

MINUTES

MEETING OF THE PEABODY RETIREMENT BOARD WEDNESDAY, MARCH 26, 2025

Chair 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 Mr. Daniel Dean. 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 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.

ACCEPTANCE OF MINUTES:

ON MOTION BY MR. HOGAN, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO ACCEPT THE MINUTES OF THE FEBRUARY 26, 2025, REGULAR MEETING OF THE PEABODY RETIREMENT BOARD. ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MR. DEAN-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 members:

Susan Velez	Assistant Director / PHA	62 years old	36 years
4/30/2025	Option C		
Claire Church	School Clerk	64 years old	13 years 3 months
4/30/2025	Option A		
Mary Gigliello	School Clerk	61 years old	16 years
6/27/2025	Option A		

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

ACCIDENTAL DISABILITY RETIREMENT:

The Board reviewed the Application for Accidental Disability Retirement, Treating Physician's Statement, Medical Records, and Employer Statement for Shawn Murphy and **ON MOTION BY MR. GINGRAS, 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO RECEIVE AND TO FORWARD TO PERAC REQUESTING A MEDICAL PANEL BE CONVENED BY THREE SEPARATE EXAMINATIONS AS REQUESTED BY THE APPLICANT. THE BOARD DOES NOT AGREE TO ANY REMOTE EXAMINATIONS. ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MR. YAGJIAN-YES.**

The Board reviewed the Application for Accidental Disability Retirement, Treating Physician's Statement, Medical Records, and Employer Statement for Eric Howland. The treating physician answered "NO" to question 2 regarding permanency "*Is the condition for which the applicant seeks disability retirement likely to be permanent*, meaning he does not believe this is a permanent disabling injury. The treating physician does not cite the September 2022 injury for the incapacitation but cites an off-duty injury two years prior, July 2020, as the cause. On the advice of counsel that Mr. Howland must make out a prima facie case, identifying a personal injury or hazard undergone in the performance of his duties, and produce a Physician's Statement that affirmatively answers the incapacity, permanence, and causation questions, as well as causation relates his alleged incapacity to the specific injury, series of injuries or hazard undergone To qualify for an accidental disability retirement, Mr. Howland must show that he sustained a personal injury or hazard

undergone as a result of, and while in the performance of his duties at some definite time and at some definite place. M.G.L. c. 32, § 7(1). Mr. Howland is required to prove one of two hypotheses: that his disability stemmed from a single work-related event or series of events, or, if the disability was the product of gradual deterioration, that the employment exposed him to an identifiable condition that is not common and necessary to all or a great many occupations. Moreover, an aggravation of a pre-existing condition may be considered a personal injury for purposes of accidental disability retirement. Mr. Howland must also establish that when he was last in the performance of his duties, he suffered from the same permanently incapacitating condition for which he is seeking his accidental disability retirement. Based on the foregoing standards and the evidence provided in this case, Mr. Howland has not yet put forward a prima facie case for an accidental disability retirement, in that while he has identified a September 14, 2022 left knee injury in his application that he sustained in the performance of his duties, the treating physician identified the July 4, 2020 off-duty injury in the Physician Statement, and as those injuries do not align, this matter may not proceed to a medical panel.

MOTION WAS MADE BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO TABLE THE MATTER UNTIL MR. HOWLAND CAN PRODUCE A TREATING PHYSICIAN STATEMENT APPROPRIATE TO THE CLAIMED 2022 INJURY AND PERMANENCY.

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

Mr. Arthur Davis, through his attorney Brian Gunning, submitted application for accidental disability which the Board forwarded to PERAC requesting a Medical Panel be convened at the December 2024 meeting. On December 23, 2024, PERAC placed the request "Under Review" and notified the Pension Administrator that Question 3A on the Treating Physician Statement was check NO and must be checked YES for an Accidental Disability. The Pension Administrator notified Attorney Gunning of the situation that same day. Attorney Gunning acknowledged and informed the administrator he would take for action and have it corrected. On February 13, a call was placed, and a voicemail message was left for Attorney Gunning for a status update. Having not heard anything on the matter, on March 11, a letter was sent to Attorney Gunning asking him to notify the Retirement Board if he intends to obtain a corrected physician's statement.

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS VOTE TO TABLE UNTIL THE APRIL 2025 MEETING TO ALLOW MORE TIME TO PRODUCE A CORRECT STATEMENT AND IF NOT, THE BOARD WILL REVIEW THE MATTER AGAIN AND MAKE A DECISION TO WITHDRAW THE MEDICAL PANEL REQUEST FROM PROSPER.

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

Catherine Bruno	Paraprofessional / School	Group 1	2/24/2025
Yari Acevedo	Paraprofessional / School	Group 1	2/25/2025
Michael Sellards	Patrol Officer / Police	Group 4	3/2/2025
Christopher Kachinski	Paraprofessional / School	Group 1	3/3/2025
Nicholas Melto	Patrol Officer / Police	Group 4	3/16/2025

ON MOTION BY MR. LOMASNEY, 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO APPROVE.

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

ACCIDENTAL DEATH BENEFIT:

Firefighter Michael Martin retired under Superannuation, Option C on February 18, 2025, and passed away on March 1, 2025. He had been approved by the City Indemnification Board for duty injury citing a cancer diagnosis. His surviving spouse has submitted an application for Section 9, Accidental Death Benefit. Based on advice of counsel, **ON MOTION BY MR. GINGRAS, 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO OBTAIN THE LAST FIVE YEARS OF MEDICAL RECORDS, TO INCLUDE DIAGNOSIS AND TREATMENT FROM MRS. MARTIN IN ORDER FOR THE BOARD TO REQUEST PERAC CONVENE A SINGLE PHYSICIAN MEDICAL PANEL.**

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

BUYBACK:

Sandra Drover is the Outreach Coordinator at the Police Department who is requesting to make up time she worked more than 20 hours per week between January 1, 2004, and October 4, 2008. This will give her 1 year 4 months of creditable service totaling \$6,872.68.

ON MOTION BY MR. LOMASNEY, 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO APPROVE.

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

WARRANTS:

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

#022625PR	02/26/2025	Pension Payroll	\$2,104,643.91
#031325B	03/13/2025	Miscellaneous Bills	\$21,510.57 as follows:
		\$ 2,052.81 - Sacco and Collins, P.C. - Legal Services	
		\$19,110.09 - 3-8-C - Belmont Retirement System	
		\$ 357.67 - 3-8-C - Stoneham Retirement System	
032725B	03/27/2025	Miscellaneous Bills	\$28,286.88 as follows
		\$ 220.84 - Thriftco Printing - Annual Statement Envelopes - Admin Supply	
		\$28,066.04 - 3-8-C - Melrose Retirement System	

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

BOARD & STAFF PAYROLL:

ON MOTION BY MR. HOGAN 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO APPROVE THE FOLLOWING BOARD AND STAFF PAYROLLS TOTALING \$18,370.20:

3/5/2025 for \$9,602.06 and 3/19/2025 for \$8,768.14

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

BANK OF AMERICA CARD STATEMENT:

Bank of America Statement for the month of February 2025 is submitted for the Board's Review and Acceptance. There are no expenses for this period.

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

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

PERAC CORRESPONDENCE:

PERAC email from February 27, 2025, regarding Open Meeting Law Expiration

PERAC Memo 10-2020 Tobacco Company List

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

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

PRIM CORRESPONDENCE:

2024 Fourth Quarter Update

PRIM Value Report for February 2025

PRIM Performance Update for February 2025

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

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

YEAR END 2023 AUDIT:

CBIZ CPAs Independent Auditor's Report on the Audit of the Schedule of Employer Allocations and Schedule of Pension Amounts by Employer for year ending 12/31/2023 was submitted for the Board's review. The report states: In our opinion, the accompanying Schedules present fairly, in all material respects, the employer allocations and pension amounts by employer as of and for the year ended December 31, 2023, in accordance with accounting principles generally accepted in the United States of America. Also submitted with the report to the Board was the Letter of representation of facts and material for year end 2023 audit signed by Finance Director and Pension Administrator.

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

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

BOARD ATTORNEY CORRESPONDENCE:

Attorney Sacco letter of representation of the Peabody Retirement Board to MARCUM for their 2023 Audit

Attorney Sacco correspondence on Ms. Bellavance's DALA response listed under miscellaneous items

Attorney Sacco correspondence forwarding Motion To Quash in the PTG matter, Suffolk Superior Court C.A. 2484CV-0033-H.

Attorney Client Privilege Communications.

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

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

MISCELLANEOUS:

Division of Administrative Law Appeals (DALA). Ms. Mary Bellavance has filed a response to DALA following the Peabody Retirement Board, through Attorney Sacco, Motion to Dismiss for Lack of Jurisdiction. In response, Attorney Sacco forwarded an email correspondence to Ms. Bellavance making notice of representation and requesting any further contact in this matter should be addressed to his office.

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

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

MISCELLANEOUS:

Underpayment of Retirement Deductions. We have identified an employee that is contributing at an incorrect contribution rate. Upon hiring, 8% contribution was entered into payroll instead of 9% and also did not enter the additional 2% deduction for earnings over \$30,000, which has resulted in an underpayment of \$4,214.73 of retirement deductions. Payroll has corrected the error. Pension administrator has made Mr. Dulavitz aware by phone conversation and in writing if the situation and repayment options.

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

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

NEW BUSINESS:

Administrator Updated to the Board.

Preliminary Review of the 2024 Annual Statement. The administrator provided the Board with the draft of the 2024 Annual Statement and supporting documents. The signature ready statement will be presented to the Board at the April 2025 Meeting.

We have been notified by IT that Microsoft will stop supporting Window 10 operating system this year. We will be replacing Ms. Masterson's desktop as a result to ensure there are no interruptions

We have not received any formal notification of the Governor extending the Open Meeting Law. The next and future meetings will be held onsite unless an extension is approved.

ON MOTION BY MR. GINGRAS, 2ND BY MR. LOMASNEY, IT WAS VOTED UNANIMOUS TO RECEIVE THE ADMINISTRATOR'S UPDATES.

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

ADJOURN:

The next regular meeting of the Peabody Retirement Board will be Tuesday, April 22, 2025. The Board will convene at 7:00 a.m.

ON MOTION BY MR. LOMASNEY, 2ND BY MR. DEAN, IT WAS VOTED UNANIMOUS TO ADJOURN AT 7:40 A.M.

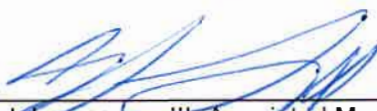
ON ROLL CALL: MR. GINGRAS-YES, MR. HOGAN-YES, MR. LOMASNEY-YES, MR. DEAN-YES, MR. YAGJIAN-YES

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


Daniel Dean, Second Elected Member