

NEWTON RETIREMENT BOARD MEETING
Tuesday, October 29, 2024 – 9:00 a.m.
Location: Newton City Hall, Room 211
Agenda

New Agenda Items:

1. Board to review regular session minutes of meeting held September 24, 2024
2. Timothy Goodale's request regarding designated Option C beneficiary
3. Discuss Board's payment options for Veterans' Buybacks

Administrative Agenda Items:

4. Monthly financial reporting for month ending August 2024
5. Board to approve new members as indicated on list provided in Board Member's monthly packet
6. New application(s) for superannuation & termination retirement:

Member	Position	Dept.	Date of Retirement
Stephen Cottens	Police Officer	Police	10-19-2024
Antonette Perri	Teacher Aide	School	01-06-2025
Louis Taverna	City Engineer	DPW	01-31-2025

7. Board to approve the following expense warrants:

Warrant # 24-24	10-30-2024	Administrative expense/member account disbursements	\$ 327,980.65
Warrant # 25-24	10-29-2024	10/31/2024 Contributory pension payroll	\$ 4,133,539.07
Warrant # C9-24	10-30-2024	Federal Tax	\$ 10,744.27

Pending Agenda Items:

1. Scott Perella –5 year repayment plan; oral agreement with member to mail payment on the 25th of each month- repayment to be completed by May 2029.
2. Elected Officials – 9/17/24 letter to PERAC seeking clarification regarding collecting overpayment of benefits and refunding contributions – response pending
3. Maureen Murphy's Needham Bill Waiver Request-pending response from 9/17/24 clarification request to PERAC
4. Dori Zaleznik's Motion for Reconsideration-pending response from Board Counsel's 9/30/24 request to PERAC for follow-up opinion
5. Dori Zaleznik's Needham Bill Waiver Request-pending response from Board Counsel's 9/30/24 request to PERAC for follow-up opinion and 9/17/24 clarification request to PERAC
6. Transfer \$11,250,000 to the PRIT Core Fund effective 11/1/24
7. Employee Handbook
8. Meeting with Human Resources scheduled for 9/25/24 was postponed by request of Human Resources Director, Michelle Pizzi-O'Brien-next meeting TBD.
9. Request from Attorney Joseph Donnellan, Counsel for Michael Abbruzzese, James McCarthy, and Thomas McCarthy, for postponement of 10/16/24 hearing regarding 2023 excess earnings and refunds due the system
10. City to attend the 11/19/24 Board meeting to discuss the development of a process for monitoring post-retirement employment and to advise if any rehired retirees have exceeded or are close to exceeding the 2024 post-retirement hours and earnings limitations.
11. 1/1/24 Actuarial Valuation Report – returned to Segal on 8/29/24 for correction of typographical errors

12. Current status of pending appeal cases – The Board may enter Executive Session for reason 3 under G.L. c.30A s.21 (“To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares”)

Petitioner	Docket#	Most Recent Status
Edward Murphy	CR-17-724	DALA hearing held 9/12/21;5/17/22 recvd DALA decision -NRB’s decision which was based on PERAC’s directive/ approach re Shift Substitution was reversed.5/31/22 PERAC appealed DALA’s decision;9/13/22 CRAB granted a 90 day extension with a filing date on or before 12/21/22 to the member’s counsel,Atty Hynes; Member filed response on 12/21/22; Member’s counsel requested a status update on 7/17/24;7/19/24 CRAB confirmed that a decision is pending
Kimberley Vanaman	CR-22-0180	5/16/22 recv’d DALA’s Notice of Receipt of Appeal-Ms. Vanaman is appealing the calculation of her creditable service.2/28/23 recv’d Scheduling Order from DALA; 8/1/23 Board Counsel filed Memorandum relative to consolidated appeal; Petitioner has been granted an extension to 3/29/24;3/29/24 recv’d Petitioner’s Pre-Hearing Submission; 4/5/24 Board Counsel objected to request for a hearing and filed a motion to compel a response to NRB’s Written Submission; Hearing scheduled for 10/22/24; Day 2 of Hearing scheduled for 11/6/24
Paula Fallon	CR-22-0200	5/25/22 recv’d DALA’s Notice of Receipt of Appeal-Ms. Fallon is appealing the calculation of her creditable service.;4/05/23 recv’d Scheduling Order from DALA; 8/1/23 Board Counsel filed Memorandum relative to consolidated appeal; Petitioner has been granted an extension to 3/29/24; 3/29/24 recv’d Petitioner’s Pre-Hearing Submission; 4/5/24 Board Counsel objected to request for a hearing and filed a motion to compel a response to NRB’s Written Submission; Hearing scheduled for 10/22/24- Day 2 of Hearing scheduled for 11/6/24
Elizabeth Whittum	CR-22-0211	6/7/22 recv’d DALA’s Notice of Receipt of Appeal-Ms. Whittum is appealing the calculation of her creditable service; 4/10/23 recv’d Scheduling Order from DALA; 8/1/23 Board Counsel filed Memorandum relative to consolidated appeal; Petitioner has been granted an extension to 3/29/24; 3/29/24 recv’d Petitioner’s Pre-Hearing Submission; 4/5/24 Board Counsel objected to request for a hearing and filed a motion to compel a response to NRB’s Written Submission; Hearing scheduled for 10/22/24- Day 2 of Hearing scheduled for 11/6/24
Edith Goethals	CR-22-0248	7/1/22 recv’d DALA’s Notice of Receipt of Appeal-Ms. Goethals is appealing the calculation of her creditable service;4/28/23 recv’d Scheduling Order from DALA; 8/1/23 Board Counsel filed Memorandum relative to consolidated appeal; Petitioner has been granted an extension to 3/29/24; 3/29/24 recv’d Petitioner’s Pre-Hearing Submission; 4/5/24 Board Counsel objected to request for a hearing and filed a motion to compel a response to NRB’s Written Submission; Hearing scheduled for 10/22/24- Day 2 of Hearing scheduled for 11/6/24
Lee Gilliam	CR-23-0039	1/25/23 recv’d DALA’s Notice of Receipt of Appeal-Mr. Gilliam is appealing the NRB’s decision in connection with his Ordinary Disability Retirement;5/8/23 recv’d First Pre-Hearing Order; 10/25/23 Opposing Counsel filed parties’ joint pre-hearing memo;10/27/23 DALA granted parties’ joint motion to join PERAC as additional party;7/17/24 DALA confirmed the case is awaiting the scheduling of a hearing date; 9/17/24 Received DALA’s Notice of Hearing scheduled for 12/18/24
Jeremy Wilson	CR-24-0294	5/20/24 recv’d DALA’s Notice of Receipt of Appeal-Officer Wilson is appealing the NRB’s denial of his accidental disability retirement application; 5/29/24 recv’d DALA Scheduling Order, Petitioner’s Pre-Hearing Memorandum due 8/23/24, NRB submission due 10/10/24; 8/20/24 Petitioner submitted his pre-hearing memorandum; 10/09/24 Board Counsel filed NRB’s pre-hearing memorandum and motion for summary decision;Petitioner has until 11/8/24 to file response to motion
Dori Zaleznik	CR-24-0602	9/30/24 recv’d DALA’s Notice of Receipt of Appeal-Ms. Zaleznik is appealing the termination, and request for repayment, of her retirement benefits; 10/2/24 Recv’d DALA’s Order that matter is stayed until NRB rules on Petitioner’s motion for reconsideration.

Director’s Report :

- Update on Employee Self Service, Scanning, Scanning Project & Notice of Deposits
- Email “Important Message from the Newton Retirement Board about Post-Retirement Employment” sent to active members and retirees
- Notice to all active members re: Veterans’ Buyback Changes as reflected in PERAC Memo #23 2024 have been mailed and emailed

- Staff joined PERAC's "Legislative Updates-Recent Legislation" Webinar on 10/23/24-Webinar will be posted on PERAC's website
- MACRS 2024 Fall Conference will be held in Springfield, MA from 12/8/24-12/11/24

Correspondence:

- PERAC Memo #25 2024 Mandatory Retirement Board Member Training-4th Quarter 2024
- PERAC Memo #26 2024 The Application of the Anti-Spiking Provision G.L. c.32, s. 5(2)(a) in the wake of the Hartnett Decision
- PERAC Memo #27 2024 Changes to Return to Service under G.L. c.32, s. 8

Next scheduled retirement board meeting: Tuesday, November 19, 2024 @ 9:00 a.m.

NOTE: The Board reserves the right to consider items on the agenda out of order. The listing of matters is those reasonably anticipated by the Chair which may be discussed at the meeting at least forty-eight (48) hours prior to the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law. Items identified for discussion in Executive Session may be conducted in open session, in addition to or in lieu of discussion in Executive Session. A motion to convene an Executive Session may be entertained during the meeting. Meetings are open to the public and will be held in the designated meeting room in Newton City Hall. The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least 2 business days in advance of the meeting: jfairley@newtonma.gov or 617-796-1253. The city's TTY/TDD direct line: 617-796-1089. For the Telecommunications Relay Service (TRS), dial 711.