

Brockton Contributory Retirement Minutes for Thursday, July 27, 2017 at 1:00 P.M.

William R. Farmer, Chairman

Edward P. Mack, Elected

Matthew J. McLaughlin, Appointed

William E. Parlow, Elected

MaryLynn Peters Chu, Ex Officio (*absent*)

Board Counsel, Greg Galvin and Executive Director, Jeanne Martineau present

Votes to be recorded as (Yes- No- Abstain)

Roll Call:

Chairman recognized any member of the public who wishes to be acknowledged.

Minutes:

- Motion by E. Mack, second by M. McLaughlin to approve the minutes of June 28, 2017
So voted: (4-0-0)

- Motion by E. Mack, second by M. McLaughlin to approve the Executive Session minutes of June 28, 2017 for JUDY GODINO, not subject to release due to private medical information

So voted: (4-0-0)

Vendor and Payroll Warrant:

- Motion by E. Mack, second by M. McLaughlin to approve and authorize the payment of bills listed on the warrant of July 31, 2017

So voted: (4-0-0)

- Motion by E. Mack, second by M. McLaughlin to approve and authorize the Contributory Pension Payroll for July 31, 2017

So voted: (4-0-0)

Refunds

Jenny M. Vargas	School Dept.
Michael A. Robinson	School Dept.
Katina E. DaRosa	School Dept.
Laurie E. Lincoln	School Dept.
Tory M. Petti	Sewer Dept.

- Motion by E. Mack, second by M. McLaughlin to approve the refunds as listed above
So voted: (4-0-0)

Transfers Out

N/A

Retirement Applications:

<u>Name</u>	<u>Dept.</u>	<u>Type</u>	<u>Date</u>
Edward J. Gingiliski	Library	Superannuation	08/11/17
Mary E. Guest	School Dept.	Superannuation	05/16/17

- Motion by E. Mack, second by M. McLaughlin to accept the Retirement Applications as listed above
- So voted:** (4-0-0)

Education Opportunities

n/a

June

Vendor Check Series Used: #20301-20328

End Checks (Office Payroll) Series Used: #20275-20279

End Checks (Office Payroll) Series Used: #20280-20281-20283-20284

Retiree's Payroll Check Series Used: #20282-20285 through 20300

Replacement Check Series Used N/A

Void/cancel Checks Used N/A

12(2)(d) Applications:

DON A. WILLIAMS, spouse of KATHLEEN M. WILLIAMS, School Department Paraprofessional deceased June 12, 2017, filed Affidavit seeking Member Survivor Benefits and Notice of Election of Benefits under G.L. C. 32§12(2)(d).

- Motion by E. Mack, second by M. McLaughlin to find that the Survivor meets criteria for 12(2)d benefit and to grant DON A. WILLIAMS a 12(2)d allowance subject to final approval from PERAC.

So voted: (4-0-0)

Disabilities:

- Motion by E. Mack, second by M. McLaughlin to enter into Executive Session for purposes of discussing medical records

Roll call vote: M.M. (I), BP (I), E.M. (I), B.F. (I)

MARY E. GUEST - Accidental or Ordinary Disability Application - 1:20 P.M.
Attorney Bernard J. Mulholland of Ford, Mulholland, & Moran, P.C.

- Motion by E. Mack, second by M. McLaughlin exit Executive Session
- Roll call vote: E.M. (I), B.P. (I), M.M. (I), B.F. (I)

(Open Session 1:55)

B. Parlow asked the member if she were receiving any income as a result of her injury, and she stated that she is only receiving social security. B. Farmer suggested she may wish to withdraw her Ordinary Disability Application as it does not benefit her monetarily and will be subject to workers' compensation offset.

Motion by B. Parlow, second by E. Mack to find sufficient medical evidence exists to forward the Accidental Disability Application to PERAC and to request that the Commission convene a regional medical panel.

So voted: (4-0-0)

DOROTHY M. BILOTTA – Superannuation to ADR Conversion – 2:05 P.M.

Attorney Erin M. Clasby of the Law Offices of James S. Aven representing.

Ms. Bilotta was superannuated in August 24, 2015. She subsequently applied for ADR, was accepted by the Board and approved by PERAC (May 2017) with an ADR effective date of April 26, 2016. Due to the retro-active date of her ADR retirement, it resulted in a workers' compensation offset; thus she owes the Board close to \$24,000. She came before the Board to ask that she be allowed to continue with her Superannuation and forego the ADR. Attorney Galvin advised that he could find nothing in the statute that allows this, and the Board felt that they could not do this as it was already accepted by PERAC and she owed the funds for the workers' compensation. Attorney Clasby asked if she could petition PERAC. Attorney Galvin felt that they would not get involved, however, the Board was inclined to give her more time to petition the agency if it was Bilotta's wish. B. Farmer warned that the longer the Board continues to pay her superannuation the more the workers' compensation offset debt would be. Attorney Clasby explained that Bilotta didn't have the funds to pay such a large offset and that it will take approximately six years for the Board to recoup the funds through her annuity that is not offset. B. Farmer suggested that if her compensation attorney could reach a settlement with the city which would cover the cost of the offset owed, she would be better off financially, as the ADR benefit is approximately \$12,000 more annually.

SHAWN R. SAWYER - Medical Panel Certificates - 2:45 P.M.

Attorney Michael C. Akashian representing, and Nicole Keller (observing intern) present.

Attorney Galvin explained to the Applicant and his Attorney that 2 of the 3 physicians answered in the affirmative to all three questions, but one of the physicians questioned one of the surgeries performed and commented on the issue of permanency. Galvin explained the appeal process in the event that PERAC remands the application back to the Board.

- Motion by B. Parlow, second by E. Mack to accept the findings of the Regional Medical and to award the ADR.

PATRICK J. MULVEY Accidental Disability Application – 3:05 P.M.

Attorney Joseph P. McKenna, Jr. of Segal Roitman, LLP representing

- Motion by E. Mack, second by M. McLaughlin to enter into Executive Session for purposes of discussing medical records

Roll call vote: M.M. (I), BP (I), E.M. (I), B.F. (I)

- Motion by E. Mack, second by M. McLaughlin exit Executive Session

Roll call vote: E.M. (I), B.P. (I), M.M. (I), B.F. (I)

(Open Session 3:35)

B. Parlow asked the member if at any time in any prior employment did he have a workers' compensation settlement and has he ever filed. He denied ever having a settlement, but Attorney McKenna stated that all prior workers' comp claims were provided to the City, however, Galvin stated that the Board was not privy to that but he agreed the City was provided those. McKenna stated Mulvey's last injury to the body part in question was in 2005; therefore, he would have been unable to perform the work that he has in the past decade. M. McLaughlin respectfully disagreed as different parts of the body will compensate for the injured part. McKenna stated this is a question for the medical panel to decide and the Board agreed, however, B. Farmer discussed that it is the Board's responsibility to reflect on causality.

E. Mack asked if he ever told any co-worker about his injury even in passing, to which the answer was in the negative. He did not mention his injury until he turned in his doctor's note in April.

- Motion by B. Parlow, second by E. Mack to find sufficient medical evidence exists to forward the Accidental Disability Application to PERAC and to request that the Commission convene a regional medical panel.

So voted: (3-1-0) (M.M.)

WAYNE M. SARGO - Medical Panel Certificate

- Motion by B. Parlow, second by E. Mack to accept the findings of the Regional Medical Panel and to award the ADR

So voted: (4-0-0)

Visitors:

n/a

Financials

Review Bank Reconciliation Statement

1. SEI Performance Report as of 6/30/17

IT

Review and discuss the contract for Pension Software

- Motion by E. Mack, second by M. McLaughlin to determine that PTG is a responsive and responsible bidder and scores Highly Advantageous on all criteria, and further to award contract to Pension Technology Group (PTG).

So voted: (4-0-0)

REMINDER: Each Board Member must log onto PROSPER and digitally complete

1. Retirement Board Compliance Certification
2. Retirement Board Member Certification

Other Business

2. Board to review comprehensive set of Personnel Policies for the Brockton Contributory Retirement Office and Draft Employment Agreement

Board will take home and review, and offer commentary to the Director before the next meeting. The Board will review at the next meeting.

New Business

Any business not reasonably anticipated by the Chair

NON ACTION ITEM

Notice of Deaths

KATHLEEN M. WILLIAMS, active member, deceased 6/12/2017; 12(2)(d) Don A. Williams

DORIS A. MURPHY deceased 7/4/2017; No further payments shall be made in her name after the date of death

MURIEL C. MACK, survivor, deceased 7/6/2017; No further payments shall be made in her name after the date of death

DONALD M. FREDETTE deceased 7/11/2017; No further payments shall be made in his name after the date of death

DEBRORAH A. CARNEY, active member deceased 7/2/2017: Paraprofessional. Notice of Election of Benefits under G.L. C. 32§12(2)(d) has been mailed to spouse, no response to date.

Retirement Approvals

<u>Name</u>	<u>Dept.</u>	<u>Type</u>	<u>Date</u>
Scott J. Sweet	Fire Dept.	Superannuation	04/13/17

Appeals or Exams at the State Level

n/a

Other Business

3. Letter dated July 05, 2017 from Board to PERAC requesting access to PROSPER for Board Counsel

The Executive Director informed the Board that she spoke with Joe Connarton of PERAC that morning. He acknowledged the receipt of the letter but stated that at this time, the software does not have the capacity to allow access to the attorneys. PERAC has a concern regarding unfettered access of the Board Counsel to the Board's information. Billing issues could result if

an attorney reviewed something s/he wasn't asked to. The Executive Director asked if the Board could write a letter to PERAC giving permission to PROSPER to allow access, in the same manner that the staff and the Board already has, and the Board would take responsibility for any potential billing issues that may arise. Mr. Connarton continued to state that PERAC and the software doesn't have the ability to address this issue right now, but hopefully some day there will be access capability for counsel.

4. Letter From Gregory F. Galvin - update on John Carr's Appeal
Still in appeals, no action required by the Board at this time.
5. Letter From Daniel E. Mulkern - Disputing QDRO amount

PERAC Memos

<http://www.mass.gov/perac/forms-pubs/memos/>

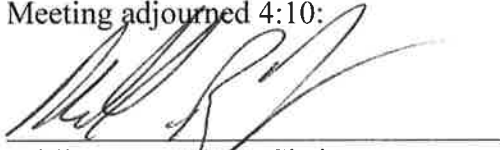
6. # 21-2017- Mandatory Retirement Board Training (previously emailed to bd. 7/11/17)
 - #22-2017 – PROSPER and the Legal Review of Disabilities
 - #23-2017 – MTRS c. 32 section 3(8)(c) reimbursements
 - #24-2017 – COLA for Supplemental Dependent Allowance
 - #25-2017 – Repeal of G.L. c. 32, s 90G ³/₄

PERAC Pension Newsflash - Legislature Addresses Age Discrimination in Retirement Law

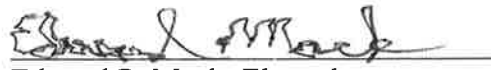
Next meeting: August 31, 2017

- Motion by E. Mack, second by M. McLaughlin to adjourn the meeting
So voted: (4-0-0)

Meeting adjourned 4:10:



William R. Farmer, Chairman



Edward P. Mack, Elected



Matthew J. McLaughlin, Appointed



William E. Parlow, Elected

ABSENT

MaryLynn Peters Chu, Ex Officio