

MARBLEHEAD CONTRIBUTORY RETIREMENT BOARD MEETING

06/07/2018 at 3:30 PM

Present (constituting a quorum): Chairman, Robert Peck, Jr., Charles Gessner, Alison Nieto, Paul Jalbert and Jason Gilliland

Administrator: Linda Gifford

Others in attendance: Attorney Michael Sacco, Robert Kolsky, Attorney Michael McMahon, Timothy Doane, Attorney Paul Hynes, Douglas Knowles, President FF Union, Eric Ridge, VP FF Union.

Active and inactive members as of January 1, 2018 (178 inactive)	615
New members since first of year	17
Refunds, rollovers, transfers & 10 year inactive since first of year	-58
Death of active members since first of year	0
New retirees since first of year	-4
Current active and inactive members (136 inactive)	570
Current retirees and survivors	355
Current membership	925

PRIT Balance as of May 31, 2018: \$98,547,748.

Approval of previous month's expenses, cash reconciliation, bank statements, investments and trial balance.

Approval of the following new members:

- | | | |
|-------------------|-------------------------|------------|
| 1. Angelica Noble | Housing Authority/Clerk | 04/12/2018 |
| 2. Kelly Cook | Finance/Payroll Clerk | 04/23/2018 |

Approval of the following refunds and rollovers:

Approval of the following transfers:

- | | | |
|---------------------|-----------------------|------------|
| 1. Lauren Calabrese | School/Aide | 05/15/2018 |
| 2. Jane Harney | School/Tutor | 05/15/2018 |
| 3. Seymour McKenzie | School/Custodian | 05/15/2018 |
| 4. Elizabeth Forte | Housing Authority/Mgr | 05/31/2018 |

Approval of the following retirements, new beneficiaries & "C" Pop-ups:

Changes on retirement (deaths):

- | | | |
|------------------|--------------|------------|
| 1. Ellis Woodfin | Fire/Captain | 05/20/2018 |
|------------------|--------------|------------|

Changes on active members (deaths):

Disability Applications Pending:

J. Popeo – Michael Sacco preparing memo re: Med Certs. Voted at meeting (see below).

R. DiGiammarino – Follow-up with Rick, proceeding?

R. Kolsky – Evidentiary hearing at this meeting.

T. Doane – Evidentiary hearing at this meeting.

DALA Appeals Pending:

David Perry's ADR was denied by the Board at their October 9, 2014 meeting. Attorney Sacco provided DALA decision and summary of findings on 10/19/2016. Notice of Objection filed with CRAB same day. The Memo of Law in support of objections was provided to CRAB by Sacco Law 11/21/2016. Adam Troupe, Mr. Perry's Counsel, filed the Appellee response to objections with CRAB.

Regular Business: Meeting called to order at 3:30 PM, Mary Alley Municipal Building, Lower Level Conference Room, 7 Widger Road, Marblehead, MA.

Minutes:

Motion made and seconded to approve the minutes of the May 7, 2018 meeting. **Gessner, Peck, Gilliland and Jalbert in favor.**

COLA Hearing:

A public hearing was held on the granting of a cost of living increase to be effective July 1, 2018. The Board acknowledged the gallery had about half a dozen interested active employees and retirees. Two worksheets comparing social security and public retiree cost of living increases and the current compounding cost of granting a COLA were provided by the Administrator. Mr. Gessner pointed out that the compound effect of a 3% increase on a \$12K base is substantial over time. The Board accepted questions and comments from the gallery in support of a 3% increase. Motion made and seconded to grant a 3% COLA increase on the first \$12,000 of retirement allowances effective July 1, 2018, pursuant to M.G.L. Chapter 32, Section 103(i). **Jalbert, Nieto, Peck and Gilliland in favor; Gessner opposed.**

Administrator's Salary:

As agreed and voted with the 2018 budget the Administrator's salary will move to mirror Administrative Pay Scale Grade 54, Step 5 inclusive of the collective bargaining negotiated 2% increase effective July 1, 2018. **All in favor.**

Jacquelyn S. Popeo's ADR:

After reviewing the application, the Regional Medical Panel Certificates, the accompanying narrative reports, the medical records, the opinion of legal counsel and the provisions of M.G.L. c. 32, § 7, the Board concluded that Jacquelyn Popeo is permanently unable to perform the essential duties of a Firefighter. The Board further concluded that Popeo's permanent incapacity is the natural and proximate result of the personal injury sustained on January 16, 2015. Motion made and seconded to grant the application of Jacquelyn S. Popeo and retire her for accidental disability provided, however, that said grant of accidental disability is subject to review by the Public Employee Retirement Administration Commission pursuant to the provisions of M.G.L. c. 32, § 21(1)(d). **All in favor.**

Robert Kolsky & Timothy Doane Disability Applications:

Motion made and seconded to enter into executive session pursuant to M.G.L. Chapter 30A, § 21 and to for purposes to discussing Robert Kolsky's and Timothy Doane's applications for accidental disability retirement, votes may be taken and if they are, votes will be released at a time deemed appropriate by Board Counsel; the board will reconvene in open session. **The Board was polled: Gessner – yes, Jalbert – yes, Nieto – yes, Gilliland – yes, Peck – yes.** Executive session commenced at 4:00 pm. Returned to regular session at 5:10 pm.

Vernava Decision:

Attorney Sacco provided an overview of the PERAC v. CRAB decision in what is commonly referred to as the Vernava case. The Supreme Judicial Court found that supplemental payments made to employees who are receiving workers' compensation are not regular compensation.

Motion made and seconded to adjourn at 5:28 pm. **All in favor.**

Next regular meeting:

Date: Thursday, July 12, 2018

Time: 4:00 PM

Place: Mary Alley Municipal Building, 7 Widger Road, Marblehead MA, Lower Level Conference Room

Board Member Signatures:

Charles H. Gessner, Selectmen Appointee:

Alison Nieto, Ex-Officio:

Paul E Jalbert, Elected Member:

Jason R. Gilliland, Elected Member:

Robert F. Peck, Jr., Chairman/5th Member:
