

Berkshire County Retirement Board Meeting
June 25, 2025

The meeting of the Berkshire County Retirement Board was called to order at 9:00am, 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, Timothy Sorrell, Elected Member and Ericka Oleson, Advisory Board member. Beth Matson, Appointed member participated remotely.

PUBLIC COMMENT:

- 1.) Members of the public have the opportunity to address the Retirement Board.

CONSENT AGENDA DETAIL:

MINUTES:

- a.) The Board minutes of the regular meeting held May 28, 2025 were signed and approved. *Minutes provided as an attachment to email*

INVESTMENTS:

- b.) The Board received from PRIT a statement of performance for May 2025. The PRIT Fund returned 2.47% for the month of May.

BANK STATEMENTS:

- c.) The Board received the bank statements for May 2025 and the budget for June 2025. *Cash Books for May were sent to Board by email.*

MONTHLY WARRANTS:

- d.) The Board approved payment vouchers:

06-01-25	\$76,877.70
06-02-25	\$89,194.80
06-03-25	\$23,011.54
06-04-25	\$16,116.46
06-05-25	\$1,794,146.05
06-06-25	\$11,925.00

REQUESTS FOR RETIREMENT:

- e.) The Board approved the application for superannuation retirement from Pamela Broderick, Lee, Cafeteria staff. The retirement will be effective 06/16/2025.

The Board approved the application for superannuation retirement from Michael Lamoureaux, CBRSD, Paraprofessional. The retirement will be effective 06/17/2025.

MEMBER TRANSFERS OUT OF SYSTEM:

- f.) The Board approved the notice of transfer of the account of Natalie Howe, a member in Clarksburg to the Massachusetts Teacher's Retirement Board. The Berkshire County Retirement Board will accept 2 years and 4 months of creditable service. The amount of the transfer is \$7,262.04.

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The Board approved the notice of transfer of the account of Nichole Russell, a member in MGRSD to the Massachusetts Teachers Retirement Board. The Berkshire County Retirement Board will accept 15 years and 10 months of creditable service. The amount of the transfer is \$81932.76.

REQUEST FOR SERVICE BUYBACK:

g.) Robert Hungate, a member in Lanesborough, is eligible to buy back 1 year and 11 months of prior creditable service. If Mr. Hungate pays \$8,085.71 into the annuity savings fund by July 30, 2025, the board will grant 1 year and 11 months of creditable service.

Jeffrey Spratt, a member in Hinsdale, is eligible to buy back 1 year and 3 months of prior creditable service. If Mr. Spratt pays \$10,022.41 into the annuity savings fund by July 30, 2025, the board will grant 1 year and 3 months of creditable service.

Victor Zucco, a member in Great Barrington, is eligible to buy back 4 years of military service through Chapter 178 of the Acts of 2024, veteran's buyback. If Mr. Zucco pays \$12,380.40 into the annuity savings fund by August 8, 2025, the Board will grant 4 years of creditable service.

REQUESTS FOR REFUNDS:

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

Sheila Anderson	Lee	\$897.18
Betzaida Batista Benitez	BCRHA	\$11,668.25
Yidialisse Cintron	BCRHA	\$8,001.79
Garrett Crennan	Williamstown	\$30,562.10
Carol Keuma-Hipwell	Richmond	\$5,198.14
Oskar Malbaurn	Otis	\$4,765.57
Alliyah Mead	Lee	\$1,668.61
Stephanie Orestil	BCRHA	\$4,569.42
Emily Rivers	Clarksburg	\$3,060.65
Natasha Sweetser	CBRS	\$1,212.41
Krista Ullrich	BHRSD	\$5,556.30

INJURY REPORTS:

i.) There were no injuries reported for the month of June.

NEW MEMBER APPLICATIONS:

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

8125	Sasha M. Feliciano	BCRHA	4/30/2025	Housing Search Case Manager	1
8126	Jesse Self	Lee	5/18/2025	Administrative Asst.	1
8127	Drew Burdick	CBRS	5/27/2025	IT	1
8128	Derek Struwing	Lanesborough	5/30/2025	EMT	1

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PERAC APPROVALS

k.) The Board received approval from PERAC to grant a retirement allowance to Diane Scarpa, Lee, as of 05/01/2025. Annual pension amount is \$14,771.16.

The Board received approval from PERAC to grant a retirement allowance to Joyce Gallup, Cheshire, as of 06/06/2025. Annual pension amount is \$3,811.68.

3(8)c REIMBURSEMENTS:

l.) There are no 3(8)c reimbursement letters for the month of June.

PERAC CORRESPONDENCE:

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

#15/ 2025 Violent Injury Disability – updated forms

#16/2025 Tobacco Company List

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

TRAVEL & EDUCATION APPROVALS:

n.) There were no travel expense requests for the month of June.

MISCELLANEOUS CORRESPONDENCE:

- o.) - Adams Community Bank Credit card denial
- PERAC help desk email for inquiries to PERAC staff

Timothy Sorrell: I will make the motion to approve the consent agenda.

Mark Bashara: I will second Tim's motion to accept the consent agenda as presented.

Michael Ovitt: I am not sure why as far as the Adams Community Bank are we going to discuss that outside.

Sheila LaBarbera: It is not Adams Community Bank. It is Elan, the credit company.

Michael Ovitt: Are they misinterpreting?

Sheila LaBarbera: Yes, that we are a government entity. We have supplied everything I can think of it feels like Elan has kind of dug their heels in and said no. Laila is going to try again, but we have denial letters so I just figured I would put them out on the agenda. I am not going to change anything we have co-op credit cards right now, so we will just stay with what we have. The only thing she can offer us right now at Adams Community is the same credit cards that we have in the co-op, so there is no use to change.

Michael Ovitt: So, how is it different?

Sheila LaBarbera: Municipal? Because right now those cards run on our personal credit.

You have a name on a card, I have a name on a card, and Brian has a name on a card. While it is Berkshire County Retirement, it runs off our credit.

Michael Ovitt: Individual's credit?

Sheila LaBarbera: Yes.

Michael Ovitt: We are looking to get away from that.

Sheila LaBarbera: So, that it would just be the Berkshire County Retirement System as an entity, so I am sure you have them in Sheffield or Stockbridge.

Ericka Oleson: We do. I can get you the name of who he is.

Sheila LaBarbera: So we are just trying to get away from that. Adams Community has a municipal card and they are the only ones that I know of that does.

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Ericka Oleson: I will get you the name of that.

Sheila LaBarbera: We were just trying to consolidate. We do all our banking with Adams Community.

Michael Ovitt: But we will also change the terms? Individual versus entity? We're changing it from an entity card to an –

Sheila LaBarbera: It would be an entity card from the individual.

Michael Ovitt: From the individual. I did not realize our individual credit was ours.

Sheila LaBarbera: The credit, while it runs off your credit report, it does not go against you, the cost or whatever it is that goes against the retirement board, but still would be nice to get everybody off that.

Michael Ovitt: Yes. I agree.

Michael Ovitt: The consent agenda, any further discussion there? All in favor.

Ericka Oleson: I was out at the May meeting. Can I still approve it or approve everything except the minutes?

Sheila LaBarbera: You are approving the consent agenda as presented. The signature and the minutes represent the fact that you were absent, so I think you are okay.

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

NEW BUSINESS: *The interviews were conducted first from 9am -9:25am*

- 2.) The Board was asked to appoint the 5th member of the Berkshire County Retirement Board. The term will begin July 1, 2025 and end June 30, 2030. The two candidates under consideration for interview and appointment are Beth Matson and Smitty Pignatelli.

Michael Ovitt: This is Beth Matson, our fifth member participating remotely today. We will start out with William Smitty Pignatelli.

William Smitty Pignatelli: I know you do not call me William.

Michael Ovitt: I do remember an election where I put the Smitty as part of it, so with name recognition, that was more important. we've seen your resume, and we're going to give you the opportunity to address the board, meet the board, and tell us a little bit about yourself and how you believe you'll be an asset to the board and what your interest is in the position.

William Smitty Pignatelli: well, thank you very much. Hi, Beth. How are you?

Beth Matson: Hi.

William Smitty Pignatelli: Thank you for the opportunity. I am a lifelong resident of the Berkshires. I spent over 40 years in elected office. I spent most of my life as an electrician, the last 22 years in state legislature, but kind of ended up in politics and had a good run, and I served as interim top manager after doing three months and ended up being five months. It was kind of an eye opener for a lot of things and being a former county commissioner being connected to all 32 towns in the Berkshires. I saw opportunities, and I think the role that this Board has with Sheila and her team is second to none.

I just know when I submitted my papers for the state retirement, it was very difficult because of a lot of the state employees are still working remotely and did not want to even talk on the phone, which I found somewhat frustrating because the forms that retirees are filling out today are critically important. If you check the wrong box, they are stuck with that for the

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next 25 or 30 years. I called Sheila, and she got me in the right direction, and I just know I could go back with my father who retired as well.

The local retirement board is very invaluable, and I think I have been a local face. I have been connected to all 32 towns in the Berkshires. I know you have worked with 46 different organizations, with housing authorities, and districts like that. I just feel a local face would be helpful. I have been retired now. I have been working full-time for the Berkshire Theatre Group. I am kind of spearheading our capital campaign to restore the 140-year-old building in Stockbridge before it becomes just another photo in a book. We are spearheading that campaign. I just enjoy being in the Berkshires. I do not miss that drive at all, and I feel I have some time and some history and some skills that I think I can offer to this Board. I just appreciate your consideration.

Michael Ovitt: Okay. Were you part of our retirement system?

William Smitty Pignatelli: I was when I was the selectman in Lenox and County Commissioner, and when I went to the state, I switched to the State system.

Mark Bashara: So, obviously, you have been out in politics a long time, you are well aware of the state and everything, but what direct experience do you have with Ch. 32 or pension systems directly?

William Smitty Pignatelli: Only when I would go through it myself.

Mark Bashara: Okay.

William Smitty Pignatelli: To be very honest with you, I had no involvement in Ch. 32, but when I was the selectman from Lenox Mary Ellen Deming, she was our executive assistant, and she was just always my go-to person. That question arose when I ran into a waitress in North Adams just a couple weeks ago after the MCLA graduation. She was a retired schoolteacher and the struggles she had submitting that paperwork. Sometimes I do not feel like I needed to know all the answers, but I needed to know enough to call the right people to get the answers, and I think that is what my MO has been. So, directly with Chapter 32, I will be very honest with you, not until I file my own papers.

Mark Bashara: Right. All right, thank you.

Timothy Sorrell: Smitty, have you recently or have you ever met or spoken to members and/or the communities that we serve, and if so, what have they said to you that helps this Board do its job better or gives you an understanding of what's needed of you to represent them as a board member?

William Smitty Pignatelli: I think what I have heard consistently is that local connection, that local face, that local voice. I think that is what is really important to people, and I think we are blessed to have a good team here. I have known Mike for a hundred years, and I have known Tim since probably the day he was born. I think that Berkshire County Retirement has such an important process when people get to that point. You have to have a local connection to make sure they are doing it the right way, they know the players, they know the paperwork, and they know the direction that it needs to go. I think Sheila has built a good team here, and they have her right off the street. I think it is really important. Like I said, just my own experience with the state, it is very frustrating, very scary and daunting in many ways. I have never had to think about it, but when the time came, I was kind misguided a little bit by the State, and they made it retroactive, but I did not get my first check from them until four months after I retired because of the process early on with that.

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So, you retire on January 1, you do not fill out the papers on December 31. People need to understand that information is important, but that is what I have heard consistently.

Timothy Sorrell: Thank you.

William Smitty Pignatelli: Have local connections.

Mark Bashara: Have you had any interactions with PERAC about that by any chance personally or professionally?

William Smitty Pignatelli: Oh, yeah, when I was a state rep, we dealt with PERAC quite a bit. Their constituents would call and we would be out and about making those connections, as a State Rep was very easy.

Mark Bashara: Okay, very good. Thank you.

Timothy Sorrell: One more question. To be openly honest, I think it is very important that board members physically be present at the meetings. I can understand missing a meeting or two, but if I can be physically present at a great majority of the meetings, I feel so should the fifth member. Will you physically be present at the meetings, understanding that things do occur that are out of our control at times?

William Smitty Pignatelli: Yeah. I think Zoom has solved many problems for us to be able to meet especially from Covid, but I am a great reader of body language. I love being in the same room with people and seeing how they – it's hard to do that on a little two-by-two screen, so, yeah, I can almost assure you that unless I'm out of town for some reason, you will physically see me here. I think it is very, very important to be in the room talking about issues, touching, feeling paperwork, and understanding the perspective of different people.

Timothy Sorrell: Thank you. Awesome.

Michael Ovitt: I just wanted to – Beth, you probably did not receive any of this because I just received it this morning. I was not aware of it, but there was a number of letters of recommendations from different agencies, different treasurers, and just so you know, they are all endorsing Smitty Pignatelli.

Beth Matson: Okay. I did not get that.

Timothy Sorrell: Supported Smitty as well.

William Smitty Pignatelli: Thank you.

Mark Bashara: I am all set.

Ericka Oleson: Can you give an example of one of what you consider your greatest achievements?

William Smitty Pignatelli: Oh, God. I really was part of some historical things in the legislature, and even as a selectman as I look back on it now, but the thing that I take the most pride in was my constituent service. I think when you call your State Rep or a selectman; kind of everything else has been exhausted. It is a last effort, so I always treated everybody's issue of the day, which is maybe not the biggest and most important issue of my day, but I wanted to make you feel like this is my biggest issue of your day, and I think that is how we solved many things. I think if you called a few people and said what was Smitty like, very responsive, let you know what he felt, but he was very responsive and got things done. I was a go-to guy. The town treasurer/accountant in Lenox when I left, she says, he was just a guy that got things done, and that is the reputation that I liked and I'm very proud of that. I think that is what elected officials are there for. For me, the part that I do not enjoy

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about politics anymore is that, in my opinion, it has become more self-service than public service. For me, it is public service. It is not about me, it is about we and how we can work together as a team.

Michael Ovitt: Okay. Anything else? We are going to take a minute and talk with Beth.

William Smitty Pignatelli: Sure.

Michael Ovitt: You are welcome to stay and interact. You are welcome to stay. We are going to interact with Beth. Beth, are you ready?

Beth Matson: Sure.

Michael Ovitt: Okay.

William Smitty Pignatelli: Do you need me to stay?

Sheila LaBarbera: It is an open meeting.

Mark Bashara: Yes.

William Smitty Pignatelli: Okay.

Michael Ovitt: All right, Beth. If you want to just give us a little rundown of your background and your interest in the position, please?

Beth Matson: Okay. I just want to start with I have been on this Board for five years, and pretty much all of you know me. I have been on the Adams Retirement Board for seven years, which I'm going on my third term with them, so I've been a board member since at least 2018. I have been doing the job of a retirement director since 1999. This is what I have done my entire career or the majority of my entire career, and I feel that I do it very well, and I want to give back with all the experience that I have. I would like to give back to other systems, and it benefits me as well because counties present interesting scenarios that I would not necessarily run into in other areas, so it is a mutual benefit, I believe, and I would like very much to serve another term.

Michael Ovitt: Okay. Do you want to?

Timothy Sorrell: Sure. Beth?

Beth Matson: Yeah?

Timothy Sorrell: Have you recently or have you ever met or spoken to members and/or the communities that we serve, and if so, what have they said to you that helps this board do its job better or gives you an understanding what's needed of you to represent them as a board member?

Beth Matson: Okay. I always have the best interest of the members at heart, and being a board member and serving on at least five boards across the state, I do not know of any board member that has had issues come to them. Usually typically, if a member has a problem, they are going to go to the office. The only time they would go to the board or a board member is if they did not like the answer they got from the office. So, typically, out in public, board members do not usually get questions.

Timothy Sorrell: Okay. So, you have not spoken to anybody in our retirement community, employers, or employees then?

Beth Matson: No.

Timothy Sorrell: Okay. Second question. To be openly honest, I think it is very important that board members physically be present at the meetings. I can understand missing a meeting or two, but if I can be physically present at a great majority of the meetings, I feel so

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should the fifth member of the board. Will you be physically present at the meetings, understanding that things do occur that are out of our control at times?

Beth Matson: Well, I am pretty sure you know the answer to that question. I am in Natick, so no, I will not be physically present, but the law has opened up the opportunity for remote participation that a great number of board members take advantage of, and they have just recently extended that. It has been extended for the last at least five years, and I anticipate it going forward.

Timothy Sorrell: Thank you.

Michael Ovitt: Go ahead, Mark.

Mark Bashara: So, Beth, do you have any experience with Chapter 32?

Beth Matson: I have. Yeah, I have 26 years' experience with Chapter 32.

Mark Bashara: All right. And what about PERAC? Do you have interactions with PERAC?

Beth Matson: I have weekly interactions with different departments within PERAC.

Ericka Oleson: Can you give an example of one of your greatest achievements, Beth?

Beth Matson: In this field, I have had many achievements, and it is always gratifying to overcome challenges that allow people to retire or get them the maximum benefit allowed by law. I think overall in the great picture over all of the years, my greatest achievements have been in Northbridge and in North Adams where when I went to the systems, Northbridge never had a director before I got there. It was run by the accountant's assistant, and we took that board from having no director at all and turned it around to a really well oiled machine. Then I went to North Adams, and I brought that up in technology a great ways, and I believe I left that in a very good condition as well.

Ericka Oleson: Thank you.

Michael Ovitt: I know Tim had questions about interacting with individuals. Again, I believe that most of the inquiries are made through are director in the office. I know we have interacted regarding veterans' buybacks with the change in the veteran's buyback, and unless it is a personal interaction with somebody, I do not think the board members are the targeted group for inquiries. I do not know.

Mark Bashara: I mean, to me, the only time there would probably be an issue that the public would come to us or would have to come to us is if they had a problem with the staff here because we oversee the staff, and you know, I personally haven't had anybody making complaints to me and stuff, so, like you said, if people have a question, they're going to come to the director. They might follow up to other employees who work here and discuss it with them, and as long as the customers, which are the retirees, have no issues and feel they're getting proper representation and their questions answered, that they're not going to call us unless they just don't know how it works. People have asked me questions. I said, contact the retirement board, they are very well versed, they will understand, and they can answer your questions for you. I said, if you do not get your questions answered or you have an issue or a problem one way or the other, I said, and then contact the board. I do not say contact me, contact us, and then we will look into it. It really has not been an issue.

Michael Ovitt: Right.

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Timothy Sorrell: If I can just – I am sorry.

Michael Ovitt: I think it is a good policy not to give advice that could be contradictory to what Sheila would be coming up with.

Timothy Sorrell: And I will tell you, I mean, I have received numerous calls from members, hey, what is going on with the term. How do we do this, and how do we do that, and I do the same thing, I am available to the people we serve who reach out to me, and I say, yeah, talk to Martha, Brian or Sheila at the office. This is how long it took me, I mean, so I am available. And just out of fairness, does Beth have any letters she wants to give us? Did she offer the opportunity or should we –?

Michael Ovitt: I did not – I received two from Sheila this morning.

Sheila LaBarbera: I got one in the email yesterday and one in the email this morning.

Michael Ovitt: Okay.

Sheila LaBarbera: And I am not sure about Ericka.

Ericka Oleson: I did not see them until yesterday, and I was not sure.

Timothy Sorrell: In regards to Beth, Beth, did you have any letters from anybody in the community?

Beth Matson: I did not know. I do not, because I did not know that we are doing that.

Timothy Sorrell: Okay. Well, I just wanted to be fair is all.

Michael Ovitt: And do we know what generated these?

Sheila LaBarbera: It was on the agenda that was posted. After it was posted, there were a number of people that called.

Michael Ovitt: They came in here?

Sheila LaBarbera: Yes. They called.

Ericka Oleson: Yes, what is going on, kind of like how can we get – like on the treasurer's side, the treasurers do deal with the retirement board more often, so. I know we have asked for a few things in the past, and the board has not been as receptive.

Michael Ovitt: What is that?

Ericka Oleson: Like the insurance module that we just recently asked for, and the board was not receptive of that.

Sheila LaBarbera: And the deduction module.

Ericka Oleson: And the deduction module, yes.

Michael Ovitt: Okay.

Mark Bashara: But you have it now, right?

Ericka Oleson: We have it now.

Timothy Sorrell: Yes.

Mark Bashara: So, what we were doing basically is looking into it and finding out. We are not going to, as a board.

Ericka Oleson: We have gotten a hard no at first.

Mark Bashara: Yeah, because –

Sheila LaBarbera: We only got it when we renegotiated.

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Mark Bashara: Exactly, because that's our job as fiduciaries to not just hand out things but to make sure –

Ericka Oleson: Oh, no.

Mark Bashara: That what we look into is going to work.

Michael Ovitt: All right. Let us bring it back to our interviews here.

Mark Bashara: Right.

Michael Ovitt: Any questions to the board?

Beth Matson: No. I pretty much am aware.

Michael Ovitt: Okay. So, any other questions with Beth?

Timothy Sorrell: No.

Michael Ovitt: Okay. Smitty?

William Smitty Pignatelli: No. I just want to clarify a couple things in regards to the local face, so I was approached by Jay Green because my name came up at a manager's meeting and I was asked if I was interested.

Michael Ovitt: Okay.

William Smitty Pignatelli: And after I submitted my resume, I was approached by Anna Osborn, the treasurer of Lenox. At their town meeting it came up, and Chief Deanna Strout, I spoke to her a couple weeks ago, and they reached out to me and actually expressed, are you interested, so I think that's how my name got into this mix. I have not seen any of those letters. I am very flattered they would do that and I did confirm my interest with them but I am surprised by that.

Michael Ovitt: Okay. Thank you.

Mark Bashara: Well, are we good with questions? A motion?

Michael Ovitt: Yes. Does anyone else have any interaction with the candidates?

Timothy Sorrell: No.

Michael Ovitt: Okay. So, because Beth is the current candidate, we are going to ask her to recuse herself and leave the meeting if we want to deliberate now or do we want to deliberate at the end of the meeting?

Timothy Sorrell: It does not make a difference; I think we can do it now because it does not make a difference.

Sheila LaBarbera: The deliberation is open.

Timothy Sorrell: Yes. The deliberation would be open, right?

Michael Ovitt: Is it? Okay.

Sheila LaBarbera: She just will not be able to vote obviously.

Michael Ovitt: Okay. All right, Beth. Do you have anything to add?

Beth Matson: No, I am done.

Michael Ovitt: Okay. All right. We're going to – because of your position on the board, if you can recuse yourself and –

Beth Matson: You want me to leave the meeting and come back? Or you want me to stay?

Michael Ovitt: Yes. I can call you when we are done.

Beth Matson: All right, very good. Thank you.

Michael Ovitt: The link is going to still be good obviously.

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Timothy Sorrell: I am sorry if I missed anything. Beth cannot stay?

Michael Ovitt: She is a board member.

Mark Bashara: She is a member.

Timothy Sorrell: Right.

Michael Ovitt: She cannot vote on her own.

Timothy Sorrell: Right, right, but she does not have to leave the meeting if she does not, right?

Michael Ovitt: I think it would be advisable.

Timothy Sorrell: Okay, okay.

Beth Matson: All right guys, I will see you.

Michael Ovitt: Thank you.

Mark Bashara: Basically, like a member of the public who is applying.

William Smitty Pignatelli: Am I making you feel uncomfortable?

Mark Bashara: No, no. We are not. We're just trying to do this so that there is no question.

Michael Ovitt: Do you want to do that?

William Smitty Pignatelli: No. It is entirely up to you guys if you feel more comfortable –

Mark Bashara: No, we are good. It is just because she is a sitting member.

Michael Ovitt: Okay. So, we will conclude our interviews with the candidates, and the board would be asked to take a vote. The two candidates are William Smitty Pignatelli and Beth Matson.

Mark Bashara: I will make a motion to renominate or reelect Beth Matson for another five-year term starting from July 1, 2025.

Michael Ovitt: And I would second that to open it up for discussion. Any further discussion?

Ericka Oleson: No.

Michael Ovitt: Okay. I think we have two great candidates. Beth's experience and participation within 32 is obviously a big factor, and Smitty, again I have known Smitty for years and your interaction with Lenox and throughout the county over the years has been phenomenal. I see Smitty at pancake breakfasts and it has always been a very positive interaction. I know the legislatively you have represented this area very well, and I think you would also be a great candidate. Any other?

Mark Bashara: I am good. I mean, we asked our questions. I am comfortable personally, yeah, like anybody else.

Michael Ovitt: Okay. So, part of this process is – the potential is here. If we're unable to come up with a vote here to elect a member – if the board is not able to come up with a definitive candidate through the election, we would have to notify PERAC that we're unable to agree on a fifth member. PERAC will request that the board members submit names and resumes of possible fifth member candidates within five business days. Each board member may submit up to three names. then at the next regularly scheduled PERAC commission meeting on September 10th, because we found out that there is no August meeting, PERAC commissioners having considered the resumes both in open session for fifth member, any candidate for the fifth member may speak before the commission at the meeting either in person or remotely. So, if we are not able to come up with a definitive majority, we will be

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operating with four members after June 30th. So, any further discussion? All in favor of Mark's motion.

A roll call vote was taken to approve the renomination/appointment of Beth Matson for a 5-year term on the Retirement Board beginning July 1, 2025; the vote was a tie 2 in favor Michael Ovitt and Mark Bashara. Two opposed Timothy Sorrell and Ericka Oleson, motion fails.

Michael Ovitt: Okay. So, the vote is, in fact, split.

Timothy Sorrell: Do we have to go through the motion just to make a nomination for Smitty? Make it official? I mean, I know it is given. I am going to make a motion to nominate Smitty Pignatelli to the fifth member position.

Ericka Oleson: I second.

Timothy Sorrell: And I think Smitty brings new blood. He is going to be present for the meetings. He has community ties. He has political ties. So, I think he would be perfect for the position.

Michael Ovitt: We have motion and second. Any further debate or discussion?

A roll call vote was taken to approve the appointment of William Smitty Pignatelli to a 5-year term on the Retirement Board beginning July 1, 2025; the vote was a tie 2 in favor Timothy Sorrell and Ericka Oleson. Two opposed Michael Ovitt and Mark Bashara, motion fails.

Sheila LaBarbera: Are you sure the next commission meeting is in September?

Michael Ovitt: Yes. Have you heard different?

Sheila LaBarbera: Not that I know that they do not meet this August, so they do not have one in July.

Michael Ovitt: I am not sure that we would be able to meet that deadline. We can call them back and clarify that.

Timothy Sorrell: I thought that was the reason we pushed it to this meeting? Or no? So, we could make a July just in case.

Michael Ovitt: I think they would vote at the following, we would submit it to them, and then the following board meeting, which would be September, would be when they would discuss it.

Sheila LaBarbera: Well, you will have five days to notify. That's June 30th. Today is the 25th. So, if they meet in July –

Mark Bashara: Can we find out? For me, that is the simplest way. If they are going to meet, they can do it then.

Timothy Sorrell: I just thought that was the reason we kind of made sure we did vote.

Mark Bashara: Yeah. I mean, it is simple. Either they can or they cannot.

Michael Ovitt: So, then we will still have thirty days to make, to appoint somebody. We can – between – over the next thirty days we could still –

Sheila LaBarbera: So, you could deliberate again?

Michael Ovitt: Reconsider, deliberate, and bring anyone else before the board.

Sheila LaBarbera: So, you could open nominations again?

Michael Ovitt: I believe so in the absence of a majority. Have you talked to PERAC?

Sheila LaBarbera: I have not.

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Michael Ovitt: Okay.

Mark Bashara: Why don't we get some clarification so that we do this right, and then if they can do it in July, then we do what we need to do, and if not since they do not meet in August, then it would be September. So, it would be July or September.

Timothy Sorrell: Okay, and to the Chair, can Sheila advise the candidates so they know what their process is? Right? Because I think, you said they have a right to be at the meeting.

Sheila LaBarbera: Yes. I will make sure to figure out exactly what you need to as board members, but I certainly will make sure I know what the candidates have.

Timothy Sorrell: Right.

Michael Ovitt: Which would be at the PERAC commission meeting.

Sheila LaBarbera: Correct, yes.

Michael Ovitt: Okay. All right. Thank you, sir.

Timothy Sorrell: Thanks, Smitty. Take care.

William Smitty Pignatelli: Thank you, Sheila.

Sheila LaBarbera: You are welcome.

William Smitty Pignatelli: Thank you so much. Take care, buddy. See you.

Mark Bashara: Yeah.

William Smitty Pignatelli: Thanks very much.

Mark Bashara: You are welcome.

William Smitty Pignatelli: You too.

3.) Legal Update: Presented by Board Counsel Gerry McDonough

Gerry McDonough joined the meeting remotely @ 9:35am

Michael Ovitt: We are going to go to the legal update presented by board counsel Gerry McDonough.

Gerry McDonough: I am here, for some inexplicable reason I cannot get my camera to work. Mr. Chairman, I put in a tie for nothing.

Board Bylaws

Michael Ovitt: The first item, the board bylaws, we tabled that last month, so no need to discuss that further.

Mendel case

Gerry McDonough: The Mendel case DALA came out with the decision saying that Ms. Mendel actually started to work and the board had incorrectly or wrongfully excluded her from membership for that period of time that she worked. That she may have worked on Friday, September 1, there were a lot of findings in that decision that are extremely questionable. The magistrate came up with the conclusion that she received pay for 4.5 hours on Friday and Saturday, September 1 and September 2. There is nothing to sustain that in the records. We are preparing to file a notice of objection with the Contributory Retirement Appeal Board, and we are preparing to file a supplement to those objections, which is due, I believe, next Wednesday. We would just like the board to okay to go ahead and to finish those objections. Just so you know the process, it is not an expeditious process at all.

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The process is we will file our supplementary objections if the board approves of that and then Ms. Mendel will be able to reply. We will have to wait for a CRAB decision. I believe, the backlog at CRAB is about five years at this point in time. The chair of CRAB is leaving as of the end of this month and taking her top deputy with her, so we do not know what is going to happen with CRAB. We will be giving you status updates if we are around for the next five years on what is going on with that case if we do appeal. We think that the decision by DALA is so flawed that it really does require an appeal. We would like the board to just affirm our decision to file the objections with CRAB.

Michael Ovitt: I guess between now and our next meeting, can we just get what is our liability for this adjusted benefit? Any thoughts on projected cost?

Gerry McDonough: We do not have that, but we will try to get that for you by the next meeting.

Michael Ovitt: As far as the projected cost or the cost of legal versus cost of pension?

Gerry McDonough: You want to the cost of the pension, correct. That is what we are trying to figure out. We could end up having some additional conflicts with MTRS about this because they are responsible for most of her pension benefits. I think there are issues we would have with MTRS but we will try to come up with different potential outcomes in terms of cost for the pension. We can always withdraw the appeal at any time if you do not think it is worthwhile pursuing. Even though we brought them into the case and they litigated the case with us at DALA, they have decided not to appeal.

Michael Ovitt: Okay. All right. We will wait for that update, but you need a vote now to go forward with the appeal?

Gerry McDonough: We go forward at this point in time, but you know, you can save it. We will come back with some cost estimates at the July meeting.

Timothy Sorrell: I will make a motion to go forward.

Mark Bashara: I will second the motion.

Michael Ovitt: All in favor of going forward with the filing of the objection?

A roll call vote was taken to approve going forward with the CRAB filing, the vote was unanimous.

Degrenier ADR

Gerry McDonough: We have DeGrenier that was approved by PERAC. I think Sheila is working on calculations at this point in time. Those calculations need to go to PERAC to be approved, and then he will get his ADR.

Sheila LaBarbera: I did get some information from the school district the other day. They are working on a lump sum settlement. I did let them know they are going to have to review that with the board and legal counsel before it is approved for the offsets.

Gerry McDonough: Right. Perfect.

Larkin Remand

Gerry McDonough: The Larkin case. We did get decisions from medical panel on remands on two of those. We have not really looked at them thoroughly yet, but we have received some other information as well, and so we would be prepared to make a recommendation to the board in July.

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Regular Compensation Issues

Gerry McDonough: There are a whole lot of things going on right now. There is the budget that is being worked on in the conference committee right now in the statehouse. There is this commission on COLAs that we are waiting to see what kind of recommendation they are going to be making. There is a lot of activity around what we know as different regular compensation issues that continue to be extremely difficult. One of the cases that is causing the most angst is that DALA and CRAB have challenged the practice of retirement boards, which have allowed working out of grade in upper classifications as regular compensation. DALA and CRAB have decided that that is not regular compensation. This could end up being a huge issue, so we are advising boards not to do anything, not to change any practices at this time. This is now in the court, and we will wait to see what happens. This could end up being like clothing allowance and automobile usage, and I think it could be a huge deal down the road.

Mark Bashara: Well, they tried that with the automobile years ago to try to get that as part of the regular compensation, which failed.

Sheila LaBarbera: There are at least two towns that I know of that regularly pay out of grade. If you go in and you drive a certain piece of equipment on this day, you are paid this amount of money. If you do not do it, again for the rest of the year you go back to your regular rate. Is that what they are talking about?

Gerry McDonough: They are talking a vacancy in an upper position and they put somebody in that position temporarily and the person stays in that position for two or three years, and that is not permanent. That is a temporary change in pay, but those are the kinds of issues that are really the issue.

Sheila LaBarbera: I think there's one other community that does it, it is the contractual bargaining agreement which they have, so just keep that in mind so that what comes through just let us know whether or not we get affected by anything. I know that in Lee in particular the guys are trying to try to do away with that and come up with a regular rate period and then stipends for certain licenses but keep that in mind because that is going on right now in Berkshire County.

Gerry McDonough: It seems sometimes when the legislature drafts these laws sometimes that they're trying to adjust to a lawyer's full employment, they just keep us busy with a law that went into effect in the 1940s that we're still litigating over what is regular compensation is ridiculous, but here we are.

Beth Matson: There has been many people who have retired who were working out of grade and that money was used in their calculation. For many boards, this is going to be very huge.

Gerry McDonough: It would be it will require, if the courts sustain CRAB and DALA and will require another legislative fix, and then there will be more unintended consequences from that fix and more work for lawyers.

Michael Ovitt: So, typically, are we taking deductions on those out-of-grade?

Sheila LaBarbera: Yes. They were contractual.

Michael Ovitt: For whatever we spend? Okay.

Mark Bashara: So, negatively affect us if it?

Gerry McDonough: Unless there are any other questions, that would complete my report and you can get back to the business but any questions for me?

Michael Ovitt: The only other one would be as far as the executive session minutes. Tom sent us a brief email on that with some references.

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Gerry McDonough: That was actually an issue that I actually flagged and raised with the Division of Open Government. It appeared that from some of their decisions it seemed like they were saying that if you were considering a document, if you were considering voting on executive session minutes to approve them or to consider approving them, then you would have to make them public and you would have to make all the attachments public as well. I dealt with the Division of Open Government, and they confirmed for me that, no, if you do not have any substantive questions about the executive session minutes, that can remain confidential.

Michael Ovitt: Okay.

Mark Bashara: Thank you.

Michael Ovitt: I think that will conclude your participation. Thank you, Gerry.

Gerry McDonough: Happy July 4th, everybody. We will see you in July.

Gerry McDonough left the meeting at 9:50am

4.) Directors update: Executive Session minutes approval process, 91A non-compliance letters, Michael Ovitt: The 91A noncompliance letters.

Sheila LaBarbera: Just to make you aware, we have three people who have been noncompliant with the 91A. They did not respond. One of them was retired previously with another retirement board, and when PERAC created this new process of online, he was already set up in a prior retirement board. When he tried to file with us, it was not working. They are working on it and will be taken care of. The other two people, lack of communication. I sent them certified letters letting them know that there is a hearing scheduled for them in July. If they do not attend or if they do not complete their 91A before then they will not get their pension for July 2025. When you do this with the 91A and you get your payment shut off, you lose it.

Michael Ovitt: Retroactive recovery.

Sheila LaBarbera: You lose your July payment, so I feel badly because I know one of them is not well, and so I am trying to pursue other avenues to find out if there is anybody else, a POA or somebody else, that can begin to deal with their individual situation, but the other person is just not compliant.

Michael Ovitt: Is it a certified and a regular letter that goes out?

Sheila LaBarbera: Yes, it is first-class and certified.

Michael Ovitt: And then, Sheila and I spoke of possibly going to the towns that they retired from to see if there is any additional?

Mark Bashara: I think the important thing is we do everything we possibly can and document and show it, and then we should be fine.

Michael Ovitt: So, are they in jeopardy of losing July's benefit?

Sheila LaBarbera: We will hold the pension payment in July. What I will do is I process payroll before the board meeting, if they have not complied, I will process a check. I will hold the check. If they do not comply with their hearing in July, then I will just void the check and they are not going to be paid unless they have a valid reason.

Michael Ovitt: A hearing, if you could just touch on that, is that discretionary on our part?

Sheila LaBarbera: What they do is they come to you and tell you why they did not file. If it is just because they did not have a stamp or they did not know, it does not count. If say they were hospitalized, which I'm afraid one of them may be incapacitated, then obviously the

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board has the discretion to say, okay, let's work with PERAC to give you extended time because obviously if they're incapacitated, they're not working, and 91A is they want to see if disability retirees have any earnings.

Michael Ovitt: All right.

Sheila LaBarbera: I can tell you that only one of these three is working. The other two are not. The other two actually have been talking to PERAC because they are just short of the time that they need to be waived. 10 years and no earnings, you get a waiver. Both of them are pretty close to that, so hopefully we can get them on the waiver list.

5.) Old Business: AccessPlus updated contract proposal.

Sheila LaBarbera: AccessPlus actually is an easy one. I know we have talked about AccessPlus a little bit over the last couple of months. They did merge with RingSquared. I have been complaining to them because we have had interruptions in service. A couple of those interruptions in service have been significant as far as a day, a day and a half. They had a representative call me. We talked about all the interruptions that we have been having and then realized that we are not hardwired from their station right across the street in Crawford Square. We thought we are hardwired from Crawford Square to here, and we are not. We were Wi-Fi. They have completed the hardwire to this building. We can actually sign on, amend our contract to be hardwired to eliminate all those interruptions, and we save \$55 a month.

Mark Bashara: It is a win-win.

Ericka Oleson: Yes

Michael Ovitt: So, our current service, we went from Spectrum. Who did we go to?

Sheila LaBarbera: AccessPlus.

Michael Ovitt: Okay. Was that in excess of \$300 a month?

Sheila LaBarbera: It is for everything.

Michael Ovitt: Okay, so what components are these?

Sheila LaBarbera: This is actually the access, so it is our Wi-Fi.

Michael Ovitt: What else do we have?

Sheila LaBarbera: I have to get the whole contract to see everything. The phones.

Michael Ovitt: The phone and the answering machine?

Sheila LaBarbera: Yes.

Mark Bashara: But now, instead of 300, it would be 250?

Sheila LaBarbera: No. It is right around \$350. It is going to be right around \$305.

Mark Bashara: Okay.

Sheila LaBarbera: So, it is \$55 a month less. It is for better service. It is hardwired, and the speed will increase significantly too.

Michael Ovitt: Do we need to vote on that?

Sheila LaBarbera: Yes, if you would.

Mark Bashara: I will make a motion to amend our contract with AccessPlus.

Mark Bashara: As presented for the purpose of being hardwired.

Timothy Sorrell: I will second that.

Michael Ovitt: Okay. Any discussion? All in favor.

A roll call vote was taken to approve the amendment to the AccessPlus contract to include hardwired internet service at a savings of \$55 dollars per month, the vote was unanimous.

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The next regular board meeting is scheduled for Wednesday July 30, 2025 at 9am.

OLD BUSINESS:

Mark Bashara: Sheila, with the PERAC inquiry there regarding the actuary.

Sheila LaBarbera: I talk to John Boorack regularly. He is aware of what we are looking for.

Mark Bashara: As long as he stays active and alive. I get they are busy.

Sheila LaBarbera: I check with him at least once a month.

Mark Bashara: Okay. Prefect. Thank you.

Michael Ovitt: I think we are going to be looking probably for an executive session meeting June 30, 9 a.m.? Does that work?

Timothy Sorrell: You said June 30. I am fine.

Beth Matson: I am okay with June 30.

Michael Ovitt: Monday, June 30.

Ericka Oleson: Is there any way to push it later in the week? It is the last day of the fiscal year. I am a little busy that day.

Michael Ovitt: I think we need to do a quick update.

Ericka Oleson: Okay.

Timothy Sorrell: July 2nd or 3rd? Too late?

Michael Ovitt: Yes.

Timothy Sorrell: That is going to be a Zoom again?

Michael Ovitt: Yes. Do you want to try earlier potentially?

Ericka Oleson: It is not really the time. It is more just the days. A quick update? Okay.

Michael Ovitt: Okay. All right. I will work on that.

Mark Bashara: The earlier, the better.

Michael Ovitt: Yeah. All right. If we can do it earlier, is that a possibility? 8 o'clock?

Timothy Sorrell: Yes.

Beth Matson: Fine with me.

Mark Bashara: I get you got it is a day in general, but it is still earlier. At least it is out of the way.

Ericka Oleson: Yes, it does not really matter for me. It is the last day of the fiscal year.

Michael Ovitt: We will look for a motion to adjourn.

Mark Bashara: I will make a motion to adjourn.

Timothy Sorrell: I will second that.

Michael Ovitt: All right, 9:58. All in favor.

A roll call vote was taken to adjourn at 9:58am, the vote was unanimous.

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The next regular board meeting is scheduled for Wednesday, July 30, 2025 at 9:00am.

RESPECTFULLY SUBMITTED:

Sheila LaBarbera, Executive Director

APPROVED BY:

Michael Ovitt, Chairman

Mark Bashara, Elected Member

Timothy Sorrell, Elected Member

Ericka Oleson, Advisory Council Member

Beth Matson, 5th Member Appointed