Berkshire County Retirement Board Meeting
October 27, 2021

The meeting of the Berkshire County Retirement Board was called to order at 9:00 A.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, Karen Williams, Elected Member and Paul A. Lisi, Jr., Advisory Board Member. Beth Matson Appointed member participated remotely. A roll call vote was taken to open the meeting. The vote was unanimous.

PUBLIC COMMENT:
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.

Consent Agenda:
Item A- Board minutes and Item M - PERAC memos #28 and #29 removed from the consent agenda as requested by Karen Williams.

NEW BUSINESS:

1.) The Board is asked to review the letter of engagement for Melanson's audit services for 2021 and 2022.
Michael: The first item on the agenda under new business is to review the letter of engagement from Melanson for audit services for 2021 and 2022.
Sheila: The audit that we're finishing right now is the last of our previous engagement. So, I asked them to give us an estimate for a letter of engagement with a cost for audits for the next two years. And that's what they've done.
Michael: Okay. And so, the audit -
Sheila: So, 21 and 22, it would be the audit years, the financial audit.
Michael: Do you recall what the amounts were the previous years?
Sheila: Yes, $18,000, and $18,500.
Michael: And what up by $500?
Sheila: Yes.
Michael: $18,500 was for -
Sheila: $18,500 is what we just paid.
Michael: And their proposal is?
Sheila: For $19,500 and $20,000.
Karen: So, they're jumping up $1,000?
Michael: Where's PERAC stand with the audits? it's not required, but I mean, I think, I think part of it is we're doing it for our member units to identify their liability, right?
Sheila: Yes, we are. We have the GASB 67 and 68 regulations in a number of our town. So, it's part of the GASB 67 and 68 is target our audit. So you know, if you're in a city GASB 67 and 68, a lot of times it's done in a city when the city is audited, we don't have that here. So we kind of bear the burden for that.
Michael: Is there a requirement or would it be appropriate to put this up bid?
Sheila: You don't really have to put it out to bid. We can ask for other proposals from other accounting firms, if you'd like to, I can do that, have some time to do that. If you want.
Michael: What's our deadline for engaging this?

Sheila: You don't really have a deadline. I mean, I, we're going to hopefully finish up as soon as we get the materials for the 2020 audit. I have a number of times that are looking for that. So once that's done, then I can, I mean, just let me know who you, I don't know who else is out there. I can ask for, you know, Scanlon is about the only other one who does a number of other towns. I don't know if Adelson does it.
Karen: Addison does Stockbridge.
Sheila: Do they? Yeah. Okay. I can ask the other firms if you want to put together a proposal.
Mark: Beth, where she is, do you use anybody in particular?
Beth: We use Scanlon in North Adams. I don't know who they use out here yet.
Michael: Is the norm that everyone is doing them or are they foregoing them?
Sheila: I don't know that we have the ability to forego it because we're still responsible for the GASB 67 and 68.
Michael: So, because of the Regional system?
Sheila: Right, exactly.
Mark: I guess you could find out the cost if they're equivalent in work and quality and reputation. It can't hurt. By next meeting, I would assume you think you would have those?
Sheila: It'll all depend on their timeframe. I can ask them.
Michael: To some degree it's unique for the retirement systems, but I think a lot of what we're seeing is boiler, you know? The reason for the audit is this the definition?
Sheila: All of them would have to because I actually kind of had a long discussion with Melanson. I didn't realize that Pat Squillante had passed away.
Michael: She did? When?
Sheila: Yes. I didn't know that either, in June, I guess. And so, when I kind of got the new person who took over for Pat, that's what I had asked about the kind of the procedures that they went through to do the audit because we've encountered, especially this time around some difficulties with our member units and doing the sampling and stuff like that. And even some of the sampling that they asked for in our office and try to look at what the scope of the audit would include. And are there things that we could do to tighten it up a little bit in some cases, even maybe save some money by doing some of that, but I think that they call boiler plate, that I think that they have procedures as auditors, that they have to follow to meet the standard for an audit.
Michael: Our system is that you are providing 75-80% of it?
Sheila: We have a portal, and they give me a list of all the information that they require, and I upload all that information to the portal. So, from that standpoint, it's a lot easier than having them here in the office, digging through everything for weeks on end. So that I actually really like. It's hard though, some of the information that they're looking for just in the member unit sometimes doesn't exist and we're coming across that more and more, so you know, and I said, we're chasing. So do we look at the scope of the audit? Do we look at what kind of information is available? What can we do to kind of tighten up a little bit, but she kind of went through all the different aspects of the audit that are required to meet the minimum standard for the financial audits?
Michael: I think our due diligence should be to and see who else is out there and see what the parameters are.
Karen: Have we ever done that before? Do you remember how long ago that was?
Sheila: Yes, that's how we got, Melanson five years, so it be six years ago.
Michael: They used to send a small army up here and pick through stuff.
Sheila: Oh yeah, yeah.

Karen: They've all made a change. Scanlon has a portal, and you can just upload documents.
Sheila: Perfect.
Mark: So, it wouldn't, even if you didn't find out that information until the beginning of the new year, that wouldn't cause an issue? If they don't get back to you for our next meeting.
Sheila: It doesn't matter because we don't start the 2021 audit until books are closed. So probably the earliest we'd be able to start it this March or April. I try to have them start it in that lull, kind of in the beginning of the summer so that I can get most of it done and back by August.
Mark: So, I don't see a reason then at that point.
Karen: I would just say include that timeline. Because I know they're very busy.
Mark: Yeah. This way they know they got to have. Yeah.
Sheila: I think most of it starts usually around August that all the towns are looking for the GASB 67 and 68. I have Scanlon is doing a few audits. Does Cody work for Scanlon? I don't know if who Mr. Cody works for, but he's been looking for our audit too. I think he's in school districts, but so we have some people that are looking for our audit.
Michael: Beth, do you recall who North Adams used?
Beth: Yeah, they use Scanlon. Just a quick comment. The people that we're currently using are already familiar with the book, so it may take less time for them to do it. I don't know if they're billing by the hour or what they think it might be, but I think it's definitely a good idea to get three quotes. But jumping around, you're getting a brand-new pair of eyes who have to get familiar with all of the way everything's recorded. That's just my opinion.
Michael: Thank you. You think November's practical, or you want to wait until December?
Sheila: Wait until December, I'll put it out and I'll ask them for it for December.
Michael: Maybe contact the other boards and see what their experience is with it.
Sheila: Well, I have a number of towns that use Scanlon. They all seem to like them. There's only Adelson is only in Stockbridge.
Karen: There might be some other ones, I think.
Sheila: I'll ask Gary.
Michael: Is it more geared to the retirement system though?
Sheila: No, this is a financial audit. I mean, they do sampling, but PERAC's audit is going be your day to day transactional, a kind of audit. Whereas Melanson is really more of a financial audit. They're making sure that the deductions are being remitted. They're making sure that calculations are done, but they're really looking at assessments being paid, and the bills being paid back, the financial stuff.
Paul: Melanson is the true gap audit that generally deals with the principles.
Sheila: Yes.
Mark: If the prices are comparable and as Beth pointed out, they might not be. If you're talking financial savings.
Sheila: I've had very good luck with Melanson. They've been very easy to work with and they've been very thorough in their audits, and they've been very flexible when we've run into issues with towns that may not have the information that they're looking for. So I don't have any issues with them if we stay. It's great. If not, we'll work with somebody else. So, I'll include the timeline and ask for that to be backed by December.
Michael: Does PERAC review our audits?
Sheila: Yes.
Michael: Any communication with them, does it seem on track excessive? You know, not enough?

Sheila: For the audit? I haven't had any feedback that it's not adequate. I'll see. I believe Scott Henderson will be here in 2021 for an audit, so I'll have some time to talk to him about it too. So we're on the schedule. I have no idea when it's going to be begin, but I'll be honest. I'll call him and find out, because I just don't want to be running two audits at the same time.

MINUTES:

a.) The Board minutes of the meeting of the regular meeting and executive session held September 29, 2021 were signed and approved.

Michael: Okay. All right. So that'll come back in December. So, the item from the consent agenda letter A, the board minutes. Board minutes of the meeting of the regular meeting and executive session held September 29th to be signed and approved. I talked to Sheila briefly about these 25 pages of dictation doesn't seem to be an appropriate presentation for our minutes. If you look back over the last six months, two months ago, it's a summary of the activity and detail when there's highlights and the need for discussion. I don't think we need verbatim from every person that says anything. These are my thoughts.

Sheila: Fair enough, Mike. And like I said, the last time we talked about it, for right now, this is just really an issue of time for me. I try to go through and condense them.

Michael: I'd like to discuss the possibility of Jill, maybe I don't know what your comfort level is with that. We're going to have Brian on board here and we have the dictation of the recording, right? You can pull the information from the recording.

Sheila: Yeah. That's but that's not easy. I tried doing that and since April, I was pulling it from the recording, but you have to understand that it's difficult to do that. I think that you saw when I sent the video out, I'm trying to. It's a work in progress, but I'm trying to figure out if I can transcribe, it looks like there's a transcription piece to the Go to Meeting. So it's a work in progress. And I'm trying to do that. All I'm trying to do right now is to get you the information that you need to continue on in a timely manner for them feel short on time. So, I can try and condense as much as you'd like, and I will continue to do that. We all agreed that the transcription isn't the long term solution. So as soon as we are back up to speed with three people, we'll figure out how to do the meetings. And we'll out how to do the minutes in a more compact and concise manner as they were in the past so that they won't be so verbatim. And that's fine, I'm willing to do that.

Michael: We can do that now. I don't know if there's guidelines, but you know, certainly the gist of a discussion is what minutes are usually based on. A transcription during an accidental disability or something along those lines, we've always done a transcription for that.

Sheila: And not, and like I said, I'm amenable to do whatever we can do right now. It's an issue of time.

Michael: Have you had that discussion with Jill and put on the spot. But is that something that we can do?

Sheila: We can try it, but right now Jill and I are both busy. It isn't that she has 10 or 15 extra minutes to do something. Her and I are just out straight all week.

Paul: Can I ask a question? I mean, so I understand this to be just a temporary solution that's in place. When fully staff you're going to work between yourself and the employees to get back to a solution of reducing accurate minutes that reflect the meetings in a more compact manner.

Sheila: Yes, and Tom had a great suggestion that the last board meeting, that's what he suggested. Somebody that does the minutes and then his director reviews the minutes and then the minutes are then presented to the board. And there's no reason why we can't go back

to doing the minutes myself, but if that's not the case, I don't have the time we, I can assign that and then we can go over it and they'll be done in that format. I'm telling you that I can, I'm just telling you that right now, today I cannot. I honestly, do not have the time.
Mark: The way I look at it is, the stop measure. What was brought up at the last minute, I'm talking once your staff and you are on people are good. I think it would be good. I think we spoke last time about possibly having Jill keep up the website. We discussed that, which would flow perfect. If you felt, it worked out that she did the minutes because I think they worked together. She could do the minutes; you can review them.
Sheila: I know Jill's the only one that's here, but I will have Brian here too. So, let me figure out how to make that assignment.
Mark: Yes. However, you think. I think this way you just reviewing them afterwards is better because then you're, you're free to do that.
Sheila: I'm hoping that I can figure out the transcription here. On the Go to Meeting because then it doesn't make any difference if it's Sheila, Brian, or Jill. Here's the transcription and here's what we need to get it condensed to. Hopefully it's in a format where it says there's notes in there. So I should be able to print it out. I'll just be able to print it out. Boom, somebody, Jill, Brian myself will review it, condense it. It's in a word format. Boom. You drop it in the minutes and we're good. And we're kind of back to where we were before. That's my plan. That's what I'm hoping to do. But I'm just telling you that right now, today. I don't have time.
Mark: I mean, I'm good with that. As long as once staff let us know.
Sheila: And I can even, you know, and -
Paul: I wouldn't expect this to even happen in December or January because the gentleman is not starting until November 29th. So, it's going take time to train that person. So, I don't, I mean, you're, you're doing exactly what you should be doing, telling the board that you just physically don't have the time to do this. So, I mean, I'm comfortable with the stock gap measuring, like mark said, and then you, that the board wants you to just move forward.
Sheila: Yes. And in the meantime, Jill and I, and Brian, we'll figure out Go to Meeting. The, subscription's only $135 for the year. If I can get it to transcribe and I can get it to print that saves everybody lots of time.
Michael: The whole idea is we don't need every word accounted for.
Sheila: I understand that. That's what I'm saying. The transcription will help. Whether it's Sheila, Jill, or Brian, to do the minutes in a very easy way.
Mark: Then there's less interpretation. Exactly.
Sheila: It's going to be to Mike, but to Mike's point, it will be condensed. You want the point of the discussion. You want the motions that are made, you want the votes, and you're good.
Mark: If you get that Go to Meeting to work, that's good. If we had a question about one of the minutes and it wasn't thorough enough or not, then those can be reviewed. We're talking, not the ones we're paying for, but to go to, if that came up, then that would settle any questions.
Sheila: Because you can always those. And then once the minutes are approved, then they're approved and you're good.
Mark: The, I agree with Mike and I think we're all on board.
Beth: Can I offer a suggestion? You can take it or leave it, but we must have a lot of retired town clerks, or people who took minutes for select board meetings. What would you think about hiring someone in the interim until January to come in and just take minutes?

Sheila: I think it's cheaper just to do the transcription Beth. It is about a hundred bucks to do the transcription depending on the length of a meeting.
Beth: Okay. Yeah.
Michael: Even if somebody has the recording of it, I think they can, they can summarize. I mean, we have conservation planning, you know, board select and there's people that come in and do those minutes based on the recording. So, is that we could pursue?
Paul: I have a question though. So, it's September, this is only going to be a place for two or three months, but we've already done it for two months.
Sheila: September we did it September and October.
Paul: Okay. I don't understand the sense of bringing somebody in to have the service.
Michael: Paul, we went from about six pages to 25 to 30.
Paul: I understand that it's lengthy. I get it. It's lengthy. It's accurate, but it's only going to be here for two or three more months.
Michael: Why the nature of minutes doesn't need to –
Paul: Mike, I understand the nature of minutes. I do this for a living too.
Michael: Oh, okay.
Paul: So, I understand the nature of minutes.
Michael: So why, why are we, why are we putting out 25 pages?
Paul: Because this is what the measure is in place to allow the system to continue to run the effectively and inefficient.
Michael: And the measure can change too.
Sheila: Mike, I'm agreeing with you, but what I'm trying to convey to you please, it's time. And right now I don't have the time. And so, if I have the time, I would do it exactly as you ask, the tools are here, I'm trying to put together the tools so that we can do it in a very cost effective and time effective manner. I will try to condense them even more, but right now, it's a matter of time. That's all, I'm not arguing with you. I'm actually agreeing with you. So, I would like the minutes to be about five or six pages because it would take me two minutes, put them in the copier and put them in the book. I don't like the fact that they're 25 pages either. But the fact is, it's what I have time to do right now. That's all it's, I'm not trying to be difficult.
Michael: So, the person taking the, other than the transcription is not an option? Hiring somebody to do the minutes from the transcription? That kind of seems to be an option.
Karen: Honestly, I don't think that's good. I mean, I just think the time that it would take to find somebody, to train them. I mean, I know there is still transcribing, but still, I just, for a few months, I think we can keep it the way it is.
Mark: Why don't we just visit it on a month-to-month basis next month? We'll discuss it again and see where we, where we stand. I mean, you've made it clear that your on-board work.
Sheila: I agree. I'm not trying to be argumentative. What I'm telling you that I can't agree with is I don't have time.
Karen: Sometimes you just have to make certain accommodations. And although I think Beth's idea is good. It just, that's another thing.
Sheila: That right. Task searching for someone, hiring for someone. And by the time you do all that, then, and then I have two staff and myself, and like I said, if I can figure out, go to Meeting then and can figure out how to get that transcription, because it is very simple to go through. So the transcription would be printed out. Then you can take your minutes from the transcription and put them in minutes. It's very simple. It's easy.

Mark: You even transitional, like once we're done with the paying for the transcription service and even if right away, because you're busy, or for whatever reason, you can't figure out the transcription part of Go to, I think if I understood Mike and in the interim part, you still have the recording. Yeah. So you can do it. If there's a question you can refer back to the recording and in the meantime, keep working until you figure that part out.
Sheila: But what I'm saying to you, Mark, that's very time consuming. I've done that. It's very time consuming because you're still sitting there for an hour or an hour and a half listening to the video, trying to pull. What I'm saying is if I get a transcription it's already printed out and it takes, you know, 50 minutes to read the whole thing. You can circle, cross out. You can do whatever it's already there. It's already typed up and use it a notebook because it's a notebook piece in here so that I can print it out. Drop it in the minutes. No that's good.
Mark: Actually, to clarify, I was meaning is that once things are somewhat back, you to always take the minutes I did. Yeah. You did a good job. Thank you. All I'm saying is that interim okay. A specific date, even if you take the minutes like you did. And, or Jill or Brian, whatever. Once, if there was a question, want particular answer saying -
Sheila: There's the recording and I guess my point is, is that I don't really, we have no matter what, you know, as we go forward the recording of the meetings and the transcripts from Go to Meeting, I think will be something that we're, it's a tool that we already have. It's a tool that's we pay the subscription of $135 for the whole year. It's there, it's a tool, we might as well use it.
Mark: So, it's definitely there just matter of figuring it out.
Sheila: I'm going to try, the reality is that for right now it's time and that's all, so I'm agreeing. It makes my life easier.
Mark: I think each month you'll have progress and if we have questions, we can bring it.
Sheila: Sure, thank you.
Michael: So as far as taking a vote on this outside of the agenda, is that a requirement now?
Sheila: A move to approve the minutes? Yeah, you'd have to move. Yes.
Paul: I would make a motion to move to approve the minutes from the regular September 29th, 2021 board meeting. And the executive session from September 29th, 2021.
Mark: I'll Second.
Pal: Motion is second. Any further discussion? All in favor?
Mark: Mark Bashara, aye.
Karen: Karen Williams, aye.
Paul: Paul Lisi, aye.
Beth: Beth Matson, aye.
Michael: Michael Ovitt, aye. Unanimous. The other one was just for PERAC, if we can just review the PERAC ones.

PERAC CORRESPONDENCE:
m.) The Board received from PERAC the following memorandums:
#29/2021 Expansion of Post Retirement Work in the Public Sector

Sheila: Sure. In the meantime, too, I'm just going to pass these around if that's okay. Let's see. So PERAC memo, the biggest one is number 29. The change in the hours worked after retirement. So it has increased from 960 to 1200. Mark has asked that that it be placed on our website and I will do that. I'm also going to have to change some forms and things that people fill out, working after retirement. So we'll make sure that we change those forms and

we'll change our counseling when it goes. The only thing that people have to realize is the money hasn't changed. So you have additional hours, but you don't have any additional money. So, and it is retroactive to July 1.
Karen: Isn't our responsibility to somewhat monitor the hours and I know it's really difficult because you don't know what they're doing. Anyway, I try to do the best of my ability, but it is difficult.
Sheila: We will do what we can, accordingly, to make sure that everyone is aware of the increase in the number of hours worked. I will say this though, for most people, when we have trouble working after retirement, it's usually not the number of hours worked. It's usually the money. So the hours worked will help. Some will help and, in some respect, I think it's going to help people who are the low wage earners because they're never going to meet what they can earn, so they'll be able to work a few more hours and still get a few more dollars to reach the maximum. That's a little fairer.
Mark: Now, do you think it'd be worth it when you send out those quarterly letters about what we make in the deductions and stick the letter in with that so that, so that you're not making more work on your end.
Sheila: As long as the mailing stays within the amount allowed, we will be doing a mailing in December. I mail for December payroll stub, I mail the calendar for the direct deposits for2022 and I can include this PERAC memo or just a blurb that says, if you're working after retirement, you now can work 1200. The question that I'm going have, because it has already come up. And I don't know the answer to this because if you do the math on 1200 hours in a year, it's over 20 hours a week. The question I have already been asked, I was asked on Monday, I think the phone call came in and said, if I hired 1200 and I'm hired at 21 hours a week, I'm now eligible in a benefited position. Can I take the health insurance? I don't know what to say.
Michael: In Richmond, we would never allow anyone to work 1200 hours.
Karen: just telling you Paul already.
Karen: I went to my husband, that's full time.
Sheila: It is.
Michael: Every part-time position in all these small towns, they gear it towards 19 to 19.5 hours to avoid paying benefits. Although this is nice, it's -
Sheila: I'm just telling you about the question I already got.
Beth: But wouldn't the retiree coming back to work, have the option to buy health insurance through the retirement?
Sheila: Not necessarily, Beth. I have communities that don't contribute to health insurance after retirement. When some of those go back to work, they don't have any. They have, of course, if they're over 65, they have the Medicare A and B. Like I said, I'm just saying, I've already been asked the question. I really don't know the, the answer to that.
Mark: To me, it'd be up to the town because we're not refusing them, we're that they can work.
Sheila: That's what I said. But the person asked me and said, if I'm working the 21 hours a week, can I take the health insurance too? Or is that –
Michael: I would assume because why wouldn't they already be on it?
Sheila: I guess that's because they're not at 21 hours a week right now.
Mark: They're retirees.
Sheila: But I have retirees that don't have health insurance at retirement.
Michael: Why not?

Sheila: Because don't towns offer that.
Karen: So now they're working in another town that has insurance to retire?
Sheila: Well, they're not be a full time. I don't know all the particulars, so I can't really answer, but I think –
Mark: Just keep it simple. You just say, yes, you can work that, but as far as benefits, you need to take that up with the town you're working for.
Sheila: Well, the, the always was in the past, if you were in and I'm going to have to guess that the schools are considered for benefits at less than 20 hours a week because they are not necessarily 40 hours a week employee. So, you might have somebody working in a school district now at 17 and a half hours a week, that qualifies for a benefit. And the only stumbling block is if they take benefits, are they in some way affecting their eligibility for their pension? Quite frankly, I don't think so. Not now that they're allowed to work more than 20 hours a week, so I don't care, but we've had that problem in the past. We've had people who worked in the schools in benefited positions, but they're only 10-month employees. So they were staying under the 960, but they were getting benefits and they were getting benefits for sick time, vacation time and health insurance benefits. So how could you be a retiree, but rehired in a municipality in a benefited position. So, for me, 20 hours a week now that all goes away. And I agree with you, it's up to the town. If they're going to give your health insurance and you want to take it, I don't care. Go ahead.
Michael: So, for the retired police officer, that's doing details, came into play the gentleman up in Williamstown.
Sheila: Over earned money, Mike. It wasn't hours. And that's the problem we usually have. We've always had it be money. I've never had anybody work over the hours.
Karen: I didn't realize he was working full time somewhere else after he retired.
Paul: That's the problem.
Sheila: Right
Paul: I do my best, as Karen, to try to track retirees, but I'd given up on that because I've come to the conclusion -
Sheila: But in fairness, Paul, when we, if they are retirees from Berkshire county, they get a worksheet, they're counseled, and they get a worksheet and they're told the worksheet includes every municipality that you're working for. So if you're working in three different towns, you better make sure that you're writing it down from three different towns, because I agree with you. I have one problem now with the town and you know, the woman's, but anyways, they don't look at the payroll records. They don't know who the person is. They just hire them and say, oh yeah, you're a rehired annuity so, or you're not even on retirement. So, you know, just put in over whatever. And I have to be honest that with all the turnover and we're planning, Jill and I have started working on it, I'm going to try to do a Zoom or Go to Meeting seminar with treasurers and payroll clerks in the month of December, just to go over some things because everybody's new and we're having problems like that, but you're right. Karen, you're the dispersing agent. You're the one that's responsible for it. But I'm going to tell you that I don't care if somebody's by phone or they're in person they're told explicitly, because we ask the question, are you going back to work after retirement? If the answer is, yes, we spend a lot of time with them and make sure they know. So, I don't have any sympathy for anyone who over earns if they retired from us because they were told, and we have that piece of paper that they signed, that says you understood.
Michael: They can't, it just becomes he said she said.
Michael: Who is it on technically? Is it on the individual or on the treasury?

Sheila: Technically, it's on the individual. And then secondly, on the dispersing treasurer. In fairness, the treasurer can only know what you're being told.
Michael: Getting your estimate and all that stuff for wages.
Sheila: We do it right. We do it all the time.
Karen: I'm just saying full time job, not detail.

PERAC CORRESPONDENCE:
m.) The Board received from PERAC the following memorandums:
#28/2021 Buyback Elected Official Service Time

Sheila: Elected officials have that 90-day window for when they're elected to join the retirement system. That is not it's if you don't, if you don't join within that 90-day window, there's no error in a mission by the retirement board. No one is technically required to notify an elected official that they're eligible to join. The eligibility for joining out too is for, from us in Berkshire county, most don't qualify.
Karen: Is it $5,000?
Sheila: Yeah. Most of them don't make the five thousand. So, most of them aren't even qualified to join.
Mark: You may say in the future, if you haven't already, but it started, part-time officer who's this new bridge academy coming so that may affect a number of part time officers, the equivalent of fulltime academy. I think it's the same hours, right? From what I read on the chief's thing, you have to do a week of EVOC, which is, vehicle. You have to do a week of firearms where before it was like, a couple hours to be actually there. When I went part-time back in the eighties, there was no defensive training. There was nothing. You went to Pittsfield PD a couple nights a week and took the ground book and that's it. But now with this, I think you're going to get some people that can't, some people can't afford, they're working a full-time job. They're not going to be able to afford to do that in both. So, it may send the amount of part-time officers, depending on the community.
Michael: Which comes back to our supplemental right. That kind of contradicts and creates issues.
Sheila: Well, now we have to look at that.
Michael: We're putting into the retirement system and they may work 40 hours for months, we put them in there, and then now they drop back to an erratic part-time schedule. And now they're in the system for two weeks. Are they eligible for 111?
Sheila: I think especially for, and this is just my own personal opinion, but whether it's police or fire that you, err on the side of caution and you say, look, it, if these individuals are meeting the requirement or eligibility to be enrolled, they have all those presumptions, they have a dangerous job. I think you do them an injustice by allowing towns to just use them and lose them. I mean, if they're working for you and they're working in a regular manner, they still are going to have to meet that regular recurring guaranteed. But if they're in a situation where they're working, quite frankly, I think, I shouldn't say just police and fire, I think for any employee, if they're, if they're working those number of hours, they are entitled to that benefits and being enrolled because they're not paying the social security. So, if you're using them for 40 hours a week for six months at a whack, and then you're getting rid of them for a couple of weeks, because you want to eliminate that. That's just unfair.
Paul: In Richmond we know, like for instance, the school has a long-term substitute. We ask the questions. Is it 30 days, a three month or six months? If the answer is six months, they

have automatically become, so to say a full-time regular employee associated with all the benefits that come with that, because you are longer, your six months' mark, when you meet the six-month mark, you have to offer the insurance unless you have get some kind of special legislation in regard to that. So that's what we consider the six months.
Karen: So, do we have to revisit that supplemental right?
Sheila: I'll talk to Tom about that. I'll put it on the legal update because what I'm going to do is on our agendas from now on, I'm going to put legal update with a dashboard and so Tom can then provide any input that he wants regarding a PERAC memo, anything that's particular to ours, as far as the progress of anything that's pending with us for legal matters.
Mark: It gives you a focus too because it's right there. And if there is nothing, just like, you can just have him move on.
Michael: Can you have him incorporate the bridge academy, the post, the whole police reform.
Sheila: Yeah. So, you want him to review that?
Michael: As it relates to the retirement or supplemental.
Mark: Yeah. Some of it, I guess you can do online.
Michael: A lot of it's slow online. There's about 200 hours of in-person training.
Mark: And I think the biggest thing would be the EVOC and defense training actually, and firearms. So that's basically three weeks right there that somebody would have to take off work. Maybe not all in one row, but still, and depending where your work, what you're making, you're making $15 an hour that's why I'm thinking you're going to see issues.
Michael: Paul, you guys may be able to weigh in on this as far as pre-employment physical. We used to have them in the retirement office now we don't, but yeah. You have to meet a certain requirement of the job lifting, bending, stretching.
Sheila: You can't. It's illegal. And correct me if I'm wrong, you guys are familiar with the academy, I'm not. My understanding is -
Michael: [inaudible 43:25]
Sheila: We can't require proof of physicals. Should towns? Absolutely. Do they? No, it drives workers comp because they don't do it, but I believe that for the academies and I don't know what firemen do, but for the police, there is a physical exam that's done upon entrance into the academy.
Mark: Yeah. You have to.
Sheila: And they save it forever. So we've had case where somebody went out on a presumption had no pre-employment physical, but they had the physical from the academy that was acceptable. So we used that. We can put it out there. And my plan is, I have a really good relationship with Maya and Brenda Sola, who does most of the towns in Berkshire county. And I've asked her post-pandemic when we feel that we could have some kind of a seminar, have a seminar with our towns, with our town treasurers, but also to include human resource, if they have it, town managers, if they have it. Two things, one is those pre-employment physicals, occupational physicals, whatever they're called, to do that. And then that way there, cause as a retirement board we can't require physical. If the town of Richmond or Stockbridge wants to hire somebody and they are clearly physically incapable of doing the job, it's not a retirement board's responsibility say, you shouldn't hire that person. It's yours, as the hiring agent to make that determination.
Mark. And that comes back to what we talked about last time with Tom. About the assessments on towns. I'm not going to get into it now, but that's another point to show they need to be held responsible and accountable. I remember. I don't know if you remember,

Mike, way back when I was still on, there was talk about bringing back like PT tests. And carry something, do all this different stuff. And it never came through.
Sheila: But fire to do that, don't they?
Mark: I don't know if they actually brought it. I know for police; it was a big thing they were going to do. And it never happened.
Karen: I think a couple other towns have a fitness benefit, so they do have to do a series of physical test and they have to pass it to actually get stipend.
Michael: But anyway, a lot of this is coming back to aggravation of preexisting injury. I know there's part-time trained police officers that are in our retirement system that could not pass the test right now. And they have back issues and all sorts of other issues.
Sheila: To Mark's point, Mark, that's it.
Mark: There's nothing there to hold them accountable. You can't blame them, at the top. But if they're made aware that their assessments in my layman's understanding are going to go up, they may bring back physicals.
Sheila: And I think in January, that's a dashboard issue for us too, to decide if that's the course that you'd like to take for the assessments, because that's going to require a lot of interaction between the retirement board and the towns to get that information out there and to prepare them, if we're going to change the way those assessments are going to be.
Michael: What makes it illegal for us to require a physical? Is it disability act or HIPAA?
Sheila: I don't know. We were told back in it's been it's been illegal for the retirements to require because we used to require it for group fours only. But that was even prior to 96 before I started, because even in 96 it was illegal for the retirement boards to require physicals.
Michael: Can we get that reference or whatever it is?
Sheila: I ask Tom.
Mark: It's probably whether there's case law or chapter section or something, Tom can do that. And then at least if somebody ever said anything, we know that it's not on our part of doing what we can, but the assessment thing, I totally agree. There's pluses and minuses, but to look out the best interest of the board.
Michael: So, as far as the consent agenda, I want to make a motion to approve items B through O, remaining on the consent in general.
Mark: I'll second.
A roll call vote was taken to approve the consent agenda as presented. The vote was unanimous.

Consent Agenda Detail:
INVESTMENTS:
b.) The Board received from PRIT a statement of performance for September 2021. The PRIT Fund returned .43% for the month of September.

BANK STATEMENTS:
c.) The Board received the bank statements for Sept 2021 and the budget for Oct 2021.
Note: copies of cashbooks for September 2021 were emailed to each Board member prior to the meeting.

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MONTHLY WARRANTS:

d.) The Board is asked to approve payment vouchers:

10-01-21	$54,338.21
10-02-21	$20,980.88
10-03-21	$56,123.64
10-04-21	$1,549,734.77
10-05-21	$52,879.45
10-06-21	$1,263.40

REQUESTS FOR RETIREMENT:

e.) The Board approved the application for superannuation retirement from Deborah Merry, Dalton, Town Clerk. The retirement will be effective 01/01/2022.

The Board approved the application for superannuation retirement from Lynne Lemanski, Cheshire, Town Acct. The retirement will be effective 10/26/2021.

MEMBER TRANSFERS OUT OF SYSTEM:

f.) The Board approved the notice of transfer of the account of Andrew Agostini, a member in MGRSD to MTRS Retirement Board. The Berkshire County Retirement Board will accept liability for 4 years and 8 months of creditable service. The amount of the transfer is $15,644.95.

The Board approved the notice of transfer of the account of Edward Burdick, a member in MGRSD to MTRS Retirement Board. The Berkshire County Retirement Board will accept liability for 7 months of creditable service. The amount of the transfer is $1,463.08.

The Board approved the notice of transfer of the account of Michael Bourisk, a member in Stockbridge to Middlesex County Retirement Board. The Berkshire County Retirement Board will accept liability for 4 years and 4 months of creditable service. Total service transferred is 5 years and 5 months. The amount of the transfer is $37,230.18.

REQUEST FOR SERVICE BUYBACK:

g.) Jill Drummond, a member in MGRSD, is eligible to buy back 2 years and 8 months of prior creditable service. If Ms. Drummond pays $38,519.13 into the annuity savings fund by November 30, 2021, the Board will grant 2 years and 8 months of creditable service.

Chad Heath, a member in Stockbridge, is eligible to buy back 8 months of prior creditable service. If Mr. Heath pays $5,944.40 into the annuity savings fund by November 30, 2021, the Board will grant 8 months of creditable service.

Chad Heath, a member in Stockbridge, is eligible to buy back 3 years and 5 months of prior creditable service. If Mr. Heath pays $11,336.46 into the annuity savings fund by November 30, 2021, the Board will grant 3 years and 5 months of creditable service.

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

Timothy Lufkin	Lenox	$20,212.67
Brennan Polidoro	Lanesboro	$32,666.78

INJURY REPORTS:
i.) There was one injury reported in the Town of Richmond in the month of October

NEW MEMBER APPLICATIONS:
k.) The Board approved for membership in the Berkshire County Retirement System the following members:

7322	Christine E Colon	BHRSD	8/25/2021	Paraprofessional	1
7323	Oskar Malbaurn	Otis	9/7/2021	Driver/Laborer/Hwy	1
7324	Rebecca Molin	MGRSD	8/31/2021	Paraprofessional	1
7325	Kimberly Emond	Dalton	10/4/2021	Dispatcher	1
7326	Jennifer Hallock	BHRSD	9/23/2021	Food Service	1
7327	Taquoya Whitfield	BCRHA	7/28/2021	Service Coordinator	1
7328	Carmen Morales	BCRHA	7/27/2021	Service Coordinator	1
7329	Yamil Canales	BCRHA	8/30/2021	Service Coordinator	1
7330	Alisha White	BCRHA	8/30/2021	Service Coordinator	1
7331	Soumaila Bance	BCRHA	9/13/2021	Service Coordinator	1
7332	Joseph Coote	Dalton	10/4/2021	Police Officer	4
7333	Kerry Pickert	BHRSD	9/22/2021	Paraprofessional	1
7334	Diane Barnes	Richmond	9/30/2021	Cafeteria Staff	1
7335	Lindsey Siegal	BHRSD	9/20/2021	Paraprofessional	1
7336	Anna Kulas	CBRSD	9/27/2021	Paraprofessional	1
7337	Emily Durant	Florida	9/20/2021	Teacher's Aid	1
7338	Colby Rueger	Gt Barrington	8/2/2021	Bldgs & Grounds	1

RETIREMENT ALLOWANCE APPROVALS:
k.) The Board received approval from PERAC to grant a retirement allowance to Rebecca Bliven, FRRSD, as of as of 08/24/2021. Annual pension amount is $14,791.32.

The Board received approval from PERAC to grant a retirement allowance to Nancy Crawford, SBRSD, as of as of 08/26/21. Annual pension amount is $11,872.56.

The Board received approval from PERAC to grant a retirement allowance to Alice Tortoriello, SBRSD, as of as of 08/16/21. Annual pension amount is $35,393.88.

The Board received approval from PERAC to grant a retirement allowance to Marion Quinn-Jowett, Williamstown, as of as of 08/01/21. Annual pension amount is $10,218.72.

The Board received approval from PERAC to grant a retirement allowance to Susan Gigliotti, MGRSD, as of as of 08/01/21. Annual pension amount is $51,729.96.

The Board received approval from PERAC to grant a retirement allowance to Lynn Depaoli, Clarksburg, as of as of 08/13/21. Annual pension amount is $9,151.20.

The Board received approval from PERAC to grant a retirement allowance to Kristopher Balestro, Gt Barrington, as of as of 08/10/21. Annual pension amount is $43,155.36.

3(8)c REIMBURSEMENTS:
l.) There are no 3(8)c reimbursement approvals for the month of October

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

#26/2021	Mandatory Retirement Board Training 4th Quarter
#27/2021	Appropriation Data Due October 31, 2021

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

TRAVEL & EDUCATION APPROVALS:
n.) There are no travel or educational reimbursement requests for October.

MISCELLANEOUS CORRESPONDENCE:
o.) -Hearing notice for Over Earnings November 30 @ 1pm
-Offer Letter to Brian Shepard start date November 29, 2021

Berkshire County Retirement Board Meeting
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The next regular board meeting is scheduled for Tuesday November 30, 2021 at 1:00pm.

Paul Lisi, Jr. made a motion to adjourn the meeting at 9:54am, second Karen Williams. A roll call vote was taken to adjourn the meeting. The vote was unanimous.

RESPECTFULLY SUBMITTED:

_____
Sheila LaBarbera, Executive Director

APPROVED BY:

_____
Michael Ovitt, Chairman

_____
Mark Bashara, Elected Member

_____
Karen Williams, Elected Member

_____
Paul A. Lisi, Jr., Advisory Council Member

_____
Beth Matson, 5th Member Appointed