

Minutes of the Meeting of June 26, 2009

of the

MASSACHUSETTS TEACHERS' RETIREMENT BOARD

I. Regular Matters of Business

Chairman Jeff Wulfson presided at this regular meeting of the Massachusetts Teachers' Retirement Board ("the Board"). Also in attendance were: Vice Chair Linda Ruberto, Ellen Hargraves, Karen A. Mitchell, John A.M. Dow, Jr., John W. Parsons, Nicola Favorito, Executive Director Joan Schloss, Deputy Executive Director Erika Glaster, Assistant Executive Director Sean Neilon, Associate General Counsel Aaron Morrison, and Executive Assistant Virginia Hemeon.

The meeting was called to order at approximately 9:00 a.m. by Chairman Wulfson.

The minutes of the previous Board meeting, held on May 29, 2009, were reviewed and approved as submitted, on a motion by Mr. Dow and seconded by Ms. Ruberto. The motion carried 6 – 0.

VOTED: The Open and Executive Session minutes of the Board meeting held on May 29, 2009, are hereby approved as submitted.

Ms. Ruberto moved to amend the agenda to add a discussion relating to litigation of the Arnold Pinto matter, to be held in executive session. Mr. Parsons seconded the motion, which carried 6 to 0.

VOTED: To amend the agenda to add a discussion relating to litigation of the Arnold Pinto matter.

II. Executive Session

A motion was made by Mr. Dow, and seconded by Ms. Ruberto, to bring matters relating to disability retirement and litigation strategy into Executive Session. On roll call, the vote was as follows:

VOTED: Vice Chair Linda Ruberto	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes

Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

At approximately 9:03 a.m. the Board went into Executive Session. The Chairman stated that the Board would return to open session. Ms. Hargraves joined the meeting at 9:07 a.m.

At approximately 10:35 a.m., the Board reconvened in Open Session and Chairman Wulfson announced the Board’s actions during Executive Session on the applications for disability retirement benefits.

ORDINARY DISABILITY RETIREMENT

1. Mary Tighe

The application of Mary Tighe for ordinary disability retirement benefits was reviewed, together with the medical panel reports and other information. On a motion to approve the application, made by Mr. Dow and seconded by Ms. Mitchell, the roll call vote was as follows:

VOTED: Vice Chair Linda Ruberto	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

VOTED: The application of Mary Tighe for ordinary disability retirement benefits was approved.

ACCIDENTAL AND ORDINARY DISABILITY RETIREMENT

1. Deidre Conant

The application of Deidre Conant for accidental disability retirement benefits was reviewed, together with the medical panel reports and other information. On a motion to deny the application, made by Mr. Parsons and seconded by Ms. Ruberto, the roll call vote was as follows:

VOTED: Vice Chair Linda Ruberto	Yes
Ellen Hargraves	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

VOTED: The application of Deidre Conant for accidental disability retirement benefits was denied.

The application of Deidre Conant for ordinary disability retirement benefits was reviewed, together with the medical panel reports and other information. On a motion to approve the application, made by Mr. Parsons and seconded by Mr. Dow, the roll call vote was as follows:

VOTED: Vice Chair Linda Ruberto	Yes
Ellen Hargraves	Yes
Karen A. Mitchell	Yes
John W. Parsons	Yes
Nicola Favorito	Yes
John A.M. Dow, Jr.	Yes
Chairman Jeff Wulfson	Yes

VOTED: The application of Deidre Conant for ordinary disability retirement benefits was approved.

III. Open Session

TERMINATION RETIREMENT ALLOWANCE

1. Bonnie Dinsmore

The Board considered the application of Bonnie Dinsmore, a member from the Groton-Dunstable regional school district, for Termination Retirement benefits. Ms. Glaster reviewed material supporting Ms. Dinsmore’s application, which indicated that Ms. Dinsmore had over 20 years of creditable service, had been involuntarily terminated from her position, and that there had been no violation of work rules. Ms. Hargraves disclosed that Ms. Dinsmore was her principal for one year but that Ms. Hargraves believed she could consider the matter impartially. A motion to approve the application was made by Mr. Dow and seconded by Ms. Mitchell. The motion carried 7 – 0.

VOTED: The Termination Retirement Application of Bonnie Dinsmore was approved.

REQUEST FOR WAIVER OF OVERPAYMENT

1. Brian Hastings

The Board considered the request of Brian Hastings for waiver of an overpayment pursuant to G.L. c. 32, § 20(5)(c)(3). Mr. Hastings received an overpayment of \$2,790.90 because certain compensation that he received as a result of notice of retirement was included in the calculation of his retirement allowance. A discussion was held concerning whether Mr. Hastings had reason to know that this amount was not regular compensation. On a motion to deny the waiver request, made by Mr. Favorito and seconded by Ms. Hargraves, the vote was 7 – 0.

VOTED: To deny the waiver request pursuant to G.L. c. 32, § 20(5)(c)(3) of Brian Hastings.

The Board engaged in a discussion with Associate General Counsel Aaron Morrison about the recent decision of the Supreme Judicial Court in *Foresta v. CRAB* and its potential effect on the MTRS, its members and employers. Mr. Morrison described the case and its holding and noted that the MTRS would be advising employers of their obligations under section 5B of chapter 32. The MTRS will have to change certain disability retirement application forms to allow employers time to comply with section 5B and to verify that they have done so.

EXECUTIVE DIRECTOR'S REPORT

1. Ms. Schloss updated the Board on her conversations with Jamie Vitiello, Vice President of Vitech concerning Vitech's requests for change orders.
2. Ms. Schloss updated the Board on the continued meetings of the Special Commission on Massachusetts Contributory Pension Systems and referred the Board to Mr. Neilon's report. The Special Commission has recently expanded in size.
3. The Executive Director shared with the Board information she learned at the National Council on Teacher Retirement's Executive Directors' meeting, held last week in Rhode Island, including information on risk management and GASB's invitation to comment on proposed amendments to the reporting requirements for public pension plans.
4. The Board members briefly discussed the out-of-state travel policy for Board members.
5. Ms. Schloss noted that this was the last Board meeting for Executive Assistant, Ginnie Hemeon. Ms. Schloss thanked Ginnie for her service, as did the Board members.

Having no further business to conduct, at approximately 12:07 p.m. a motion was made by Mr. Dow, and seconded by Ms. Hargraves, to adjourn the meeting. The motion carried unanimously 7 to 0.

Respectfully submitted,

Joan Schloss, Executive Director

Date