

## Winchester Retirement Board Meeting Minutes

The meeting was called to order at 8:35 am on Thursday, February 28, 2019 in the Winchester Room located in the Winchester Town Hall.

Present: Stacie A. Ward, Ex-Officio  
George F. Morrissey, Chairman  
Robert A. Frary, Elected Member  
William G. Zink, Appointed Member

Also Present: Karen Manchuso, Administrator  
Thomas F. Gibson, Esq., Law Offices of Thomas F. Gibson

Tom Gibson presented the Board with the following legal updates:

### Accidental Death Benefit-

Tom outlined the Accidental Death Benefit (Chapter 32 § 9), explaining to the Board they must find the member-in-service died as a result of a personal injury sustained or a hazard of the job as a result of the member performing his/her duties of the job. In addition to this, the Board must consider the fact that Police and Fire have protections under the Presumption Law (Heart, Lungs and Cancer). It is not the responsibility of the applicant to prove the disability connection, however they are responsible to provide medical evidence of the cause of death. This could include medical records from a primary physician, a hospitalization, an autopsy, or a death certificate.

The Administrator asked Tom if the applicant had no previous medical records, had never been seen by a physician, then what could the Board rely upon for medical evidence? Tom said the Board should request the hospital records at the time of the Emergency Room visit. Those records would provide the medical information needed.

Tom advised the Board to send a letter to the applicant requesting medical evidence of the cause of death.

### Master Officer Stipend-

Tom mailed a letter to PERAC on February 4, 2019 outlining the Board's position on the "Master Officer Stipend" finding reported on PERAC's December 28, 2018 audit of the Winchester Retirement System for the period of January 1, 2013 to December 31, 2016.

Tom received a letter dated February 21, 2019 from Kareem A. Morgan, an attorney representing the Winchester Police Union. The letter requested to be copied on any updates from PERAC involving the "Master Officer Stipend" issue.

### Pending issues relating to Excess Income for Retirees-

Tom informed the Board of current issues that PERAC has recently expressed with retirees post-employment and excess income. If a retired member works for a company that earns the majority of its income from a municipality within Massachusetts, then the income earned by those retired members would be subject to the Post-Employment Earnings Limitations.

JT Travers –

Tom has written and filed the Brief. Attorney Poser (Travers' attorney) has until March 15<sup>th</sup> to get his brief in. When that is submitted a date will be set by the Court to hear arguments in Superior Court in Woburn, Massachusetts.

The Administrator informed the Board of the expiration of the legal contract and the “RFP” process that needs to be done.

A motion was made by William Zink, seconded by Robert (Skip) Frary, to use the same criteria used for the last Legal RFP that was completed. Voted unanimously

Stacie and Skip updated the Board on the Select Board Meeting held on January 25, 2019 regarding the Winchester Retirement vote to increase the Cost of Living Allowance Base from \$12,000 to \$14,000. They reported the Select Board and the members present were all in favor and supported the article to be presented at the 2019 Spring Town Meeting.

The Board discussed the newly created “OPEB Trustee Stipend” being paid by the Town of Winchester to the Town Treasurer for services performed as the Trustee of the OPEB Trust Fund. After confirming the stipend is for actual services being provided to the Town by the member/employee, it will be recurring and for an indefinite duration, it is part of an official written policy and has been determined to be non-discriminatory in nature. After the battery of test as to the nature of these payments, a motion was made by William Zink, seconded by Robert (Skip) Frary to approve the payments made under the “OPEB Stipend” as regular compensation. Voted Unanimously.

The Board acknowledged the receipt of the investment statement as of January 31, 2019.

The Board unanimously approved the January 29, 2019 Regular Meeting Minutes.

The Board unanimously approved the February 28, 2019 Retiree Payroll in the amount of \$687,042.65.

The Board unanimously approved the following Expenses as of February 28, 2019:

| <u>Payee</u>                       | <u>Description</u>         | <u>Invoice #</u> | <u>Amount</u> |
|------------------------------------|----------------------------|------------------|---------------|
| Amity Insurance Agency             | 2019 Fiduciary Ins renewal |                  | \$5,639.00    |
| Arlington Retirement Board         | 2018 3(8)C Payment         |                  | \$11,988.11   |
| Barnstable Retirement Board        | 2018 3(8)C Payment         |                  | \$25,255.10   |
| Belmont Retirement Board           | 2018 3(8)C Payment         |                  | \$ 1,706.38   |
| Brockton Retirement Board          | 2018 3(8)C Payment         |                  | \$ 2,018.54   |
| Concord Retirement Board           | 2018 3(8)C Payment         |                  | \$ 3,115.68   |
| The Law Offices of Thomas F Gibson | 2018 Legal Fees            |                  | \$ 9,218.75   |
| Lexington Retirement Board         | 2018 3(8)C Payment         |                  | \$ 2,416.23   |
| MACRS                              | 2019 Board Dues            |                  | \$ 600.00     |
| Malden Retirement Board            | 2018 3(8)C Payment         |                  | \$ 3,676.37   |
| Town of Winchester-Treasurer       | Pers. Svc. Reimbursement   |                  | \$ 9,296.81   |
| WB Mason                           | Office Supplies            | I63118832        | \$ 60.90      |
| Woburn Retirement Board            | 2018 3(8)C Payment         |                  | \$13,383.04   |

The Board approved the February 28, 2019 Refunds and Transfers as follows:

| <u>Name</u>    | <u>Dept.</u> | <u>Date of Termination</u> | <u>Service</u> | <u>Amount</u> |
|----------------|--------------|----------------------------|----------------|---------------|
| Joshua R Fiore | Fire         | 09/30/2016                 | Retro payment  | \$ 21.49      |

|   |           |                                    |        |             |
|---|-----------|------------------------------------|--------|-------------|
| Marie Kelley                                  | School    | refunded deductions taken in error |        | \$ 380.86   |
| Jessie L. Dang                                | School/TA | 08/15/2018                         | 4.0000 |             |
| To: Massachusetts Teachers' Retirement System |           |                                    |        | \$ 8,581.74 |
| Christine Demopoulos                          | School/TA | 08/31/2016                         | 2.9167 |             |
| To: Massachusetts Teachers' Retirement Board  |           |                                    |        | \$ 6,080.78 |
| Jacob Griffith                                | Fire      | 01/19/2019                         | 4.7500 |             |
| To: Lynn Retirement Board                     |           |                                    |        | \$34,606.75 |
| Swathi Sivasubramanian                        | School/TA | 06/28/2018                         | 0.6667 |             |
| To: Massachusetts Teachers' Retirement System |           |                                    |        | \$ 1,729.87 |
| Justin Tilley                                 | Fire      | 09/15/2018                         | 2.5000 |             |
| To: Norfolk County Retirement Board           |           |                                    |        | \$18,527.15 |

The Board acknowledged the following retirements:

| <u>Name</u>   | <u>Ret. Date</u> | <u>Dept./Position</u> | <u>Group</u> | <u>Creditable SVC.</u> |
|---------------|------------------|-----------------------|--------------|------------------------|
| Carl L Fuller | 02/03/2019       | Police Lieutenant     | 4            | 38.3333                |

There were no deaths to report.

The Board acknowledge the following Announcements/Memorandums:

- PERAC Memo # 11/2019 RE: Workers' Compensation Data Match in Prosper

Documents distributed:

- January 29, 2019 Board Minutes
- January 31, 2019 PRIT Investment Statement
- PERAC Memo's No: #11/2019
- PERAC's Retirement Board Member Statement of Financial Interest For Calendar Year 2018

The next monthly meeting of the Board is scheduled for:

- Tuesday, March 26, 2019 at 8:30 am
- Tuesday, April 30, 2019 at 8:30 am
- Tuesday, May 21, 2019 at 8:30 am

George Morrissey moved to adjourn, seconded by Robert Frary and voted unanimously.  
The meeting adjourned at 9:25 am.

Respectfully submitted,

Karen Manchuso

Attest:

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Stacie A. Ward, Ex-Officio

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George F. Morrissey, Chairman

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Robert A. Frary, Elected Member

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William G. Zink, Appointed Member