

Minutes of the meeting held on September 8, 2020

Present: Francis Murphy – Chair, James Monagle, Michael Gardner, Nadia Chamblin-Foster, Ellen Philbin, James Quirk, Chris Burns and Tom Gibson.

Absent: John Shinkwin

Joined Late: Nadia Chamblin-Foster (Not present for agenda items 1, 2, 3, 4 and 5.)

The meeting was called to order at 1:05 PM. The meeting was digitally recorded. The entire meeting was conducted by Webex videoconference.

Agenda Item #1 – Minutes

Motion by Gardner, seconded by Monagle to accept the minutes of the meeting held on August 3, 2020. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Motion by Gardner, seconded by Monagle to accept the executive session minutes of the meeting held on August 3, 2020. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Motion by Gardner, seconded by Monagle to accept the minutes of the investment review meeting held on August 6, 2020. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Agenda Item #2 - Warrants

Motion by Gardner, seconded by Monagle to accept payment of warrant #16 in the amount of \$7,721,384.81 and to accept payment of warrant #17 in the amount of \$1,651,771.20. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Agenda Item #3 – Superannuations

Motion by Monagle, seconded by Gardner to accept the Superannuation retirement applications submitted by Diane Abu-Eid, Paraprofessional, School Dept. with twenty-one years; Andrea Boyer, Chief Licensing Investigator, License Commission with thirty years, three months; Lei-Anne Ellis, Early Childhood Director, Human Services Dept. with twenty-seven years; Mary Frawley, Family Liaison, School Dept. with thirty-one years, nine months; Francis Geary, Technical Services Manager, School Dept. with ten years, five months; Maria Gentile, Administrative Assistant II, Cambridge Health Alliance with forty-two years, six months; Joanne Musto, Technical Assistant, School Dept. with twenty-four years; Barbara Photopoulos, Paraprofessional, School Dept. with twenty-five years, eleven months; Robyn Scott, Administrative Assistant, Inspectional Services Dept. with thirty-eight years, four months. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Agenda Item #4 - Make-ups/Redeposits/Liability

The Board reviewed make-up and redeposit worksheets for seven members.

Motion by Gardner, seconded by Monagle to allow the make-up of deductions requested by Alfred Greene, 10 months; Christopher E. O'Callaghan, 2 months; Lisamaria L. Shaler, 4 months; and Kris L. Weeks, 1 year, 2 months. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Motion by Monagle, seconded by Gardner to allow the redeposit of refunds for David M. McGermott, 1 year, 6 months; Robyn J. Vallarelli for 1 year (2001-2002), Robyn J. Vallarelli for 1 year (2004-2005); Robyn J. Vallarelli for 7 years, 2 months; and Scott D. Walker for 3 years, 8 months. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

Agenda Item #5 – Refund Applications

The Board reviewed a list of refund applications submitted in August. Motion by Gardner, seconded by Monagle to accept three refund applications. On a roll call, the motion carried on a 3-0 vote, with Chamblin-Foster absent.

The Chairman requested to adjourn the open meeting and go into executive session for the purpose of discussing disability retirement applications. The Chairman stated that the meeting would reconvene in open session the conclusion of the executive session. On a roll call, the vote was as follows:

Michael Gardner:	YES
Nadia Chamblin-Foster	YES
James Monagle:	YES
Francis Murphy:	YES

Agenda Item #6 – Accidental Disability Application – Michael Clinton

The Board reviewed the member's application, treating physician's statement and employer's statement filed in connection with Michael Clinton's Accidental Disability application.

Motion by Gardner, seconded by Monagle to accept the application filed by Michael Clinton, a Fire Lieutenant, and to request that PERAC convene a medical panel. On a roll call, it was voted unanimously.

Agenda Item #7 – Request for Membership - Sharon Murphy Daley

The Board reviewed correspondence from Attorney Thomas Gibson and correspondence from Attorney James Quirk. Attorney Thomas Gibson appeared, representing Ms. Daley. Murphy stated that Sharon Murphy Daley is his first cousin, and that he would abstain from discussion and voting on this matter.

The Director reviewed the history of the case. At present, new hires at the Cambridge Health Alliance will only be allowed to join the retirement system if they have prior membership in a public retirement system. Gardner noted that the 1996 legislation which created the Cambridge Health Alliance gave the Alliance the authority to determine which of its employees would be granted membership in the retirement system. Quirk stated that he would concur with that reading of the enabling legislation, in that it appears to grant Cambridge Health Alliance the sole authority to determine membership. He noted that in reviewing Daley's work history, it appears that she was employed by the City of Cambridge between June 1978 and January 1980 but was excluded from membership because funding for her position was provided through CETA.

Subsequent court decisions have determined that such exclusions were improper, and that CETA employees should have been granted membership. Daley never established membership in the system before leaving the job in 1980. Upon taking a job with Cambridge Health Alliance, she was excluded from membership on the basis of the fact that she had never been a member of the retirement system.

Gibson reviewed the history of the cases which determined that CETA employees were improperly excluded from membership in the Retirement System. He noted that the courts have been very consistent over the last 30 years in requiring that systems allow CETA employees to join the system. He requested that the Board voted to grant her membership in the system, effective as of 1978. Gardner noted that despite the fact that CETA employees would generally be allowed to establish membership, the enabling legislation still leaves the final decision to the Cambridge Health Alliance. The Director stated that when the Health Alliance needs to inquire about an employee having prior membership time, they generally confirm that information with a brief phone call to the retirement office.

Gardner moved to request that the staff outline the history of Ms. Daley's employment with the City and to draft correspondence to the Health Alliance describing her service and to ask if they

would accept her membership under those circumstances. Monagle seconded the motion. On a roll call, the motion carried on a 3-0 vote with Murphy abstaining.

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Agenda Item #8 - PERAC Memos

The Board reviewed PERAC Memos 27. No action was taken.

Agenda Item #9 - Old Business

The Chairman stated that he would favor continuing to hold regular meetings at 1:00 PM on Mondays, even after the Board returns to in-person meetings. He requested that this matter be put to a vote at the October meeting. He also stated that he would favor adopting a policy on remote attendance after in-person meetings resume.

Quirk provided an update on outstanding legal issues. He noted that it appears likely that DALA and CRAB will continue to conduct remote hearings at least until the end of the year.

Agenda Item #10 - New Business

Not needed

Agenda Item #11 - Executive Session

Agenda Item #6 – adopted

Agenda Item #12 - Chairman's Report

None offered.

Agenda Item #14 – Executive Director's Report

The Director stated she hopes to have an update on building permits for the new office space within a week. Construction is expected to take between 10 and 12 weeks.

The following documents were also reviewed by the Board:

- Notice of Retiree Deaths
- Correspondence from Attorney James Quirk re: Frances Goode v. Middlesex Retirement System
- Correspondence from Attorney James Quirk re: Susan Fay v. CRAB & MTRS
- Correspondence from Attorney James Quirk re: Charles King Jr. v. Woburn Retirement Board
- Segal Marco Flash Report – July 31, 2020
- June Financials: General Ledger, Summary of Accounts, Trial Balance, Adjustments, Cash Disbursements, Cash Receipts, Wire Transfers
- Lazard Portfolio Review – July 2020

Monagle moved to adjourn at 2:45 PM.