

Berkshire County Retirement Board Meeting  
January 31, 2024

**The meeting of the Berkshire County Retirement Board was called to order at 8:30A.M. in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Michael Ovitt, Chairman and Mark Bashara, Elected Member, and Timothy Sorrell, Elected Member. Sue Funk, Advisory Board member participated remotely. Beth Matson Appointed member was absent.**

**PUBLIC COMMENT:**

1.) Members of the public have the opportunity to address the Retirement Board. There was no public comment.

**NEW BUSINESS:**

2.) The Board will review and release nonexempt executive session minutes from January 1, 2020 through December 31, 2023. The review and release of executive session minutes is to comply with a written request for copies of the 2020 through 2023 nonexempt executive session and regular session minutes from Mr. Patrick Higgins.

Michael Ovitt: This apparently has gone out to multiple units, governmental units, retirement systems all over the state. We have directed Mr. Higgins to our website for our regular session. There is a process, Sheila can explain briefly to release these minutes by the Board and we will probably get on a regular cycle to do that.

Sheila LaBarbera: In your packet, I forwarded you the e-mail from Tom Gibson regarding the request. What we have done is review our entire executive session minutes from 01/01/2020 through 12/31/2023. We have identified those minutes that are no longer exempt. The issues that were raised are closed, so there is no need for any of those minutes to be retained as an executive session separate from the regular minutes. The minutes that I have given to you have been reviewed by Tom Gibson, Michael Ovitt and myself, so there is nothing in there that cannot be released. Tom Gibson has suggested that in the future, every January we look back at the prior years executive session minutes that no longer need to be held and is exempt. As the issues are closed and they can be released we should make that as part of a procedure to release them.

Mike asked the question and it is relevant, once an executive session issue is closed, you can review the minutes at that point and release them. I have all of the minutes permanently bound so I will include these minutes with the other regular session minutes. There were a substantial number of executive sessions in 2021. However, most of them were executive session minutes that have to do with medical information. They are either ADR or ODR applications and they are never going to be released. They are in a different book, and they are held there permanently.

It is your pleasure whether you would like to comply with Mr. Higgins' request. It does not appear that there are any issues with any of our executive session minutes. All we really need is a vote to release these executive session minutes and then I will forward them to Mr. Higgins and comply with his request.

Mark Bashara: I will make a motion to approve the executive session minutes that were reviewed to be added to public access now. Timothy Sorrell: I will second that.

Michael Ovitt: To clarify we are not posting them to the website

Sheila LaBarbera: Only regular session will appear on the website.

**A roll call vote was taken to approve the release of the executive session minutes from 2020-2023. The vote was unanimous.**

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Michael Ovitt: We will note the record that Beth is unable to participate today.

**3.) Legal Update: Legal update for December with Thomas Gibson**

Sheila LaBarbera: Tom is not available for today's meeting but I do have two items that I would just like to give you an update on. We have two ADR – accidental disability applications outstanding right now that we are working on. We have one complete and that application is now with Tom Gibson for his review and recommendation. The member is making a dual application for accidental and ordinary disability. There are volumes of information on that application, Tom did indicate that it was going to take him a while to complete that review. I hope that we will have that one for February. Tim, just so that you are aware of the procedure, the application is completed with me to make sure that all of the required information is collected and they are entitled to apply. Then we send all of the medicals and the completed application to Tom Gibson. He does a legal review to make sure that everything is legally in order, and then it comes back to the Board for determination on a medical panel. If the Board agrees to order a medical panel it then goes to PERAC through Prosper for a medical panel.

Timothy Sorrell: Well, thank you.

Sheila LaBarbera: We have a second accidental disability application, the application itself was completed yesterday. I am waiting on medical records. Both applications are PTSD, which is not something we have ever had before.

Michael Ovitt: Is any of the information on PROSPER?

Sheila LaBarbera: Not yet. No.

Sheila LaBarbera: We did receive a DALA notice for the appeal for that Lisa Mendel for creditable service and it appears that it is only going to be a written argument. I have the DALA notice; I did include that in your packet so you got a copy of that.

Michael Ovitt: Does Tom have to be present for that?

Sheila LaBarbera: It is already done in writing.

Michael Ovitt: So, he is submitting.

Sheila LaBarbera: Yes, he is submitting. Yeah.

Michael Ovitt: Okay. Any other old matters?

Sheila LaBarbera: No, only two applications.

**4.) The Board is in receipt of a copy of a signed hosting services agreement with Pension Technology Group, Inc.**

Michael Ovitt: Is there one that I am going to sign today?

Sheila LaBarbera: I have your stamp but I can get you a clean copy to sign. PTG stamped his signature too.

Michael Ovitt: Okay.

Sheila LaBarbera: All the signatures are there. If you want to sign one, I will take it.

Michael Ovitt: Yes.

**5.) Directors update: Year End/PTG Issues/ PERAC Audit**

**PTG Lawsuit**

I believe I sent you a copy or the information regarding the PTG lawsuit. PTG is suing Bay State Pension. I have spoken to Chris Lodge and it has no effect on the services that PTG is going to be providing us. No retirement boards were named in the suit, it is between Bay State Pension and PTG.

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Mark Bashara: This is a new lawsuit.

Sheila LaBarbera: It is a brand-new one. It has to do with intellectual property and with Bay State Pension's solicitation of PTG's clients. Tom felt that it was important that PTG let us know that because we signed a contract with them and it is relevant to us. Chris Lodge assures me that none of the services will be affected.

We have had some PTG issues already. What we do annually is roll the COLA cost into the pension on January 1. We have done this every year for 20-plus years, so for as long as we have been with PTG since 2006. This year it did not work, and it spiraled out of control to the point where they reset our system and it wiped out about 3 days' worth of work that we had done. We signed a contract with PTG and they are our partners for the next couple of years so it is not my intention is not to bash them in any way. Their service was responsive – I do not know why it did not work and it spun out of control, and they kept making it worse on their end. It took us more than a couple of days here to get our COLA back to where we needed it to be so that we could process our pension payroll. I have spoken to a couple other directors because COLA Roll up is something that Boards perform annually. I was unaware though that most city systems do not roll up until July 1 because they are on a fiscal year with their city, whereas we are on calendar year.

Michael Ovitt: The COLAs are not rolled up until July 1.

Sheila LaBarbera: Their process of rolling up they usually do not perform until July 1. It will be interesting to see if anybody else has this problem. I just wanted you to be aware when there are issues.

Michael Ovitt: When did that happen?

Sheila LaBarbera: January 11th is when I asked them to roll it up something went wrong and she had to run a utility. We had the long weekend back on the 16<sup>th</sup>, that is when things started to unravel.

Michael Ovitt: So, it is not calculating a new COLA in this function every month?

Sheila LaBarbera: What it does is roll the COLA into the pension, and it removed the COLA but it did not put it in the pension.

Michael Ovitt: So, it was not added to the pension.

Sheila LaBarbera: Correct.

Mark Bashara: So, do you think it's worth, like, just putting a little side note together of this incident so that when the two years comes for us to review whether or not we want to go we know what happened two years ago? Did you deal with the rep that they were supposed to assign you?

Sheila LaBarbera: We dealt with Chris Lodge. Chris Lodge actually took care of it, he was very apologetic. As I said, the service was not bad. It is just that the solutions were not good but we got through it and we are back on track. The last detail in that is that there is a calculation for a post '97 COLA which is cumulative we have to audit make sure there is nothing wrong.

### **PERAC Audit**

PERAC audit is coming to a close. We are still working on some sampling. Richard Wrona has not been here for a couple of weeks. I do not know if he will be back again soon or in the spring to finish up. So far, he has not identified any major issues.

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**Marcum Audit**

We received our final valuation report from PERAC that valuation was required for Marcum to produce their final draft. I sent the valuation along with the management letter out to Marcum, so I should have that final audit from Marcum within the next day or two. We have towns that are waiting for our audit that so they can finish their town audits.

**IT / Cybersecurity**

The IT cybersecurity I spoke with Joel, I included a copy of the e-mail that Joel had sent me. We went through that cybersecurity audit he shared a couple of his thoughts and then he sent the e-mail. Joel is suggesting that we look for a local managed service provider. In the e-mail, he detailed some services he provides to us at no cost. Joel is an employee of the jail, he is not our employee and we can only operate based on his availability.

His concern, which is the cybersecurity along with our liability for our insurance, is becoming bigger every year. The liability for his recommendations are getting to be more than what he wants to be involved with specifically the policies and procedures for your insurance policies. His suggestion is for a managed service provider would provide us with two things. First, it would provide us with up-to-date cybersecurity and not only the tools but the policies and procedures to make sure that we are in line with our insurance.

Second, a managed service provider, if they are local, will provide us with services if we have any viruses or equipment issues that he may not be able to get to right away. It does not seem to be what ORAM is providing. They offer cybersecurity but none of the services that we might need if the server went down. I have not had the chance to talk to ORAM to see if they provide those services, but they are certainly not local.

What we have right now is Ascentek. Ascentek provides their services based on need, so if we need them, we call them, and they will send somebody out to respond.

There were only Ascentek, Synagex, and CompuWorks. Ascentek was recently sold, so they are no longer Ascentek, they are Synagex. I called Synagex just to reach out to find out what services they offer. We are actually still a client since Synagex absorbed all of the clients from Ascentek, at least through the first quarter of this year. I think they are going to put out proposals to what services they offer what we may or may not want or need. CompuWorks who was across the street sold to a firm in Easthampton. There are only two managed service providers that are local. I do not know how you want me to pursue this. I can pursue Synegax to get a proposal. I feel confident that at least for the next couple of months if we have some kind of a major breakdown that Synegax will fill the void and that we have the support and services that we need. Going forward if there is grant coverage starting in April of '24 for cybersecurity it probably will not include maintenance.

Michael Ovitt: What about through our insurance company?

Mark Bashara: Do we have to do an RFP?

Sheila LaBarbera: Well, that is kind of the problem that I have. If we are really looking for services I think the threshold is \$2000, we probably should put at least out a request for a quote. I do not even know what I would include, a request for a proposal would be simple to say managed service provider that is going to provide routine service and maintenance for our internal system and cybersecurity as required by our insurance companies.

Michael Ovitt: Can you go back and tell us what Ascentek was doing?

Sheila LaBarbera: They provide us with a virus scan.

Michael Ovitt: Not to make a joke, but was that the \$6 fee?

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Sheila LaBarbera: Yes. It is the \$6 fee.

Michael Ovitt: You are probably getting what you pay for.

Sheila LaBarbera: Yes, going back a little bit Joel knowing our system and reviewing what ORAM was proposing to us, he thought it was on the high side expense-wise and maybe a little more than we actually have here on our servers.

Michael Ovitt: So, being we operated on the Cloud.

Sheila LaBarbera: PTG operates on web-based software. We have a server for our internal operation but we do not have any personal identifying information on our server.

Michael Ovitt: Into our server. Spreadsheets, e-mails –

Sheila LaBarbera: Again, not my area of expertise, but for February maybe you can put together some ideas of what you would like to do. I am going to follow through with Synagex because technically we are clients so he can give me an idea of what that means.

Michael Ovitt: Do we have any agreement?

Sheila LaBarbera: No.

Mark Bashara: So, we got a good couple of months?

Sheila LaBarbera: I would like to have something in place for April because the grant is not going to cover you forever but we could get perhaps money to offset the cost for at least the first year. If it is something that has been implemented in the past, the insurance grant will not pick it up, it would have to be a new service.

Michael Ovitt: Could you get us the terms of MIIA? What do we use? Do they have a recommendation? Do they have a list of acceptable companies, anything like that?

Sheila LaBarbera: They are going to look at your grant proposal based on what they are looking for in insurance coverage like that multifactor authentication.

Michael Ovitt: So, that is what going to be part of what we are requesting.

Michael Ovitt: Certainly, cities, towns, other retirement systems may or may not have this in place.

Sheila LaBarbera: Most do not. City systems would do it through their IT Department.

Michael Ovitt: So, certainly look out, reach out to the other systems and see what they have or do not have. then depending on the cost, if somebody comes in at 1500, we don't necessarily need to do an RFP .

Sheila LaBarbera: The last thing though, good news is that we applied back last year for a cybersecurity awareness grant through the State. PERAC is the one that put that through. We got our notice yesterday that we were approved. We will start our training. This is a user awareness training for cybersecurity for employees and users.

Michael Ovitt: Things we have done at conferences?

Sheila LaBarbera: Similar. It is a little bit more intense. There are actually tools that we are going to use like videos about phishing e-mails. I could send phishing e-mails just to see what your awareness is and what you are looking for when you open e-mails. We were approved by the State for participation so thank you to Jill and Brian. They helped with that application and getting us that approval.

Michael Ovitt: So, what is the time commitment on that training? On-site? Off-site?

Sheila LaBarbera: It is done remotely, and it is done on-site here. I do not have the orientation package yet, they are going to be sending that out. They just called to let us know that we were approved and that they are going to send me all of the details as far as the orientation and the program, I should have that for next month.

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Michael Ovitt: Just let us know. I mean, I have seen five different cybersecurity presentations through law enforcement. Financials some of it is common sense.

Jill Hersey: It is a training program, so there are different videos to click on, you will watch, like a video. It will have some questions at the end, you know, just like spearfishing thing like that. KnowBe4 training that is the name of it.

Michael Ovitt: But, there is no program, like, you know Norton that we are installing?

Sheila LaBarbera: Not that I am aware of, no. I am actually hoping though it gives us some insight into what we are looking for here for cybersecurity.

Michael Ovitt: PERAC already has some presentations.

Sheila LaBarbera: They have some this one is the one that PERAC encouraged all retirement boards to apply for and get involved in, so that is how we got it.

**Disposal of old copier**

The Dalton Fire District claimed our old copier. It just actually worked out well Melanie from DFD called and said hers broke down; they had no budget for a new one, so it worked out really well. MacFarlane cleaned it up and dropped it off to them last week. They said thank you very much and sent us a nice e-mail. It did not go to a landfill. That is all I have for my report.

Michael Ovitt: So, you sent out a consent agenda and then a revised consent agenda.

Sheila LaBarbera: We had to change one of the vouchers – one of the checks we had to amend.

**Consent Agenda Detail:**

**MINUTES:**

a.) The Board minutes of the regular session meeting held December 28, 2023, were signed and approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for December 2023. The PRIT Fund returned 3.01% for the month of December.

**BANK STATEMENTS:**

c.) The Board received the bank statements for Dec 2023 and the budget for Jan 2024.

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

01-01-24	\$25,016.83
01-02-24	\$129,972.89
01-03-24	\$1,702,868.97
01-04-24	\$16,898.66

**REQUESTS FOR RETIREMENT:**

e.) The Board approved the application for a 12(A) Member Survivor Allowance for Emma Bourassa (Julie Snow), Williamstown, Asst Town Accountant. The retirement will be effective 12/23/2023.

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**MEMBER TRANSFERS OUT OF SYSTEM:**

f.) There were no transfers for the month of January

**REQUEST FOR SERVICE BUYBACK:**

g.) Melanie Serrao, a member in Monterey, is eligible to buy back 4 months of prior creditable service as a reserve police officer. If Ms. Serrao pays \$2,592.49 into the annuity savings fund by February 29, 2024, the board will grant 4 months of creditable service.

Peter Wilson, a member in New Marlboro, is eligible to buy back 8 months of prior creditable service. If Mr. Wilson pays \$1523.84 into the annuity savings fund by February 29, 2024, the board will grant 8 months of creditable service.

**REQUESTS FOR REFUNDS:**

h.) There were no refunds processed in the month of January

**INJURY REPORTS:**

i.) There were no injuries reported in January

**NEW MEMBER APPLICATIONS:**

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

7848	Kim Marino	BHRSD	12/6/2023	Food Service	1
7849	Christopher Guarda	BHRSD	12/11/2023	Greenhouse Aide	1
7850	Joel Paszko	Florida	11/29/2023	Laborer	1
7851	Rebecca Hassan	MGRSD	12/11/2023	Cafeteria	1
7852	Emily Rivers	Clarksburg	12/13/2023	Cafeteria	1
7853	Joseph Haskell Jr.	Becket	12/18/2023	Highway Equip Operator	1
7854	Deborah Stile	Gt. Barrington	12/26/2023	Micro Transit Asst. Mgr.	1

**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Kathyrene Piretti, Lenox, as of 12/22/2023. Annual pension amount is \$20,409.84.

**3(8)c REIMBURSEMENTS:**

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

**PERAC CORRESPONDENCE:**

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

#01/ 2024	Medical Testing Fee
#02/ 2024	2024 Interest rate set at .01%
#03/ 2024	Required Minimum Distribution now age 73
#04/ 2024	2024 Limits under Ch. 46 of acts of 2002
#05/ 2024	2024 limits under Sec23 of Ch. 131 of acts 2010
#06/ 2024	COLA Notice
#07/ 2024	Buyback and Make up Repayment Worksheets

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

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**TRAVEL & EDUCATION APPROVALS:**

n.) There are no requests for travel or Education reimbursements for January

**MISCELLANEOUS CORRESPONDENCE:**

o.) –DALA appeal of Lisa Mendel vs. BCRS

Michael Ovitt: Tim, we have what we call a consent agenda. Where more routine items we have the opportunity to pull them out of there and discuss some of them if there are questions.

Sheila LaBarbera: The only item of note on the consent agenda is E, the request for retirements. There is an application for a member survivor benefit for Julie Snow, Williamstown. Her daughter is the 12(2)(d) beneficiary, so she will receive a survivor benefit that is the only item of note.

Mark Bashara: I will make a motion to approve consent agenda as presented. Timothy Sorrell: I will second that.

**A roll call vote was taken to approve the consent agenda as presented. The vote was unanimous.**

After a short discussion regarding the meeting time it was decided the meetings would continue to remain at 8:30am.

The next regular board meeting is scheduled for Wednesday, February 28, 2024 at 8:30am.

The Board was notified that the PRIT Annual Review is scheduled for May 29, 2024 with Francesco Daniele, PRIM.

The board was notified that Executive Director Sheila LaBarbera would be on vacation February 14 through February 21, 2024.

There was a short discussion regarding the Board member's information web page. The Board members were asked to submit their biographies and a photo. When the information is submitted the web page will published on the website.

A motion was made by Mark Bashara to adjourn the meeting at 9:08am, Timothy Sorrell, second.

**A roll call 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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Timothy Sorrell, Elected Member

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Sue Funk, Advisory Council Member

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