

The regular meeting of the Gardner Contributory Retirement Board was called to order by the Chairperson, Denise Merriam, on Tuesday, March 29, 2022, at 10:00 AM in Room #128, 1st Floor, City Hall, Mayor's Conference Room. All Board Members were present.

ANNOUNCEMENT - Any person may make a video or audio recording of an open session of a meeting, or may transmit the meeting through any medium, subject to reasonable requirements of the Chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. Any person intending to make such recording shall notify the Chair forthwith. All Documents referenced or used during the meeting must be submitted in duplicate to the Retirement Board Administrator pursuant to the Open Meeting and Public Records Law. All documents shall become part of the official record of the meeting.

On a motion by John Richard, seconded Kevin McInerney, the Board unanimously voted to approve the minutes of the regular meeting of February 22, 2022. The Board then signed the permanent minutes of the regular meeting minutes of January 25, 2022.

On a motion by John Richard, seconded by Neil Janssens, the Board unanimously voted to approve Warrant #03/22 dated March 31, 2022, totaling \$645,190.63.

Vendor	For	Amount
Amity Insurance Agency Inc	Inv #1577 3/1/22-3/1/23	\$ 3,974.00
Law Offices of Michael Sacco	Inv #6712 2/4/22 Memo to Clients	\$ 26.00
Springfield Retirement Sys	3(8)(c) For Calendar Year 2021	\$ 1,133.04
Franklin Regional Ret Sys	3(8)(c) For Calendar Year 2021	\$ 7,753.00
W.B. Mason	Invoices #228278680 & #22836542€	\$ 115.81
Craig L. Belletete	Ref ASF to Member 1.9167 Cr serv	\$ 4,300.62
City of Gardner	F/W Craig L. Belletete	\$ 1,075.16
Mathew C. Bosworth	Ref ASF to Member 1.4167 Cr serv	\$ 806.34
City of Gardner	F/W Mathew C. Bosworth	\$ 201.58
Ryan A. Hobbs	Ref ASF to Member 5.1667 Cr serv	\$ 23,101.38
City of Gardner	F/W Ryan A. Hobbs	\$ 5,775.34
Tonya L. Smutz	Ref ASF to Member 3.0833 Cr serv	\$ 6,015.61
City of Gardner	F/W Tonya L. Smutz	\$ 1,503.90
Pension Payroll #03/22	Annuity Paid	\$ 101,906.94
	Pension Paid	\$ 480,118.80
	Veteran's Benefits Paid	\$ 273.75
	Dependents Paid	\$ 204.19
		\$ 6,905.17
TOTAL WARRANT #03/22		\$ 645,190.63

The Board next reviewed the PRIM statement for the Gardner Retirement System for the month of February 2022, noting a negative (\$850,431.94) Net Change in Investment Value for the month. The Management Fees for the month were \$16,723.01.

Under “Correspondence” the Board reviewed PERAC Memo #09/2022 and PERAC’s Pension News, No. 59, March 2022.

The Board Members also reviewed an email received from PERAC on March 21, 2022, regarding a Direct Deposit Scam. Cheryl Bosse, Board Administrator, informed the Board Members that if she receives a call from a retiree to change their direct deposit account, she always asks them questions that only the retiree could answer. For example: what option did you retire under, or who is your beneficiary and what is their date of birth. If the Board Administrator receives a direct deposit change form and she had not previously spoken to the retiree, she will call the retiree and confirm the change request.

The Board then reviewed Mass Retirees *The Voice, March 2022*. A short discussion was had regarding the PRIT returns and how a representative from PRIT will be attending the May 2022 monthly Board meeting.

The Board Members read an email received from the Law Office of Michael Sacco thanking the Board for their sympathy card.

The Board Members acknowledged their receipt of the 2022 Cumulative Annual Pocket Part, Volume 3B & 3C, Chapter 32.

Under “Old Business”, the Board Administrator, Cheryl Bosse, updated the Board Members on the status of the disability retirement application currently in process:

A motion was made by Robert Newton, seconded by Kevin McInerney, the Board unanimously voted to enter into Executive Session at 10:46 AM under purpose 7 of the Open Meeting Law: To comply with or act under the authority of, any general ... law..., that law being Exemption (c) of the Public Records Law (G.L. c. 4, s. 7(26) (c)) Exempting “personnel and medical files or information; also any other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy”, as well as HIPPA constraints.

A motion was made by Neil Janssens, seconded by Kevin McInerney, the Board unanimously voted to end Executive Session at 11:03 AM and to reconvene into regular session.

The Board Members were joined by Disability Applicant #3 and their legal representation, Attorney Thomas Delmar, and Attorney Christopher Collins from the Law Offices of Michael Sacco via a conference call.

Attorney Collins welcomed everyone and apologized for not being at the meeting in person and having to join via a conference call. Attorney Collins stated that we are all here today to approve or deny the Accidental Disability Application of applicant #3.

Attorney Christopher Collins informed everyone that two out of the three PERAC Medical Panel Physicians stated in their responses to the clarification memo's that they thought Accidental Disability Applicant #3 could return to work under the reasonable work accommodations. Attorney Collins also mentioned that Applicant #3 was never qualified to restrain students, so this should not be a consideration when determining whether Applicant #3 can return to work.

Attorney Collins informed the Retirement Board members that the work accommodations are reasonable and that he recommends that they should deny the Accidental Disability Application of applicant #3 considering that two of the three medical panel physicians stated that the applicant could return to work under the modified reasonable accommodations.

The reasonable accommodations dated February 23, 2021, include:

- No prolonged walking or climbing of stairs. There is an elevator in the school to accommodate your needs to go to the various floor levels of the building.
- You will not be required to perform any type of restraints with the students.
- You will not be required to lift anything over ten (10) pounds.
- You may create your own opportunities for movement to avoid prolonged periods of sitting and standing.

Attorney Thomas Delmar mentioned that two of the three medical panel physicians answered that the applicant could not return to work in their clarification memo responses. Board Administrator, Cheryl Bosse, asked everyone to review the medical panel physician response dated December 2, 2021, page 2, the third sentence in the second paragraph: "These restrictions, if they could be met and allow for avoidance of prolonged walking, prolonged sitting and standing, . . . They would be able to resume reasonable gainful employment" and the medical panel physician response dated March 4, 2022, the sixth sentence in the second paragraph: "I did not find anything on her exam that would prevent her from doing her job if one includes the reasonable accommodations listed".

Attorney Delmar mentioned that this would still require his client to work a full day at school with elementary age children. That his client would need to focus for long periods of time while in pain and would be very tiring. His client is a very tall person and elementary children are small. Attorney Delmar feels that his client returning to work would be very detrimental to his clients and their health. And he feels that she could be re-injured.

Attorney Delmar also mentioned to all the Board Members that all three medical panel physicians stated that no future treatments are available for his client and that there were no guarantees with any future treatments. Attorney Delmar thinks that this is a pretty clear picture of disability and further pain and discomfort for his client.

Attorney Christopher Collins mentioned that everyone is not here for causation. We are here to review this accidental disability retirement application and that under the reasonable accommodations that there were duties that are no longer within the applicant's job duties. Two of the three medical panel physicians stated that the applicant can return to work under the reasonable accommodations and that the medical panel was aware of the applicants' injuries and the reasonable accommodations.

Attorney Delmar requested a one-month extension for he and his client, the applicant, to discuss everything.

Attorney Collins stated that the PERAC medical panel has already given their responses and that the medical panel physician responses are what the Retirement Board is basing their decision on and not sure what an extension would benefit.

Disability Applicant #3 stated that they do not understand when they could have a break when needed. How can they take a break when the teacher has left the room? The applicant stated that they have tried everything to return to work safely.

Board Chairperson, Denise Merriam, stated that the Retirement Board understands, but that the Retirement Board has rules and regulations that they must follow and that two of the three PERAC medical panel physicians opined that the applicant could return to work under the reasonable accommodations.

Applicant #3 asked if the school would allow her to return to work.

Attorney Collins stated that the school is bound by these reasonable accommodations. The school offered these accommodations and that they must follow them.

Board Chairperson, Denise Merriam, entertained a motion to deny the Accidental Disability Retirement Application of Applicant #3.

A motion was made by Kevin McInerney, seconded by John Richard, the Board unanimously voted to deny the Accidental Disability Retirement Application of Applicant #3.

Board Chairperson, Denise Merriam, informed applicant #3 that they have the option to retire superannuation retirement.

Attorney Delmar and applicant #3 departed the Board Meeting.

Attorney Collins reminded the Retirement Board members that lack of treatment on the applicant's behalf did not help their disability retirement application.

Board Administrator, Cheryl Bosse, informed the Board Members and Attorney Collins that she will complete the PERAC Notice of Retirement Board Action on Disability Retirement Application and have the Board Chairperson sign the form. The PERAC notice will be mailed to applicant #3 certified mail with a signature required as well as a copy to PERAC and Attorney Thomas Delmar.

Attorney Collins ended the conference call.

Under "Old Business", the Board discussed the Cost-of-Living Adjustment (COLA) for FY2023.

On a motion by Robert Newton, seconded by Kevin McInerney, the Board unanimously voted to elect a 3.0% Cost of Living Adjustment (COLA) for FY 2023 pursuant to M.G.L. Chapter 32, Section 103(i). The Social Security increase for this year was 5.90%.

Under "New Business", the Board was joined via a zoom meeting with Colin Edgar and Joan Moreau, both with Stone Consulting, Inc. Each Board Member had a printout of Colin's power point presentation regarding the January 1, 2022, Actuarial Valuation Kickoff Meeting that was discussed. Colin mentioned that the Board may want to consider reducing the contributions or reducing the schedule length. Board Member and City Auditor, John Richard, mentioned that he would like to see the actuarial calculations ran both ways so that the Board can see the financial difference between the two options. Colin informed the Board Members that Gardner has been close to the projected salary amounts. Colin asked the Board Administrator, Cheryl Bosse, to please inform him of any retro pays that have been processed and any contracts that have been settled since the previous actuarial evaluation. Colin also mentioned that the overall impact from COVID-19 is yet to be determined. Colin asked the Board if there have been any changes regarding Gardner's plan provisions and/or the investment policy. Gardner is still fully invested with PRIT. There being no questions from the Board Members, Colin & Joan's presentation via zoom ended and the Board Meeting returned to the other items on the agenda.

Under "New Business", the Board reviewed the PERAC Annual Statement for December 31, 2021, and the Annual Report for the City at December 31, 2021.

On a motion by John Richard, seconded by Neil Janssens, the Board unanimously voted to accept the PERAC Annual Statement at December 31, 2021, as submitted to the Board by the Board Administrator, Cheryl Bosse. All Board members then signed the PERAC Annual Statement for December 31, 2021.

On a motion by John Richard, seconded by Kevin McInerney, the Board unanimously voted to accept the Gardner Contributory Retirement Board Annual Report (City Report) for the year ended December 31, 2021, as submitted to the Board by the Board Administrator, Cheryl Bosse. All Board members then signed the Annual Report (City Report) for December 31, 2021.

The Board then reviewed the Supplemental Schedule as of December 31, 2021.

The Board then recognized the death of Willard Whitney, on February 21, 2022, Option D surviving spouse of retiree Helen Whitney, who passed away on August 22, 1981, and Cathleen Egan, retired paraprofessional, Superannuation Retirement Option B, who passed away on February 28, 2022.

The Board Administrator, Cheryl Bosse, informed the Board Members that the 2021 Members Annual Statements were mailed out to 461 active and inactive members on Tuesday, March 1, 2022.

The Board Administrator mentioned to the Board Members that she attended a PERAC/PRIT webinar on March 9, 2022, on the new forms that PRIT will be using effective immediately. The Board Administrator used the new Redemption Form with the March 2022 redemption request.

Board Administrator, Cheryl Bosse informed the Board that the dates for the MACRS Annual Spring Conference are June 13th to June 15th, 2022. The Board approved attendance at the Conference. The Board Administrator will make reservations for Board Chairperson, Denise Merriam, and herself.

The next regular meeting is scheduled for Tuesday, May 24, 2022, at 10:00 AM.

All meetings are scheduled to be held in City Hall, 1st Floor, Room 128, Mayor's Conference Room.

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There being no further business, a motion to adjourn at 11:34 A.M. was made by John Richard, seconded by Neil Janssens, passing unanimously.

The meeting adjourned at 11:34 A.M.

APPROVED:

John Richard, Ex-Officio

Kevin McInerney, Appointed

Denise M. Merriam, Elected (Ends 6/30/2023)
Chairperson

Robert W. Newton, Elected (Ends 6/30/2023)

Neil W. Janssens, Appointed (Ends 1/1/2024)

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