

PLYMOUTH RETIREMENT BOARD
Friday, August 30, 2019
8:04 a.m.
212 South Meadow Road, Unit #3
Plymouth MA 02360

Chairman Thomas Kelley called the meeting to order at 8:04 a.m. in the conference room of the Plymouth Retirement Office. Present Board Members were Gerald Coughlin, Shawn Duhamel, and Dale Webber. Also present were Attorney Michael Sacco, Wendy Cherry, and Karry Barros. Vice Chair Lynne Barrett joined the meeting at 8:10 a.m.

Section I: Regular Business

Minutes:

Minutes of July 26, 2019	Regular Meeting
Minutes of July 26, 2019	Executive Session

Motion to accept Minutes as listed made by Mr. Webber; Seconded by Mr. Coughlin.
Unanimously voted.

Warrants:

Warrant #6 Dated June 30, 2019	\$	2,845,434.29	Final
Warrant #7 Dated July 31, 2019	\$	8,008,887.30	Partial
Warrant #8 Dated August 31, 2019	\$	2,548,833.10	Partial
Warrant #9 Dated September 30, 2019	\$	2,366,000.00	Partial

Trial Balance as of June 30, 2019: \$174,949,606.31

Motion to approve Warrants as listed made by Mr. Webber; Seconded by Mr. Duhamel.
Unanimously voted.

Public Comment:

Mr. Kelley told the Board that he recently attended a MACRS Executive Board Meeting and there was discussion regarding PERAC recommending the Valuation number drop to 7%. He added that this recommendation is contrary to the language in Chapter 68, of the Acts of 2007, regarding PRIT's funding requirements.

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Mr. Duhamel told the Board that this causes concern with COLA's.

PERAC MEMOS:

Memo #21/2019: COLA Increase for Supplemental Dependent Allowance Paid to Accidental Disability Retirees and Accidental Death Survivors

MACRS Fall 2019 Conference:

MACRS Fall 2019 Conference will be held in Springfield MA from 9/29/19 - 10/2/19. Will the Board approve attendance for those that are able to attend?

Motion to approve attendance to the MACRS Fall 2019 Conference made by Chairman Kelley; Seconded by Mr. Webber. Unanimously voted.

Actuarial Valuation:

Board to review and vote on January 1, 2019, Actuarial Valuation, prepared by John Boorack of PERAC.

Chairman Kelley asked if the Board had any questions or concerns regarding the Valuation.

Ms. Barrett told the Board she feels the methodologies are reasonable, but she has some concern with the Appropriation increasing from 8% to 8.14%.

Motion to accept the January 1, 2019, Actuarial Valuation, prepared by John Boorack made by Mr. Webber; Seconded by Mr. Duhamel. Unanimously voted.

Section II: Membership:

Post Retirement Earnings:

Retired Police Captain John Rogers joined the meeting at 8:15 a.m.

Chairman Kelly welcomed Mr. Rogers to the meeting and explained that Attorney Sacco would be discussing post retirement earnings limitations and would answer questions to the best of his ability based on current law.

Attorney Sacco told Mr. Rogers that the Board received copies of the letter he submitted and explained he would do his best to answer his questions. He added that there are still two cases in litigation, so it is possible that answers given today are subject to change.

Mr. Rogers explained that he wants to be sure he is doing everything right and that is why he requested to come in.

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Attorney Sacco told Mr. Rogers that any post retirement work done for a private contractor that is contracting with a public entity would fall under the restrictions of Section 91(b). He added that some connection, whether direct or indirect, will be subject to restrictions.

Mr. Rogers stated that he understands that the position of Plymouth County Outreach Coordinator, funded by a Federal Grant through the Town of East Bridgewater, is subject to the 960 hours limitation. He then asked Attorney Sacco his opinion regarding doing work for an attorney who may be working for a Town or City. He explained that his compensation would be paid by the attorney, but if the attorney was contracted to work for a Municipality and paid by the Municipality, would that employment be subject to the hours and earning limitations.

Attorney Sacco told Mr. Rogers that it would be best for him to steer away from public entities.

Mr. Rogers asked Attorney Sacco his opinion regarding the position of HUB Manager being subject to the restrictions. He gave a brief job summary, explaining that the responsibilities would be to implement a "hub model" throughout Plymouth County to expand access to behavioral health services for individuals identified as being at acutely elevated risk due to substance use and/or mental health issues. He added that the funding for this position would be funneled through a non-profit titled PAARI (Police Assisted Addiction Recovery Initiative).

Attorney Sacco answered that it does not sound like it would be subject to the restrictions.

Mr. Duhamel stated that PAARI has no direct connection to the public sector, it is either private sector or federal.

Attorney Sacco explained that if the W-2 is not issued from a municipality there is not a direct contract, if this is the case, he sees no issue with it.

Mr. Rogers asked Attorney Sacco, if he was working post retirement in a position that was not subject to the hours and salary limitations but, at some point in the future the law changed, would he then have to repay any overearnings.

Attorney Sacco gave two examples, Clothing Allowance which fell under the "sunset clause" and the Motor Vehicle Case in which it was necessary to go back and collect the money. He added that he is unable to say with any degree of certainty, the Board's hands could be tied.

Chairman Kelley stated that Director, Wendy Cherry, recently received a call from the Inspector General requesting information about how our Board is tracking overearnings.

Mr. Rogers told the Board that there are positions he has taken that he is currently tracking but wanted to ask Attorney Sacco's opinion of a couple positions he was not sure of.

Attorney Sacco told the Board that if they want to take a vote authorizing him to send a reply to Mr. Rogers June 6, 2019, letter, he is willing to send that letter.

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Motion to have Attorney Sacco send a reply to Mr. Rogers letter dated June 6, 2019, made by Mr. Duhamel; Seconded by Mr. Coughlin.

Discussion:

Mr. Webber stated that he is not comfortable with Attorney Sacco sending a letter of reply. He added that he agrees with the concept of the 960, hour limitation and that a reply letter would be extensive. He told the Board that he feels this is a wide-open issue. Mr. Rogers has shown he has an active resume and is participating in several post-employment activities subject to the limitations with the exemption of PAARI. Mr. Webber repeated, he does not support writing a letter.

Mr. Duhamel stated that it is not his intention to prolong this discussion, but the law allows retirees to work after retirement and a member of our System has asked this Board for guidance on the matter. He added, it is incumbent on this Board to work with him and provide the guidance he has requested.

Ms. Barrett stated that she agrees with Mr. Duhamel and is appreciative that Mr. Rogers has come in to ask for guidance.

Chairman Kelley told Mr. Webber that he understands his concerns but gives credit to Mr. Rogers for coming in and asking for guidance.

Mr. Webber told the Board he is concerned but does not lack confidence in Attorney Sacco writing a letter, his concern is the letter coming back to haunt the Board. Mr. Webber stated, speaking to the motion, he is not at a level of comfort.

Mr. Rogers asked Chairman Kelley permission to speak.

Chairman Kelley gave Mr. Rogers permission to speak.

Mr. Rogers explained to the Board that he has been tracking his hours and earnings for the positions that are subject to the limitations. He added that he shares the responsibility of keeping track and is mindful of any work done for a municipality. He assured the Board that he does not expect a letter to give him all the answers.

Mr. Webber told the Board that he is concerned this could be just the tip of the iceberg and a letter could be making inroads to many more people coming in and asking questions.

Mr. Coughlin told the Board that he has some experience with this law, this is not something new. He has seen several cases during his working years and tracking does not add that much to the workload of employees. He added that he would like to see more retirees come in and ask the questions as Mr. Rogers did. Mr. Coughlin told the Board that he supports the motion to have Attorney Sacco write a letter of reply.

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Mr. Rogers told the Board that he came in because he does not want to be a problem for this Board.

Motion Stands:

Mr. Kelley	yes
Ms. Barrett	yes
Mr. Coughlin	yes
Mr. Duhamel	yes
Mr. Webber	no

Mr. Rogers left the meeting at 9:02 a.m.

New Business:

Mr. Webber told the Board he would like to discuss Mutual Aid and Municipalities. He informed the Board that he made a Public Records Request and discovered that MGL Chapter 40 was not adhered to as it applies to DPW lending Mutual Aid. He explained that the Town has adopted MGL Chapter 40 Section 4(j) but, it is his opinion they should also adopt 4(k) which applies to DPW Workers. Mr. Webber told the Board that he would like Attorney Sacco to write a letter to the Town recommending the Town adopt MGL Chapter 40 Section 4(k). He stated there was a discussion on the matter at a recent DPW Safety Meeting and that a Mutual Aid agreement needs to be in place covering DPW workers to ensure our members are protected.

Attorney Sacco told the Board that if he were to write a letter to the Town, he would be reluctant to advise the Town what to do but is willing to advise what could happen if they don't.

Chairman Kelley asked if there is a motion to have Attorney Sacco write a letter to the Town explaining the consequences of not adopting Chapter 40, Section 4(k).

Ms. Barrett stated that it is her understanding that the Town thought they were including all departments when they adopted Section 4(j), this section is broader, Section 4(j) was the recommendation at the time.

Attorney Sacco told the Board that Ms. Barrett's interpretation is not unreasonable but sees no harm in adopting the additional section to ensure all employees are covered.

Motion to authorize Attorney Sacco to send a letter to the Town explaining the consequences of not adopting Chapter 40, Section 4(k) made by Mr. Duhamel; Seconded by Mr. Webber.
Unanimously voted.

Section III: Executive Session:

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Pursuant to MGL Chapter 30A, Section 21 (a)(3), the Board will enter into executive session to discuss ongoing litigation.

Roll-call voted at 9:24 a.m. to enter into executive session:

Mr. Kelley	yes
Ms. Barrett	yes
Mr. Coughlin	yes
Mr. Duhamel	yes
Mr. Webber	yes

The Board will re-enter the regular meeting following executive session.

The Board re-entered the regular meeting by roll-call vote at 9:32 a.m.

Mr. Kelley	yes
Ms. Barrett	yes
Mr. Coughlin	yes
Mr. Duhamel	yes
Mr. Webber	yes

Investments:

Chairman Kelley briefly reviewed performance. The total Fund was at \$179,320,350 as of June 30, 2019, and at \$193,249,212 as of July 31, 2019. He reminded the Board that Templeton is still on watch, Mr. Tranghese will update the Board at the September meeting.

OPEB Fund:

Chairman Kelley told the Board that the total OPEB Trust Fund was at \$5,163,522 as of June 30, 2019 and at \$6,230,601 as of July 31, 2019. He added that the Fund is right on target.

Section II: Membership Continued:

New Hires:

Town:

- 9% Chisholm, Howard, Group 1, Motor Equipment Operator-Highway
Perm. Full-time: \$787.98 weekly
Start Date: August 26, 2019

- 9% Larsen, Adam, Group 4, Police Officer
Perm. Full-time: \$1,518.38 weekly
Start Date: August 12, 2019

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9% Stockel, Dakotah, Group 1, Administrative Secretary
Perm. Full-time: \$782.63 weekly
Start Date: August 19, 2019

School:

9% Costa, Maritonia, Group 1, Family Engagement Liaison
Perm. Full-time: \$1,806.00 bi-weekly
Start Date: August 27, 2019

9% Harty, Colin, Group 1, In-School Suspension Supervisor
Perm. Full-time: \$2,110.91 bi-weekly
Start Date: August 28, 2019

9% Pizzi, Maureen, Group 1, Paraeducator
Perm. Full-time: \$847.35 bi-weekly
Start Date: August 28, 2019

Motion to accept Town and School New Hires as listed made by Mr. Webber; Seconded by Mr. Duhamel. Unanimously voted.

Buy Backs:

School:

Hoffer, Christine, Group 1, Paraprofessional, has requested to purchase prior part-time service from September 15, 2008 through August 26, 2014 with the Town of Plymouth School Department. Total Buyback Amount: \$6,432.81

Motion to accept School Buy Back request made by Mr. Webber; Seconded by Mr. Duhamel. Unanimously voted.

3(8)(c) Liability:

Julie Schultz, former Paraprofessional for the Plymouth Public Schools is currently a member of the MA Teachers' Retirement System. Ms. Schultz worked as a part-time Paraprofessional for the period of August 30, 2016 through June 30, 2017. Ms. Schultz worked part-time and was not allowed membership into the Plymouth Retirement System. If proper repayment of deductions and interest is made, will the Board take five (5) months liability for Ms. Schultz?

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Motion to deny 3(8)(c) Liability for Ms. Schultz made by Ms. Barrett; Seconded by Mr. Duhamel. Unanimously voted.

Retirements:

Town:

McKenna, Joseph E., Group 4, Firefighter
Thirty-Two (32) Years, Three (3) Months Creditable Service
Superannuation Retirement: opt c
Retirement Date: September 2, 2019

Motion to accept the Town Retirement as listed made by Mr. Webber. Seconded by Ms. Barrett. Unanimously voted.

Next Meeting:

Ms. Barros told the Board that Anthony Tranghese from FIA contacted the office and requested to schedule Annual Manager Reviews for the Board Meetings of September, October, and November 2019. He is planning to schedule three (3) Managers each meeting.

The Board scheduled the following meeting dates:

September 27, 2019

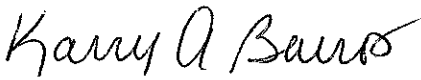
October 25, 2019

November 22, 2019

Adjourn:

Motion to adjourn Regular Meeting at 9:47 a.m. made by Mr. Webber; Seconded by Mr. Duhamel. Unanimously voted.

Respectfully submitted,


Karry A. Barros
Assistant Director

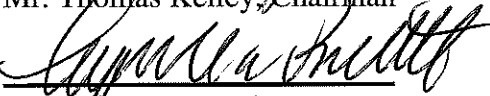
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Plymouth Retirement Board:




Mr. Thomas Kelley, Chairman

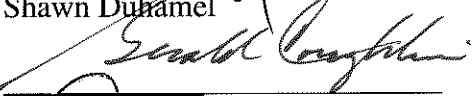
Dated: September 27, 2019



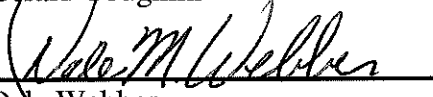
Lynne Barrett



Shawn Duhamel



Gerald Coughlin



Dale Webber