

MINUTES

MEETING OF THE PEABODY RETIREMENT BOARD WEDNESDAY, MARCH 27, 2024

Chairman Yagjian called the meeting to order at 7:00 A.M. Board members participating were Mr. Michael Gingras, Mr. Edward Lomasney, Mr. Henry Hogan, and Ms. Andrea Trefry. As authorized with the passage of Chapter 2 of the Acts of 2023 signed by Governor Healey on March 29, 2023, extending the Open Meeting Law Waiver until March 31, 2025, this meeting of the Peabody Retirement Board was held by remote participation with all Board Members remote. Every effort was made to ensure that the public could adequately access the proceedings in real time via technological means. Alternative public access to this meeting was made via Zoom virtual meeting software for remote access. A notice of the meeting was posted at City Hall, the Peabody Police Department, the City of Peabody webpage under City Calendar of Meetings, and Peabody Access Telecommunications television. There were no public attendees at the meeting today.

ACCEPTANCE OF MINUTES:

ON MOTION BY MS. TREFRY, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO ACCEPT THE MINUTES OF THE FEBRUARY 21, 2024, REGULAR MEETING OF THE PEABODY RETIREMENT BOARD.
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

SUPERANNUATION RETIREMENT:

The Board reviewed the Application for Voluntary Superannuation Retirement Form and Choice of Retirement Option Form at Retirement submitted by the following member:
Christine Covino-Spinale Library Assistant 71 years old 17 years 4 months 02/23/2024
ON MOTION BY MR. GINGRAS, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO APPROVE.
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

SECTION 9 SURVIVOR BENEFIT:

In follow-up to the meeting last month, Attorney Sacco recommend the Board request Mrs. Grant provide relevant medical records for the last five years prior to Mr. Grant's death and if upon review of those documents if there is a possibility his death is related to his accidental disability retirement to request PERAC convene a single physician medical panel to review the documents and formulate an opinion as to whether there is a direct nexus from the condition for the disability retirement and his death. **ON MOTION BY MS. TREFRY, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO REQUEST MRS. GRANT PROVIDE THE LAST FIVE YEARS OF MR. GRANT'S HEALTH RECORDS AND TO FORWARD TO PERAC REQUESTING THEY CONVENE A MEDICAL PANEL AND PROVIDE A MEDICAL OPINION TO THE BOARD.**
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

NEW MEMBERS:

The following candidates for membership have completed the New Member Enrollment Form, Beneficiary Selection Form(s), been physically cleared, and provided birth certificate for themselves and applicable beneficiaries:

Dariel Canela	Police Officer/ Police	Group 4	02/12/2024
Julia Melo	Police Officer/ Police	Group 4	02/12/2024
Luis Osorio	Police Officer/ Police	Group 4	02/12/2024
Michael Perroni	Police Officer/ Police	Group 4	02/12/2024
Ryan Sauk	Police Officer/Police	Group 4	02/12/2024
Monica Courtney	Paraprofessional/School	Group 1	02/26/2024
Leonel Cabrera	Maintenance Mechanic/PHA	Group 1	03/01/2024

**ON MOTION BY MR. LOMASNEY, 2ND BY MR. GINGRAS, IT WAS VOTED UNANIMOUS TO APPROVE.
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.**

REFUNDS:

Kelly Damor is a former employee from the Health Department that resigned with 1 year 3 months of creditable service totaling \$8,493.36 that is requesting a refund of accumulated deductions. We will refund \$6,794.69 and forward the remaining \$1,698.67 to the IRS.

**ON MOTION BY MR. GINGRAS, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO APPROVE.
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.**

WARRANTS:

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING WARRANT:

#022724 02/27/2024 Pension Payroll \$2,060,425.74

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING WARRANT:

#022924 02/29/2024 Miscellaneous Bills \$216,551.47 as follows:
\$ 50.21 - W. B. Mason - Office Supply
\$ 294.73 - 3-8-C - Amesbury Retirement System
\$ 476.08 - 3-8-C - Weymouth Retirement System
\$215,730.45 - 3-8-C - MA Teacher's Retirement System

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING WARRANT:

#031424B 03/14/2024 Miscellaneous Bills \$15,363.60 as follows:
\$ 1,842.50 - Sacco & Collins, PC - Legal Services
\$13,521.10 - 3-8-C - Barnstable County Retirement System

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING WARRANT:

#031424R 03/14/2024 Refund \$8,493.36 as follows:
\$6,794.69 - Kelly Damor - Refund of Deductions
\$1,698.67 - Internal Revenue Service - Damor Refund

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

BOARD & STAFF PAYROLL:

ON MOTION BY MS. TREFRY, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING BOARD AND STAFF PAYROLLS TOTALING \$28,229.33:

2/21/2024 for \$9,549.8, 3/6/2024 for \$9,164.37, and 3/20/2024 for \$9,515.09.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

PERAC CORRESPONDENCE:

PERAC PROSPER Announcement – Retiree Portal – 91A Online Submission
 PERAC Memo 10-2024. Tobacco Company List

ON MOTION BY MR. GINGRAS, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO RECEIVE THE LISTED PERAC CORRESPONDENCE.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

PRIM CORRESPONDENCE:

PRIM Value Report for January 2024
 Performance Update – January 2024
 Q4 2023 PRIM Board Quarterly Update

ON MOTION BY MR. LOMASNEY, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO RECEIVE THE LISTED PRIM CORRESPONDENCE.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

BOARD ATTORNEY CORRESPONDENCE:

Correspondence from Attorney Sacco on Bay State Pension Solution's response (Motion to Dismiss) to Pension Technology Group claim filed in Massachusetts Superior Court

ON MOTION BY MR. LOMASNEY, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO RECEIVE.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

MISCELLANEOUS

In follow up to the matter the administrator brought before the Board regarding health insurance administration and maintenance of those records, attached is the letter to Mayor Bettencourt requesting these functions be absorbed by a city department not later than June 30, 2024. Also included is notification that we have outgrown our space within the building and with the need to hire a part time employee, if a suitable space is not identified soon, we will have to make arrangements to relocate to commercial space outside of Peabody City Hall.

ON MOTION BY MR. HOGAN, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO RECEIVE.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

MISCELLANEOUS

2011 Peabody Municipal Light Plant (PMLP) Commissioner - Erroneous Refund. The Board was provided with and reviewed the Minutes from February 2020 Peabody Retirement Board meeting, letter from Attorney Sacco from February 6, 2020, and Pension Administrator letter to Commissioner D'Amato dated March 14, 2024. In September 2011, after the implementation of the \$5,000.00 rule, MGL 32, Section 4(1)(o), Commissioner D'Amato (elected official) requested and was granted a refund of his accumulated deductions while he was still a member in the Peabody Retirement System, which we now know was erroneous. He was refunded \$3,952.63 and his creditable service is listed as 9 years 5 months through August 6, 2011*. Commissioner D'Amato is (and was at the time) also a dual member as his full-time employment is within the State Retirement System and as a PMLP Commissioner his compensation was under \$5,000.00 at the time. In 2020, Commissioner D'Amato inquired about purchasing the past refunded service and we sought advice and opinion from Attorney Sacco on the matter. As an elected official must seek membership within 90 days of assuming the office elected to, and as the commissioner was well past that window of opportunity, he would have to wait for the next election and if successful, seek membership at that time and would be required to repay the erroneous refund plus interest at the correction of error rate. The commissioner was reelected in November 2023 and assumed the new term on January 2, 2024 and is currently within the 90-day timeline to seek membership. The Commissioner again inquired about purchasing his prior service, but he wants to purchase through the state system to add to his

creditable service there, which as a dual member can't be done. The pension administrator notified him in writing of the situation and provided two detailed purchase scenarios. One being the repayment of the erroneous deductions and interest totaling \$5,398.92 as of January 1, 2024, and the other, if seeking membership, would be the repayment of the refund and the accumulated missed deductions going back to the date of refund and interest which totals \$11,020.98 as of 1 January 2024. *It was also discovered the creditable service of 9 years 5 month is incorrect as Commissioner D'Amato was appointed to a vacant seat on the PMLP Commission at a Special Meeting on February 21, 2002. He was not elected until November 4, 2002, with the term commencing on January 6, 2004, therefor the creditable service is 7 years 7 months.

ON MOTION BY MR. GINGRAS, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO RECEIVE.

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

NEW BUSINESS:

The Pension Administrator provided the Board with an update on the transition over to Bay State Pension Solutions. All is running well, and we successfully processed the retirement payroll in January and February and numerous warrants and 3-8-C, with no issues or major concerns and is several areas with improvement and efficiency. We have also processed 15 retirement calculations and commenced pension payment for those individuals with no difficulties or concerns. Overall, the staff is pleased with the improved efficiencies of the new system and BSPS continued weekly meetings with the staff to discuss problems, concerns, and areas for improvement.

The administrator also shared several documents from BSPS in response to the PTG lawsuit

IRS Extension of time to file 2023 1099R. We were informed by the new Treasurer of a filing issue when trying to file the 2023 1099R report for the Retirement System. When filing the 2022 file, the IRS notified filers (the former Treasurer) of an alert on the upload confirmation report of the requirement file for a new IR-TCC Application by August 1, 2023, which did not happen, and we were unaware. This apparently was a widespread issue as the IRS reports to the Treasurer when requesting an application, that due to high demand, the forms are on backorder and currently not available. The Treasurer reports we should have the IR-TCC number within two weeks, and he has filed for an extension to file the 1099R report.

The notice of the Fifth Member position on the Board has been forwarded to PERAC and has been posted on their website. The administrator also arranged to have posted on the city website as well and will have it posted in public spaces and local advertising. The term for the Fifth Member terminates on July 17, 2024. Interested candidates should submit letter of intent, resume and other qualifications to the Retirement Board not later than noon on Thursday, 20 June 2024. Included in the notice are prohibitions including:

Massachusetts General Laws, Chapter 32, § 20(4)(b), the **Fifth Member** shall NOT be an employee, retiree or elected official (elected or appointed) of the Peabody Retirement System

Massachusetts General Laws, Chapter 32, § 20(4 7/8E), No employee, contractor, vendor or person receiving remuneration, financial benefit or consideration of any kind, other than a retirement benefit or the statutory stipend for serving on the retirement board, from a retirement board or from a person doing business with a retirement board shall be eligible to serve on a retirement board; provided, however, that an employee of a retirement board may serve on a retirement board other than the retirement board by which the person is employed; and provided further, this subdivision shall apply only to individuals who first became members of a retirement board on or after April 2, 2012.

Once the deadline of submission elapses, the administrator will coordinate a Special Meeting of the Board, excluding the Fifth Member, to review applications received and selection of the Fifth Member.

ON MOTION BY MR. LOMASNEY, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO RECEIVE THE ADMINISTRATORS REPORT

ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

ADJOURN:

The next regular meeting of the Peabody Retirement Board will be Wednesday, April 24, 2024. The Board will convene at 7:00 a.m. by remote participation.

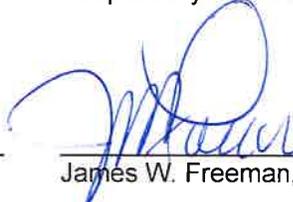
ON MOTION BY MR. LOMASNEY, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO ADJOURN THE MEETING AT 7:25A.M.

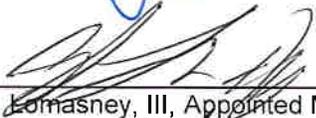
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY -YES, MR. YAGJIAN-YES.

ATTESTED TO BY:

Respectfully submitted:


Richard A. Yagjian, Chair


James W. Freeman, Pension Administrator


Edward J. Lomasney, III, Appointed Member


Michael Gingras, Ex-Officio Member


Henry Hogan, First Elected Member


Andrea Trefry, Second Elected Member