

**ESSEX REGIONAL RETIREMENT BOARD**  
**REGULAR SESSION**  
**June 29, 2020**

At the regular meeting of the Essex Regional Retirement Board held on Monday, June 29, 2020, which meeting was held remotely at 8:30 a.m., the following Board members were present for all or some of the meeting: Vincent R. Malgeri, H. Joseph Maney, Kevin A. Merz and Susan J. Yaskell

Also in attendance for all or some of the meeting was:

Charles Kostro, ERRS Executive Director  
Michael Sacco, ERRS Counsel  
Glenn Davis, Lynnfield Fire Chief  
Yael Magen, Lynnfield Town Counsel  
James Riter, Boxford Police Chief  
Robert Corliss, ERRS Member from Boxford

Mr. Maney called the meeting to order at 8:33 a.m. Mr. Maney stated that 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 Charles Kostro is recording this meeting via audio tape. If anyone else who has joined this meeting is recording the meeting, please identify yourself at this time. Pursuant to the order of the Governor issued on March 10, 2020 suspending certain requirements of the Open Meeting Law, this meeting is being conducted via remote participation in accordance with the provisions of the executive order which states that a quorum of the Board need not be physically present. In accordance with the provisions of the Open Meeting Law relative to the remote participation of Board members, all votes shall be by roll call.

**Approval of Board Minutes**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes to approving the minutes of May 26, 2020, and abstaining regarding the approval of the minutes of June 19, 2020; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes to approving the minutes of May 26, 2020, and abstaining regarding the approval of the minutes of June 19, 2020; To approve the minutes of the regular session of the meetings of May 26, 2020 and June 19, 2020.

**Public Comment Period**

Mr. Maney noted that no one from the public had signed into the meeting and therefore, there were no public comments.

**New Enrollments**

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That the

following named employees be enrolled in the Essex Regional Retirement System, a list of fourteen names beginning with Peter Binette and ending with Reid Warnock.

| <b>Last Name</b> | <b>First Name</b> | <b>Unit</b>                | <b>Title/Position</b>             | <b>Enrollment Date</b> | <b>Group</b> |
|------------------|-------------------|----------------------------|-----------------------------------|------------------------|--------------|
| Binette          | Peter             | Town of Newbury            | Building Commissioner             | 3/16/2020              | 1            |
| Dillard          | Julia             | Ipswich Housing Authority  | Resident Coordinator              | 5/11/2020              | 1            |
| Girard           | Gretchen          | Town of Newbury            | Administrative Assistant          | 5/4/2020               | 1            |
| Greaney          | Jake              | NE Mosquito Control        | Assistant Field Technician        | 3/12/2020              | 1            |
| Greene           | Julie             | Town of Lynnfield          | Drug Free Communities Coordinator | 6/1/2020               | 1            |
| Holt             | William           | Town of Newbury            | Conservation Agent                | 6/1/2020               | 1            |
| Hoysradt         | Glenn             | Rockport Housing Authority | Maintenance Worker                | 6/3/2020               | 1            |
| Lamb             | Kenneth           | Town of Merrimac           | Light Department Manager          | 5/18/2020              | 4            |
| McCormick        | Deanna            | Town of Lynnfield          | Paraprofessional                  | 11/1/2019              | 1            |
| Mitchell         | William           | Town of North Andover      | Chief Assessor                    | 4/3/2020               | 1            |
| Occhioto         | Christina         | Hamilton-Wenham RSD        | Food Service                      | 6/1/2020               | 1            |
| Tomasz           | Daniel            | Town of West Newbury       | Water Department Operator         | 3/2/2020               | 1            |
| Wall             | Andrew            | Town of Georgetown         | Assistant Treasurer-Collector     | 6/4/2020               | 1            |
| Warnock          | Reid              | Town of Middleton          | Firefighter                       | 5/18/2020              | 4            |

#### **Rescinding Membership – Linda Rugato**

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To rescind the membership of Linda M. Rugato and to refund her retirement contributions as she was not eligible for membership at the time of her enrollment or at any subsequent point as she was never permanently employed twenty or more hours per week by a single member unit of the Essex Regional Retirement System.

#### **Rescinding Membership – Susan Soucy**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To rescind the membership of Susan C. Soucy and to refund her retirement contributions from September 1, 2007 to June 30, 2011 as she was not eligible for membership at the time of her re-enrollment in the retirement system as she did not work twenty-hours per week and did not average twenty-hours per week over any ninety-day period.

## **New Retirements**

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That the following three members of the Essex Regional Retirement System be awarded superannuation retirement benefits calculated as follows:

1. Robert W. Dash, Water Dept. Maintenance Craftsman, Town of Georgetown - Group 1  
Effective Retirement Date: April 30, 2020  
Monthly Retirement Allowance: \$3,089.97  
Annual Retirement Allowance: \$37,079.64
2. Sarah B. Fowler, Librarian, Town of North Andover - Group 1  
Effective Retirement Date: May 22, 2020  
Monthly Retirement Allowance: \$1,633.67  
Annual Retirement Allowance: \$19,604.04
3. Evan E. Haglund, Police Chief, Town of Topsfield - Group 4  
Effective Retirement Date: April 30, 2020  
Monthly Retirement Allowance: \$3,014.67  
Annual Retirement Allowance: \$36,176.04

## **New Retirements – Rescinding Retirement**

Mr. Malgeri asked if this was a Section 105 retirement issue. Mr. Kostro explained that it was not. Rather, it was a situation in which Mr. Kiley had service with the State Retirement Board subsequent to his leaving ERRS some twenty years ago. Mr. Kostro noted that his account should have been transferred to the State back in 2002. Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That the superannuation retirement of Christopher Kiley approved by the Board on May 26, 2020 is hereby rescinded and that upon repayment of all benefits paid and upon receipt of the required request, Mr. Kiley's account shall be transferred to the State Retirement Board.

## **Option D Survivor Benefit**

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That the retirement system staff has verified that the necessary documentation has been received and that the following survivor be awarded a Section 12(2)(d) benefit calculated as follows:

1. Diana Callahan surviving spouse of Mark W. Callahan, Custodian, Town of Ipswich, Group 1  
Effective Date of Allowance: December 25, 2019  
Monthly Retirement Allowance: \$400.59  
Annual Retirement Allowance: \$4,807.08

### **Creditable Service Awards**

Mr. Malgeri asked for some background of how the late entry into memberships were identified. Mr. Kostro explained that these are typically identified when payroll records are reviewed of those members looking to purchase service. During these reviews, Mr. Kostro said, it is often found that the member met the membership requirements earlier than their actual enrollment date. When that happens, Mr. Kostro stated, the retirement system is obligated to correct the error and change the member's date of enrollment to the correct date. The member then gets the proper service credit that they are due. Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That the retirement system staff has verified that the required payments having been received, that the following members of the Essex Regional Retirement System be awarded creditable service as follows:

1. Doris A. Dicologero shall be granted late entry into membership and her enrollment date changed to August 26, 2002, as she was eligible for membership in the retirement system as of that date and should have been enrolled in the retirement system.
2. Mary Feltault shall be awarded four years of creditable service for prior military service with the United States Air Force from October 13, 1980 to May 31, 1996.
3. Wendy M. Levy shall be granted late entry into membership and her enrollment date changed to October 1, 1997, as she was eligible for membership in the retirement system as of that date and should have been enrolled in the retirement system.
4. Katherine M. Parker shall be awarded one year of creditable service for prior non-membership service with the Hamilton-Wenham Regional School District from September 22, 2005 to September 7, 2009, and, further, she shall be granted late entry into membership and her enrollment date changed to September 8, 2009, as she was eligible for membership in the retirement system as of that date and should have been enrolled in the retirement system.

### **Liability Requests**

Mr. Merz questioned the amount of interest listed in the letter accepting liability for refunded service for Anthony Imperial. Mr. Kostro said that he did not recall how the interest listed in this letter was calculated but he would go back and make sure it is correct before the letter is sent. Mr. Merz then questioned Mr. Kostro as to the actuarial interest rate for ERRS and if the interest on the purchase of refunded service is one half of that rate. Mr. Kostro replied that if a member purchases their refunded service within one year, the interest charged is  $\frac{1}{2}$  of the actuarial interest rate of the retirement system. If, Mr. Kostro said, the purchase of the refunded service is after one year of membership, then the full actuarial interest rate will apply. Mr. Merz said that the amount of interest in the letter appears to be low for a refund from thirty years ago. Mr. Kostro said again that he would go back and look at the letter to ensure that it is correct before the letter is sent. Mr. Merz questioned whether this is an isolated incident or whether other letters are going out with incorrect interest. Mr. Merz questioned Mr. Kostro as to whether these things are being checked. Mr. Kostro replied that he checks all of these letters before they are presented to the Board, but in

this instance he could not recall the specifics of what this interest number reflected but that he would go back and pull the file and review it to make sure it is correct before it is sent. Mr. Merz directed Mr. Kostro to inform the Board as to whether the letter accepting liability is correct or not.<sup>1</sup> Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes;

1. To accept liability as requested by the State Retirement Board on behalf of Anthony J. Imperial, for the period from February 14, 1989 to April 8, 1991, a total of two years and one month of creditable service for which a refund was issued on June 24, 1991.
2. To deny liability as requested by the Amesbury Retirement System on behalf of Neil Moody, Jr., for the period from March 1, 2020 to July 29, 2015, as this individual was not eligible for membership, did not remit contributions, and was not wrongfully excluded during this period.
3. To rescind the prior Board's acceptance of liability and to deny liability as requested by the Danvers Retirement System on behalf of Timothy Williamson for the period from April 1995 to June 1995, as this individual was not eligible for membership, did not remit contributions, and was not wrongfully excluded during this period.

### **Refund Warrant – June 2020**

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the refund warrant for June 2020, to refund, rollover, or transfer the accounts of the individuals listed below, a list of twenty-five members beginning with Anthony M. Ansaldi, Jr. and ending with Darlene M. Wallis, in the total net amount of \$91,586.89.

| <b>Name</b>              | <b>Type</b> | <b>Board or Institution</b> |
|--------------------------|-------------|-----------------------------|
| Ansaldi, Jr., Anthony M. | Withdrawal  |                             |
| Deoleo, Vianna           | Withdrawal  |                             |
| Dicologero, Doris A.     | Withdrawal  |                             |
| Fowler, Sara B.          | Withdrawal  |                             |
| Haglund, Evan E.         | Withdrawal  |                             |
| Hajec, Lauren P.         | Withdrawal  |                             |
| Hannay, Melissa D.       | Withdrawal  |                             |
| Leduc, Julie M.          | Withdrawal  |                             |

---

<sup>1</sup> Mr. Kostro subsequently advised the Board via an informational email that the letter in the Board's packet refers to the interest earned by the member on his contributions while a member of ERRS. Mr. Kostro stated that the letter accepting liability was, in fact, correct.

|                        |            |                           |
|------------------------|------------|---------------------------|
| Lengieza, Alexandra J. | Withdrawal |                           |
| Marshall, Carol A.     | Withdrawal |                           |
| McDonnell, Matthew J.  | Rollover   | JMS, LLC.                 |
| McGuire, Barbara A.    | Withdrawal |                           |
| Michalski, Anna P.     | Transfer   | Beverly Retirement Board  |
| Murray, Katie L.       | Rollover   | Fidelity Management Trust |
| Patch, Bianca M.       | Transfer   | State Retirement Board    |
| Peters, Joshua M.      | Rollover   | Vanguard                  |
| Regan, Theresa F.      | Withdrawal |                           |
| Sapienza, Belinda A.   | Withdrawal |                           |
| Savi, Giuseppina       | Withdrawal |                           |
| Scarmoutzos, Doree M.  | Withdrawal |                           |
| Sennott, Doreen D.     | Withdrawal |                           |
| Sheehan, Martha P.     | Withdrawal |                           |
| Tudisco, Kim M.        | Withdrawal |                           |
| Vincent, Bonnie W.     | Withdrawal |                           |
| Wallis, Darlene M.     | Withdrawal |                           |

### **May Retirees Payroll**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the retirement allowances for the month of May in the actual amount of \$4,191,959.12.

### **June Retirees Payroll**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the retirement allowances for the month of June in the actual amount of \$4,069,523.88.

### **ERRS Payroll**

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the payment of the ERRS employee payroll for June 5, 2020, in the amount of \$15,226.95, and for June 19, 2020, in the amount of \$16,827.56.

### **Cash Disbursement Warrant CD2020.06**

Ms. Yaskell asked for whom the new computer work station was for. Mr. Kostro said it was for him as his computer was not upgraded in the last round of upgrades and it was having difficulty. Mr. Kostro said that this was actually ordered some time ago but delivery could only be taken in

recent weeks due to the shutdown. Mr. Malgeri asked if the payment to ServPro will be reimbursed by insurance. Mr. Kostro responded that this payment is actually coming from the proceeds of the insurance payment, which has already been received. Mr. Kostro did advise the Board that the installation of the new carpet had been planned for this past Friday but needed to be rescheduled. He said that the check to ServPro will be held until the new carpet is installed. Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the Cash Disbursement Warrant CD2020.06 for June 2020 as presented in the total amount of \$161,459.76.

| <b>Vendor</b>   | <b>Amount (\$)</b> |
|---|--------------------|
| Danvers Retirement Board - 2019 3(8)(c)                                     | 93,952.76          |
| Access - Monthly Fee  | 449.19             |
| Benefit Strategies - Monthly Administrative Fees                            | 4.00               |
| Comcast - Monthly Fee   | 400.39             |
| Town of Danvers, Danvers Electric - #201 - Monthly Fee                      | 71.22              |
| Town of Danvers, Danvers Electric - #202 - Monthly Fee                      | 97.50              |
| Group Insurance Commission - 04/01/2020-06/30/2020                          | 7,904.09           |
| Harpers Payroll Services - 2020.06/05                                       | 68.40              |
| Harpers Payroll Services - 2020.06/19                                       | 81.95              |
| HCOPT - Condo Fees - 2020.07  | 1,511.00           |
| HIQ Computers - #125106 - Symantec End-Point Protection & JPG Issue         | 165.00             |
| HIQ Computers - #124525 - New PC, Printer & Scanner                         | 1,775.00           |
| HIQ Computers - Monthly Replication Services                                | 90.00              |
| Kostro, Charles - Zoom Monthly iCloud Storage                               | 42.50              |
| Law Office of Michael Sacco - 2020.05                                       | 1,205.00           |
| Massachusetts Municipal Association - Position Posting - Retirement Analyst | 125.00             |

|   |            |
|---|------------|
| Pension Technology Group (PTG) - Annual Support & Hosting Fee | 44,100.00  |
| Quadient, Inc. - Postage                                      | 397.00     |
| Quadient, Inc. - 07/01/2020-09/30/2020                        | 670.23     |
| Quadient, Inc. - Part Replacement                             | 20.00      |
| Ricoh USA, Inc. - Monthly Fee - 05/2020                       | 244.57     |
| Ricoh USA, Inc. - Monthly Fee - 06/2020                       | 244.57     |
| Ricoh USA, Inc. - Ink   | 79.89      |
| SERVPRO - Repairs   | 6,988.93   |
| S.J. Services - Office Cleaning - 05.2020                     | 283.33     |
| S.J. Services - Office Cleaning - 06.2020                     | 283.33     |
| W.B. Mason - Office Supplies                                  | 204.91     |
| Total   | 161,459.76 |

#### **Cash Disbursement Warrant CD2020.06a**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the Cash Disbursement Warrant CD2020.06a for the PRIT Fund transfer for June 2020 as presented in the total amount of \$2,000,000.00.

| <b>Vendor</b>                      | <b>Amount</b> |
|------------------------------------|---------------|
| PRIT Fund Transfer to Eastern Bank | 2,000,000.00  |
| Total                              | 2,000,000.00  |

#### **Salary Adjustment**

Mr. Kostro had submitted to the Board a memo which stated that Michael Nicolazzo has been working on an hourly wage basis for the retirement system since his departure from ERRS in January. Prior to leaving, Michael was one of the employees who was due a salary adjustment in



January of 2020. Upon receipt of his resignation, this request was withdrawn. The memo noted that when Michael agreed to continue working after hours on a part-time basis, his hourly wage was not based the revised salary rate he was supposed to receive in January. Therefore, it was proposed that this oversight be corrected and that Michael's hourly wage be adjusted to what it was intended to be in January. Mr. Merz stated his objection to this adjustment. He noted that communities are looking at large decreases in state aid and that many municipalities within the retirement system are looking to eliminate COLA's next year. Mr. Merz stated that Michael has already left the system and is not really a part of the retirement system. Mr. Merz also stated that he has noticed that nothing much is going on as new enrollments are down and retirements are down. Mr. Merz questioned if Mr. Nicolazzo is even needed any more and he questioned if the retirement system shouldn't get rid of him. Mr. Merz told Mr. Kostro that if he is wrong about this, then to tell him so. Mr. Kostro said he could not disagree more with Mr. Merz. Mr. Kostro said that the retirement system staff is hanging on by its fingernails and pointed out that the retirement system staff has been short-handed almost continually for the past two years. Mr. Kostro said that the number of retirements are increasing, and the number of retirement inquiries that need to be responded to are actually more now than in the past. Mr. Kostro said that if you look at the refund warrant, which is the primarily responsibility assigned to Mr. Nicolazzo, the number of refunds in recent months is larger than they have been in some time. He referred to a series of refunds in North Andover related to a regular compensation issue that has significantly increased the number of refunds to be processed. Mr. Kostro said that he did not know where the retirement system would be without Mr. Nicolazzo as it is getting overwhelming for the remaining staff to keep up with all of the work while being constantly short-handed. Mr. Malgeri said that the retirement system has been lucky to have someone like Mr. Nicolazzo helping the retirement system at a time of dire need. Mr. Malgeri noted that this is a small adjustment and he did not think it was too much to recognize his willingness to continue to help out the retirement system. Ms. Yaskell stated that she agreed with Mr. Malgeri and that the retirement system is lucky to have Mr. Nicolazzo agree to help out and do what he can while the retirement system is so short-handed and that this is just a small adjustment. Mr. Merz said that everyone else here is not in towns any more so that maybe everyone does not know that towns are looking at these days and making this adjustment for someone who is not even a full-time employee anymore is just bad and is something that he can support. Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, No; and Ms. Yaskell, Yes; To increase the hourly wage for Michael Nicolazzo by 2% from \$36.59 per hour to \$37.35 per hour effective as of July 1, 2020.

### **Fifth Member Position Posting**

Upon a motion by Susan J. Yaskell, seconded by Kevin A. Merz, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the posting for the position of Fifth Member as presented.

## Office Hours and Staffing for Phase II

Mr. Merz stated that he felt that it was time for the retirement system staff to go back to the office full-time and open to the public. He described what has been done in Ipswich and referred to recent statistics on infections and stated this emergency is dwindling down and that staff should get back into the office. Mr. Malgeri stated that there have been no complaints about a lack of responsiveness from staff and he noted that Board members only meet once per month and that the Executive Director is in the office every day and knows what is best for the safety of the staff. He also noted that he is privy to emails among all retirement systems as the administrator in Greater Lawrence and what Mr. Kostro is proposing for this Board is very consistent with what retirement boards are doing throughout the state. Mr. Malgeri said that ERRS should follow what other retirement boards are doing, not necessarily what a municipality may be doing as they will have different needs and challenges. Mr. Merz asked Mr. Kostro what his take is on whether work is getting done when employees work remotely. Mr. Merz said that his experience is that working remotely is very difficult and that being in the office is more productive. Mr. Kostro said that he did not think that working remotely has been an impediment to the productivity of the retirement system staff, but he also thought that the staff does need to be in the office to some extent and that this is the plan, to have staff come back in the office more. Mr. Kostro said that it is not working remotely that is overwhelming the staff, it is the lack of staff that is the challenge. Mr. Kostro said it is really hard to keep up whether working remotely or in the office with only four full-time people for a 6,000 member retirement system. Mr. Kostro stated that he felt that ERRS got out in front of things at the very beginning and got everyone set-up so that they could work remotely just before the shutdown was imposed. Mr. Kostro said that he is not aware of any complaints about the remote arrangement from staff. Mr. Kostro said that he agreed with Mr. Malgeri that he has not heard complaints from members about working with the office remotely. In fact, his experience was that many members are relieved that they do not have to come in to process retirement paperwork, and they seem appreciative that they can still get things done remotely. Mr. Maney asked when are we going to fix our staffing problem? Mr. Kostro said that the 2021 budget will contain the funds needed to fill positions and he anticipates presenting this to the Board next month. He noted that the retirement system did advertise a position before the shutdown but did not get many resumes, which has been a recurring problem the past few years. Mr. Kostro said that retaining staff and attracting new staff has been very difficult in recent years. Mr. Kostro pointed out that the retirement system has also eliminated consultants, the Board Secretary, among other things and that the past few years have been cut, cut, cut and that has been a challenge. Mr. Maney questioned Mr. Kostro whether he felt has had the support of the Board every time he wanted to do something. Mr. Kostro responded saying he did, to an extent. Mr. Merz thanked Mr. Kostro for his statement and said that he would support the motion. He stated that he just does not want to see the retirement system fall behind in its normal duties because employees are working remotely and not being productive. Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That for the duration of the current public health emergency, the Board authorizes the retirement system office to open to the public on a limited basis beginning

on August 7, 2020. The retirement system office shall be open to the public on Tuesdays and Thursdays, by appointment only, until further notice. Further, employees of the retirement system shall be able to work remotely at the discretion of the Executive Director. Remote working arrangements shall be based on the Governor's recommended Phase II reopening criteria, as well as operational need, the health and safety of employees and retirement system members, the past performance of the employee(s), and other relevant factors. For any remote working arrangement, the Executive Director shall create a work schedule for each employee and employees who are working remotely shall be required to be available by email and telephone during work hours. The Executive Director shall report to the Board on the operations of the office on a regular basis during the period of the public health emergency.

### **Newsletter Approval**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the Summer 2020 Newsletter as presented.

### **Involuntary Superannuation Application – Kim DiOrio-McGonnell**

Mr. Sacco, Ms. Magen and Mr. Davis joined the meeting. Mr. Sacco reviewed the history of the accidental disability application filed by Ms. DiOrio-McGonnell, the Board's denial of the application, the decision by DALA approving the accidental disability application, and the Board's subsequent appeal to CRAB, where the case now stands. Mr. Sacco reviewed the involuntary superannuation filed by the town. Attorney for Ms. DiOrio-McGonnell indicated in the past few days that this involuntary superannuation application will not be contested. Mr. Sacco indicated that the Board can vote on this today and that there is really no reason not to support the application. Ms. Magen spoke on behalf of the town. She noted that Ms. DiOrio-McGonnell has been out since 2013 and for the past seven years she has been on the full-time payroll of the Lynnfield Fire Department at an annual salary of \$72,000. Ms. Magen also noted that the town has to pay an additional \$82,000 per year to cover the vacant shifts. Ms. Magen stated that Ms. DiOrio-McGonnell will not be returning to her position and acknowledges that she will not be returning. She reviewed her brief and the points and cases cited therein. Mr. Malgeri asked ERRS Counsel if approving this application affected the rights of the member to pursue the disability application. Mr. Sacco replied that approving this application today does not affect the member's right to pursue the accidental disability application. Mr. Malgeri noted that the Board must balance both sides of the equation in this situation and acknowledged the financial burden the town is experiencing. Mr. Malgeri indicated that he will support this application. Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To approve the involuntary superannuation retirement application filed by the Town of Lynnfield on behalf of Kim DiOrio-McGonnell. Mr. Sacco asked the town to let the retirement system know when Ms. DiOrio-McGonnell will come off the payroll, which will then be the date upon which her retirement will

be effective. Ms. Magen indicated that this notification will be done today and that today will be the day Ms. DiOrio-McGonnell comes off the payroll.

Ms. Magen and Mr. Davis left the meeting.

### **Executive Session**

Upon a motion by Kevin A. Merz, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To move to executive session to act on the involuntary disability application of the Town of Boxford.

Mr. Maney advised the meeting 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 9:20 a.m.

While in executive session the Board voted as follows:

Upon a motion by Vincent R. Malgeri, seconded by Susan J. Yaskell, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; That upon receipt of additional records and documents, to request PERAC to schedule a regional medical panel to act on the involuntary disability application filed by the Town of Boxford on behalf of Robert E. Corliss.

The Board exited executive session at 10:02 a.m.

### **Motion to Adjourn**

Upon a motion by Susan J. Yaskell, seconded by Vincent R. Malgeri, the Board voted by roll call as follows: Mr. Malgeri, Yes; Mr. Maney, Yes; Mr. Merz, Yes; and Ms. Yaskell, Yes; To adjourn the meeting.

The meeting adjourned at 10:02 a.m.

---

**Vincent R. Malgeri**

---

**H. Joseph Maney**

---

**Kevin A. Merz**

---

**Susan J. Yaskell**

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

Minutes of the Meetings of May 26, 2020 and June 19, 2020  
New Enrollments  
Documents Relating to Rescinding Certain Memberships  
Documents Relating to New Retirements  
Documents Relating to an Option D Benefit  
Documents Relating to the Awards of Creditable Service  
Documents Relating to the Acceptance or Denial of Liability  
Warrants  
Memo on Salary Adjustment  
Fifth Member Position Posting  
Governor's Phase II Reopening Checklists and Standards  
Draft Newsletter

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

Advisory Council Meeting Draft Minutes  
Agenda Posting Checklist  
Executive Director's Schedule  
Financial Reports - April Adjustments  
Financial Reports - April Disbursements  
Financial Reports - April General Ledger  
Financial Reports - April Receipts  
Financial Reports - April Trial Balance  
Financial Reports - Bank Reconciliation - February  
Financial Reports - Bank Reconciliation – March  
Financial Reports - PRIT Fund May Report  
Financial Reports - PRIT Fund Performance Update  
Financial Reports - Segal Company - GASB 68 & 69 Report  
Financial Reports - Segal Company January 1 2020 Actuarial Valuation and Review  
PERAC First Member Election Letter.06052020  
PERAC Notice on ERRS Appropriation Letter  
PRIM - FY21 Maintenance Balance Election Form – 07012020  
Segal Email - Funding Schedule to PERAC  
Vernava Memorandum Cover Letter  
Vernava Memorandum of Law  
Vernava Motion for Judgment on the Pleadings