ESSEX REGIONAL RETIREMENT BOARD REGULAR SESSION May 28, 2019

At the regular meeting of the Essex Regional Retirement Board held on Tuesday, May 28, 2019, at 491 Maple Street, Suite 201 at 8:30 a.m. the following Board members were present for all or some of the meeting: Alan J. Benson, Vincent R. Malgeri, H. Joseph Maney, Kevin A. Merz and Susan J. Yaskell.

Also in attendance for all or some of the meeting were: Charles Kostro, ERRS Executive Director Michael Sacco, ERRS Counsel (Via Teleconference) Arthur Reed, ERRS Member from West Newbury

Board Chair Joseph Maney called the meeting to order at 8:30 a.m.

The Board said the pledge of allegiance.

Approval of Board Minutes

Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted 4-0; To approve the minutes of the regular and executive session of the meeting of April 29, 2019.

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; That the following named employees be enrolled in the Essex Regional Retirement System, a list of twenty-nine names beginning with Matthew Brown and ending with Brianna Thomson.

Name	Unit Name	Department	Date	Group
Brown, Matthew	Rowley	Electric	3/4/2019	4
Carritte Brandon	Nahant	Finance	4/1/2019	1
Casey, Stephen Jr.	North Andover	Health	3/25/2019	1
Cramer, Nathaniel	Newbury	Assessor	5/6/2019	1
Cunniff, Elizabeth	Groveland	Clerk	5/13/2019	1
Dangelo, Jillian	North Andover	School	3/8/2019	1
Dumouchel, Jennifer	Boxford	School	4/1/2019	1
Emmons, Nicole	Georgetown	Water	4/8/2018	1
Forni, Gavin	Rowley	Police	3/18/2019	4
Guilmette, Karen	Merrimac	Finance	4/8/2019	1

Harris, Jennifer	Georgetown	School	2/25/2019	1
Hayes, Keith	Georgetown	Water	4/15/2019	1
Hoffman, Jason	Nahant	Police	2/11/2019	4
Krikorian, Mary	Georgetown	School	2/26/2019	1
Levasseur, Joseph	Topsfield	Police	4/23/2019	4
Masse, Crystal	Boxford	School	4/1/2019	1
Menchini, Esther	Hamilton/Wenham	School	4/22/2019	1
Metzler, Brandon	Topsfield	School	3/25/2019	1
Muhigi, Gaju	Georgetown	School	4/22/2019	1
Palmer, Justin	Boxford	DPW	3/11/2019	1
Pase, Karen	Hamilton/Wenham	School	4/1/2019	1
Reinhold, Lillian	Newbury	Finance	2/19/2019	1
Rich, Laurie	Boxford	School	4/10/2019	1
Santoro, Victoria	Manchester/Essex	School	3/5/2019	1
Savarino, James	North Andover	Fire	5/13/2019	4
Sawyer, Adam	Topsfield	School	4/30/2019	1
Shores, Ruth	Georgetown	Library	3/11/2019	1
Swartz, Benjamin	Triton RSD	School	3/25/2019	1
Thomson, Brianna	Middleton	School	3/4/2019	1

New Retirements

Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 4-0; That the following seven members of the Essex Regional Retirement System be awarded superannuation retirement benefits calculated as follows:

1. Mark A. Bixby, Superintendent of Distribution, Rowley Electric Light, Group 4

Effective Retirement Date: March 20, 2019
Monthly Retirement Allowance: \$7,535.88
Annual Retirement Allowance: \$90,430.56

2. Jeffrey A. Chelgren, Town Administrator, Town of Nahant, Group 1

Effective Retirement Date: April 22, 2019
Monthly Retirement Allowance: \$3,942.63
Annual Retirement Allowance: \$47,311.56

3. John J. Coulon, Health Agent, Town of Topsfield, Group 1

Effective Retirement Date: April 10, 2019
Monthly Retirement Allowance: \$4,938.96
Annual Retirement Allowance: \$59,267.52

4. Jan L. Dempsey, Library Director, Town of Wenham, Group 1

Effective Retirement Date: April 6, 2019

Monthly Retirement Allowance: \$3,053.04

Annual Retirement Allowance: \$36,636.48

5. Jonathan B. Gray, Police Sargent, Town of Wenham, Group 4

Effective Retirement Date: April 1, 2019

Monthly Retirement Allowance: \$4,137.03 Annual Retirement Allowance: \$49,644.36

6. William A. Hodge, Sr., Facilities Director, Town of Ipswich, Group 1

Effective Retirement Date: April 1, 2019

Monthly Retirement Allowance: \$1,768.77 Annual Retirement Allowance: \$21,225.24

7. Emily D. White, Wetlands Project Coordinator, Northeast Mass. Mosquito Control,

Group 1

Effective Retirement Date: March 30, 2019
Monthly Retirement Allowance: \$2,543.46
Annual Retirement Allowance: \$30,521.52

New Retirement - Group 4 Less Than Ten Years of Service

Arthur Reed spoke to the Board regarding his view that he was being improperly denied his retirement benefit. ERRS Board Counsel reviewed the difference of opinion between the Board and PERAC on whether a Group 4 member with less than ten years of service who has attained the age of 55 and who seeks to retire after leaving service is eligible to receive a retirement benefit. A review of the communications between the Board staff and Mr. Reed was discussed. Discussion ensued regarding PERAC's view that Mr. Reed cannot be retired under Massachusetts General Law Chapter 32. Mr. Malgeri asked several questions relating to the date on which the application was filed and PERAC's interpretation of the statute. Mr. Malgeri reviewed a PERAC memo from last year indicating that retirement boards are obligated to follow PERAC's opinion on matters even if the board disagrees with their view. He noted that PERAC Counsel Judith Corrigan offered to provide a formal opinion. He suggested tabling this matter and requesting a formal opinion from PERAC and take action from there. Mr. Merz indicated that he agreed with Mr. Malgeri and that a formal opinion from PERAC should be received. Mr. Malgeri and Mr. Sacco reviewed for Mr. Reed how the formal appeals process works. Mr. Reed asked how it will hurt him if the Board tables this matter. He indicated that he feels he worked his three years and is entitled to his money and he does not want to be put at a disadvantage. Mr. Reed said that he needs the funds that he will receive from this benefit and that this was all planned prior to his coming down to Massachusetts and he wants and needs his money. Mr. Benson asked Mr. Malgeri if he had an expectation that when this is passed around PERAC that they will change their minds. Mr. Malgeri indicated that this was a possibility and Mr. Sacco discussed times in the past when this occurred. Mr. Benson indicated that he is concerned that the board that oversees ERRS has a different position than this board. Ms. Yaskell joined the meeting at 8:55 a.m. Mr. Reed asked how he would get a copy of the minutes and any emails regarding his retirement application. Mr. Maney said he should ask Mr. Kostro for those documents. Mr. Sacco assured Mr. Reed that his retirement is already secured and if he prevails his retirement will be retroactive back to his retirement date. Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted 4-0, with Ms. Yaskell abstaining; That the Board defer or table the superannuation retirement application of Arthur A. Reed pending a formal PERAC ruling as to Mr. Reed's eligibility to retire as a Group 4 member with less than ten years of creditable service.

Executive Session

Upon a motion by Vincent R. Malgeri, seconded by Kevin A. Merz, the Board voted by roll call; Mr. Benson, Yes; Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To move to executive session to discuss strategy with respect to litigation in the Vernava and DiOrio-McGonnell cases as open meeting may have a detrimental effect on litigating position of the retirement system.

The Board entered executive session at 9:00 a.m.

The Board returned from executive session at 9:20 a.m.

Creditable Service Awards

Upon a motion by Alan J. Benson, seconded by Vincent R. Malgeri, the Board voted 5-0; That the retirement system staff has verified that the required payments having been received, that the following seven members of the Essex Regional Retirement System be awarded creditable service as follows:

- 1. Matthew C. Donovan shall be awarded one year and six months of creditable service at no cost for reserve police service rendered from December 3, 1990 to June 3, 1992 with the Town of Boxford.
- Michael F. Farrell shall be awarded eleven months of creditable service for prior nonmembership service rendered from July 18, 2009 to June 30, 2010 with the Town of Georgetown.
- 3. Daniel J. Jenkins shall be awarded one year and two months of creditable service at no cost for reserve police service rendered from April 19, 2014 to June 22, 2015 with the Town of Newbury.
- 4. David J. Kelsen shall be awarded five years and two months of creditable service at no cost for call firefighter service rendered from August 24, 2008 to February 11, 2014 with the Town of Middleton.
- 5. Donna M. Kolifrath shall be granted late entry into membership and her enrollment date changed to August 11, 2014 when she originally qualified membership but did not have retirement deductions taken from her qualified earnings by the Town of Merrimac.

- 6. Nathaniel J. Peabody shall be awarded three years and one month of creditable service at no cost for reserve police service rendered from August 6, 2013 to October 2, 2016 with the Town of Groveland.
- 7. Daniel I. Tarr shall be granted late entry into membership and his enrollment date changed to August 30, 2017 when he originally qualified membership but did not have retirement deductions taken from his qualified earnings by the Masconomet Regional School District.

Liability Requests

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted 5-0; To take the following action on requests for the acceptance of liability received by the retirement system:

- 1. To deny liability as requested by the Massachusetts Teachers Retirement System on behalf of Nancy J. Antrim as this individual was not a member of the retirement system during the period requested, did not remit contributions, and was not wrongfully excluded from membership.
- 2. To correct the liability accepted in 2007 as requested by the Massachusetts Teachers Retirement System on behalf of Anne Bates by changing the service awarded by the retirement system from six years and ten months to six years and five months.
- 3. To deny liability as requested by the Massachusetts Teachers Retirement System on behalf of Lynn Messman as this individual was not a member of the retirement system during the period requested, did not remit contributions, and was not wrongfully excluded from membership.
- 4. To deny liability as requested by the Amesbury Retirement System on behalf of Kerri M. Remillard as this individual was not a member of the retirement system during the period requested, did not remit contributions, and was not wrongfully excluded from membership.

Refund Warrant - May 2019

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted 5-0; To approve the refund warrant for May 2019, to refund, rollover, or transfer the accounts of the individuals listed below, a list of twenty-eight members beginning with Elizabeth M. Budryk and ending with Michael R. Tullercash, in the total net amount of \$155,404.99.

Name	Type	Board or Institution
Budryk, Elizabeth M.	Withdrawal	
Campbell, Jennifer K.	Withdrawal	

Davidson, Leslie A.	Transfer	Marblehead Retirement Board
Dellaria, Richard W.	Erroneous Deductions	
Dempsey, Jan L.	Erroneous Deductions	
Dow, Jr., Bruce J.	Erroneous Deductions	
Finn, Irja S.	Withdrawal	
Forget, Keith D.	Erroneous Deductions	
Gupte, Seema S.	Transfer	Massachusetts Teachers Retirement System
Hannon, Michelle L.	Transfer	Massachusetts Teachers Retirement System
Hernandez, Dempsey J.	Transfer	Newburyport Retirement Board
Hostetter, Kathleen L.	Transfer	Massachusetts Teachers Retirement System
Hunter, Timothy J.	Erroneous Deductions	
Kelley, Jeremy Michael	Erroneous Deductions	
King, Anthony	Erroneous Deductions	
Leavitt, James E.	Erroneous Deductions	
Lewis, Howard S.	Withdrawal	
Palangi, Brian P.	Transfer	State Retirement Board
Phillips, Dylan J.	Withdrawal	
Reed, Audrey A.	Erroneous Deductions	
Roy, Robert J.	Erroneous Deductions	
Samie, Andrew M.	Transfer	Massachusetts Teachers Retirement System
Schnurr, Jaime Elizabeth	Rollover	Capital Bank and Trust Co.
Sforza, Steven F.	Erroneous Deductions	
Smith, Abigail J.	Transfer	Massachusetts Teachers Retirement System
Szymkowski, Patrick L.	Erroneous Deductions	
Tonello, Jillian M.	Transfer	Massachusetts Teachers Retirement System
Tullercash, Michael R.	Erroneous Deductions	

May Retirees Payroll

Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 5-0; To approve the retirement allowances for the month of May in the estimated amount of \$3,950,000.00.

ERRS Payroll

Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 5-0; To approve the payment of the ERRS employee payrolls for May 10, 2019, in the amount of \$16,832.90, and for May 24, 2019 in the amount of \$18,707.89.

Cash Disbursement Warrant CD2019.05

Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2019.05 for May 2019 as presented in the total amount of \$18,769.90.

Vendor	Amount
Access - Monthly Fee	395.29
ASI Flex - Admin Fees	5.00
Comcast - Monthly Fee	398.49
Town of Danvers, Danvers Electric - #201 - Monthly Fee	115.93
Town of Danvers, Danvers Electric - #202 - Monthly Fee	149.27
Harpers Payroll Services - 2019.05.10	43.40
Harpers Payroll Services - 2019.05.24	81.95
H.C.O.P.T Monthly Condo Fee	1,511.00
HIQ Computers - #121545 - Remote Access Issues	110.00
HIQ Computers - #121122 - Battery Back-Up Replacement	425.00
HIQ Computers - Monthly Replication Services	90.00
Kassiotis, Richard W Re-Issue Check #831152	744.99
Kostro, Charles - Advisory Council Meeting Supplies	17.17
Nahant, Town of - Return of Overpayment - 2018	633.62
Nahant Housing Authority - Return of Overpayment - 2018	317.66
Law Office of Michael Sacco - 2019.04	10,277.00
Neopost USA Inc Service Request	190.00
Neopost - Postage and Supplies	2,157.00
Ricoh USA, Inc Monthly Bill	288.69
Ricoh USA, Inc Printer Ink	356.00
S.J. Services, Inc Office Cleaning - Monthly Bill	241.67
W.B. Mason - Office Supplies - 2019.04	220.77
Total	18,769.90

Cash Disbursement Warrant CD2019.05a

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2019.05a for May 2019 for the wire transfer to pay a capital call for Ascent Venture Partners Fund V as presented in the total amount of \$70,000.00.

Vendor		Amount
Ascent Venture Partners Fund V – Capital Call		\$70,000.00
	Total	\$70,000.00

Cash Disbursement Warrant CD2019.05b

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2019.05b for a 3(8)(c) payment to the State Retirement Board on behalf of the former Massachusetts Turnpike Retirement Board as presented in the total amount of \$2,268.86.

Vendor	Amount
MA Turnpike Authority – 2018 – 3(8)(c) Payment	\$2,268.86
To	otal \$2,268.86

Cash Disbursement Warrant CD2019.05c

Upon a motion by Kevin A. Merz, seconded by Alan J. Benson, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2019.05c for Board member registrations for the 2019 MACRS Conference as presented in the total amount of \$1,470.00.

Vendor		Amount
MACRS – Spring Conference Registration		\$1,470.00
	Total	\$1,470.00

Cash Disbursement Warrant CD2019.05d

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 5-0; To approve the Cash Disbursement Warrant CD2019.05d for May 2019 for the wire transfer from the PRIT Fund to Eastern Bank as presented in the total amount of \$2,000,000.00.

Vendor	Amount
PRIM - Transfer to Eastern Bank	\$2,000,000.00
Total	\$2,000,000.00

Advisory Council Funding Schedule Request

Mr. Merz described a request from a couple of Advisory Council members to have the retirement system provide a funding schedule that did not have the 3% COLA baked into it every year just to see what it would look like for informational purposes. Mr. Merz indicated that he was in full agreement that the Board should do it. Mr. Maney said that the Board is not likely to change providing the COLA's and that the Board has heard in the past what the numbers are and that there is no need to incur the cost of providing this funding schedule. Ms. Yaskell said that she agrees with Mr. Maney and that she cannot imagine that the Board will not vote to grant a COLA to the retirees. Ms. Yaskell indicated that she reviewed the information on what happened at the Leominster Retirement Board and she said that she did not think that denying a COLA to retirees really helped that board all that much. She said that she would not be in favor of this request as she believes the retirees need the annual COLA. Mr. Maney said he agrees with Ms. Yaskell but wanted to see some type of response

to the Advisory Council. He said that he would like to see the actuary just provide rough numbers rather than calculating a whole new funding schedule with no COLA forever. Mr. Merz said that he thought that finding out the unfunded liability without a COLA was what the Advisory Council members were looking for, as we don't know what will happen in the future. Mr. Merz said that the 3% COLA's will most likely go through but what is our real unfunded liability based on not knowing the future? Mr. Malgeri asked Mr. Merz if this was a request of one individual of the Advisory Council, and Mr. Merz replied that it was two members. Mr. Malgeri asked if this was a vote of the Advisory Council and Mr. Merz said that no, it was not that it came up at the end of the meeting during a discussion. Mr. Malgeri said that he did not see what end this will serve. He pointed out that the vote to award the COLA is regularly four in favor with only one opposed and that the awarding of a COLA falls under the purview of the retirement board, not the Advisory Council. Mr. Malgeri did not see what would change which would cause a moratorium on COLA increases and that if you were trying to replicate the Leominster experience you would need to do all the other things that they did as well. Mr. Malgeri noted that freezing the COLA increases was just one of the things that Leominster did. He said that he did not see what purpose it serves to get this information and possibly bind future boards to denying COLA increases. Mr. Benson said that you are not binding anything but that you are finding out the information and the reason you are finding out the information is to see what happens if you just change one thing. Mr. Benson said that the annual retirement appropriation is just the gift that keeps on giving and a number that keeps on growing. Mr. Benson indicated that he understands that the annual appropriation has to increase to get to 2035 and full funding, but that the question is if this is a big difference. Mr. Benson said that if you don't do it, it looks like you are hiding something to take care of fellow retirees. Mr. Malgeri responded that he did not see anything wrong with taking care of retirees and questioned why you would only look at the COLA increase and not other things, such as being in the PRIT Fund and being so down on the list when measuring returns, and he also asked if the Board should look at the discount on the appropriation that is provided to the units. He questioned why the Board doesn't look at the whole picture rather than just one part of it. Mr. Benson said that as part of the Board's fiduciary responsibility it should every two years look at what the other, non-PRIT invested systems are doing. Mr. Malgeri pointed out that during his time on the Board it has not done that and maybe the investments should be looked at as part of looking at everything. Discussion ensued about the Board's decision to move to the PRIT Fund and the advantages and disadvantages of doing so. Mr. Benson noted that another area to look at is the Board's expenses. He pointed out the excellent job the Executive Director has down to keep down expenses but that it has now gotten to the point that there are not a lot of places to go to continue to keep expenses low. Mr. Benson said that since it appears clear that they are going to lose this vote, he would ask that the Chair at least pursue an email to our actuaries asking what the cost of granting an annual COLA is so that Mr. Merz can at least provide an answer. Mr. Malgeri said that he would ask the Chair to stick to the motion before the Board which is to take no action, and that the no action vote includes the request for an email answer. Mr. Maney said he would honor the request of both sides by voting on the motion and then asking the Executive Director to send out emails, which he did not think would be a big deal. Upon a motion by Vincent R. Malgeri, seconded by H. Joseph Maney, the Board voted 3-2, with Mr. Benson and Mr. Merz opposed; To take no action on the request by a member of the ERRS Advisory Council to prepare a funding schedule that eliminates the annual COLA

provided to eligible retirees and beneficiaries of the Essex Regional Retirement System. Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 3-2, with Ms. Yaskell and Mr. Malgeri opposed; To request the Chair to instruct the Executive Director to seek an estimate on the change in the unfunded liability if COLA's are removed from the calculation.

2019 Spring Newsletter

Mr. Malgeri noted two corrections he felt needed to be made to the newsletter, on page 7 and page 8. Mr. Kostro said that Ms. Yaskell had already contacted him on the change needed on page 8. He said both changes would be made. (Mr. Benson left the meeting.) Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted 4-0; To approve the spring 2019 newsletter.

2019 Reserve Fund Transfers

Ms. Yaskell asked Mr. Kostro about the transfer to the Monthly Condominium Fees lineitem. Mr. Kostro responded that this was the retirement system's share of the loan taken out to complete capital improvement projects for the condominium association, including the parking lot project. Ms. Yaskell as why this was not taken into consideration earlier. Mr. Kostro responded that the loan payment was originally supposed to be paid in 2018, but project delays moved it to 2019, which was not known until after the 2019 budget had been submitted. Mr. Kostro also advised that the administrative interest line-item is the payment of interest on the Section 15 forfeiture case which was decided earlier in 2019. Mr. Kostro noted that when revising the administrative budget to reduce it by approximately \$14,000 after submission to the Advisory Council last fall, he failed to include the \$2,000 for the PBI service. The transfer from the reserve fund in this motion and from the employee salaries line-item in the next motion, funds the PBI service without increasing the administrative budget. He said that since the retirement system has been short-handed, there may be approximately \$30,000 available in the employee's salary line-item, which can be used as a reserve for the remainder of 2019. Also, Mr. Kostro said that MACRS dues went from \$400 to \$600 in 2019. Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 4-0; To transfer \$50,000 from the Reserve Fund in the 2019 Administrative Budget to the following line-items in the following amounts:

Fiduciary Insurance line-item	\$441
PBI Contract line-item	\$1,111
Monthly Condominium Fees line-item	\$15,164
Dues line-item	\$200
Administrative Interest line-item	\$33,084

2019 Line-Item Transfer

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted 4-0; To transfer \$889 from the Employee Salary line-item in the 2019 Administrative Budget to the PBI Contract line-item.

Mr. Benson returned to the meeting.

Motion to Adjourn

Upon a motion by Alan J. Benson, seconded by Kevin A. Merz, the Board voted 5-0; To adjourn the meeting.

The meeting was adjourned at 9:50 a.m.

Alan J. Benson

Vincent R. Malgeri
Vincent R. Malgeri

H. Joseph Maney

Kevin A. Merz

Susan J. Yaskell

The following are a portion of the materials provided to the Board for items acted upon at the meeting:

Agenda

Board Minutes

New Enrollments

New Retirement Calculations

Service Purchase Award Letters

Liability Letters

Monthly Warrants

Draft Spring Advisory Council Minutes

Spring 2019 Newsletter

Reserve Fund and Line-Item Transfer Documents

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

BlackRock Distribution Notice dated May 9, 2019

Essex Tech Former Superintendent to Pay \$23K Fine

Executive Director's Schedule

Final 2018 Expenditure Report

Financial Reports - Cash Flow

Financial Reports - January Adjustments

Financial Reports - January Disbursements

Financial Reports - January General Ledger

Financial Reports - January Receipts

Financial Reports - January Trial Balance

Financial Reports - Monthly Bank Reconciliation - March

Financial Reports - PRIM 2018 Essex Regional IRR Calculation

Financial Reports - PRIM 2019 Policy Target Memo - 12-31-18

Financial Reports - PRIM 2019 Policy Target Memo - February 2019

Financial Reports - PRIT Fund Performance - April 2019

Financial Reports - PRIT Performance Update

GASB 67 & 68 Report - December 31, 2018

PERAC Letter - Election Materials - Advisory Council Meeting Minutes.05072019