wednesday, June 7, 2023, for following Board Members:

Susan J. Yaskell  
Vincent R. Malgeri  
Tracy Blais  
Katherine Carleton

## **Public Comment Period**

There were no public comments

## **Public Hearing – Open Hearing**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To open the public hearing on a proposed new regulation governing the award of creditable service pursuant to Massachusetts General Law, Chapter 32, Section 4(2)(b).

## **Public Hearing – Approval of Regulation**

Mr. Sacco noted that the initial draft of the proposed regulation focused only on firefighters. He suggested that the Board amend the language in the statute to cover reserve police officers as well, as the issue of service in excess of the five full years could also come up relative to police officers. Ms. Carleton accepted an amendment to her motion stating that any member who wishes to purchase any past service rendered beyond the five (5) years as a permanent intermittent or reserve police officer, such service will be calculated consistent with the Boards existing creditable service regulation. Mr. Malgeri wondered if a blast notification to the units should be contemplated to put the municipalities on alert that the cost of purchasing service under this regulation will be assessed among each unit. Mr. Kostro noted that there is an article in the newsletter advising all members that the Board may vote to approve this regulation. Mr. Sacco stated that there is no requirement for the Board to send any notice. Mr. Kostro asked how this regulation is to be applied. He noted the past practice has been to apply the provisions of a new regulation from the date on which it is approved. However, Mr. Kostro said that if this regulation is bringing the retirement system in compliance with the statute, does that mean that staff will need to remove service previously awarded which is in excess of the five full years if the community from which the member is from did not approve the local option. Mr. Sacco said that the quick answer is yes, however, the MacAloney case would indicate that the purchase of such service is permitted. He reviewed the statute and the relevant case law as it now exists and noted that he believes that it is PERAC's view that MacAloney is good law. Ms. Yaskell asked if changes had been made to the supplemental regulation. Mr. Kostro explained that there was a motion to amend it to include reserve police officers. Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To submit to PERAC for approval the following regulation governing the award of creditable service pursuant to Massachusetts General Law, Chapter 32, Section 4(2)(b):

### **SUPPLEMENTAL REGULATION**

For those members who have been permanently appointed to the same fire department in which they have rendered service as a call firefighter beyond the five (5) years M.G.L. c. 32, § 4(2)(b) permits, and whose host municipality has adopted Section 4(2)(b)'s local option provision which permits the permanent firefighter to receive credit for one day of full-time service each day in any year which is subsequent to the fifth year following said appointment and on which a call firefighter was assigned to and actually performed duty as a call firefighter, the Board shall credit

one (1) month of service for each month in which said call firefighter serves according the following schedule: (a) for call firefighters who do not work a scheduled shift but are on-call to respond to actual calls, responding to calls on fifteen (15) days will be the equivalent of one (1) month of service; (b) for call firefighters who work a scheduled shift, and that shift is for a pre-determined amount of hours, working 15 shifts will be the equivalent of one (1) month of service; and (c) for call firefighters who work twenty-four (24) hour shifts, working ten (10) shifts will be the equivalent of one (1) month of service. Members will be permitted to combine months during which they did not work the requisite amount of shifts to receive credit for a full month of service using the applicable formula to obtain additional credit, which will be granted in monthly increments. For example, if a call firefighter who works a 24-hour shift works 5 shifts in two (2) separate months, the member will be able to purchase an additional month of service. All service purchases pursuant to this regulation will be calculated pursuant to M.G.L. c. 32, § 4(2)(c).

Any member who wishes to purchase any past service rendered beyond the five (5) years as a permanent intermittent or reserve police officer, such service will be calculated consistent with the Boards existing creditable service regulation.

The liability for any Section 4(2)(b) service purchase will be assessed to the municipality that has adopted Section 4(2)(b)'s local option provision.

### **Public Hearing – Close Hearing**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To close the public hearing.

### **New Enrollments**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; That the following named employees be enrolled in the Essex Regional Retirement System, a list of twenty-four names beginning with Kirsten Alexander and ending with Deana Ziev.

<b>Last Name</b>	<b>First Name</b>	<b>Unit</b>	<b>Title/Position</b>	<b>Enrollment Date</b>	<b>Group</b>
Alexander	Kirsten	Town of Wenham	Town Clerk	4/18/2023	1
Ayoub	Alicia	Town of North Andover	Café Worker	4/24/2023	1
Bernard	Mikelange	Town of Ipswich	Dispatcher	4/24/2023	1
Close	Maxwell	Town of West Newbury	Assistant Town Clerk	5/1/2023	1
Crispin de Perez	Milady	Triton RSD	Custodian	4/18/2023	1
Croston	Stephanie	ERRS	Employer Reporting Rep	5/1/2023	1
Ebling	Roney	Town of Topsfield	Sped Aide	3/20/2023	1
Harney	Jennifer	Triton RSD	Instructional Assistant	4/6/2023	1
Heffernan	Maureen	Triton RSD	Instructional Assistant	1/9/2023	1
Hussey	William	Town of Nahant	Firefighter	4/11/2023	4



King	Michele	Town of Merrimac	Office Manager	4/3/2023	1
Leboeuf	Ryan	Town of Rowley	Firefighter	4/10/2023	4
Lisitano	Andrea	Town of Middleton	Pre-School Aide	4/24/2023	1
Lucido	Stacy	Town of Georgetown	Payroll Coordinator	4/3/2023	1
Manning	Heather	Town of Merrimac	Customer Service Rep	3/27/2023	1
Mason	Teresa	Town of Boxford	Secretary	4/18/2023	1
McCarthy	Sean	Town of North Andover	Custodian	4/25/2023	1
Nunez	Nelson	Town of Salisbury	Beach Supervisor	4/3/2023	1
Rooney	Patrick	Town of Topsfield	Equipment Operator	2/27/2023	1
Sanborn	Peter III	Town of Salisbury	Laborer	2/21/2023	1
Sinclair	Daniel R	Town of Rockport	Laborer	4/10/2023	1
Walsh	Elizabeth	Triton RSD	Cafeteria Manager	4/24/2023	1
Windler	Eric	Town of Rockport	Water / Sewer Specialist	4/10/2023	1
Ziev	Deana	Triton RSD	Instructional Assistant	1/3/2023	1

### **Rescinding Membership – Anne R. Schwartz**

Mr. Kostro advised the Board that upon receipt of a request to transfer Ms. Schwartz's account, staff verified her service, only to discover that she did not work the required twenty hours per week at the time of her enrollment. Mr. Kostro noted that Ms. Schwartz has been sent a letter advising her that this vote would be taken at this meeting. Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To rescind the membership of Anne R. Schwartz as she was not permanently employed working at least twenty hours per week as required by the membership policy in effect at the time of her enrollment.

### **New Retirements**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E Carleton, the Board voted 4-0: That the following named members of the Essex Regional Retirement System be awarded retirement benefits calculated as presented below, a list of four names, beginning with Julie A. Lavacchia and ending with Pamela R. Towers:

1. Julie A. Lavacchia, Assistant Business Manager, Town of Georgetown, Group 1  
Effective Retirement Date: April 14, 2023  
Monthly Retirement Allowance: \$5,736.18  
Annual Retirement Allowance: \$68,834.16
2. David M. Melin, Electric Lineman, Town of Ipswich, Group 4  
Effective Retirement Date: April 3, 2023  
Monthly Retirement Allowance: \$2,052.24  
Annual Retirement Allowance: \$24,626.88
3. Helder M. Quadros, Facility Technician, Masconomet Regional School District, Group 1

Effective Retirement Date: April 28, 2023  
Monthly Retirement Allowance: \$1,201.51  
Annual Retirement Allowance: \$14,418.12

4. Pamela R. Towers, Paraeducator, Pentucket Regional School District, Group 1  
Effective Retirement Date: April 7, 2023  
Monthly Retirement Allowance: \$630.24  
Annual Retirement Allowance: \$7,562.88

### **Creditable Service Awards**

Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; 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. Kerrie A. Bates shall be awarded eleven months of creditable service for the purchase of prior non-membership service rendered from October 17, 2011 to July 1, 2013, with the Town of Ipswich.
2. Kathleen M. Darragh shall be awarded two years and one month of creditable service for the purchase of prior non-membership service rendered from November 1, 2005 to May 31, 2012, with the Town of Lynnfield.
3. Patrice J. Natale shall be awarded five months of creditable service for the purchase of prior non-membership service rendered from December 1, 1992 to October 14, 1993, with the Pentucket Regional School District.

### **Liability Requests**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To take the following action on a request for the acceptance of liability received by the retirement system.

1. To accept liability as requested by the Weymouth Retirement Board on behalf of Brian Connolly for non-membership service rendered from January 31, 2022 to June 30, 2022, as this service was rendered in a temporary, provisional or substitute position.
2. To deny liability as requested by the State Retirement Board on behalf of Daniel Doucette for non-membership service rendered as a call firefighter with Town of Essex from 1985 to 2022, 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.
3. To accept, upon receipt of proper payment, two months of liability as requested by the Cambridge Retirement Board on behalf of Michael E. Lacombe for prior non-membership

service rendered with the Town of Georgetown from April 2013 to June 2013, as this service was rendered in a temporary, provisional or substitute position.

4. To accept, upon receipt of proper repayment, ten months of liability as requested by the Cambridge Retirement Board on behalf of Michael E. Lacombe for prior refunded service rendered with the Hamilton-Wenham Regional School District from September 1, 1998 to June 24, 1999.
5. To deny liability as requested by the Cambridge Retirement Board on behalf of Michael E. Lacombe for non-membership service rendered as a teaching assistant with Hamilton-Wenham Regional School District from July 1997 to June 1998, 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.

### **Refund Warrant – May 2023**

Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To approve the refund warrant for May 2023, to refund, rollover, or transfer the accounts of the individuals as presented below, a list of twenty-four members beginning with Ethan K. Abramowitz and ending with Jeffrey J. Wyman, in the total net amount of \$429,585.17.

<b>Name</b>	<b>Type</b>	<b>Board or Institution</b>
Abramowitz, Ethan K.	Transfer	State Retirement Board
Beaulieu, Ashley Noelle	Transfer	Massachusetts Teachers Retirement System
Bonaccorso, Katherine S.	Withdrawal	
Boulanova, Irina A.	Rollover	Vanguard Traditional IRA
Bruno, Deborah Sue	Rollover	TB Bank - IRA
Casey, Stephen M.	Transfer	Beverly Retirement Board
Cass, Shawn Michael	Withdrawal	
Cassidy, Jr., Thomas J.	Transfer	Reading Retirement Board
Cassista, Jennifer M.	Rollover	LPL Traditional IRA
Coppen, Lori L.	Transfer	Newburyport Retirement Board
Cunha, Michael O.	Transfer	Massachusetts Teachers Retirement System
Fleming, Lawrence M.	Transfer	Massachusetts Teachers Retirement System
Gagnon, Laurie E.	Transfer	State Retirement Board
Hebert, Kellie A.	Transfer	Worcester Regional Retirement System
Liberti, Justin J.	Transfer	Middlesex County Retirement System
Marzinzik, Dustin E.	Withdrawal	
Mawhinney, Camille G.	Rollover	TIAA

Melin, David	Withdrawal	
Morrison, Macy Louise	Transfer	Massachusetts Teachers Retirement System
O'Brien, Kathleen R.	Transfer	Massachusetts Teachers Retirement System
Pope, Emily	Transfer	Hampden County Regional Retirement System
Quadros, Helder M.	Withdrawal	
Wilcox, Douglas S.	Transfer	Massachusetts Teachers Retirement System
Wyman, Jeffrey J.	Transfer	Massachusetts Teachers Retirement System

### **April Retirees Payroll**

Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To approve the retirement allowances for the month of April 2023, in the actual amount of \$4,804,225.10.

### **May Retirees Payroll**

Ms. Blais asked why the payroll amount for May is an estimated number. Mr. Kostro responded that this vote authorizes the payment of the retiree payroll, but the actual amount is not known until the payroll is run. Mr. Kostro said that the monthly retiree payroll is processed as close to the end of the month as possible, in order to minimize the adjustments that would need to be made in future benefit payrolls due to changes in the insurance premiums that are withheld. Mr. Kostro advised that in the ensuing month, the actual payroll amount is voted. Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To approve the retirement allowances for the month of May 2023, in the estimated amount of \$4,825,000.00.

### **ERRS Payroll**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve the payment of the ERRS employee payroll for May 5, 2023, in the amount of \$20,646.89, and for May 19, 2023, in the amount of \$25,814.18.

### **Cash Disbursement Warrant CD2023.05**

Ms. Yaskell asked Mr. Kostro if the PTG annual support fee was the same amount that is paid every year. Mr. Kostro said that the annual support fee is scheduled to increase approximately 3% every year under the agreement approved by the Board in 2022. Ms. Yaskell said that this amount seems like a lot. Mr. Malgeri asked if the other members of the Board had heard about the new company named Baystate Pension Solutions that was started by a former employee of Pension Technology Group. Mr. Malgeri said they are offering lower pricing than PTG is charging and will also offer the employee self-service portal at no additional charge. Mr. Malgeri noted that this new group is the inside design people for the database systems used by retirement boards, although this new group has only one client. He indicated that he expects to see this group at MACRS. Ms. Yaskell asked Mr. Kostro when the annual support starts from PTG and Mr. Kostro responded that it begins on July 1<sup>st</sup> of each year. Mr. Kostro also reminded the Board that it was just one year ago that ERRS completed an RFP process and the Board voted to award a contract

to PTG for five years with an option for two more years. He noted that the agreement approved by the Board included pricing, such as the amount in the warrant presented today. Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve the Cash Disbursement Warrant CD2023.05 for May 2023, as presented below in the total amount of \$91,898.42.

<b>Vendor</b>	<b>Amount (\$)</b>
Access - Record Storage - Monthly Fee - 2023.05	788.26
Benefit Strategies - Admin Fees - 2023.04	1.00
Comcast - Internet - 2023.05	227.83
Comcast - Phone - 2023.05	311.96
Danvers, Town of, Electric - #201 - 2023.03	148.28
Danvers, Town of, Electric - #202 - 2023.03	167.08
Group Insurance Commission - GIC -Health - 04/01/2023 - 06/30/2023	20,582.19
Harper's Payroll Service - 2023.05.05	80.11
H.C.O.P.T. - Condo Fees - 2023.06	1,657.00
HIQ Computers - #1363359 - Archive C. Green's Email; Remote Service; Greeting	220.00
HIQ Computers - Monthly Replication Services - 2023.05	90.00
Kostro, Charles - Annual Zoom Fee	149.90
Law Office of Michael Sacco - 2023.04	15,656.76
MACRS Spring Conference - Board Member Registration	1,936.00
Massachusetts Municipal Association - Position Posting	125.00
Pension Benefit Information - LLC - Research Credits	100.00
PTG - Annual Support and Hosting Fee	48,890.00
Quadient, Inc. - Parts Replacement	30.00
Ricoh USA, Inc. - 2023.04	283.29



S.J. Services - Monthly Cleaning Fee - 2023.04	283.00
Boston Fire Inspection - Annual Inspection	75.00
Harper's Payroll Service - 2023.05.19	95.76
Total	91,898.42

### **Cash Disbursement Warrant CD2023.05a – PRIT Fund Transfer**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve the Cash Disbursement Warrant CD2023.05a for a transfer from the PRIT Fund as presented below in the total amount of \$4,000,000.00.

<b>Vendor</b>	<b>Amount</b>
Transfer from PRIT Cash to Eastern Bank	\$4,000,000.00
Total	\$4,000,000.00

### **Spring 2023 Newsletter**

Mr. Kostro reviewed the draft spring newsletter for the Board. He said that the focus of the newsletter was to provide contact information showing the new Board members and staff. He also said that the Board's COLA votes for both the additional 2% for FY2023, and the 3% increase in FY2024 are also highlighted. Mr. Malgeri was concerned that only six municipalities have voted thus far on the additional 2% COLA. He asked if there should be a note alerting members and retirees that thirteen units have not yet responded. Mr. Malgeri suggested that this could help retirees put a little pressure on their select boards to hold a vote. He reviewed how retirees were able to mobilize in Andover, writing letters and showing up at the hearing on the COLA vote. Ms. Yaskell asked when do the municipalities have to reply regarding the additional 2% COLA. Mr. Kostro said that the additional 2% needs to be applied before June 30<sup>th</sup>. Discussion ensued on when the newsletter would be mailed and whether it would be received in time for retirees to act. Mr. Kostro also noted the next item on the agenda, which is a draft email he is asking the Board to approve reminding the chief executives of each unit that a vote on the additional 2% COLA needs to take place before the end of the fiscal year if it is to be approved. Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To approve the spring 2023 newsletter as presented.

### **5% COLA Vote Reminder**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted 4-0; To authorize the Executive Director to send the email presented to the Board to all the Chief Executives of the municipal units of ERRS reminding them of the option to vote to approve the additional 2% COLA for eligible ERRS members.

### **Media Request**

Mr. Kostro reviewed a request from a television show that was going to focus a regional segment on a retirement board. He noted that there was a cost associated with this appearance and it was determined that the Board would not pursue it.

### **Executive Session**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted by roll call as follows; Ms. Blais, Yes, Ms. Carleton, Yes; Mr. Malgeri, Yes; Ms. Yaskell, Yes; To move to executive session to act on the disability retirement application of Daniel Cena and to remain in executive session to discuss strategy with respect to litigation in the matter of Daniel Soffron v. ERRB, and Richard Shailor v. ERRB & BCRB, as an open meeting may have a detrimental effect on the litigating position of the retirement board.

*The Board moved to executive session at 9:18 a.m.*

### **Statement of the Chair**

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

### **Daniel Cena – Disability Application**

Upon a motion by Vincent R. Malgeri, seconded by Katherine E. Carleton, the Board voted by roll call as follows; Ms. Blais, Yes; Ms. Carleton, Yes; Mr. Malgeri, Yes; Ms. Yaskell, Yes; To approve the accidental disability application of Daniel Cena and that this vote be recorded in the open session minutes of the meeting.

*The Board returned from executive session at 9:50 a.m.*

### **Motion to Adjourn**

Upon a motion by Katherine E. Carleton, seconded by Vincent R. Malgeri, the Board voted 4-0; To adjourn the meeting.

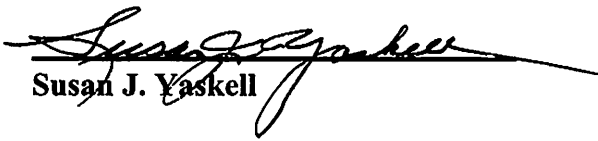
The meeting was adjourned at 9:51 a.m.

  
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Tracy A. Blais

  
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Katherine E. Carleton

  
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Vincent R. Malgeri

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Kevin A. Merz

  
**Susan J. Yaskell**

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

Meeting Minutes  
MACRS Notice  
Draft Regulation on Awarding Call Firefighter and Reserve Police Service  
New Enrollments  
Documents Relating to a Member's Enrollment  
Retirement Benefit Calculations  
Document in Support of Service Purchases  
Documents Pertaining to Liability Requests  
Refund, Retiree Payroll, Employee Payroll and Cash Disbursement Warrants  
Draft Spring 2023 Newsletter  
Draft Reminder Notice to Municipalities on 5% COLA Vote  
Email with Media Invitation and Information

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

Agenda Posting Checklist  
Draft Advisory Council Minutes - April 26, 2023  
ERRS Board and Staff Ethics Compliance Tracking  
Executive Director's Schedule  
Financial Reports – 2023.01 – Adjustments  
Financial Reports – 2023.01 – Disbursements  
Financial Reports – 2023.01 - General Ledger  
Financial Reports – 2023.01 – Receipts  
Financial Reports – 2023.01 - Trial Balance  
Financial Reports – 2023.02 – Adjustments  
Financial Reports – 2023.02 – Disbursements  
Financial Reports – 2023.02 - General Ledger  
Financial Reports – 2023.02 – Receipts  
Financial Reports – 2023.02 - Trial Balance  
Financial Reports – 2023.03 – Adjustments  
Financial Reports – 2023.03 – Disbursements  
Financial Reports – 2023.03 - General Ledger  
Financial Reports – 2023.03 – Receipts  
Financial Reports – 2023.03 - Trial Balance  
Financial Reports – Monthly Bank Reconciliation – April 2023  
Financial Reports – Monthly Bank Reconciliation - March 2023  
Financial Reports – Monthly Cash Flow – April 2023  
Financial Reports – Monthly Cash Flow – May 2023  
Financial Reports – Monthly Expenditure Report – April 2023  
Financial Reports - PRIT Performance Update - April 2023  
Financial Reports - PRIT Performance Update - Essex - April 2023  
Financial Reports – PRIT Performance Update - Essex - March 2023  
Financial Reports – PRIT Performance Update - March 2023

Maier v. ERBB – DALA Final Decision - Dismissal

PERAC Notice of FY2024 COLA Vote

PRIM Investment Committee - Fund Performance Review

PRIT Fund - PRIM Board Quarterly Update - Q1 2023

Emails, Attachments, etc., in Response to Cassandra Green Public Records Request