



# TOWN OF WAKEFIELD

## RETIREMENT BOARD

### MEETING MINUTES

January 21<sup>st</sup>, 2021 | 8:00 a.m.

Via Zoom: <https://zoom.us/j/93965798851>

**Board Members Present:** All five (5) Board Members were present - Kevin Gill, Chair; Joseph P. Albert, Jr.; Sherri A. Dalton; Dennis P. Fazio and Daniel W. Sherman.

**Staff Present:** Cathy Cheek, Executive Director.

**Others Present:** Wakefield Retirement Board Counsel Michael Sacco; Peter Dion, General Manager Wakefield Municipal Gas & Light Department; Mark Cousins, Finance Manager, Mark Pebley; Attorney Neil Rossman.

**Call to Order:** Chairman Gill called the meeting to order at 8:00 a.m.

**Regular Compensation:** Attorney Rossman stated that his client Mark Pebley is seeking to have on-call pay count as regular compensation. Attorney Sacco stated that on-call pay is part of the collective bargaining agreement but there is no requirement for any employee to participate in the on-call rotation as regular compensation is defined as on-going reoccurring base salary. Peter Dion explained that there is no provision to force a union employee to be part of the on-call rotation. Attorney Sacco advised the Board to deny the request as on-call pay is not to be included as regular compensation. Daniel Sherman motioned to deny that on-call pay count as regular compensation. Sherri A. Dalton seconded. Motion passed 4-1-0 by a roll call vote with Joseph P. Albert, Jr. voting against the motion.

**Public Engagement:** There was no public engagement.

**Approval of Minutes:** Daniel W. Sherman motioned to approve the November 19<sup>th</sup>, 2020 Executive Session Retirement Board Meeting Minutes. Sherri A. Dalton seconded for discussion. Sherri requested the minutes be amended by correcting the time that Executive Session ended at 10:37 and also adding "Daniel W. Sherman motion to close Executive Session and Sherri A. Dalton seconded. Motion passed by roll call vote". Joseph P. Albert, Jr. left the meeting at 8:26 a.m. Sherri A. Dalton motioned to approve the November 19<sup>th</sup>, 2020 Executive Session minutes as amended. Daniel W. Sherman seconded. Motion passed 4-0-0 by a roll call vote.

Daniel Sherman motioned to approve the December 10<sup>th</sup>, 2020 Regular Retirement Board Meeting Minutes. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

Sherri A. Dalton motioned to approve the January 14<sup>th</sup>, 2021 Regular Retirement Board Meeting Minutes. Dennis P. Fazio seconded. Motion passed 3-0-1 by a roll call vote with Daniel W. Sherman abstaining.

**Cash Books:** The Board Members were in receipt of the Cash Reconciliation including the two Eastern Bank statements and the two PRIT Investment statements, trial balance, Cash Receipts, Cash Disbursements,



Adjusting Journal Entries and Cash Flow Forecast for the month of November 2020. Sherri A. Dalton motioned to accept as presented, the cash books and cash flow forecast for the month of November 2020. Daniel W. Sherman seconded. Motion passed 4-0-0 by a roll call vote.

**Monthly Budget - December 2020:** Board Members were in receipt of the December 2020 Monthly Budget.

**Option C Survivor Benefits:** Daniel W. Sherman motioned to approve Option C Survivor Benefits for Geraldine McCarthy survivor of Gilbert McCarthy, employee of the Wakefield Municipal Gas & Light Department who died on December 18<sup>th</sup>, 2020. Sherri A. Dalton seconded for discussion. Joseph P. Albert rejoined the meeting at 8:35 a.m. Sherri stated that she and the Executive Director took a PERAC seminar in November regarding Buybacks under Chapter 32 and requested the Executive Director get a legal opinion from Michael Sacco regarding the Awad DALA and CRAB decisions referencing elected officials. Joseph P. Albert, Jr. left the meeting at 8:39 a.m. Daniel Sherman motioned to approve the Option C Survivor Benefits for Geraldine McCarthy and authorize the Executive Direction to get a legal opinion from Michael Sacco regarding buybacks. Sherri A. Dalton seconded. Motion passed 3-1-0 by a roll call vote with Kevin Gill voting against the motion.

**New Members:** Daniel W. Sherman motioned to approve new membership for Micayla Botelho, Police Department employee, Group 4 as of December 14<sup>th</sup>, 2020. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve new membership for Michael Gover, Police Department employee, Group 4 as of December 14<sup>th</sup>, 2020. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve new membership for Alexander Jancsy, Police Department employee, Group 4 as of December 14<sup>th</sup>, 2020. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve new membership for Dewayne Clachar, School Department employee, Group 1 as of January 12<sup>th</sup>, 2021. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

**Member Makeups:** Sherri A. Dalton motioned to approve the request of Michael Gover to purchase 4 months temporary provisional employment academy time with the police department. Daniel Sherman seconded. Motion passed 4-0-0 by a roll call vote.

Kevin Gill motioned to table the request of Judith Green to purchase 1 year 4 months part-time employment with the Conservation Commission – Town of Wakefield. Sherri A. Dalton seconded. Motion passed 4-0-0 by a roll call vote.

**Intent to Retire:** Daniel W. Sherman motioned to acknowledge the intent to retire of Louis Sardella, Jr., on January 08<sup>th</sup>, 2021, employee of the Fire Department with 28 years 0 months creditable service. Sherri A. Dalton seconded. Joseph P. Albert, Jr. rejoined the meeting at 8:53 a.m. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to acknowledge the intent to retire of Kenneth Stache, on January 30<sup>th</sup>, 2021, Animal Control employee with 33 years 10 months of creditable service. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to acknowledge the intent to retire of Mark Pebley, on February 19<sup>th</sup>, 2021, employee of the Wakefield Municipal Gas & Light Department with 30 years 11 months of creditable service. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

**Warrants:** Daniel W. Sherman motioned to approve Warrant 20-12-2 Staff Payroll December in the amount of \$8,778.50 as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve Warrant 20-12-3 Noncontrib Payroll December in the amount of \$3,062.48 as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve Warrant 20-12-4 Contrib Payroll December in the amount of \$980,051.05 as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve void Warrant 12-12-5 Contrib Payroll in the amount of (\$2,985.81) as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve void Warrant 12-12-6 Contrib Payroll in the amount of (\$333.21) as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

Daniel W. Sherman motioned to approve A/P Warrant 21-1-1 in the amount of \$33,650.28 as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

**Correspondence:** PERAC Memo 34/2020 - Cost of Living Increase for Supplemental Dependent Allowance Paid to Accidental Disability Retirees and Accidental Death Survivors; PERAC Memo 35/2020 – Post Retirement Work Waiver During the State of Emergency Extended to 2021; PERAC Memo 36/2020 – 2020 Disability Data; PERAC Memo 37/2020 – Mandatory Retirement Board Member Training 1<sup>st</sup> Quarter 2021; PERAC Memo 38/2020 – Questions Arising in Wake of the Gomes Decision; PERAC Memo 39/2020 – Tobacco Company List; PERAC Memo 1/2021 – 840 CMR 10:10(3) & 10:15 (1)(c) – Annual Review of Medical Testing Fee; PERAC Memo 2/2021 – 2021 Limits under Chapter 46 of the Acts of 2002; PERAC Memo 3/2021 – 2021 Limits under Section 23 or Chapter 131 of the Acts of 2010. PERAC Memo 4/2021 – COLA Notice; Michael Sacco – Plymouth Retirement Board v. Contributory Retirement Appeal Board, Supreme Judicial Court, SJC – 12711; Michael Sacco – Worcester Regional Retirement System et al. v. PERAC, Middlesex Superior Court, Civil Action No. 2019-00602; PRIM – Third Quarter 2020 Quarterly Update; PRIM – Annual CAFR Report. Executive Director Cheek stated in respect to reserve police and call firefighter we have always allowed them in to the system since day one but with detail pay Attorney Sacco is stating that detail pay is not regular compensation. Daniel Sherman motioned to place the correspondence on file as presented. Sherri A. Dalton seconded. Motion passed 5-0-0 by a roll call vote.

**Announcements & Acknowledgements:** Executive Director Cheek stated all Board Members should take the Open Meeting Law seminar and outlined what a violation would be if board member 1 talked to board member 2 and then board member 1 talked to board member 3 on the same subject that would constitute a violation; she also asked if the Retirement Board Cost Benefit Subcommittee has had any meetings yet and if so those meetings need to be posted; reminded Board Members to take the Conflict of Interest seminar and to give her a copy of the certificate and a copy to the Town Clerks office.

**Matters Not Anticipated:** Kevin Gill stated at the last meeting Daniel W. Sherman was appointed as the 5<sup>th</sup> Member but the Board failed to disclose the term. Kevin Gill motioned for the 5<sup>th</sup> Member term from

December 19<sup>th</sup>, 2020 through December 18<sup>th</sup>, 2023. Sherri A. Dalton seconded. Motion passed 4-0-1 by a roll call vote with Daniel W. Sherman abstaining.

Executive Director Cheek emphasized that she is the Executive Director and if any Board Member has questions, comments, concerns they should be coming to her.

**Next Regular Board Meeting:** Thursday, February 18<sup>th</sup>, 2021 at 8:00 a.m. via Zoom virtual meeting.

**Adjournment:** Sherri A. Dalton motioned to adjourn at 9:10 a.m. Daniel W. Sherman seconded. Motion passed 5-0-0 by a roll call vote.

Respectfully submitted,



Cathy Cheek, Retirement Board Clerk

APPROVED