

MINUTES
HULL CONTRIBUTORY RETIREMENT BOARD MEETING
April 28, 2016

The regular meeting of the Hull Contributory Retirement Board, duly posted to be held in the selectman's meeting room, Town Hall, Hull, MA on the above date was called to order at 9:07 a.m. Present were, Members, John Reilly, Brian Thompson, Greg Galvin, John King and Mike Buckley and Retirement Administrator Lauren Durham. Richard Miller was present in the audience.

In accordance with the open meeting law, the Chair was notified and it was announced that Lauren Durham was making an audio recording of the meeting.

Richard Miller

Mike Buckley asked the Board to take the agenda out of order to have Mr. Miller present his request first. The Board agreed and Mr. Miller requested that the Board re-consider the decision from May 26, 2009 and allow him to purchase service from May 21, 1975 through December 31, 1976 when he was a lineman for the power company. The Board originally denied this due to the fact that Mr. Miller was paid as a contractor on the accounts payable warrant, not through payroll. The Board at that time asked if Mr. Miller could produce any pay advices or W-2 paperwork and he could not.

Mr. Miller makes a note about a letter from the town Accountant at the time (1986) stating that his hire date per civil service and for vacation time accrual was 1975.

Greg Galvin states that Mr. Miller took the appeal of this board's decision and never followed through with it at DALA and they issued a decision and it's the end of the case. You can't come back again. When you appeal and don't prevail you don't get another shot at it.

Mr. Miller states that at the time his appeal was going through he apparently received some bad information from someone who told him to drop it and not to bother following up with the court because it would be a waste of his time as he didn't have a chance of winning the appeal.

Greg Galvin stated that was unfortunate but that doesn't really change where we are at. You can't just drop it mid stream.

Mr. Miller states when he was hired everyone had to be in civil service registry and he was working to get on the civil service registry, but the accountants office used the 1975 date as a start date for him in order to begin vacation time accrual and he feels that is his true start date. He also stated that he is currently awaiting a liver transplant and he has to consider retirement and wants to try to have 20 years.

Jay King asks if he has time slips from that time?

Mr. Miller states that he has a log book of accounts payable from the time.

Mr. Miller states that the town accountants office always referred to his start date as 1975 for vacation accrual purposes.

John King asks how much creditable service is being talked about.

Hull Contributory Retirement Board Meeting
 April 28, 2016
 Page 2 of 5

Lauren Durham has not figured out how much actual service it is at this point because all the Accounts Payable warrants have to be reviewed to determine how many hours worked to determine how much creditable service can be granted for that time frame. Greg Galvin reiterates that he didn't prosecute the claim and that the board's decision was the correct decision. Even though he states he received some bad advice, it doesn't change the fact that he didn't respond to their requests. At this point he is making essentially the same claim. He only had a short window to appeal the DALA decision to CRAB (30 days).

Brian Thompson asks Greg Galvin what would be your opinion of what happens if we approve this?

Greg Galvin states that he believes PERAC would kick it out, but he is only one vote on the Board.

Mike Buckley asks if PERAC threw it out, would he have grounds to appeal it to DALA?

Greg Galvin states that DALA will deny it because he should've taken his appeal back then. Then he could've appealed to CRAB. Sometimes things could get by PERAC, he isn't saying they will absolutely kick it back, but it can happen. Once a decision is made and PERAC approves it the likelihood of it coming back again is remote.

John King if PERAC kicks it back does that open his appeal option?

Greg Galvin says yes and no. Here's the situation- he's not appealing PERAC's decision. What PERAC would be saying to the Board is that you can't approve this buyback and award him creditable service for this time. So unless the Board denies his request, he could appeal it, but it would go back to the old case. It's also a situation where there are no records saying he was an employee, and if you're not an employee he doesn't qualify under C. 32.

Mr. Miller asks why would the treasurer say my time started in 1975?

Greg Galvin states they made a mistake- you got the benefit of extra time toward vacation service. On the books you were a contract employee.

John King says it doesn't seem that he was paid contractor rates.

Greg Galvin responds that he wasn't put on the payroll warrant as far as the municipality is concerned he was a contracted employee. He could've decided however much money he wanted to accept for an hourly rate.

John Reilly- I don't think this would even be an issue before us if it he was in good health.

John Reilly made a motion to approve Richard Millers request to purchase contracted service with the town of Hull from May 21, 1975 through December 31, 1977. John King seconded.

John Reilly, John King, Brian Thompson- Yes

Greg Galvin, Mike Buckley- No

Motion Passed 3:2

Hull Contributory Retirement Board Meeting
 April 28, 2016
 Page 3 of 5

Lauren Durham will be in touch with Mr. Miller in the near future. She states it will take some time to review all the accounts payable warrants and calculate the total cost to purchase this service.

Minutes:

Greg Galvin made a motion, seconded by Brian Thompson to approve the minutes from March 29, 2016 regular Board meeting as presented.

Unanimously voted.

Brian Thompson made a motion, seconded by John King to approve the minutes from the April 19, 2016 special board meeting as presented. Greg Galvin and John Reilly abstained as they were absent.

Greg Gavlin- Yes

Brian Thomspn- Yes

Mike Buckley- Yes

Motion passed.

Payments:

Greg Galvin made a motion to approve and sign the Payroll Warrant for April 2016, and the Bill Warrant for April 2016, seconded by John Reilly.

Unanimously Voted.

Mike Buckley authorized \$220,000.00 to be liquidated from PRIT in order to fund April payroll on April 28, 2016.

Refund Requests:

John Reilly made a motion to approve the refund request on behalf of Mark Bornheim, former employee of the Hull School Department from September 17, 2009 through January 17, 2014. Refund in the amount of \$15,362.42, payable as follows: \$12,289.94 to Mr. Bornheim and \$3,072.48, to IRS for Federal Tax withholding as requested by Mr. Bornheim. John King seconded.

Unanimously Voted

John Reilly made a motion to approve the refund on behalf of Pat Cannon, elected member of the Hull Light Plant Board is owed a refund of \$245.32 which represents deductions he has made into the retirement system from May 2011 through March 2016. As a result of Chapter 21 of the Acts of 2009, any member earning less than \$5,000 as of July 1, 2009, annually will be prohibited from earning creditable service from that position. For periods after July 1, 2009, if they were serving in the position as a result of an election, appointment or contract, service will be granted to them until the end of the term, appointment or contact but may not be granted after July 1, 2012.(PERAC memo #24/2009). Brian Thompson seconded.

Unanimously Voted

Hull Contributory Retirement Board Meeting

April 28, 2016

Page 4 of 5

Lauren Durham noted that in a recent audit of active members, it was discovered that 3 elected members were currently contributing to the retirement system. Lauren will work to stop having deductions withheld from their stipends and issue the corresponding refund to align with Chapter 21 of the Acts of 2009. The Board should expect to see this in the upcoming months.

Buyback Request:

John Reilly made a motion to grant permission to Frances Troy to purchase prior service with the Town of Hull for which she was not a member of the system. Part time service was from November 17, 1996 through June 30, 1999. Total buyback in the amount of \$3,786.21. Total creditable service is 1 year 3 months. Ms. Troy has requested to enter a payment plan not to exceed 5 years, payable through bi-weekly payroll deductions. Brian Thompson seconded.

Unanimously Voted

Review/Discussion:

The Board reviewed the PRIT annual asset allocation report and Greg Galvin made a motion, seconded by Brian Thompson to approve the asset allocation outlined by PRIT for 2016.

Unanimously Voted

The Board also reviewed a memo from Michael Sacco regarding the Bettencourt decision that deems pension forfeiture under section 15 as a fine. There should be no change to how the Board approaches a case under section 15, however judgment from the court could be effected.

A letter signed by three of the Board members at a special meeting on April 19, 2016 was reviewed and discussed by the Board on their plan to move forward with the Town Meeting article #13, submitted requesting a request to the COLA base.

Lauren is looking to get a firm response for attendance to the annual MACRS Spring conference held on June 4-8 in Hyannis. Greg Galvin, Brian Thompson, Jay King, John Reilly and Lauren Durham will be attending.

Greg Galvin made a motion, seconded by John Reilly to reimburse any member of the Board travel costs to attend this meeting with proper receipts submitted.

Unanimously Voted

Updates:

Old Business:

Mike Buckley would like the Board to revisit the idea of obtaining IPADs for each Board. This is something he would like to be included on the next budget. A cost analysis should be completed as well as investigating the advantages/disadvantages to having them. Also to investigate what type of secure software would be needed.

Hull Contributory Retirement Board Meeting
 April 28, 2016
 Page 5 of 5

The Trial balance for February and March 2016 were reviewed as well as the PRIM Board update for March 2016.

Informational Mail:

The Board reviewed the following Informational Mail:

- NCPERS Accredited Fiduciary Program
- PERAC Memo #12/2016: Retirement Board Election Regulations (840 CMR 7.00)
- PERAC Memo #13/2016: Disability Regulations (840 CMR 10.00)
- PERAC Memo #14/2016: Mandatory Retirement Board Member training- 2nd Quarter 2016
- PERAC Memo #15/2016: Disability Regulations and Signed Transmittals
- PERAC quarterly education statement 2016
- The Voice of Retirement Public Employees- May 2016

The Board's next scheduled meeting is for Tuesday, May 24, 2016 at 9:00 a.m. In the Selectman's Meeting Room. Meeting adjourned: 9:59

J. Michael Buckley, Chairperson

Gregory Galvin

John Reilly

John King

Brian Thompson