

Revere Retirement Board

Meeting Minutes

April 29, 2020 - 9:00 a.m.

At a meeting of the Revere Retirement System (RRS), held on Wednesday, April 29, 2020, at 9:00 a.m. online, the following Revere Retirement Board (RRB), members participated: Mr. Viscay, Mr. Henry, Mr. Manion, Mr. Cullen and Mr. Cataldo. Also participating in the meeting: Mr. Zapolin, Retirement Administrator and Mr. Zaleznik, Board Counsel.

Chairperson Mr. Viscay, called the meeting to order at 9:02 a.m.

Agenda Item 2a - Approval of Board Minutes

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve the RRB minutes of the meeting of March 31, 2020.

Agenda Item 3 - Legal Matters

The RRB held a COLA hearing. Mr. Zapolin noted that proper notice was given to the City Council of this hearing. On an affirmative motion, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve a 3% COLA on the first \$13,000 of eligible retirees' allowances.

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to take matters out of order.

Agenda Item 12a – Executive Session – Disability Applications

The RRB held a hearing on the application for disability retirement of James McCraney. Mr. Stephen Allard, Mr. McCraney's attorney, participated. Mr. McCraney did not participate. Mr. Allard waived the executive session. Mr. Allard raised questions about the medical panel member's opinions and requested clarifications. Mr. Viscay questioned whether the questions had already been asked of the medical panel. Mr. Zaleznik discussed the UMass report and advised

providing a copy to Mr. Allard. Mr. Zaleznik noted that the accidental disability standard is different from the workers' compensation standard. On an affirmative motion, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to table this matter to the next meeting. Mr. Zapolin will provide Mr. Allard with the UMass report and Mr. Allard will provide proposed clarification questions to the RRB at least a week prior to the next meeting.

On an affirmative vote, Mr. Manion moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to convene in executive session to "discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual;" MGL c. 30A, s. 21(a)(1); specifically, to discuss the physical conditions of Mark DeSimone. Chief James Guido participated. Mr. DeSimone did not participate. Mr. Viscay noted the reasons for the executive session and noted that the RRB would convene in public session after the executive session. The RRB will maintain minutes of the executive session. The RRB again convened in public session.

On an affirmative vote, Mr. Henry moving, the RRB voting 5-0 (Viscay-yes, Henry-yes, Manion-yes, Cullen-yes, Cataldo-yes) to request that PERAC convene a medical panel to examine Mr. Desimone, to send an Authorization to Obtain and Use Medical Records form to Mr. DeSimone, approve waiver of in-person medical appointment and to obtain a medical review of the matter by UMass DES. Mr. Zapolin will notify Mr. DeSimone and send the Waiver of Applicant Attendance at Medical Panel During COVID-19 Pandemic form to all parties.

The RRB returned to the normal order of business.

Agenda Item 4- Unfinished Business and Addendum

The RRB discussed PERAC Memo #11/2020 Payment Required for Service Credited under G.L. c. 32, s. 4(2)(b), PERAC's interpretation in the Mass. Supreme Judicial Court decision in *Plymouth Retirement Board v. CRAB and PERAC*, 482 Mass. 600 (2019). Mr. Manion will have a final list of firefighters affected at the next meeting. On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to table the matter until the next meeting. Mr. Zapolin will draft a policy to address the issue.

Agenda Item 5 - New Enrollments

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve membership in the system of Jorge Pazos, MIS, 3/31/2020.

Agenda Item 6 - New Retirements

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve the retirement of Kenneth McDonald, Fire, 4/1/2020, Super Option A \$56,152.92, subject to PERAC calculation approval.

Agenda Item 7 – Changes in Benefits and Addendum

The RRB noted the passing of Virginia Rose-Kasper (survivor of Robert Rose), School, 3/26/2020, Ruth Guarino, Police, 3/21/2020, Harold Lear, Police, 3/30/2020, Joseph Terenzio, School, 3/30/2020, Louis Spallone (survivor of Raymond Spallone), Joan Larsen, School, 4/14/2020, James Horgan, DPW, 4/20/2020, Anthony Maimone, School, 4/23/2020, John Ferrnate, Fire, 4/21/2020 and Diane Hyland, Housing, 4/22/2020.

Agenda Item 8 – Survivor Benefits

The RRB discussed the survivor benefits potentially available to Letitia Lear, survivor of Harold Lear. On an affirmative vote, Mr. Henry moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve survivor benefits under MGL c. 32, s. 101 for Ms. Lear.

On an affirmative vote, Mr. Manion moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to request that PERAC appoint a single physician to consider the issue of whether Mr. Lear died of the same condition for which he retired, pursuant to MGL c. 32, s. 9. Mr. Zapolin will notify Ms. Lear of the actions.

Agenda Item 9 – Disability Benefit Awards – N/A

Agenda Item 10 and Addendum – Awards of Creditable Service/Approval of Installment Plans/ Acceptance of Liability

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Viscay-yes, Henry-yes, Manion-yes, Cullen-yes, Cataldo-yes) to approve the service transfer in of Brian Arrigo, 1y9m, \$10,741.17, service purchase of Nicholas Maglione, 9m, \$3,194.89, service transfer in of Barbara Moore, 5y1m, \$17,799.47, military service purchase of Kenneth McDonald, 4y, \$14,998.68, service transfer in of Leonard DiBartolomeo, 3y3m, \$14,491.71 and service transfer in of Olga Sanchez, 1y0m, \$4,209.66.

Agenda Item 11- Approval of Warrant and Addendum

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve the transfer from PRIT to Bank of America in the amount of \$1,448,000.00 to fund the April 2020 retiree payroll.

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to approve the following warrant expenditures: \$3,501.00 to Lawson & Weitzen LLP, \$186.75 to S. Zapolin for office supply reimbursement, \$70,836.98 to Essex Reg. RB for 38c reimb., \$27,990.44 to Chelsea RB for 38c reimb., \$203.98 to M. Milaiko for deduction refund, \$8.03 to Crystal Rock, \$5,436.96 to FIIOC for transfer out FBO Stephanie Adolff, \$7,592.91 to Verizon Wireless for iPods and monthly fees, \$109.32 to C. Ferrante for office supply reimbursement, \$5,050.02 to D. Cocchi for refund, and \$1,262.50 to Bank of America for 20% fed tax – Cocchi.

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to acknowledge the March 2020 RRS retiree payroll in the amount of \$1,391,823.13 and the March 2020 RRB payroll in the amount of \$17,164.76.

Agenda Item 12b – Litigation Strategy

Mr. Zaleznik noted that the April proceedings regarding the pension fraud matter have been changed to June 2, 2020 and he will follow up.

The RRB discussed the potential third party recovery of settlement of a legal claim by Jeremiah Goodwin. Mr. Zaleznik reported that the case was settled for approximately, \$375,000, including approximately \$120,000 for attorney's fees. Of that, the City received approximately \$200,000 for lost wages paid as MGL c. 41, s, 111F benefits. The remaining balance is \$48,352. Mr. Zaleznik reported that he

consulted with Michael Sacco, attorney for the Essex Regional Retirement Board, and the standard recovery for retirement boards is 10% of retiree's gross or 20% of net. On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to have Mr. Zaleznik send a letter to Mr. Goodwin's counsel with a settlement proposal and invite counsel to the next meeting.

The RRB discussed the letter from John Parsons of PERAC regarding pending criminal charges against Steven M. Ferrante. On an affirmative vote, Mr. Manion moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to place the matter on file and notify PERAC that the RRB will monitor the situation and take action at the appropriate time.

Agenda Item 13 - New Business/Review of Administrative Items

The RRB discussed the use of UMass medical panel reports and the need to provide copies to applicants and their attorneys. The RRB agreed that the release was dependent on the case. Mr. Zaleznik and Mr. Zapolin will confer in the future on when to release such reports.

Agenda Item 14a- Administrative/Other Items

The RRB discussed the status of the Retirement Analyst. On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to place Mr. Stott on an unpaid furlough until City Hall reopens for regular business. Mr. Zapolin will send a letter notifying Mr. Stott.

The RRB discussed the quote from PBI to attempt to locate missing inactive members and beneficiaries. Mr. Zapolin discussed the quote and the number of such individuals that the RRB cannot locate. On an affirmative vote, Mr. Henry moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to authorize the expense of locating approximately 15 individuals the RRB cannot locate.

The RRB acknowledged receipt of \$10,741.17 from Somerville Retirement Board for transfer in B. Arrigo, \$2,095.42 from Empower Retirement for service purchase FBO N Maglione, \$1,099.47 from Nicholas Maglione for service purchase, \$17,799.47 from Amesbury Retirement Board for transfer in B. Moore, \$14,998.68

from Kenneth McDonald for military service purchase, \$14,491.71 from State Retirement Board for transfer in FBO L DiBartolomeo and \$4,209.66 from State Retirement Board for transfer in FBO O Sanchez.

Agenda Item 14b– Administrator’s Report

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to accept the Trial Balance, Adjustments, Cash Receipts Report, Cash Disbursements Report, Reconciliation, Budget Report, Cash Flow Report and PRIT report.

The RRB discussed the RRB funding situation given the dramatic market decline and the results of the PRIT Investment Committee meeting.

Agenda Item 15- Communications and Addendum

On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to place on file the following correspondence: PERAC Memo #15/2020 Coronavirus: Contingency Planning, PERAC Memo #16/2020 Coronavirus Update, PERAC Memo #17/2020 Coronavirus Impact, PERAC Memo #18/Mandatory Retirement Board Training 2QTR 2020, PERAC Memo #19/2020 Tobacco Company List, PERAC Memo #20/2020 Coronavirus Update, PERAC Memo #21/2020 Post Retirement Restrictions During the State of Emergency, PERAC Medical Panel Notice and PERAC Memo #22/2020 Delayed FY21 Appropriations.

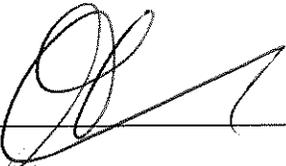
Agenda Item 16 - Other Inquiries

Mr. Viscay discussed issues resulting from the drop off in revenue to the City due to the current situation. The RRB discussed the funding schedule and the potential for a change due to the City’s cash flow. Mr. Viscay also discussed various legislative proposals to assist municipalities and the City’s incentive program.

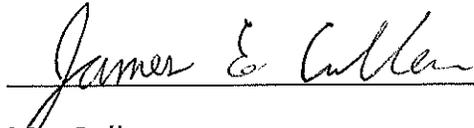
On an affirmative vote, Mr. Viscay moving, the RRB voting 5-0 (Mr. Viscay-yes, Mr. Henry-yes, Mr. Manion-yes, Mr. Cullen-yes, Mr. Cataldo-yes) to adjourn the meeting at 11:26 a.m.



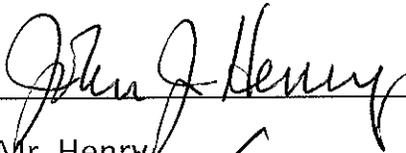
Mr. Zapolin, Administrator



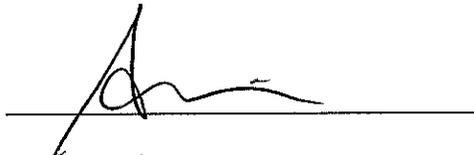
Mr. Cataldo



Mr. Cullen



Mr. Henry



Mr. Manion



Mr. Viscay

