

## **MINUTES**

### **MEETING OF THE PEABODY RETIREMENT BOARD** **TUESDAY, NOVEMBER 19, 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. Attending the meeting are Ms. Laura Strickland, Attorney Morgan Gray, and Mr. Albert Lopes IV.

#### **ACCEPTANCE OF MINUTES:**

**ON MOTION BY MS. TREFRY, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO ACCEPT THE MINUTES OF THE OCTOBER 29, 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.**

#### **MASS PRIM BRIEF:**

Ms. Laura Strickland, Mass PRIM Senior Client Services Officer, delivered a briefing to the Board outlining the status of PRIT assets; market volatility; recent instability and stabilization trends in the market; inflation trends; staffing changes; ESG framework; economic and geopolitical concerns; portfolio changes since the last briefing; and past, present, and future goals. At the conclusion of her presentation, Ms. Strickland and the Board engaged in a question-and-answer session. The Board thanked Ms. Strickland for her time and opportunity to answer questions and Ms. Strickland departed the meeting.

**ON MOTION BY MR. LOMASNEY, 2ND BY MR. GINGRAS, IT WAS VOTED UNANIMOUS TO ACCEPT THE PRIM/PRIT REPORT PRESENTED.**

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

#### **SUPERANNUATION RETIREMENT:**

It was discovered that Ms. Catherine Tassinari's Superannuation Retirement was incorrectly processed under Option C and not Option A. Ms. Tassinari submitted a request to the Board to have her retirement recalculated and processed under Option A.

**ON MOTION BY MR. GINGRAS, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO APPROVE THE REQUEST AND FOR THE ADMINISATROR TO TAKE THE REQUESTED ACTION.**

**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:

Nancy Martins	Paraprofessional/ School	Group 1	09/16/2024
Jade Williamson	Building Access Attendant/School	Group 1	10/07/2024
Jonathan King	Custodian/PMLP	Group 1	10/08/2024
Kyle Maglione	Laborer/DPS	Group 1	10/14/2024

Kevin Donovan	Bookkeeper/Council on Aging	Group 1	10/15/2024
Milagros Capunay Carey	Paraprofessional/School	Group 1	10/15/2024
Muriel Portugal Rivera	Substance Use Care Coordinator Health Department	Group 1	10/21/2024
Drake Reynolds	Building Access Attendant/School	Group 1	10/30/2024
Athina Stewart	Data Analyst/PMLP	Group 1	11/04/2024
Conor Morgan	Superintendent/Cemetery	Group 1	11/04/2024
Robert L. Harris Jr.	Assistant Director/Facilities	Group 1	11/12/2024
Leighanne Magnarelli	Mental Health Substance Abuse Clinician/Health Department	Group 1	11/12/2024

**ON MOTION BY MR. LOMASNEY, 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.**

**REFUNDS:**

Jennifer Kent is a former Clerk from the School Department with 2 years, 9 months of creditable service who has requested a refund of her accumulated deductions totaling \$9,067.01. She will receive \$7,253.61 and the remaining \$1,813.40 forwarded to the Internal Revenue Service for tax withholding.

**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. HOGAN, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING WARRANT:**

#103124	10/31/2024	Pension Payroll	\$2,109,752.90
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**ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY-YES, MR. YAGJIAN-YES.**

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

#110424B	11/04/2024	Miscellaneous Bills	\$ 201.00 as follows:
		\$146.00 - U. S. Postmaster – Postage Stamps	
		\$ 55.00 - Sacco and Collins - Legal Services	

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

**BOARD & STAFF PAYROLL:**

**ON MOTION BY MR. LOMASNEY, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING BOARD AND STAFF PAYROLLS TOTALING \$17,891.87:**

10/30/2024 for \$9,017.71 and 11/13/2024 for \$8,874.16

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

**BANK OF AMERICA CARD STATEMENT:**

Bank of America Statement for the month of October 2024 is submitted for the Board's Review and Acceptance. There are no expenses for this period.

**ON MOTION BY MR. HOGAN, 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.**

**CASHBOOKS:**

September 2024

Pooled fund worksheet and PRIT General Allocation Account Market Value of \$214,523,409.97

Cash Receipts Report for the period 1-30 September \$2,002,735.29

Cash Disbursements Report for the period 1-30 September totaling \$4,212,942.72

Adjusting Journal Entries for the period 1-30 September totaling \$3,111,986.34

Trial Balance Report for the period ending 30 September

General Ledger for the period ending 30 September

Budget Report for the period ending 30 September

Treasurer Bank Reconciliation Report - Eastern Bank 30 September

Eastern Bank Statements (Checking, Payroll, and Sweep Accounts) 30 September

Budget to Actual Expense through 30 September

Cash Flow Forecast for October and November

**ON MOTION BY Ms. TREFRY, 2ND BY Mr. LOMASNEY, IT WAS VOTED UNANIMOUS TO RECEIVE AND APPROVE THE SEPTEMBER 2024 CASHBOOKS.****ON ROLL CALL: Mr. GINGRAS-YES, Mr. HOGAN-YES, Mr. LOMASNEY-YES, Ms. TREFRY-YES, Mr. YAGJIAN-YES.****PERAC CORRESPONDENCE:**

PERAC Memo 26-2024 - Hartnett Decision

*Note: BSPS has provided a list of retired people to review that are a potential impact. On October 30, 2024, we completed the data review and researched each and find none fall under the Hartnett Decision.*

PERAC Memo 27-2024 - Changes to Return to Service under GL Chapter 32, Section 8

PERAC Memo 28-2024 - Violent Assault Disability - Chapter 149 of the Acts of 2024

PERAC Pension News, Issue 66

PERAC Annual Report – 2023

PERAC Memo 29-2024 – 2026 Appropriation Questionnaire in PROSPER

PERAC Memo 29-2024 - Attachment

2024 Appropriation Data Questionnaire for FY2026 Appropriations

**ON MOTION BY Mr. GINGRAS, 2ND BY Mr. HOGAN, IT WAS VOTED UNANIMOUS TO RECEIVE THE LISTED PERAC CORRESPONDENCE AND APPROVED THE 2024 APPROPRIATION DATA QUESTIONNAIRE AS PREPARED BY THE ADMINISTRATOR.****ON ROLL CALL: Mr. GINGRAS-YES, Mr. HOGAN-YES, Mr. LOMASNEY-YES, Ms. TREFRY-YES, Mr. YAGJIAN-YES.****PRIM CORRESPONDENCE:**

PRIM Value Report for September 2024

Performance Update - September 2024

**ON MOTION BY Mr. GINGRAS, 2ND BY Ms. TREFRY, 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 regarding Working Out of Grade (WOOG) and whether or not it is regular compensation. It was recently discovered an employee has been paid WOOG during the absence of the department head. It has been past practice that only police and fire that are paid WOOG is regular compensation.

Attorney Sacco provides a recent DALA Decision *Dudley v. Leominster Retirement Board* - July 2022.

To summarize this lengthy decision, the Magistrate states in part:

*Regular compensation is "compensation received exclusively as wages." G.L. c. 32, § 1. Wages are an employee's "base salary or other base compensation," G.L. c. 32, § 1, including "pre-determined,*

*non-discretionary, guaranteed payments paid by the employer to similarly situated employees." 840 CMR 15.03(3)(b).*

*To qualify as regular compensation; payments must be recurrent, regular, and ordinary. Rotondi v. Contributory, Retirement Appeal Bd., 463 Mass. 644, 653 (2012).[1] Under PERAC's regulations, wages include payments made because of the work's character or timing or the employee's education, length of service, training, certification, or licensing. 840 CMR 15.03(3)(b). Wages do not include "overtime, commissions, bonuses other than cost-of-living bonuses, [or] amounts derived from salary enhancements or salary augmentation plans which will recur for a limited or definite term ...." G.L. c. 32, § 1*

In communication to the Board, Attorney Sacco is in agreement with the DALA opinion and states working out of grade for all employees is not regular compensation.

The Administrator recommends we reinforce all city department heads and their payroll staff, that WOOG is not regular compensation and to ensure retirement deductions are not taken from those payments.

**ON MOTION BY MR. GINGRAS, 2ND BY MS. TREFRY, IT WAS VOTED UNANIMOUS TO RECEIVE ATTORNEY SACCO'S CORRESPONDENCE AND ADMINISTRATOR'S RECOMMENDATION. THE FINANCE DIRECTOR WILL COORDINATE WITH ADP (PAYROLL PLATFORM) AND HAVE THE PAY CODE FOR WORKING OUT OF GRADE UPDATED TO ENSURE RETIREMENT DEDUCTIONS WILL NOT BE DEDUCTED FROM ANY SUCH PAYMENTS ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY-YES, MR. YAGJIAN-YES.**

**ACCIDENTAL DISABILITY RETIREMENT:**

Mr. Lopes joined the meeting at 7:35, however his attorney had not yet joined. Mr. Lopes agreed to have the Board proceed with his ADR request. The Board, having previously reviewed the Medical Panel Certificates and accompanying opinions of the physicians assigned to Mr. Albert Lopes, IV's Medical Panel and **ON MOTION BY MS. TREFRY, 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**

After the approval, the Administrator explained to Mr. Lopes the next phases in the process and Mr. Lopes departed the meeting. At the start of the next agenda item, Attorney Gray was able to log on. The Chair informed him of the prior approval and that Mr. Lopes was in attendance. Attorney Gray thanked the Board and departed the meeting.

**NEW BUSINESS:**

The Pension Administrator provided an update to the Board on the status and process of the following:

Board Election. The nomination deadline has passed, and we have three candidates. The administrator has prepared the official ballot and the office is preparing the mailing with the goal to have them out this week to all eligible active and retired members.

PERAC Audit. PERAC has completed the audit covering the period January 1, 2018, through December 31, 2021. At the exit conference on November 13, 2024, Mr. Henderson reported there were no discrepancies to report and that we should have the formal letter soon.

Public Hearing for Supplemental Regulation on Military Buybacks will be held during the December 17 regular meeting.

Migration to Diligent continues. Diligent reports a migration error with uploading our historical data from BoardPq therefore the administrator was unable to attend the last training session. Diligent has made a video recording of the meeting available for review. Due to the delay, in transporting over our data, they are extending our BoardPq access through the end of December

**ON MOTION BY MR. GINGRAS, 2ND BY MR. HOGAN, IT WAS VOTED UNANIMOUS TO RECEIVE THE ADMINISTRATOR'S UPDATE.**

**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 Tuesday, December 17, 2024. The Board will convene at 7:00 a.m. by remote participation.

**ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO ADJOURN THE MEETING AT 7:50 A.M.**

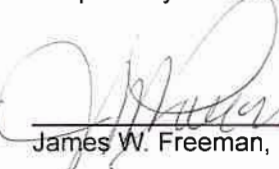
**ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MS. TREFRY-YES, MR. YAGJIAN-YES.**

ATTESTED TO BY:

Respectfully submitted:

  
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Richard A. Yagjian, Chair

  
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James W. Freeman, Pension Administrator

  
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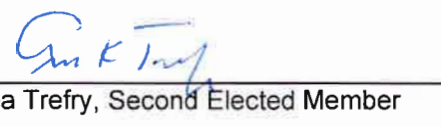
Edward J. Lomasney, III, Appointed Member

  
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Michael Gingras, Ex-Officio Member

  
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Henry Hogan First Elected Member

  
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Andrea Trefry, Second Elected Member