

Regular Meeting – September 22, 2021

The Taunton Retirement Board (the “Board”) met at 1:00 p.m. today at the retirement board offices, 104 Dean St., Suite 203, Taunton, MA with Chairwoman Ann Marie Hebert presiding and board members Barry J. Amaral, Thomas A. Bernier, Dennis Smith, and Gill E. Enos in attendance.

Roll Call

All members were present at the 1:00 p.m. roll call

Also present were:

Karen Medeiros, Assistant Executive Director

Michael Sacco, Retirement Board Attorney

Tim Bradshaw, Taunton Fire Chief

Lawrence Gantz, Firefighter

Dawn Rabbit, stenographer

REGULAR BUSINESS:

Minutes – from the August 25, 2021 regular & executive session meeting.

On the motion by Enos, seconded by Smith, it was unanimously

VOTED: to approve the minutes.

VOTE: 5-0-0

Warrants – #74 thru #82 for 2021.

On the motion by Smith, seconded by Enos, it was unanimously

VOTED: to approve the warrants.

VOTE: 5-0-0

New members of the system to date:

- Eben Rose, School, Group 1, 9+2%
- Sheri Simas, TMLP, Group 1, 9+2%
- Zachary Grady, Fire, Group 1, 9+2%
- Trevor Costa, DPW, Group 1, 9+2%
- Bridget Daugherty-Costa, Library, Group 1, 9+2%
- Crystal Scheibner, School, Group 1, 9+2%
- Andrew Graham, Police, Group 4, 9+2%
- Denzel Santos, Police, Group 4, 9+2%
- John Reilly, III, Police Group 4, 9+2%
- Ryan Dykas, Police, Group 4, 9+2%
- Paul Buzzell, School, Group 1, 9+2%
- Marion Koss, School, Group 1, 9+2%
- Amy Siggins, School, Group 1, 9+2%
- Sandy Araujo, TMLP, Group 1, 9+2%
- Judith Roberts, School, Group 1, 9+2%
- Victoria Gracia, School, Group 1, 9+2%
- Debbie Nunes, Human Resources, Group 1, 9+2%
- Meaghan Brumble, School, Group 1, 9+2%
- Rosalie Hernandez, School, Group 1, 9+2%
- Lianne Mendonca, Assessors, Group 1, 9+2%
- Connor Flynn, Fire, Group 1, 9+2%

- Mariah O’Gara, School, Group 1, 9+2%
- Michael Devine, School, Group 1, 9+2%

On the motion by Enos, seconded by Smith, it was unanimously

VOTED: to approve the new members.

VOTE: 5-0-0

Refunds/transfers subject to D.O.R. liens:

- Jared Taje, Police, Group 4, transfer to Plymouth County Retirement
- Trinity Falcao, TMLP, Group 1, refund

On the motion by Smith, seconded by Enos, it was unanimously

VOTED: to approve the refunds & transfers.

VOTE: 5-0-0

Retirement/survivorship applications:

- Patricia St. George, City Clerk, Superannuation, Group 1, 9/14/21
- David DeOliveira, Police, Superannuation, Group 4, 10/12/21(was 12/26/21)
- Anthony Pistolese III, Police, Superannuation, Group 4, 12/26/2021
- Linda Silvia, Treasure, Superannuation, Group 1, 11/27/21
- David Souza, School, Superannuation, Group 1, 1/4/21

On the motion by Enos, seconded by Amaral, it was unanimously

VOTED: to approve the retirements and survivorships.

VOTE: 5-0-0

Deaths

- Rita Gallego, option C survivor of James Gallego, dod 9/01/2021 – no further benefits payable

On the motion by Smith, seconded by Enos, it was unanimously

VOTED: to acknowledge death and place on file.

VOTE: 5-0-0

Make-up/redeposits and liability for creditable service: There were none.

PERAC Memo’s and correspondence: There were none.

Investments & accounting:

- Accounting reports for m/e 07/31/2021 – Trial Balance, Cash Receipts & Disbursements, and Journal Entries. Bristol County Savings Bank Checking account statement and reconciliation as of m/e 07/31/2021. After full review of all reports, the Board voted as follows:

On the motion by Enos, seconded by Amaral, it was unanimously

VOTED: to approve accounting reports for m/e 07/31/2021 – Trial Balance, Cash Receipts & Disbursements, and Journal Entries; the Bristol County Savings Bank Checking account statement and reconciliation as of 07/31/2021.

VOTE: 5-0-0

- Investment Purchases (\$13,755,042.20) and Sales \$13,755,042.20 for m/e 07/31/2021.

On the motion by Enos, seconded by Amaral, it was unanimously

VOTED: to approve the purchases & sales as of 07/31/2021.

VOTE: 5-0-0

- FY2022 Pension Appropriation for q/e 09/30/2021 for \$4,547,160.50. Vote needed to place in money market account at People's United bank for future cash needs.

On the motion by Enos, seconded by Smith, it was unanimously

VOTED: to place money in the market account at People's United Bank for future cash needs.

VOTE: 5-0-0

Funding & Budget requests:

- Review budget expenditures and account balances thru m/e 08/31/2021.

On the motion by Smith, seconded by Enos, it was unanimously

VOTED: to approve expenditures & balances and place on file.

VOTE: 5-0-0

Travel, Education & Conferences:

- MACRS Fall conference – October 4 & 5, 2021 will be held virtually.

On the motion by Smith, seconded by Amaral, it was unanimously

VOTED: to approve any board member or staff to attend.

VOTE: 5-0-0

Legal matters:

- Legal expenses of \$3,013.40 for m/e 08/31/2021 for Atty. Michael Sacco.

On the motion by Smith, seconded by Enos, it was unanimously

VOTED: to approve the legal expenses for m/e 08/31/2021.

VOTE: 5-0-0

Executive Director's report

- David Pereira – 2020 Annual Statement of Earned Income filing. Missing information now complete.
- Notice from investment manager Weaver-Barksdale & Associates that the firm has transitioned to a majority women-owned organization with the name officially changing to Barksdale Investment Management.
- Response from landlord Don Emond re: zoning request change to mixed use/residential – Mr. Emond prefers to rent out space as commercial but is seeking 'option' to rent out up to four (4) luxury apartments within the building. Executive Director spoke to Chair of Planning Board and the initial response did not seem to be in favor of this however it was approved and has been voted on by the Planning Board.
- Letter from Ex. Director – per prior vote of the board, a one-year review of Asst. Director Karen Medeiros who was appointed to the position on 09/14/2020. No action was taken by the board.

On the motion by Enos, seconded by Smith, it was unanimously

VOTED: to the table this to the October meeting.

VOTE: 5-0-0

EXECUTIVE SESSION:

At 1:11 p.m., Chairperson Hebert entertained a motion to go into Executive Session pursuant to M.G.L. c. 30A, s. 21(a)(3) for the purpose of conducting a hearing for involuntary accidental disability on firefighter Lawrence Gantz, Jr. filed by Fire Chief Tim Bradshaw. The Board noted that it would reconvene in open session following the executive session.

VOTE: 5-0-0

A roll call vote was taken and recorded as follows: Member Amaral “YES”; Member Bernier “YES”; Member Enos “YES”; Member Hebert “YES”; Member Smith “YES”.

(The minutes of the executive session are kept in a separate minute book)

Open Session 2:15 p.m.

On the motion by Enos, seconded by Smith, it was unanimously

VOTED: to record the votes that were taken during the executive session in open session.

VOTE: 5-0-0

On the motion by Enos, seconded by Bernier, it was unanimously

VOTED: to accept the application of Fire Chief Tim Bradshaw for involuntary accidental disability on Lawrence Gantz Jr. and to request PERAC to convene a medical panel exam subject to Mr. Gantz executing the medical panel selection form to determine joint or separate exams.

VOTE: 4-0-1 (member Bernier voted present)

Roberta Newcomb – Excess Earnings for 2020 under section 91A – PERAC notice

Atty. Sacco recommended withholding her full retirement allowance until it is paid off. He instructed the board that this is the law and if a lesser amount was agreed upon and she passed then the board would not be able to recover the remainder. Ms. Newcomb did appear before the board to discuss the excess earnings. She was unaware that she was still on a disability retirement. It was her understanding that it would switch over to a regular retirement. Ms. Newcomb mentioned several times that she did not understand the documentation that was sent to her regarding this. She works as a personal care attendant for handicapped individuals with covid. She is still performing this job and may face the same issue next year with her earnings. She is willing to comply and understands that she needs to pay it back. The retirement office will supply the allowable salary for 2021 to Ms. Newcomb.

On the motion by Enos, seconded by Bernier, it was unanimously

VOTED: to stop Ms. Newcomb’s monthly retirement deposit starting in October 2021 until it is paid off

VOTE: 5-0-0

Supplementary regulation – review amending the definition of “full-time” service for the city’s change from 32.5 hrs/week to 35 or 40 hrs/week.

Atty. Sacco offered various suggestions on what “full time” could be such as 30 hours per week or 32.5 hours a week and anything above that would not require proration should an employee already work “full time”. The board discussed different scenarios related to this subject. Atty. Sacco said that he would discuss this with the executive director. Ultimately the board decided to table this for the October meeting.

On the motion by Enos, seconded by Bernier, it was unanimously

VOTED: to table this discussion to the October meeting.

VOTE: 5-0-0

Edmund Silveira – review superannuation retiree who recently was in the news for killing his spouse and discuss if there are any implications to his continued receipt of his pension despite the prospect of spending the remainder of his life in prison.

Atty. Sacco informed the board that there were no implications on Mr. Silveira continuing to receive his monthly retirement allowance because he was a regular superannuation retiree and not a disability retiree.

On the motion by Enos, seconded by Amaral, it was unanimously

VOTED: to receive and place this on file.

VOTE: 5-0-0

Appeal updates – Kevin Brocato, Richard Ferreira & August Loura.

Brocato - is appealing to CRAB and Atty. Sacco stated that this per usual and would take a very long time.

Ferreira - DALA upheld the denial and Atty. Sacco has not heard anything further. Additionally the 15 day filing period has passed.

Loura - the board has not heard from Mr. Loura. Atty. Sacco said that Mr. Loura has 30 days to file which he did and 90 days to be served. As of today it is believed that Mr. Loura is still not served. Atty. Sacco spoke to Loura's legal counsel. This will likely be going to superior court. Atty. Sacco thinks that the Taunton Retirement board will prevail.

OLD BUSINESS: There were none.

NEW BUSINESS: There were none.

There being no further business to come before the Board, it was voted to adjourn at 2:31 p.m.

APPROVED BOARD OF RETIREMENT

Ann Marie Hebert, Ex-Officio, Chairperson

Karen Medeiros, Assistant Executive Director

Dennis M. Smith, Elected Member

Barry J. Amaral, Appointed Member

Thomas A. Bernier, Elected Member

Gill E. Enos, Appointed Member