

**Swampscott Retirement Board
Meeting Minutes
April 26, 2022**

A meeting of the Contributory Retirement Board was held in the first-floor conference room of Town Hall on Tuesday, April 26, 2022.

Attendance:

Chair Thomas H. Driscoll, Jr., Vice Chair John F. Behen Jr., Kevin F. Breen, Robert J. Powell, III and Amy L. Sarro (8:15am)

Guest: Chris Collins, Esq - via Zoom

The meeting was called to order by the Chairman at 8:02am.

Executive Session

At 8:02am the Board voted on a motion made by Kevin Breen and seconded by Vice Chair Behen to go into nonpublic Executive Session. Chair Driscoll stated for the record "in accordance with MGL, to discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual."

A roll call vote was taken A roll call vote was taken Driscoll "I", Behen "I", Breen "I" and Powell "I".

The Board voted on a motion made by Kevin Breen and seconded by Robert Powell to adjourn executive session and return to open session at 8:21am

A roll call vote was taken A roll call vote was taken Driscoll "I", Behen "I", Breen "I", Powell "I" and Sarro "I".

Minutes

The Board voted on a motion made by Kevin Breen and seconded by Vice Chair Behen to approve the following meeting minutes:

- March 22, 2022
- March 22, 2022 Executive Session

Acceptance of New Member Enrollments

The Board voted unanimously on a motion made by Vice Chair Behen and seconded by Robert Powell to approve the following new members:

- Ruben Quesada - SPD - Police Chief DOH 3/28/2022
- Dianne Marchese - TWN - Executive Assistant to the TA DOH 3/28/2022
- Stephen Cummings - TWN - Building Inspector DOH 3/28/2022

- Zuzana Magganaris - TWN - Customer Service Clerk - DOH 3/30/2022
- London Spain - SFD - Firefighter - DOH 3/26/2022
- Dennis Berry - SFD - Firefighter - DOH 4/25/2022

Retirements

- None

Deaths

- None

Administrative Reports Put on File:

The following administrative reports were put on file:

- PERAC Memo #10 Tobacco Company List
- PERAC Memo #11 Mandatory Board Training

Expenses/Financials:

The Board voted unanimously on a motion made by Amy Sarro and seconded by Kevin Breen to approve the following:

- Expense Warrant 4/2022 \$135,833.15

The Board voted unanimously on a motion made by Amy Sarro and seconded by Kevin Breen to approve the following:

- Payroll Warrant 04/29/2022 \$604,212.72

The Board voted unanimously on a motion made by Amy Sarro and seconded by Robert Powell to approve the following:

- People's Transfer to MM Account \$560,000.00

The Board voted unanimously on a motion made by Kevin Breen and seconded by Amy Sarro to approve the following:

- PRIM Transfer to People's Bank \$600,000.00

February financials were reviewed, cash receipts, disbursements adjustments, trial balance & bank reconciliations.

Transfers/Refunds/Rollovers

The Board voted unanimously on a motion made by Amy Sarro and seconded by Vice Chair Behen to approve the following transfer:

- Shari Losanno - Transfer to Marblehead

The Board voted unanimously on a motion made by Amy Sarro and seconded by Robert Powell to approve the following refund:

- Donna Breithaupt - Refund

The Board voted unanimously on a motion made by Amy Sarro and seconded by Kevin Breen to approve the following refund:

- Karen Hallion - Refund

The Board voted unanimously on a motion made by Amy Sarro and seconded by Robert Powell to approve the following refund:

- Barbara Delisle - Refund

The Administrator informed the Board that insufficient retirement deductions were taken for Emily Jodoin while she was working in Swampscott. The Administrator will determine the amount of deductions Ms. Jodoin must make up prior to having her account transferred to MTRS. The Board voted unanimously on a motion made by Amy Sarro and seconded by Robert Powell to table the following transfer and not charge interest on the make-up of deductions needed prior to transfer.

- Emily Jodoin - Transfer to MTRS -Table

The Administrator informed the Board that further research was needed to determine Linda Coviello's transfer amount. The Board voted unanimously on a motion made by Amy Sarro and seconded by Robert Powell to table the following transfer:

- Linda Coviello - Transfer to MTRS - Table

Buyback/Makeup Requests

None

Old Business

Reserve Status - 3(8)c Liability

Attorney Chris Collins met with the Board to discuss liability for employees who have reserve service in other communities. Currently two Swampscott police officers who worked as reserve officers for Essex County are looking to get credit for their reserve time under the Gomes decision.

Essex Regional Retirement has denied liability citing "the decision rendered by the Appeals Court in the matter of Haverhill Retirement System v. Contributory Retirement Appeal

Board, 82 Mass. App. Ct. 129 (2012)}, it is clear that liability pursuant to M.G.L. c. 32, § 3(8)(c) will only extend to a retirement system which has received funds from the individual. Since the Board did not receive contributions from this individual(s) during the period cited, no Section 3(8)(c) liability can attach to this service.”

There was a lengthy discussion on which retirement system should or could accept the liability under 4(2)(b) and 4(2)(c). Attorney Collins stated that if Swampscott accepted liability, PERAC could deny the decision and then the individuals would owe money back if they are given the credit towards their retirement.

Attorney Collins informed the Board that there are currently several ongoing court cases pertaining to the issues of retirement systems denying liability as well as other cases dealing with the 4(2)(b) and 4(2)(c) issue. Attorney Collins is hopeful that CRAB or DALA will make corrections in litigation.

If neither Swampscott nor Essex Regional Retirement System accept liability, the individuals have the right to appeal.

Calendar 2022 Budget

The Board reviewed the calendar 2022 draft budget which totaled \$706,888. After some discussion, the Board increased the line item for PT staff from \$30,000 to \$52,000. The Board voted unanimously on a motion made by Vice Chair Behen a seconded by Amy Sarro to approve the calendar 2022 budget in the amount of \$728,888.

Town Hall Hours

Town Hall hours are changing effective May 2, 2022. The new hours will be M, T, Th 8am-5pm and W from 8:00am -7pm. The Retirement Administrator’s hours will align with Town Hall hours. Chair Driscoll stated that if the hours revert, then the Administrators hours would also revert.

Funding Schedule

Tabled - Information requested from PERAC not received prior to meeting.

New Business:

Affidavits

The Administrator informed the Board that she had still not received affidavits for three retirees after multiple notices and phone calls. The notices will be sent again via certified mail. The Administrator will report back at the next meeting.

Administrator Updates:

None

Adjournment

The Board voted unanimously on a motion made by Vice Chair Behen and seconded by Kevin Breen to adjourn the meeting at 10:17am.

Respectfully submitted,

Nancy Lord

Nancy A. Lord

Retirement Administrator