



## WAKEFIELD RETIREMENT BOARD

Thursday, July 20, 2017

8:00 A.M.

WILLIAM J. LEE MEMORIAL TOWN HALL

1 Lafayette Street, Wakefield, MA 01880

Second Floor Conference Room

**PRESENT:** Kevin Gill, Chair  
Daniel Sherman  
Daniel Calore  
Philip Rogers, Sr.  
Richard J. DeFelice  
Cathy Cheek, Board Administrator  
Sherri A. Dalton, Secretary  
Attorney Michael Sacco  
Attorney Ronald Malloy  
**ALSO**  
**PRESENT:** Robert Lynch

**NOT PRESENT:**

### ----- TOPICS OF DISCUSSION -----

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

**Public Participation** No one was present for Public Participation.

**Executive Session** At 8:01 a.m. Chairman Gill stated that there is a need for executive session to discuss potential litigation because an open meeting may have detrimental effect on the position of the Retirement Board. Daniel Sherman motioned to go in to executive session. Daniel Calore seconded. Motion passed 5-0-0 on a roll call vote with all 5 members voting in the affirmative.

The Board returned to open session at 8:53 a.m.

**Accidental Disability Retirement** **Robert Lynch** - The Board was in receipt of the medical panel reports for Robert Lynch. Daniel Sherman pointed out a paragraph from the medical panel in which it states the injury is work related due to physical demands of the job but then the report further went on to state all non-work related health factors. Mr. Sherman questioned how the medical panel concluded that it is work related if they also state all non-work related health factors. The original Treating Physicians Statements were filed with the Retirement office with the doctor stating it is not work related. A follow up Statement was filed with the Retirement office with writing that did not match the original doctor's writing stating it is work related. Daniel Calore motioned to table the application and ask the doctor for an explanation on why two different Treating Physicians Statements. Richard J. DeFelice seconded. Motion passed 4-1-0 with Philip Rogers, Sr. opposed.

At 9:13 a.m. Richard J. DeFelice left the meeting.

At 9:15 a.m. Richard J. DeFelice returned to the meeting.

At 9:16 a.m. Richard J. DeFelice and Philip Rogers, Sr. left the meeting.

At 9:17 a.m. Richard J. DeFelice and Philip Rogers, Sr. rejoined the meeting with the Michael O'Sullivan discussion in progress.

**Michael O'Sullivan** – The Board was in receipt of the Member's Application for Disability Retirement and Treating Physicians Statement. Daniel Sherman questioned as to why under reason for accidental disability did someone type work related under personal injury. Michael O'Sullivan's attorney, Ronald Malloy answered that he typed those words because it is not just a personal injury it is primarily a work related injury. Daniel Calore asked if it really mattered that those words were typed there and Daniel Sherman answered probably not. Chairman Gill stated that Mr. O'Sullivan's last day of work was June 2015 and he retired January 1, 2016. Chairman Gill questioned if there was an Accident Report and Cathy Cheek answered no. Attorney Malloy stated that his client has many Worker's Compensation Claims prior to June 2015 but no Accident Reports. Daniel Sherman questioned if Attorney Malloy's client worked post injury in which Attorney Malloy answered yes. Attorney Malloy stated that his client stopped work in June of 2015 due to physical pain not just in his shoulder and back but also his knee and other injuries including kidney disease.

Richard J. DeFelice motioned to accept the Applications. Daniel Sherman seconded. Motion passed 5-0-0.

At 9:23 a.m. Richard J. DeFelice left the meeting.

Chairman Gill asked Attorney Michael Sacco if the Board has to accept an Application without seeing medical records. Attorney Sacco responded that some Boards handle the process just like the Wakefield Board. The Boards that Attorney Sacco are heavily involved with wait until they have all the information including medical records then the Board will forward to Attorney Sacco to outline all the facts and legal issues and make a recommendation whether or not it should go to a medical panel and then this will all go before the Board. Attorney Sacco's personal preference is that Board wait until they have all the information before you go to a medical panel, that is just part of due diligence. Daniel Calore stated that is a big deal to change this process but it is a very compelling argument. Daniel Sherman said hence forth we shall do that. Attorney Sacco stated that he will do as little or as much as the Board wants him to do. At 9:40 Attorney Michael Sacco left the meeting. Cathy Cheek asked the Board if the Board is going to handle Disabilities by waiting for all the evidence which seems to be the correct way or if the Board wants to keep handling Disabilities as they have been. Daniel Calore said yes the Board should get all the information before voting to send the case to a medical panel. Daniel Sherman agreed.

Daniel Sherman asked the Board if there was enough information with the Michael O'Sullivan case for Mr. Sacco to get involved. Cathy Cheek and Chairman Gill responded absolutely. Daniel Calore wanted to know what the information is.

Cathy Cheek responded that the Board will need to go back in to Executive Session.

At 9:44 a.m. Daniel Sherman motioned to go in to Executive Session to discuss potential litigation. Daniel Calore seconded. Motion passed 4-0-0 on a roll call vote with all 4 members voting in the affirmative.

The Board returned to Open Session at 10:03 a.m.

Daniel Sherman motioned for the Board to send information and data to Attorney Michael Sacco for his review and comments on the disability cases of Robert Lynch, Michael O'Sullivan and Scott Huard. Daniel Calore seconded. Motion passed 4-0-0.

Daniel Calore motioned to approve the minutes of June 15, 2017 as presented. Daniel Sherman seconded. Motion passed 4-0-0.

<b>Cash Books</b>	The Board Members were in receipt of the Cash Reconciliation including bank statements, trial balance, Cash Receipts, Cash Disbursements, Adjusting Journal Entries and Cash Flow Forecast for the month of May 2017. Daniel Sherman motioned to accept as presented, the cash books and cash flow forecast for the month of May 2017. Philip Rogers, Sr. seconded. Motion passed 4-0-0.
<b>Membership Census</b>	<p>The Board Members were in receipt of the current membership census dated 01/01/2017 – 07/14/2017.</p> <p>Approved new member – Adam E. DiGregorio – School – 06/21/2017  Approved new member – Claire F. Moss – DPW – 06/28/2017  Approved ASF withdrawal – Matthew A. Bradley – DPW – 06/30/2017  Approved Superannuation retirement benefits for Richard Norton – Light Department – 05/03/2017  Approved Superannuation retirement benefits for Daniel Marsinelli – Fire Department – 06/21/2017  Approved Superannuation retirement benefits for Sharon Gilley – Library – 06/30/2017  Approved Superannuation retirement benefits for Gail Nardone – Assessors Department – 06/30/2017  Approved Superannuation retirement benefits for Carol Odachowski - School Department – 06/30/2017  Approved Superannuation retirement benefits for MaryRose Tarr – School Department – 06/30/2017  Daniel Calore motioned to approve the Membership Census. Philip Rogers, Sr. seconded. Motion passed 4-0-0.</p>
<b>Monthly Budget</b>	Board Members were in receipt of the June 2017 Monthly Budget.
<b>Document Scanning/ESS</b>	<p>Daniel Calore supplied the Board with a letter regarding his visit to Morgan Records Management facility in Manchester, NH and gave a brief synopsis. He told the Board that the facility is very secure and advised the Board that after the files are scanned that he would like the files to be brought back to the Retirement office and housed here. The Board members agreed with Mr. Calore.</p> <p>Daniel Sherman motioned to enter in to a contract with Morgan Records Management for the scanning of all files. Philip Rogers, Sr. seconded. Motion passed 4-0-0.</p>
<b>Correspondence</b>	<p>PERAC Memo 18/2017 – Tobacco Company List  PERAC Memo 19/2017 – PROSPER System Changes  PERAC Memo 20a/2017 – Application of New Public Records Law on Local, County and Regional Retirement Boards  PERAC Memo 21/2017 – Mandatory Retirement Board Member Training – 3<sup>rd</sup> Quarter 2017  PERAC – Administrators and Staff Training Sessions  PERAC – 2016 Annual Report  The Voice – July 2017  Daniel Calore motioned to place all correspondence on file. Daniel Sherman seconded. Motion passed 4-0-0.</p>
<b>Warrant Review and Signing</b>	The Board members reviewed and signed the following Warrants: Warrant #17-6-2 in the amount of \$9,762.80; Warrant #17-6-3 in the amount of \$5,110.12; Warrant #17-6-4 in the amount of \$846,635.67; Warrant #17-7-1 in the amount of \$2,438.04.
<b>Matters Not Anticipated By The Chairman Within 48</b>	Chairman Gill advised the Board since they voted in favor of the scanning of documents, that Cathy Cheek would need a photo copier in her office that has the capability of scanning. The lease for the photo copier would be an expense to the Retirement Board with a monthly fee of \$200.00-\$300.00. All Board members are in favor.

**Hours of Meeting****Next Board Meeting**

The next regular Retirement Board Meeting has been scheduled for Thursday, August 24, 2017 at 8:00 a.m.

**Adjournment**

Daniel Calore motioned to adjourn at 10:24 a.m. Daniel Sherman seconded. Motion passed 4-0-0.