

Berkshire County Retirement Board Meeting  
December 28, 2023

**The meeting of the Berkshire County Retirement Board was called to order at 8:43 A.M. in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Michael Ovitt, Chairman and Mark Bashara, Elected Member, Sue Funk, Advisory Board member and Karen Williams, Elected Member. Beth Matson Appointed member and Thomas Gibson and Gerry McDonough participated remotely.**

*A roll call vote was taken to open the meeting at 8:43am*

**PUBLIC COMMENT:**

1.) Members of the public have the opportunity to address the Retirement Board. Michael Ovitt introduced newly elected Board member Timothy Sorrell, his term will begin January 1, 2024.

**NEW BUSINESS:**

- 2.) Executive Session: under Exemption 3 of the Open Meeting Law (G.L. c. 30A, s. 21(a)(3)), exempting strategy discussions with respect to litigation regarding a personnel matter, because an open meeting may have a detrimental effect on the litigation position of the Berkshire County Retirement Board.

Michael Ovitt: Item Number 2 of the executive session under exemption 3 of the Open Meeting Law, General Law, Chapter 30A, Section 21A3, exempting strategy discussions with respect to litigation regarding a personal matter because an open meeting may have a detrimental effect on the litigation position of the Berkshire Retirement Board.

Michael Ovitt made a motion to go into executive session under purpose # 3 of the Open Meeting Law to discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigation position of the Berkshire County Retirement Board. Karen Williams second.

**A roll call vote was taken to enter into executive session @ 9:44am. The vote was unanimous.**

[Executive session not recorded]

*The retirement board staff was dismissed from the meeting during executive session*

A Motion was made by Mark Bashara to return to regular session second by Karen Williams.

**A roll call vote was taken to re-enter regular session @ 10:15am. The vote was unanimous.**

Michael Ovitt: We are returning from executive session to regular session in the matter of Agenda Item # 2. We took action to hire the firm of Michael Sacco to represent us regarding a wage complaint.

**The vote was unanimous.**

*Minutes of the executive session were taken by Board member Beth Matson.*

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

**PTG Contract**

Thomas Gibson: I want to focus a little bit if I could, Mr. Chairman, on agenda Item No. 5, which is the PTG contract. We want to ensure the Board was aware that the contract has

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been vetted and reviewed. There have been additions to the contract that were the subject of discussions at the last board meeting regarding meetings every six months.

The contract that they proposed is the same contract that we have had for decades. It has been updated one of the sections that were added were discussions with the Board last meeting had to do with their response to issues. We added the second paragraph to Section 4, Service Level Commitment. To ensure PTG's service level commitment, effective user experience, and maintenance of serviceable and stable platform, PTG and the customer, which is you, agree to consult biannually, that is, every six months, to review performance, functional enhancements, and customer service issues. PTG shall assign a primary staff member as a key point of contact to the customer for such purposes and to measure performance and initiatives, and that person is, in fact, Brian Bowler, who has been assigned to the Berkshire County account. As you know, Brian Bowler is one of the founding members of PTG. In the event that any issues involving such matters remain unresolved, PTG agrees to enter into working sessions with the customer and appropriate PTG staff until such issues are resolved.

That was intended to keep an eye on PTG, make them aware of what the service issues were, and to work with them to make sure that these things did not get out of control and they were corrected appropriately. That was something the Board wanted inserted in there. PTG agreed to it, and that is what it is.

The other section has to do with the term of the contract, and that is on Section 11, which is on page 6 of the contract. The Board has the ability to terminate the contract with 60 days' notice prior to the expiration of the initial three-year term of the contract. It is a five-year contract, if they do not want to continue beyond three years, the Board gives a 60-day notice before the expiration date, and you are done with PTG in the event you are not with them.

We reviewed the pricing that is in the Exhibit B, of the contract, and the pricing is consistent with what they had proposed to us. That is our report on the PTG contract. In our view, it is appropriate in form and in substance to be executed by the Board.

There were no questions regarding the contract.

**PERAC - dual members**

Thomas Gibson: There is not a lot that had been happening at the PERAC meeting the past December 15. They had discussed many of the cases that we had already discussed with the Board at the end of November that had to do with the Mass Equity Pay Act and other cases as well.

If there was one case that was reported on that is of somewhat significance, it has to do with a member of two systems who retires from both members. We call it dual member. As you know, unless a dual member is exempted by the statute because of their date of employment and vesting, the dual member has to retire from two different systems. If you are working, for example, in Middlesex and in Lowell, and you do not qualify to have your regular compensation combined to retire from one system, you have to retire from both systems. There was a person who wanted to retire from both Revere and Lowell, and he wanted to choose different options for each one of his superannuation retirements. PERAC said he could not he had to pick the same option for both retirements and because the member didn't want to do that, he had already selected option C for his larger pension to provide for his spouse, and his smaller pension, he wanted to collect under option A. He wanted to have two different options. PERAC said no. The case went up to DALA, and DALA said the member could pick two separate options when he retires from two separate systems. PERAC is not

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filing appeal of that decision so it is a final decision. I thought that was an interesting case because there is so many different twists and turns that happened in Chapter 32, as we know.

**Hancock over 65 emergency personnel**

Another issue that I just wanted to refresh the Board's memory on, there was a bill filed this session. It has to do with the Hancock Firefighters, and it would allow the town of Hancock to allow firefighters and police officers to continue employment serving past age 65. When I originally saw that bill, we were concerned because there was nothing in the bill that had addressed any retirement issues, and that is always key when you are extending the age of public safety people beyond age 65. As it turns out, however, after checking with Sheila, no firefighter or police officer from the town of Hancock is in the retirement system. It must be all sort of on-call or permanent intermittent reserve police officers of the town of Hancock. We are keeping an eye on that bill. It was not reported out favorably last time around, but it has been refiled in January in the House, and all legislation in the House of Representatives has to be reported on and some action has to be taken by February 10. That is the date that they have to report something out favorably, send it to Committee, or do something else with the bill. There is a lot of legislation that has been bottled up in the Committee on Public Service while they struggled getting a budget done. The budget finally passed, so we expect to see some action on some of the bills that have been pending in the Committee on Public Service.

Michael Ovitt: Can we back up on the Hancock. What is the status of the employees there?

Sheila LaBarbera: Well, they are not ours.

Michael Ovitt: Okay. So, how are they filing?

Sheila LaBarbera: I do not know. We tried to get a hold of Smitty Pignatelli's office because he is the one who filed the bill just to let them know that they are working over 65 but they are not members of our system.

Thomas Gibson: Age is a bona fide qualification for police and fire, and age 65 is the cutoff date for providing services, Mr. Chairman, irrespective of whether you're in a retirement system or not. In order to continue beyond age 65, there had to be special legislation passed to allow those folks to continue to work. We do not see that often out here in this area, but we do know that it exists in Berkshire County and Franklin County and some other areas where they have public safety officers.

In fact, we just saw our first one. A deputy fire chief, in one of our municipalities has been an on-call employee on-call firefighter for 25 years, and now that individual is 65 and they want to do the same thing. They want to allow that individual to continue to work beyond age 65. He has been paying into OBRA all of these years, not into the Middlesex County Retirement System. Our concern with the legislation was what if he does qualify after age 65 for membership in the system and then can buy back all of that time. Also, avail himself of all of the presumptions that are in Chapter 32 that are applicable to firefighters? We are working on that legislation right now with PERAC to try to make sure that it is clear that they are not in the system and extending their age beyond 65 will not allow them to enter a system at some later time.

Michael Ovitt: Okay. Thank you.

**Working after Retirement**

Sheila LaBarbera: We had a town manager a number of years ago who only worked for the Town of Becket. They enrolled him but he was not eligible to be enrolled because he was

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collecting pension from West Springfield. We said you cannot enroll him, we refunded him his money. He worked there for a period of time, paid into OBRA. I just received a letter from Hampshire County for a buyback liability. What I believe that he did, I have a letter that said that when he reached the limit for the year of what he could earn, he shut his pension off. At some point, he must have unretired because Hampshire County actually sent me a letter that they wanted to do a buyback and wanted to know what the liability we would accept. I said zero because he was never eligible for membership in our system. I do not know what he did after he left and we will see where that one goes. He did not unretire while he was here with us so he never had any eligibility.

Thomas Gibson: I would advise we do not accept any liability. If he wants to purchase he is not contributing service that he rendered within the system, he can deal directly with his current retirement system, Hampshire County. They can bill him and he will pay for it if he wants to get that time and there will be no 3(8)c chargeback to Berkshire County.

Michael Ovitt: He was retired—.

Sheila LaBarbera: He was in West Springfield. Maybe he unretired at some point. I have no idea how he is doing a buyback or trying to do a buyback with Hampshire County. Unless he did unretire.

Thomas Gibson: Sheila, you also indicated that he at some point looked like he shut his pension off when he reached the earnings and hours cap as a retiree.

Sheila LaBarbera: We got a letter from West Springfield.

Thomas Gibson: You should be aware that the Division of Administrative Law Appeals and PERAC have determined that serial waivers where an employee annually would work – a retired employee would work, reach the max, and would shut off their pension and then go back to work the next year. They are called serial waivers. PERAC is not accepting those. If you have a situation where someone wants to come in on a regular basis, turn me on, turn me off, turn me on, turn me off because I'm working, we have to tell those folks that we can't do that.

Sheila LaBarbera: We do not have anyone, but thank you.

Thomas Gibson: Last thing the Section 91A, letters are going out to all of our disability retirees, they are due April 15th, tax returns, and we'll get a list of excess earners and non-filers and we'll start the process all over again for 2023's annual statements.

***Thomas Gibson and Gerry McDonough left the meeting at 9:15am***

**4.) The Board will review and approve the proposed 2024 annual budget**

Sheila LaBarbera: The only item that is different in the budget from last month to this month is the line items for cybersecurity. We completed, and I believe you all had a copy of the cyber audit that we did with ORAM. They proposed a quote for services that they could provide. It is an annual fee of about \$13,000. I included it in the budget, but there is two things. The first is that I sent it out to Joel, and he is going to look at it for us just to make sure that whatever they are quoting for us we actually meet. Number 2, our insurance company is offering grants again in April 2024. Our audit actually came back very well, again, an A+ for no personal identifying information, and they said that almost never happens. The lesson learned, I use the same password for everything. I knew as soon as he did his presentation that I was going to be everywhere on the test. I spent the last month changing my passwords everywhere.

Jill Hersey: We completed a Windows update.

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Sheila LaBarbera: We had some Windows updates that we had to do, so there is a lot of things that we did on our end.

Michael Ovitt: We have an agenda item, Item 6. Would it be more appropriate to discuss it in there? It is a budget item. Did we plan on appropriating money for this?

Sheila LaBarbera: No, I did not but I put it in because I do not even know if we need it. It is easier to put it there and not use it than it is to not include it. The services are available as soon as we decide that we want to do it. The first shot would be to try to get our insurance company to pay for the services with a grant for the first year. That way we have a free year to decide it is something we want to continue next year. If we do not get the grant or not approve, it is still out there if you want to pick it up maybe July 1 there is at least money in the budget to do that. It is a monthly fee for those services. There's some that we don't have and some we do have encrypted email., ORAM is willing to come in either January, February, March, whatever if you want to have them do a presentation regarding what services they offer and how that would affect the system. To be proactive. You do not have to spend it. You can take it out if you want. It does not matter.

Karen Williams: Is it the \$250?

Jill Hersey: AcenTek is \$250, that would be \$13500 plus the AcenTek \$250.

Sheila LaBarbera: You do not have to spend it if you do not want to. I just figured it was budget time, you could put it in, and it is not something that probably would be settled until March or April anyway. If it is service that we want, we can make the application to the grant first. If not, then there is money in the budget if you decide you want to take advantage of their services.

Karen Williams: I just noticed under Board Stipends, Paul Lisi is listed.

Sheila LaBarbera: This is the 2023; we want 2024 because it says 2023 proposed. It should be 2024 proposed.

Mark Bashara: Are these numbers correct?

Sheila LaBarbera: \$623,681.45 it matches the GL spreadsheets.

Michael Ovitt: We will change that to 2024.

Sheila LaBarbera: If you would make a motion to approve the total \$ 623,682.

Mark Bashara: I will make a motion to approve the budget for \$623,682 for CY 2024.

Karen Williams: I will second.

Michael Ovitt: Any discussion? All in favor of accepting the 2024 budget that is \$623,682 signify by saying aye.

**A roll call vote was taken to accept the 2024 budget of \$623,682.00. The vote was unanimous.**

- 5.) The Board will review and approve the PTG contract for the retirement system software services.

Michael Ovitt: Tom Gibson touched on this. It appears that we have addressed the issues.

Mark Bashara: You are satisfied with it?

Sue Funk: I was just going to ask that. Are we really satisfied with that?

Sheila LaBarbera: Yes.

Mark Bashara: It seems like the things we had asked are included.

Karen Williams: I will make a motion to approve the PTG contract. Sue Funk: I will second.

**A roll call vote was taken to approve the PTG software hosting services agreement beginning January 1, 2024. The vote was unanimous.**

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- 6.) The Board will review the results of the Cyber Security Penetration and System Testing conducted by ORAM Michael Ovitt:

Sheila LaBarbera: We have reviewed that already. We have a copy of the whole results. There was no personal identifying information in anything that was found, which is really important. We had an A+ for that. Passwords and some things like that are what needed to be changed. The one thing that they did is they penetrated the system and without the proper software to stop that from happening, I guess there should have been some kind of a warning or something knowing that somebody was in the system kind of looking and that didn't happen. Some things I have talked to, to Joel.

Michael Ovitt: But did you allow them in?

Sheila LaBarbera: Yes, I did. I have to give them permissions. Microsoft 365 and things that they could not get into I had to give them permission to allow them to get in. That is why they got the passwords. Just getting into the system or penetrating, I guess there should be some kind of a warning.

Karen Williams: Trying to login? They do this all remotely then.

Sheila LaBarbera: Everything is remote. They have given us a quote on some of the things that they would do for us. Some of the stuff is not really appropriate us. There were two items regarding the workstations. I have sent this out to Joel. I have a meeting with him tomorrow, and we are going to talk about the results. What we have, what we need, does this fit, or even if there is something that we need do, we need is this company to do it. I like I said, I just wanted to err on the side of caution that if you decided that you wanted everything that they were offering, it is budgeted. I have actually discussed this with ORAM because they have been working with our insurance company MIIA to provide these services in general to MIIA insured. I think MIIA may end up taking them up on that anyway. Joel gets back to me and gives me an idea of what we may or may not need; we can talk about whether or not ORAM is the company that we want to go with if they are offering anything that we need or if it is just too much.

Michael Ovitt: the grant that we talked about a month or so ago, how much was that?

Sheila LaBarbera: It was \$1800.

Michael Ovitt: And that was to conduct this?

Sheila LaBarbera: Conduct it and we got all the results. There was probably about a page full of things that were just things that we could do internally, and we did them.

Michael Ovitt: I saw Bill@Berkshireretirement.

Sheila LaBarbera: Those are things that they extract because the password has been used before, so they find the password connected to something and it has been used, so I used my same password for everything.

Michael Ovitt: These are login names though.

Jill Hersey: They are logins, so anything associated with the retirement system, past, present.

Sheila LaBarbera: He went and did the dark web.

Jill Hersey: So, it's not necessarily Bill. It was the fact that the password.

Michael Ovitt: You said login, not password.

Jill Hersey: Correct, but the thing that ties them together is the password. It is the fact that the passwords have been used. So, anything associated with the retirement system as a whole, say, 123ABC has been used, so it pulls anything that is associated with that.

Sheila LaBarbera: At this point, there is really not any action to take on it other than for you to review. They are available to make a presentation if you would like us to invite them in to

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go over the results and talk about what they offer. I just thought it would be probably more appropriate to go over this with Joel first to see what we got and what we may need for the future. They were not able to penetrate PTG. There were no issues with PTG.

Michael Ovitt: I think one of our vulnerabilities is the interaction with the treasurers in the different communities. Is that the only interaction back and forth? E-mails?

Sheila LaBarbera: Email and the only interaction we have with them is through the bank.

Michael Ovitt: Would that have been tested?

Sheila LaBarbera: If it is coming in and out of our system, yes.

Michael Ovitt: We were getting issues years ago from state emails with the attachments.

Sheila LaBarbera: The State has upgraded, they have multifactor authentications I do not think that the state is as bad as it used to be.

Michael Ovitt: How would we target the vulnerabilities that we had with them?

Sheila LaBarbera: I think that is a question you have to ask either Joel or ORAM, how they would handle those. They gave us a list of updates that we could do. We ran all those updates. We had a couple of fixes. Joel helped us with some of those items.

Michael Ovitt: Joel has been interactive with it?

Sheila LaBarbera: Yes.

Michael Ovitt: So, then the timing of the start in the fees?

Sheila LaBarbera: I quoted a year, but I do not expect to do anything with them before March or April 2024. Some of that just has to do with the fact that if there are services that we want we will start with Joel. If there are services that we think we are interested in look to see if we can get them to give us a quote for exactly what we want and then as soon as the grant money is available, we make an application for the grant.

Sue Funk: So, just because I do not know, our entire system is it backed up into a cloud somewhere or individually per program?

Michael Ovitt: PTG is.

Jill Hersey: We have servers. PTG backs its self, we would have access to that if anything were to happen, but our information is backed up on servers.

Sue Funk: The Retirement Board does not have a server that monitors you every day because that is why you are looking at ORAM.

Sheila LaBarbera: Right.

Sue Funk: So, Joel is the one that helps us with our IT.

Sheila LaBarbera: Some of our servers that we have here are not even online. We have some data that you cannot get to unless you actually sit at the station and login. I do not know if somebody even did get in, what kind of tragedy could occur? All of the data and everything is with PTG. Like I said, there is no personal identifying information, and that is what we're worried about too, you know, Social Security numbers, you know, that kind of stuff.

Michael Ovitt: Can get Joel's recommendations?

Sheila LaBarbera: Yes, absolutely.

***No action taken on this item Board will review an IT recommendation from Joel next month.***

7.) Directors update: 2023 Performance Evaluations for Staff/ PERAC Audit/Election Results

Michael Ovitt:

**PERAC audit continues.** The auditor will be here January 3 and 4. So far, so good. He has not provided us with anything of concern to this point. He is still just doing some membership and retiree sampling.

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**The election results.** Congratulations! Timothy Sorrell he is here with us today. The election is done and over with, although we continue to receive votes on a daily basis.

Michael Ovitt: Announcing the results.

Sheila LaBarbera: Tim Sorrell had 453 votes, Brandi Page had 301 votes.

**Staff Evaluations.** I did staff evaluations with both Jill and Brian. I do not know if you have had a chance to look at them, and both of them continue to do exceedingly well.

Mark Bashara: Now, the skills to build on is with Bay State Pensions. I am guessing then it could be changed?

Sheila LaBarbera: Actually, I will edit that there are some new features with PTG. With their insurance module and things like that, so we got some things to work on there, and I know that PTG Brian will work with our Brian to work on some of the issues that we have with the uploads and deductions. There are some things that I think that they can tweak hopefully relatively easily and make everybody's life easier.

**Consent Agenda Detail:**

**MINUTES:**

a.) The Board minutes of the regular meeting held November 29, 2023, were signed and approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for November 2023. The PRIT Fund returned 4.83% for the month of November.

**BANK STATEMENTS:**

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

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

12-01-2023	\$93,441.56
12-02-2023	\$35,642.56
12-03-2023	\$21,310.20
12-04-2023	\$58,748.90
12-05-2023	\$1,732,211.57
12-06-2023	\$96,029.85

**REQUESTS FOR RETIREMENT:**

e.) The Board approved the application for superannuation retirement from Kevin Garner, Williamstown, police Officer. The retirement will be effective 10/09/2023.

The Board approved the application for superannuation retirement from Kathyne Piretti, Lenox, Paraprofessional. The retirement will be effective 12/22/2023.

The Board approved the application for superannuation retirement from Patrick Holian, Tyringham, Police Chief. The retirement will be effective 12/31/2023.



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The Board approved the application for superannuation retirement from Carolyn Wichmann, Gt Barrington, Admin Asst. The retirement will be effective 12/31/2023.

The Board approved the application for a 12(A) Member Survivor Allowance for Gordon Yocher (Irene Yocher), BHRSD, paraprofessional. The retirement will be effective 9/13/2023.

**MEMBER TRANSFERS OUT OF SYSTEM:**

f.) The Board approved the notice of transfer of the account of Kristy Cavanaugh, a member in SBRSD, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 3 years and 11 months of creditable service. The amount of the transfer is \$7,531.76.

The Board approved the notice of transfer of the account of Marielle MacDonald, a member in BCRHA, to the Pittsfield Retirement System. The Berkshire County Retirement Board will accept 1 year and 7 months of creditable service. The amount of the transfer is \$5,834.34.

The Board approved the notice of transfer of the account of Courtney Norrgard, a member in Richmond, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 5 months of creditable service. The amount of the transfer is \$2,121.51.

The Board approved the notice of transfer of the account of Lori Spencer, a member in Florida, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 8 years and 5 months of creditable service. The amount of the transfer is \$13,316.16.

The Board approved the notice of transfer of the account of David Solak, a member in MGRSD, to the Mass Teachers Retirement System. The Berkshire County Retirement Board will accept 8 months of creditable service. The amount of the transfer is \$6,838.79.

**REQUEST FOR SERVICE BUYBACK:**

g.) Thomas Beasley, a member in DDVS, is eligible to buy back 2 years and 5 months of military service through Chapter 71 of the Acts of 1996, as amended by Chapter 468 of the Acts of 2002, veteran's buyback. If Mr. Beasley pays \$12,083.50 into the annuity savings fund the Board will grant 2 years and 5 months 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)

S. Wojtkowski	Richmond	\$536.80 (Partial-Vaca Payout)
T. Leodari	Gt Barrington	\$41.40 (Partial)
S. Loring	FRRSD	\$79.92 (Partial)
L. Patenaude	Lee	\$4,777.10 (Partial)
D. Solak	MGRSD	\$174.83 (Partial)
S. Wojtkowski	Richmond	\$439.56 (Partial)
C. Blount	Gt Barrington	\$1042.17 – MA DOR

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C. Blount	Gt Barrington	\$511.42
G. Hoard	MGRSD	\$25,515.37 (Bene Death Refund)
K. Kuczynski	Florida	\$60,322.99 (Bene Death Refund)
J. Dawson	SBRSD	\$1994.57
N. Dolan	FRRSD	\$8,299.10
E. Halla	BHRSD	\$1,100.18
T. Leodari	Gt Barrington	\$45,198.02
F. Richards	CBRSB	\$36,046.87
E. Senecal	CBRSB	\$3,466.84

**INJURY REPORTS:**

i.) There was one injury reported in the Town of Windsor.

**NEW MEMBER APPLICATIONS:**

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

7830	Katie Superneau	Savoy	9/1/2023	Tutor Specialist	1
7831	Elizabeth Gokey	BHRSD	11/20/2023	Para	1
7832	Shirley Fachini	CBRSB	11/29/2023	Para	1
7833	Richard Morris	Lee	11/1/2023	Truck Driver/Laborer	1
7834	Susan Connolly	FRRSD	8/27/2023	Para	1
7835	Carrie Webster	FRRSD	10/25/2023	Para	1
7836	Brendan Armstrong	Lenox	9/5/2023	Truck Driver/Laborer	1
7837	Joseph Dieterle	Sandisfield	12/4/2023	Laborer	1
7838	Amanda Babcock	MGRSD	11/2/2023	Para	1
7839	Frances Moore	MGRSD	9/5/2023	Para	1
7840	Vanessa Lasher	MGRSD	10/30/2023	Para	1
7841	Kendra Drake	MGRSD	10/23/2023	Para	1
7842	Robin Sigsbury	Florida	11/6/2023	Para	1
7843	Riley Elliot	MGRSD	11/27/2023	Para	1
7844	Christina Berkeley	BCRHA	11/13/2023	Front End Navigator	1
7845	Taylor Downey	BCRHA	10/24/2023	Housing Counselor	1
7846	Laura Bowler	BCRHA	10/24/2023	Housing Counselor	1
7847	Jose Gonzalez	Hinsdale	12/30/2023	Police Officer	4

**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Edwin May, Great Barrington, as of 08/18/2023. Annual pension amount is \$29,593.08.

The Board received approval from PERAC to grant a retirement allowance to Susan Kelley, MGRSD, as of 08/31/2023. Annual pension amount is \$12,032.04.

The Board received approval from PERAC to grant a retirement allowance to Kenneth McAlpine, Williamstown, as of 11/03/2023. Annual pension amount is \$20,639.52.

**3(8)c REIMBURSEMENTS:**

l.) The Board received a letter from PERAC ordering the Pittsfield Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Berkshire County Retirement Board \$3,583.77 a year toward the retirement allowance of Edwin May.

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**PERAC CORRESPONDENCE:**

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

- #27/2023 Current Members in Service Who made an Election at Age 70 to Stop Contributing to the Retirement System
- #28/2023 2023 Disability Data Changes
- #29/2023 Tobacco Company List
- #30/2023 Mandatory Retirement Board Member Training- 1<sup>st</sup> Quarter 2024  
-Appropriations for Fiscal Year 2025

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

**TRAVEL & EDUCATION APPROVALS:**

n.) There were no travel or educational reimbursement requests for December.

**MISCELLANEOUS CORRESPONDENCE:**

- o.) -MassPRIM GIPS Assessment Owner Report
- PRIM Board Quarterly Update- Third Quarter 2023
- PERAC Pension News December 2023

Michael Ovitt: The Consent Agenda. We are noticing a number of refunds in multiple retirees. Anybody could find an explanation.

Jill Hersey: Some retirees there has been issues with when we go to get their final numbers and we know the fact that there is vacation payouts and deductions that were taken on non-pensionable earnings. We had a DOR payment, it is split out in two and you have to do two separate batches. We had a couple deaths this month with refunds to their next-of-kin and other beneficiaries. They were not eligible for an allowance, so it was just a lump sum.

Sheila LaBarbera: And to note too, on the retirements you do have one for a member who died in service an option D allowance. We have not had Opt B refunds in a long time.

Michael Ovitt: This October 9, the requested retirement date is that normal processing wise?

Sheila LaBarbera: Those retirement applications yes, that one is for the date of death. 09/13. That is the date of death. I am sorry, which one Kevin Garner has problems.

Michael Ovitt: Do we have complications with that?

Sheila LaBarbera: Yes. We have to wait until the wife came in to sign off on spousal acknowledgement and we had a DRO

Michael Ovitt: So, our timeline is okay.

Michael Ovitt: Okay. I believe we had an incredible return for the month. Is there anything on the Consent Agenda to be discussed?

Mark Bashara: I will make a motion then to accept the Consent Agenda as presented.

Karen Williams: I will second.

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

A motion was made to return to item #2 Executive Session @ 9:44am

Berkshire County Retirement Board Meeting  
December 28, 2023

The next regular board meeting is scheduled for Wednesday, on January 31, 2024 at 8:30am.

A motion was made by Mark Bashara to adjourn the meeting at 10:15am, Karen Williams:  
second.

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

RESPECTFULLY SUBMITTED:

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Sheila LaBarbera, Executive Director

APPROVED BY:

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Michael Ovitt, Chairman

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Mark Bashara, Elected Member

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Karen Williams, Elected Member

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Sue Funk, Advisory Council Member

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