

Berkshire County Retirement Board Meeting  
December 28, 2022

**The meeting of the Berkshire County Retirement Board was called to order at 9:02A.M. in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Michael Ovitt, Chairman, Mark Bashara, Elected Member and Karen Williams, Elected Member and Sue Funk, Advisory Board member. Beth Matson Appointed member participating remotely and Thomas Gibson, legal counsel participated remotely.**

**PUBLIC COMMENT:**

1.) Members of the public had an opportunity to address the Retirement Board as the remote link to the meeting was posted with the agenda. There were no members of the public attending the meeting or connected remotely.

Michael Ovitt We will call the meeting to order at 09:02 and item number one, public comment members of the public can address the Retirement Board. Is there anyone from the public that would like to address the retirement board? I see Sabrina and iBerkshires.

With no comment, we will go on to item number three.

Sheila LaBarbera: excuse me Sabrina did raise her hand she asked was if everyone could state his or her name. It came up in a chat. She just asked if everybody could state his or her name.

Michael Ovitt, Retirement Board Chairman.

Karen Williams, I am an elected member to the board.

Sue Funk, newly elected member of the board.

Mark Bashara, elected member to board.

Beth Matson, fifth member to the board.

Sheila LaBarbera, Executive Director and in attendance are Jill Hersey and Brian Shepard, retirement board staff.

**NEW BUSINESS:**

2.) **LEGAL UPDATE:** Board counsel will update the Board on any outstanding legal issues before the Berkshire County Retirement Board.

**Ball Forfeiture**

Tom Gibson as the board is aware Mrs. Ball was charged with certain criminal offenses several years ago dealing with the misappropriation of funds from her employer. No action was taken civilly while criminal charges are pending. This case was allowed to languish on the criminal docket in the court and unfortunately, Mrs. Ball passed away without any prosecution of her case. She was a retiree and she elected option C, her husband is receiving her pension and much to the chagrin of the town of Great Barrington, which believes that there are funds that she should have been required to return to the town, there is really nothing that the Board can do other than pay the pension to the Option C beneficiary of Ms. Ball. If the town wishes to pursue any action, that would be entirely up to them to do that. Michael Ovitt It appears that our hands are tied based on the lack of prosecution.

Tom Gibson: It's unfortunate Mr. Chairman because there was discussion early on in this case regarding a civil forfeiture proceeding, law enforcement does not want you to do that because it jeopardizes the criminal prosecution when you begin to conduct a separate independent inquiry into the underlying facts of the theft and many times, that jeopardizes the criminal investigations. They discourage pursuit of civil forfeiture cases while there are criminal actions pending. For that reason, nothing was done in this case. There was a

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payment by the insurance company of the town they paid \$167,000, I believe. The Town believes are more funds that were misappropriated and believes they could prove that. There are no funds in the retirement system for them to be reimbursed by the board.

Mark Bashara: although the DA is going to be out January 1<sup>st</sup>, do you think a letter of our displeasure would be appropriate. It is probably going to be irrelevant at this point.

Tom Gibson: the problem is that she has never been convicted and you cannot pursue now because there is no due process that would be that you would be entitled to because she has passed away. Next week there will be a new DA and maybe there will be a different outlook on these types of cases. Certainly the town has a right to be upset about the fact that Mrs. Ball was allowed to collect through superannuation and now her husband can collect Options C, when they believe there are funds that are outstanding that are due to the town.

**5% COLA memo**

I note that the 5% COLA is an issue, and the Board did receive the Memo which indicates that there should be a two-step process for the board. First step would be to receive a cost estimate from PERAC of your as to what the cost would be for this one time increase of the COLA percentage from 3 to 5% for the FY2023. John Boorack did a quick formula on the memo but I think the board should see something a little more detailed. The next step would be the board would have to adopt that motion and then two thirds of the municipalities in the Berkshire County Retirement System would also have to adopt it by a vote of their Chief Administrative Officer or Chief Executive Officer which is the Select Board. By definition, it would be the Select Boards of two thirds of your towns. So, the first question they are going to ask is how much is this going to cost and how it is going to affect the appropriation? So, you need to have those answers ready if you want to pursue this with the various municipalities in your system and it has to be done by June 30, 2023 or it'll be gone, unless legislature does it again next year. There has been some thought given the fact that the Social Security COLA this year was 8.9% about offering this one-time 5% increase again next year.

Michael Ovitt: if this is processed; it is going to be retroactive.

Tom Gibson: Yes, it will be retroactive to July 1, 2022.

Beth Matson: It looks like John has already given us a cost estimate for that.

Michael Ovitt: The cost estimate would be between \$2.3 and \$2.4 million based on the system's current schedule. That would push the funding date to FY 29.

Tom Gibson: that is the decision the Board would have to make and if they decide to do it, they have to sell it to the municipalities.

Mark Bashara: The municipalities will want to know how they are going to incur some of the cost what the cost is to that particular town.

Sheila LaBarbera the Board will just be able to tell them that it is going to increase the assessments and will push the schedule out an additional two years.

Michael Ovitt: Tom, do we take a vote to pursue this?

Tom Gibson: If the board were comfortable that this is a vote that is in the best interest of the retirement system and of the members and beneficiaries, then they would have to take a vote specifically adopting this. Then you have to communicate that vote to the municipalities with an explanation that the second step is the Select Board is voting to adopt it. No other governmental units have a role it is just the municipalities, none of the districts or housing authorities. It's an odd approval mechanism in this particular bill. Usually, the advisory council is the legislative body for acceptance of local options. In this particular case, it was

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strongly in favor of having the municipalities themselves have control over the approval of this one-time COLA and insisted that it be in the legislation.

Mark Bashara: we had some brief discussion here in regard to a separate task of raising the base from \$14,000, if we discuss that and do that, that isn't reliant upon the towns, right? We make a vote and is that where the advisory board comes in?

Tom Gibson: The increase in COLA base would be an action that would have to be taken by the Board and by the Advisory Council, not individual select boards. In some municipalities over the past year or two have increased the COLA Base and the deal was do not come back looking for the 5% COLA. We are going to increase the COLA base for everybody and it is a better increase the COLA base for everybody than the one time, 5% COLA.

Michael Ovitt: So that is a strategy that we need to discuss soon.

Tom Gibson: Time is of the essence you know how slowly the wheels of government turn. Even getting this on the agenda for a Select Board in one of your towns could be a challenge. In Middlesex we are going to schedule a meeting in January of the town administrators to come to the Board either in person or hybrid with our actuary so we can explain to town administrators the impact of the 5% COLA. Middlesex as has voted to approve it but we think getting the information out is key to any success that this legislation may have.

Michael Ovitt: So, there is specific language that we would need to adopt this? We would need to establish a timeline for the voting as well or is that already established?

Tom Gibson: I do not have it in front of me, but there is a specific Chapter. It would be in the PERAC memo. The vote would be to adopt, Chapter "blank" of the acts of 2022 that provides a one-time 5% percentage to the cost-of-living increase.

Karen Williams: Well, it sounds like we need to decide if we are going to do that or increase the COLA base and we need to know what the impact would be and maybe discuss a couple different options. The 5% is not guaranteed because it is up to the two-thirds vote of the units.

Michael Ovitt It would involve the actuary again as far as raising the base and to what number.

Mark Bashara: But at least we are not on a time limit, with that in particular like, we are with this.

Michael Ovitt: Tom, Middlesex is voting the one-time increase.

Tom Gibson: Yes, we have, we approved it at our meeting in December. Earlier this month we adopted the bill and now we are on an educational trail trying to make sure the towns understand the financial impact of this vote. Whether they, whether they approve it or not approve it, we do not want to be accused of not giving them the right information to make a reasoned decision on what to do with this.

Mark Bashara: Have you raised your base lately?

Tom Gibson: No, Middlesex Base has been \$16,000 and it has been that for a number of years. We looked at increasing it to \$18,000, but we felt that it was too expensive to do that. We are keeping it at \$16,000 and we feel that the onetime 5% would be helpful to our retirees.

Mark Bashara: you will not be going back then asking for an increase as well, so you already had your increase a while ago. You can assure them we are not going to be coming back to you in six months or year to increase the base.

Tom Gibson: That is true, although I can never predict what my board members will do.

Karen Williams: Tom, do you know how long it has been at \$16,000? I believe our last increase was 10 years ago 2012.

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Beth Matson: I have had experience with trying to persuade town managers and mayors to make increases in various situations for the retirees and it has not gone well in my experience. I could not imagine trying to get 20 of them on the same page. 20 out of 30, I think that that is going to be a hard sell. I think it is time to increase the COLA base and that we should look into a price for that.

Michael Ovitt: I am not sure as far as the process with John Boorack, do you think he would do be able to bring something back by next month's meeting for the COLA base.

Sheila LaBarbera: I am not making promises for John Boorack, but I can call him and ask him what he thinks the timeline would be.

### **Berkshire County v. PERAC and Pittsfield**

I just want to update the Board on the pending DALA appeal of Berkshire County Retirement v. PERAC and Pittsfield Retirement Board. We have received a package of documents from PERAC, which we had been waiting for and the petitioner's additional memorandum and exhibits is due on January 19<sup>th</sup>. We will have that prepared and filed with DALA on January 19. The respondents and Pittsfield have until February 23 to file their response to that.

### **Hinsdale Police Chief**

The legislature passed the bill dealing with the Hinsdale Police Chief that would extend her employment.

Michael Ovitt: do we have to accept that? That is to work past the age of 65?

Tom Gibson: Once the legislature passes a law there is no acceptance of it. It does present some issues regarding disability retirement it is just important to be aware of those when they make those determinations if they want to continue working beyond age 65. They are going to be locked into the superannuation retirement they would have received an age 65 and they would be precluded from filing any disability retirement after that particular date

### **Shimmon Settlement**

We did receive the agreement of settlement and release in the Chad Shimmon case, executed agreement. A check should be forthcoming that was a good resolution of that particular case. By the way, a special act was also pending but if it is not passed by this year, it could be resubmitted next year to do that.

### **Open Meeting Law**

Michael Ovitt: we have an item number seven on the agenda regarding the open meeting regulations and public participation. Do you have any kind of a written policy to that effect?

Tom Gibson: We do not have public comment we've never had a public comment period that members of the public can show up in be heard. Most Select boards and City councils may have something like that but we do not feel that a retirement system has enough public issues that would warrant public comment. Of course, if anybody wants to come in and address the board they are always afforded every courtesy that we can, especially a member. If a member wants to come in and talk to the Board, we always make it point to let them in but we do not have any policies regarding public comment. Speaking of public participation just so you know that the public has the right to attend all of your Board meetings but the public does not have a right to be heard on every issue that is brought up at the Board meeting. The Chairman has a lot of discretion into what extent the board is going to allow any type of

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public participation in an open meeting. I am sure the board would act judiciously if someone had a particular issue they wanted to discuss and bring up to the board. I am sure the Board would have courtesy to do that that would answer the issue that was asked of the Attorney General office. We recently received an opinion from the Division of Open Government, involving a retirement board who met in executive session, to discuss a claim for accidental death benefits. And the surviving spouse in her council were present, and the Retirement board listened to their argument, accepted evidence and then I wanted to deliberate, and ask them to leave, while they deliberated. The complaint found the Board had not violated the Open Meeting Law, but The Board was cautioned to be careful, when you are discussing a disability retiree or an Accidental Death Application to make sure that you are in Executive Session properly and that you are conducting yourselves properly while an Executive Session. They are pointing to the exception number one in the Open Meeting law, when you are talking about someone's physical or mental health that triggers Executive Session with the right of the members to be present. The Boards have been relying on purpose number seven, which exempts medical records from public disclosure in invoking executive session. There is a disconnect between with the PERAC rules and regulations regarding the Board's ability to act in Executive Session on disability application versus what the Division of the Government says, Gerry and I are looking into that.

*Thomas Gibson left the meeting @ 9:53am.*

- 3.) The Board is asked to review and approve the proposed 2023 annual retirement board budget.

Michael Ovitt we talked about appropriated money, but still having the ability to accept or deny, or modify individual expenditures within line items.

Karen Williams: My understanding, was that we accepted the expense portion, but then were going to look at the salaries?

Michael Ovitt staff salary was appropriated at a certain level.

Sheila LaBarbera: It was I did a COLA calculation for you, and everybody should have a copy of that, the COLA calculation came out to 7.1% and in the budget is 7%.

Mark Bashara: So, I think what you are saying, Karen, we have to discuss the salaries.

Michael Ovitt: There is an appropriated amount, and then it is up to that amount or are we appropriating the exact amount with the COLA?

Sheila LaBarbera we figured everything in with the 7%. I am proposing the 7% based on the COLA calculation.

Michael Ovitt: Okay. I would like clarification then. The COLA Policy says, The Board will use a floor of 2.5% and a cap of 5%. The board will not use an escalation agreement in its calculation. So, what impact does that have, versus this 7.1%?

Sheila LaBarbera: Your policy stated that it was going to be calculated between the 2.5% and 5%, but if it went over the 5%, the board has the discretion to approve over that in certain circumstances.

Michael Ovitt the calculation here was done through November. Its previous 12 months.

Sheila LaBarbera: That is correct. On the back, all of the CPI information and the bottom of that page is the calculation.

Mark Bashara: I would like to make a motion to set the COLA at the cap of 5%. Karen Williams I will second.

Mark Bashara: My thought is that we have the retirees that get 3% and this year, possibly, depending on how the towns vote, they may get 5%. Their 5% is based off \$14,000. In my

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opinion, they are going to 5% of the staff salaries is substantially more than the 5% for the retirees, if it is approved by the towns. That is why I am making it 5% for the staff. 5% for the staff is fair. I have consistently said that we need to start moving toward helping the retirees and seeing what we can do there, but we have to address this first, that is why I think that going to the max of 5% is reasonable with what the retirees get.

Karen Williams: I agree with what Mark says.

Beth Matson: I would vote for that. I think it is a little on the high end, but that will be fine.

Michael Ovitt: Okay, so do we identify a number?

Sheila LaBarbera: we have to adjust to the 5%, but I would like to just have a conversation.

Michael Ovitt: So, Sheila, my question is just on the budget. Did we factor that in and come up with an absolute number to accept? Any other discussion?

Sheila LaBarbera: Can I at least just make a comment? I think the three of us in fairness, have done an awful lot of work on the salary surveys and stuff that we do, I think, at least, deserve a minute to make a presentation. We have done some extensive salary surveys. We have gone over and over and have been sent a couple of ways to come up with where our salaries should be. We have looked at, and you can see the charts, the comparable positions for the retirement coordinator, then we were asked about years of service, so we then went back to the drawing board again. We went and did a salary survey of just those communities in Western Mass. We included Lawrence and Lowell because they are the two most economically depressed areas in the state of Massachusetts, and you will see that the average for Western Mass for the retirement coordinators is \$63,000. What I asked for is where your employee starts if they have no experience, the average is right around \$55,000 to \$60,000, and you can see that the average, for most of those people in Western Mass. is \$63,000. We are at \$55,500. Brian and Jill have only had a \$500 raise in the last 14 months since they have been here. I think that the 5%, which is relevant to the COLA policy that you've approved, the extra 2%, would actually just give them a bump to help them come more on the line with the people who are doing the same jobs as they are and to pay them fairly.

Michael Ovitt: I believe we are talking about the COLA though.

Sheila LaBarbera: We are talking about the COLA, but as I said, I propose a COLA at 7% because that is what the actual COLA calculation came out to. It came out to 7.1%. The COLA is at 5%, and the 2% was because, as you can see, the numbers do not lie, they are the lowest paid in Western Mass. you can see where the red line is.

Mark Bashara: And we have discussed before, and you checked where these people are working.

Sheila LaBarbera: I asked them, where would you start someone if they had no prior service? The average salary for that is at \$60,000. Hampton County tried to hire someone at \$45,000 and they had no applicants.

Karen Williams: Do you remember the range that we set when we first set when we hired Jill and Brian? I thought we went to the high range on that.

Michael Ovitt: We went to the high range of that and added quite a bit to that. I was thinking like \$10,000 more.

Sheila LaBarbera: We were going to start at \$52,000 and then we did it to \$55,000.

Mark Bashara: At that time, we felt that was everybody agreed that was kind of, what we needed to do that has only been a year.

Karen Williams: I feel like we did not low-ball them. I thought we ended up going on the higher end of the salary.

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Michael Ovitt: But that was only a year ago. That has not changed that much. How is that information changing?

Sheila LaBarbera: We did not do any sort of comprehensive study when we set their salary.

Michael Ovitt: So where do those numbers come from?

Sheila LaBarbera: You guys made it up. Those were your numbers.

Michael Ovitt: Well, we had numbers and then they were added to because they seemed low. I think there was a substantial increase at the time. We are not talking about the salary comparisons and raising the salaries; we are talking about the COLA.

Sheila LaBarbera: Right, the cost of living is 7%, so, at 5%, we are behind that. It does not even make up for what we will see in health insurance increases and things of that nature.

What we are trying to do now is try to not have our salaries erode.

Michael Ovitt: So, the, the retirees we voted a 3% raise. We have the ability to raise up to 5% on the first \$14,000. If it is 7%, why is that not the same amount for retirees as well?

Sheila LaBarbera: Because you are talking about retirees and we are your staff, Michael, those are two very separate and distinct things. We are not retirees; we are the staff. We are the ones that work here. We are active members of the Retirement System. Actively working, we are not retired. So then, when you go to the Executive salary we have taken all of those from Western Mass, including Lowell, you can see middle of the road, but let me add just one thing, because service was important, right, Mark? Service was very important, remember?

Mark Bashara: You are talking about service of the members or time wise.

Sheila LaBarbera: Time wise, it was the most important, right? Hampden was on year, Holyoke was one year, Pittsfield was about twenty, Westfield was six years, Lawrence was one year, Sheila was twenty-seven, Franklin was nineteen, Chicopee was five, Hampshire was thirty-three, Lowell was one but she has been in the retirement system for about thirty years. Again, they are all at about what I make with even just one year of service, with a difference of about \$1,000. Almost, if not close to the lowest paid administrator in Western Mass.

Mark Bashara: I can appreciate the fact that you want to advocate to make your salary what you feel is fair and I can appreciate that. Where I feel, is that this 5% that I made the motion for, is what I would call, a reasonable compromise for the fact that I personally feel, that we are also here to advocate for the retirees. To me, this has nothing to do with you, but the fact is that we are not even sure that we can get them the extra 2% and if we do, that is only 5%. That is based off \$14,000. Once again, that is not on you. I also feel that I am here to advocate for the retirees and so I try to look at what is a good compromise for the middle there. That is why I recommended the maximum of our cap. I understand the formula and all that and I understand what you are explaining, but if we were to go on the theory, and I am not saying that, you are asking for this, but if we were to go on that and what you would be getting is astronomical.

Sheila LaBarbera: I am not asking for that. I am just asking to be paid fairly, just like the other two individuals here.

Mark Bashara: This is why we have the Board, and we make the vote. If the Board decides to go any way it goes, it goes. You have the right to speak, explain and advocate for yourself and I am explaining why I am advocating and doing this. I feel like a long time, we have had more discussion about staff than we have about the retirees, and I really want to start focusing on the retirees and what we can do for them. that's why I made the motion. It is a reasonable compromise. It is not exactly what everyone wants, but it is the best we can do to

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keep you from not going backwards. Do not forget, we do this every year. I made the motion; we can discuss or do whatever. Someone else can change it or whatever, but that is what we have a Board for and the five members. It is a compromise. The retirees are also in rough shape because we are all impacted by inflation. This is a good compromise on that.

Karen Williams: I would like to say something, so you want fair, which I understand, but I think everyone has a different perspective on that. What I have to offer to this as a collector treasurer, in Stockbridge, I was making \$60,000 a year, and I'm like borrowing and I just think it's a whole different level of responsibility compared to Jill and Brian. I agree with Mark, that 5% is fair.

Michael Ovitt: The motion is for 5% Cost of Living Increase, motion made and seconded. All in favor?

**A roll call vote was taken to approve the 5% COLA increase for the staff. The vote was unanimous. (4-0 one abstain)**

Michael Ovitt the motion passed for a 5% COLA to be applied hourly to the staff's payroll. Which we will get a number on that, and we will come back get a vote on the budget.

Sheila LaBarbera The total 2023 budget to be approved as \$574,707.30.

Mark Bashara: I will make a motion to approve the amended budget for \$574,707.30, Karen Williams: Second.

Michael Ovitt: We have a motion and a second. Any further discussion? All in favor of accepting the 2023 budget signified by saying aye.

**A roll call vote was taken to approve the 2023 budget of \$74,707.30. The vote was unanimous.**

4.) The Board will review staff performance evaluations and compensation.

Michael Ovitt the Board will review step performance evaluations and compensation. Is there anything new regarding those?

Sheila LaBarbera I do not have anything new, I cannot say enough about how well they have done with performance. I appreciate them both and everything that they do every day.

Michael Ovitt I certainly do not want to be the one seems like we are under-appreciative of you. We are operating at some recommendations and we are trying to come up with what will work for the system and the employees. We discussed at the beginning of the meeting, before you were hired, as far as setting amounts of pay. Two months later that information was old and out of date and now there is a new study out there and somehow, we are way under where we need to be. We have made our decision on the COLA and I hope that is acceptable and we are going to go forward.

Mark Bashara: I just want to add one thing. When you said you appreciate them, I think that is good. I do not want it to be taken, and I do not think its fair to former employees who had many years here –

Sheila LaBarbera: I am just talking about the two that I have here. I am speaking about their performance, Mark. That is whom we are speaking about now. I can tell you that the both are outstanding. The performance every day, the feedback that I get back from treasurers and



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members even people I have spoken to at conferences, other administrators are very impressed by both. We are very lucky to have them and appreciative of them.

Karen Williams: Well, I will say one more thing, so I appreciate your participation in the conferences, your schooling; I think you are moving in a good direction.

Mark Bashara: And if I may, I hear good things. That is wonderful. You are new and doing a great job. I am happy to hear that, but you are new and things take time to progress along the lines. It is all it is all about time. Paying dues and getting more and more experience. I am happy that Sheila is pleased with you. We must rely a lot, on what she says, because she works with you every day. We are not here every day. We are not here all the time. Karen interacts with you

Sue Funk: I do as well, ten years' worth.

Mark Bashara: That is wonderful and that is what we would expect. This is good performance and to take care of the members. As I said, you are new so in time, things will progress. I think in time you'll see that you'll get to where you want to be. When both were hired, I said, there are a lot of pluses to this job that aren't another job, so I think in time, things will go well. I think they're going well now, I'm very happy to hear the positive interaction you are having with the other members, and congratulations to you with your school.

**The Board noted the record and evaluations will be placed on file.**

- 5.) The Board will review the cost estimate for the proposed retiree COLA increase of 5% for 2022.

Michael Ovitt the board will review the cost estimate for the proposed retiree COLA increase of 5% for 2022; it is for 12-month period that ends June 30 of 2023?

Mark Bashara I brought this up a while back my opinion at this point is once again, when we talked about salaries and about compromise, what seems to be in the middle that works is, I think we may be better off, raising the base from \$14,000 to \$16,000 because for the other one work, it's contingent upon the approval of at least 20 towns and it's a onetime thing. If we increase the base, then that's something that affects and stays long term with all retirees. Michael Ovitt that would be approved by the Advisory Council?

Mark Bashara Then down the road, who's to say several years from now, like Middlesex, if they come up again with this 5% and during the years regarding that, then maybe at that point we could look at it to see what happens. I can't imagine we're going to do both, I don't think that would be fiscally responsible.

Michael Ovitt Are we looking for a comparison of the two expenses liability wise?

Karen Williams I think we need to know what the cost would be to raise the COLA base to \$16,000 and then go from there.

Michael Ovitt: Do we want any other numbers as far as, you know, 15 versus 16 versus 18?

Sheila LaBarbera: I have already given them \$16,000 and \$18,000 because that is what you asked me to do at the last meeting. We are waiting on the actuarial. If you want a different increment, you need to let me know in advance. PERAC is going to do an actuary evaluation and in that, evaluation will be the cost. Right now, we are at \$14,000. Do you want \$15,000, \$16,000? We do not have any numbers for COLA base yet when he is doing the actuarial evaluation he will prepare the numbers at that time. It is going to be after January and may be after February. It depends on what his schedule is like.

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Michael Ovitt the proposal for the base increase would not happen until February or March, the earliest that verses running into the June 30 deadline.

Mark Bashara: We have time constraints on the extra 2%. Whereas, with this, we do not have any time constraints.

Michael Ovitt: We need to decide if we are going to scrap the one-time 5% increase and just pursue the COLA base as an increase for the retirees. I think we would need to decide that at this meeting. Does that make sense?

Beth Matson it does make sense. I think the extra 2% that would be a hard sell. I think if we are going to make a push, we should educate the advisory board on the cost instead of trying to talk to 30 municipalities.

Mark Bashara: I would make a motion we not to pursue adopting the 5% COLA increase. We should do more research into raising the COLA base from \$14,000 to \$16,000 and once we get the actuarial amounts, then we can discuss it more. Karen Williams: I will second that.

Michael Ovitt: Okay, so we have a motion not to pursue adopting the 5% COLA increase. Any other discussion? All in favor?

**A roll call vote was taken to not pursue the 5% COLA for retirees. The vote was unanimous.**

Mark Bashara: Now I will make a motion to raise the COLA base from \$14,000 to \$16,000. Sue Funk I am not sure I would lock in \$16,000.

Mark Bashara: So, I can amend it so that we pursue looking into raising the COLA, the base to either \$16,000 or \$18,000, based upon the actuarial costs.

Michael Ovitt: That is going to come in for the next meeting, so I do not know that we need to take any further action until we get those numbers.

Mark Bashara I guess once you get the actuary things down and you can send it.

Sue Funk will you be able to tell each town what the assessment is?

Sheila LaBarbera the way we look at it is what the total assessment is going to be, then the simple answer is that we are going to take the percentage of say, Egremont, if that year is 0.07% the Town's assessment will be 0.07% of the total annual assessment. Then you will also know what the increased number of years in the funding schedule for example rather than 2027 it may be 2029 or 2032. I will just put it on as an agenda item until we get the numbers.

Michael Ovitt: How easy is it to just plug a number into a spreadsheet? Why not just plug in \$15,000, \$16,000, \$17,000 and \$18,000? Let's start at \$15,000?

Mark Bashara you already have \$16,000 and \$18,000. All we need is \$15,000 and \$17,000. Karen Williams If we decided to go with the COLA base route, it would make sense to look at all the numbers.

Mark Bashara: I am just saying, if there were not time constraints, I would be more open to it. If it drags out until next year, we cannot do that. There is no harm in getting the numbers on raising the COLA base because then we have all the numbers. We have been at \$14,000 for 10 years. Do you know if 2012 is the date of the last increase? you figure it's been 10 years at that amount. To go up a couple thousand, I do not think would be unreasonable it would be good to have all the numbers to compare.

6.) The Board is informed of the merger of Melanson and Marcum LLP auditors.

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The Board is asked to approve and sign the letter of authorization for transfer of audit information; this merger will not affect the audit cost quoted for 2023.

Sheila LaBarbera There does not appear to be a change in the way that they are doing business. Our quote is still good for 2023 and we are still going to have the same auditor, but there needs to be a release to share the information.

Michael Ovitt: It sounds like Marcum is the premier audit company. So, they have been there all along, but they never gave us a quote? I am curious where these people were 3 or 5 years ago. What is the current commitment with Melanson?

Sheila LaBarbera It is a 2022 audit that will be completed in 2023.

Michael Ovitt We are going to have experience with them by the time we have to renegotiate.

Karen Williams made a motion to approve and sign the letter authorization for transfer of audit information from Melanson to Marcum. Mark Bashara: I will second.

**A roll call vote was taken to approve the settlement agreement as presented. The vote was unanimous.**

- 7.) The Board will review the AG open meeting regulations regarding public participation during Berkshire County Retirement Board monthly meetings.

Sheila LaBarbera I sent in the questions and provided you with the responses. I spoke to Felicia at PERAC; they would encourage you to entertain the participation of members at board meetings and to be rather liberal within reason, do not to let anybody take over the meeting. Everything should go through the Chairman.

- 8.) PTG software update

Sheila LaBarbera: we updated the list and you can see that we have listed all of the units that are live on PTG. We have four that are in the QR Site those will be up at the end of December the others will be up in January.

Michael Ovitt: I think up to having 94% conversion is good, I think we had predicted that the small communities would be difficult.

Sheila LaBarbera: The ones that have had to be manual have been the best; it is the ones that have been hopping around payroll companies that have been challenging. It does not make sense to set them up in one if they are going to change companies.

Sue Funk: Will the website ever work where we can just make the payment right on the website. It would make things so much easier. It would just be a push of a couple buttons, then with the monthly report; do you think we will ever be able to upload the monthly report?

Sheila LaBarbera: Many treasurers have asked that question, right now, we are not able to do that but we are working on it.

**9.) Consent Agenda Detail:**

Michael Ovitt questioned a group classification for a police officer in New Marlboro; it was updated to a group 4 when the job description was received.

Michael Ovitt questioned the membership date versus the start date for deductions. The member may have prior service in other Towns. Sheila LaBarbera clarified that deductions

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begin the first day of employment and membership date is the date of appointment or employment. Staff will also check on prior service and offer him a buyback if he is eligible.

**MINUTES:**

a.) The Board minutes of the regular session meeting held November 30, 2022, were signed and approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for November 2022. The PRIT Fund returned 3.78% for the month of November.

**BANK STATEMENTS:**

c.) The Board received the bank statements for Nov 2022 and the budget for Dec 2022.

*Cash Books for November were sent to Board by email.*

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

12-01-22	\$33,545.70
12-02-22	\$159,336.02
12-03-22	\$18,430.02
12-04-22	\$9,756.44
12-05-22	\$1,641,847.27

**REQUESTS FOR RETIREMENT:**

e.) The Board approved the application for superannuation retirement from Carol Deets, Lenox, Guidance Receptionist. The retirement will be effective 1/02/2023.

The Board approved the application for superannuation retirement from Christopher Lemoine, Williamstown, Director. The retirement will be effective 3/10/2023.

**MEMBER TRANSFERS OUT OF SYSTEM:**

f.) The Board approved the notice of transfer of the account of Susan Carmel, a member in Great Barrington, to the Barnstable County Retirement Board. The Berkshire County Retirement Board will accept 8 years and 9 months of creditable service. The amount of the transfer is \$148,055.64.

The Board approved the notice of transfer of the account of Nicole Choquette, a member in Lee, to the Pittsfield Retirement Board. The Berkshire County Retirement Board will accept 4 years and 3 months of creditable service. The amount of the transfer is \$8,731.13.

The Board approved the notice of transfer of the account of Paul Lange, a member in Clarksburg, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 11 months of creditable service. The amount of the transfer is \$1,167.77.

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The Board approved the notice of transfer of the account of Brian Sinico, a member in BHRSD, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 9 months of creditable service. The amount of the transfer is \$1,381.48.

**REQUEST FOR SERVICE BUYBACK:**

g.) There were no requests for service buybacks in December

**REQUESTS FOR REFUNDS:**

h.) The Board approved the applications for refunds from the following members: (Pending approval from Dept. of Revenue- child support division)

Katelyn Abott	Clarksburg	\$4,821.87
Nicole Reid	New Marlboro	\$940.21
Dakota Wells	Great Barrington	\$17,426.60
Benjamin Phillips	Washington	\$5,330.99
Esther Balardini	Dalton	\$2,808.93
Martha Guinan	Lee	\$184.32 (Partial Refund)
Leslie Durfee	Lee	\$2,905.19

**INJURY REPORTS:**

i.) There were no injuries reported in December

**NEW MEMBER APPLICATIONS:**

j.) The Board approved for membership in the Berkshire County Retirement System the following members:

7617	Bridget Roy	Lenox	10/3/2022	Receptionist	1
7618	Jaylyn Lemere	BHRSD	11/21/2022	Para	1
7619	Jordan Sander	SBRSD	11/28/2022	Night Custodian	1
7620	Caroline Stamm	FRRSD	11/14/2022	Admin. Assistant	1
7621	Jessica Warren	CBRS	12/5/2022	Para	1
7622	Kurt Card	CBRS	12/5/2022	Custodian	1
7623	Mark Brouillette	Becket	9/22/2022	Paramedic	1
7624	Patrick Touhey	Lee	12/5/2022	Asst. Water Oper	1
7625	Kadin Shafiroff	New Marlborough	11/13/2022	Police Officer	4
7626	Dakota Keith	CBRS	11/15/2022	Title One Tutor	1
7627	Jordan Palmer	SBRSD	12/5/2022	Custodian	1
7628	Edward Brammer	SBRSD	12/5/2022	Outside Maint	1
7629	Allison Crespo	Gt. Barrington	12/5/2022	Accountant	1
7630	Asa Cade	Lenox	10/3/2022	Perm Substitute	1
7631	Justin McCarthy	MGRSD	11/1/2022	Para	1
7632	Steven Larson	MGRSD	10/4/2022	Van Driver	1
7633	April Hoskeer	BHRSD	12/5/2022	Greenhouse Aide	1
7634	Dylan Cook	Gt. Barrington	12/12/2022	Police Officer	4
7635	Caleb Kollmer	Gt. Barrington	12/12/2022	Police Officer	4
7636	Robert Lamont III	Gt. Barrington	12/12/2022	Police Officer	4
7637	Westley Reel	Gt. Barrington	12/12/2022	Police Officer	4
7638	Samuel Riva	Gt. Barrington	12/12/2022	Police Officer	4

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**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Paul Thompson, Williamstown, as of 08/25/2022. Annual pension amount is \$62,336.64.

The Board received approval from PERAC to grant a retirement allowance to Nancy Bottesi, MGRSD, as of 6/17/2022. Annual pension amount is \$13,449.60.

The Board received approval from PERAC to grant a retirement allowance to Lorraine Goodfellow, Lenox, as of 6/27/2022. Annual pension amount is \$20,261.52.

The Board received approval from PERAC to grant a retirement allowance to Janice Derby, Hancock, as of 6/13/2022. Annual pension amount is \$12,193.44.

The Board received approval from PERAC to grant a retirement allowance to Timothy Kelly, Lee, as of 8/10/2022. Annual pension amount is \$55,042.32.

**3(8)c REIMBURSEMENTS:**

l.) There are no 3(8)c reimbursement letters in December

**PERAC CORRESPONDENCE:**

m.) The Board received from PERAC the following memorandums:

#30/ 2022	Proposed regulations regarding compliance with IRS code
#31/ 2022	840 CMR regulations annual review of Medical Testing Fee
#32/2022	Tobacco Company List
#33/2022	Mandatory Retirement Board Member Training
#34/2022	2022 Disability Data
Memo	Appropriation for Fiscal Year 2024

Note: copies of memorandums and letters given to each Board member

**TRAVEL & EDUCATION APPROVALS:**

n.) The Board approved the travel expense for staff to provide retirement seminars and PTG training to: Lanesborough Fire District, DDVS, and Great Barrington Fire District.

**MISCELLANEOUS CORRESPONDENCE:**

o.) PERAC Pension News December 2022.

Note: copies given to each Board member

Karen Williams made a motion to approve the consent agenda, Mark Bashara, second.  
**A roll call vote was taken to approve the consent agenda presented. The vote was unanimous.**

The next regular board meeting is scheduled for Wednesday, January 25, 2022 at 9:00am.

A motion was made by Mark Bashara to adjourn the meeting at 10:36am, Karen Williams, second.

**A vote was taken to adjourn, the vote was unanimous.**

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RESPECTFULLY SUBMITTED:

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Sheila LaBarbera, Executive Director

APPROVED BY:

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Michael Ovitt, Chairman

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Mark Bashara, Elected Member

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Karen Williams, Elected Member

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Sue Funk, Advisory Council Member

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Beth Matson, 5<sup>th</sup> Member Appointed

