NEWTON RETIREMENT BOARD MEETING
Tuesday, July 25, 2023 – 9:00 a.m.
Location: Newton City Hall, Room B05

POSTED City Clerk

Agenda

RECEIVED
By City Clerk at 4:04 pm, Jul 20, 2023

New Agenda Items:

1. Receipt of three single physician medical panel certificates in connection with Fire Captain Lawrence Podolske's application for ordinary/accidental disability retirement pursuant to M.G.L. Chapter 32, Sections 6 and 7. Fire Captain Podolske is represented by Atty. Paul Hynes. The Board may enter Executive Session pursuant to Purpose 7 of the Open Meeting Law: "To comply with, or act under the authority of, any general…law", that law being Exemption (c) of the Public Records Law - G.L., c. 4, s. 7(26) (c).

2. Receipt of three single physician medical panel certificates in connection with Joshua Richardson's application for accidental disability retirement pursuant to M.G.L. Chapter 32, Section 7. Mr. Richardson is represented by Atty. Brian Sullivan. The Board may enter Executive Session pursuant to Purpose 7 of the Open Meeting Law: "To comply with, or act under the authority of, any general…law", that law being Exemption (c) of the Public Records Law - G.L., c. 4, s. 7(26) (c).

3. Board to review regular session minutes of meeting held June 27, 2023

4. Board to review executive session minutes of meeting held June 27, 2023

5. Board to review draft findings of the June 27, 2023 hearing concerning Russell Adam

6. Transferring funds from MMDT to PRIT

Administrative Agenda Items:

1. Monthly financial reporting for month ending May 2023

2. Board to approve new members as indicated on list provided in Board Member's monthly packet

3. New application(s) for superannuation retirement:

Member	Position	Dept.	Date of Retirement
Brendan Dealy	Teacher Aide	School	7/25/2023
Jane Quinn	Health Assistant	City	7/21/2023

4. Board to approve the following expense warrants:

Warrant # C6-23	07-26-2023	Federal tax deposit funding re: member account disbursements	$ 6,033.28
Warrant # 16-23	07-26-2023	Administrative expense/member account disbursements	$ 279,296.75
Warrant # 17-23	07-26-2023	07/31/2023 Contributory pension payroll	$ 4,014,953.26

Pending Agenda Items:

1. Request to PTG re: option of emailing monthly Notice of Deposits

2. Board to review amended FY2024 budget of the Newton Retirement System

3. Receipt of additional information as requested at 6/27/23 Board meeting regarding Police Officer Dawn Fleming's request for an accidental disability retirement pursuant to M.G.L. Chapter 32, Section 7. The Board may enter Executive Session pursuant to Purpose 7 of the Open Meeting Law: "To comply with, or act under the authority of, any general…law", that law being Exemption (c) of the Public Records Law (G.L., c. 4, s. 7(26) (c).

4. Pre-employment physicals – Chairman Lopez' update re: request for meeting with Mayor Fuller as reported at June 25, 2023 Board meeting.

5. Current status of pending disability retirement applications – **informational only**:

Applicant	Dept.	Current Status
Russell Adam	Police	***Medical Panel Appts. scheduled for 7/21/23,7/25/23 & 8/16/23***
Kevin Flynn	Firefighter	***Disability Transmittal submitted to PERAC on 7/3/23***
Lisa Mikoleit	Police	***Board Staff is in process of collecting medical records***

6. 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.
Richard Metro	CR-20-0237	5/19/20 Mr. Metro appealed denial of $300/yr. veteran's benefit. 2/1/22 Order to Show Cause issued to Mr. Metro by DALA. Metro filed reply w/ DALA on 2/7/22;3/18/22 recvd DALA's final decision-Dismissal;3/23/22 recvd CRAB's Receipt of Notice of Richard Metro's Objection to DALA dismissal.
Scott Perella	CR-22-0103	3/18/22 recv'd DALA's Notice of Receipt of Appeal-Mr. Perella is appealing the effective date of his ADR.;3/30/23 recv'd Scheduling Order from DALA;5/3/23 recv'd copy of Petitioner's Memorandum; ***6/29/23 Board Counsel filed Memorandum to DALA and motion to add PERAC as an addt'l party;7/18/23 recv'd copy of Atty. Judith Corrigan's filing to DALA of Notice of Appearance for PERAC***
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
Susan Cellucci	CR-22-0199	5/25/22 recv'd DALA's Notice of Receipt of Appeal-Ms. Cellucci is appealing the calculation of her creditable service; 11/28/22 recv'd First Pre-Hearing Order-Joint Pre-hearing Memorandum due by 3/17/23;3/9/23 Board Counsel filed Motion for Summary Decision;3/13/23 Counsel for Ms. Cellucci filed Motion to Withdraw Without Prejudice
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
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
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
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

Next scheduled retirement board meeting: Tuesday, August 22, 2023 @ 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.