

Berkshire County Retirement Board Meeting  
July 27, 2016

**The meeting of the Berkshire County Retirement Board was called to order a 9:05 A.M. in the Retirement Office, 29 Dunham Mall, Pittsfield, MA. Present at the meeting, Michael Ovitt, Chairman, Patricia Carlino, Elected Member, Paul A. Lisi, Jr., Advisory Board Member, Peter Menard, Elected Member and Gerald Doyle Jr., Appointed Member.**

**PUBLIC COMMENT:**

Members of the public have the opportunity to address the Retirement Board. *No comments.*

**MINUTES:**

1.) The Board minutes of the meeting held June 29, 2016, were signed and approved.

**Voted to** approve minutes.

**NEW BUSINESS:**

2.) The Board conducted a hearing regarding the application for ordinary disability benefits for Tammy Pierce, Town of Richmond.

**Paul A. Lisi, Jr. was not in attendance he recused himself from the hearing, all deliberation and the final vote.**

The hearing was recorded and a transcription of the hearing will be available in the retirement office.

At 9:05am the hearing was called to order. The Board had several questions for Ms. Pierce regarding the ordinary disability benefit she was applying for. The Board reviewed the PERAC medical panel certificate. Hearing was adjourned at 9:15am. Based on Ms. Pierce's disability application along with the medical certificate Gerald Doyle Jr made a motion to approve the application for ordinary disability benefits second by Patricia Carlino.

Unanimous.

**Voted to** approve the application for ordinary disability benefits.

**9:30am Paul A. Lisi, Jr. joined the retirement board meeting.**

3.) The Board conducted a hearing regarding the application for ordinary disability benefits for William Bartini, Town of Great Barrington.

The hearing was recorded and a transcription of the hearing will be available in the retirement office.

At 9:30am the hearing was called to order. The Board had questions for Mr. Bartini regarding the ordinary disability benefit he was applying for. The Board reviewed the PERAC medical panel certificate. Hearing was adjourned at 9:40am.

Mr. Bartini had several questions regarding working after retirement and how his status as a disability retiree would affect hour and earnings restrictions.

Based on Mr. Bartini's disability application along with the PERAC medical certificate Paul A. Lisi, Jr. made a motion to approve the application for ordinary disability benefits second by Patricia Carlino. Unanimous.

**Voted to** approve the application for ordinary disability benefits.

**INVESTMENTS:**

4.) The Board received from PRIT a statement of performance for June 2016. The PRIT Fund returned 1.0% for the month of June.

**Voted to** note the record.

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**BANK STATEMENTS:**

5.) The Board received the bank statements for June 2016 and the budget for July 2016.  
**Voted to** note the record.

**MONTHLY WARRANTS:**

6.) The Board approved payment vouchers:

|          |              |
|----------|--------------|
| 07-01-16 | \$28694.73   |
| 07-02-16 | \$18163.39   |
| 07-03-16 | \$120273.59  |
| 07-04-16 | \$21085.85   |
| 07-05-16 | \$307.25     |
| 07-06-16 | \$1245258.03 |

**Voted to** approve payments as presented.

**REQUESTS FOR RETIREMENT:**

7.) The Board approved the application for superannuation retirement from Richard Robarge, Alford, Public Works, Group 1, age 52 with 26 years and 3 months of creditable service and chose Option B. The retirement will be effective July 7, 2016.

The Board approved the application for superannuation retirement from Donna Estes, Williamstown, Town Accountant, Group 1, age 66 with 14 years of creditable service and chose Option B. The retirement will be effective July 22, 2016

The Board approved the application for superannuation retirement from Thaddeus Dzbenski, CBRSD, Custodian, Group 1, age 62 with 15 years and 7 months of creditable service and chose Option C. The retirement will be effective August 22, 2016.

The Board approved the application for superannuation retirement from Linda Lavoie, BHRSD, secretary, Group 1, age 67 with 31 years and 6 months of creditable service and chose Option B. The retirement will be effective August 31, 2016.

The Board approved the application for superannuation retirement from Jeanne Pedercini, Williamstown, paraprofessional, Group 1, age 61 with 18 years and 9 months of creditable service and chose Option C. The retirement will be effective September 5, 2016.

The Board approved the application for superannuation retirement from Joann Elliott, Williamstown, Paraprofessional, Group 1, age 65 with 18 years of creditable service and chose Option C. The retirement will be effective September 20, 2016.

The Board approved the application for superannuation retirement from Linda Van Jura, Lenox, Paraprofessional, Group 1, age 68 with 31 years of creditable service and chose Option A. The retirement will be effective September 30, 2016.

The Board approved the application for superannuation retirement from Elizabeth Will, Becket, Assessor, Group 1, age 68 with 30 years and 9 months of creditable service and chose Option B. The retirement will be effective October 22, 2016.

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The Board approved the application for superannuation retirement from Justine Donovan, CBRSD, Book Keeper, Group 1, age 62 with 21 years and 2 months of creditable service and chose Option A. The retirement will be effective October 29, 2016.

**Voted** to approve retirements as presented.

8.) The Board considered repayment options of deductions owed to the Berkshire County Retirement System by Glenna Besnoff, CBRSD. The application for superannuation retirement from Glenna Besnoff, CBRSD, was approved on May 25, 2016, her retirement was effective June 17, 2016.

When the request for wage verification was received by the retirement board it was discovered that CBRSD had stopped taking deductions from Ms. Besnoff's earnings in June 2010, the error was discovered by CBRSD and in November 2011, Ms. Besnoff resumed paying deductions on her earnings. The error was never reported to the retirement system so the error could be corrected in 2011. Ms. Besnoff currently owes \$3230.98 in deductions and \$613.94 in interest for a total \$3844.92.

The Berkshire County retirement Board has 3 options to correct the deduction error:

- a. Waive the repayment of deductions and grant the 1 year and 5 months of creditable service.
- b. Require Ms. Besnoff to repay the deductions plus interest owed on the salary earned during the period of 1 year and 5 months worked without deductions.
- c. Require Ms. Besnoff to repay the deductions and waive the interest owed.

The Board discussed how situations similar to this had been resolved in the past. The Board has never waived the repayment of any deductions owed to the retirement system so option A was not considered as a resolution.

The Board has always waived the interest owed in previous situations of errors and omissions, so the Board determined that the only option they would consider would be option C.

Mr. Lisi felt that CBRSD is responsible for all aspects of their the payroll and have a responsibility to their employees that the payroll will be correct, as such the employee should not be penalized for their error. Mr. Lisi requested that the Board send a letter to the Superintendent of CBRSD and the CBRSD school committee chairman, requesting that school district pay the \$3230.98 owed in back deductions on Ms. Besnoff's account.

Mr. Lisi noted that other towns and districts have made payroll errors and they have paid the retirement system directly without asking the member to make payments.

**After much debate and discussion regarding the options available to the Berkshire County Retirement board Paul A. Lisi, Jr. made a motion to require that the \$3230.98 in outstanding deductions be repaid into Ms. Besnoff's account and to waive the interest owed.** A letter will be sent to the CBRSD superintendent and school committee requesting that CBRSD district remit the money owed on Ms. Besnoff's account to the Berkshire County Retirement Board, the letter will stress the urgency for resolution of this matter since Ms. Besnoff's retirement calculation cannot be completed until repayment has been resolved. Second Peter Menard, Unanimous.

**Voted** to require repayment of back deductions with a waiver of the interest owed.

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**REQUEST FOR SERVICE BUYBACK:**

9.) Carol Jammalo, a member in Clarksburg, is eligible to buyback 8 years and 8 months of prior creditable service. If Ms. Jammalo pays \$8489.18 into the annuity savings fund by August 31, 2016, the Board will grant 8 years and 8 months of creditable service.  
**Voted** to approve buyback as presented.

**MEMBER TRANSFERS OUT OF SYSTEM:**

10.) The Board approved the notice of transfer of the account of Jessica Magelaner, a member in Great Barrington to the Franklin County Retirement Board. The Berkshire County Retirement Board will accept liability for 4 years and 6 months of creditable service. The amount of the transfer is \$20215.07

The Board approved the notice of transfer of the account of Michael Silver, a member in Lee to the Pittsfield Retirement Board. The Berkshire County Retirement Board will accept liability for 7 months of creditable service. The amount of the transfer is \$3782.61  
**Voted** to approve transfers as presented.

**REQUESTS FOR REFUNDS:**

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

|                         |               |            |
|-------------------------|---------------|------------|
| Anthony Errichetto, Jr. | BHRSD         | \$16181.24 |
| Gordon Hamm             | Lenox Schools | \$16153.09 |
| Courtney Reynolds       | SBRSD         | \$2517.68  |
| Joseph Ross             | Williamstown  | \$17650.42 |
| Diego Solis             | BHRSD         | \$48914.58 |

**Voted** to approve refunds as presented.

Refunds of deductions taken in error:

|               |            |          |
|---------------|------------|----------|
| Susan Berger  | Clarksburg | \$223.68 |
| Susan Tanguay | Tyringham  | \$16.85  |

**Voted** to approve refunds as presented.

**INJURY REPORTS:**

12.) There are no injury reports in the month of July.

**NEW MEMBER APPLICATIONS:**

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

|      |                    |            |           |            |   |
|------|--------------------|------------|-----------|------------|---|
| 6609 | FREDDIE L RICHARDS | CBRS       | 4/11/2016 | CUSTODIAN  | 1 |
| 6622 | CAROL A JAMMALO    | CLARKSBURG | 7/1/2016  | TOWN CLERK | 1 |
| 6623 | PENNY RODICK       | SBRSD      | 5/30/2016 | 1:1 ESP    | 1 |
| 6625 | TRAVIS P DERBY     | HINSDALE   | 7/1/2016  | OFFICER    | 4 |

**Voted** to approve new members as presented.

**RETIREMENT ALLOWANCE APPROVALS:**

14.) There are no retirement allowance approvals for the month of July.

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**3(8)c REIMBURSEMENTS:**

15.) The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Teacher's Retirement Board \$2147.21 a year toward the retirement allowance of Karen Tynan.

The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Teacher's Retirement Board \$1227.36 a year toward the retirement allowance of Deborah Dutton.

**PERAC CORRESPONDENCE:**

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

#18/2016 Retirement Board Training 3<sup>rd</sup> Quarter 2016

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

17.) PERAC is notified the Board that Richard Killfoile has failed to submit his 2015 91A form. PERAC is ordering the board to conduct a hearing to determine why the 91A form has not been filed and to report those finding to PERAC by 8/1/2016. *Mr. Killfoile has been notified by the Berkshire County retirement Board that he is in violation and he is working to come into compliance within the next several days.* **The Board received a release from PERAC, Mr. Killfoile had come into compliance with his 91A form no action was taken.**

18.) The Board received a letter from PERAC indicating that Mary Osak is still unable to perform the essential duties of her job and remains disabled.

**Voted to note the record.**

**MISCELLANEOUS CORRESPONDENCE:**

- a.) PRIM Board employees receive awards for excellence in their field.
- b.) MIIA insurance renewal schedules to be signed and returned to MIIA.
- c.) MelansonHeath audit update. *Audit is on schedule, the auditors have contacted the 4 units that will be asked to comply with the membership segment of our annual audit.*
- d.) Emerging Issues Forum September 15, 2016 Holy Cross Worcester

The next regular board meeting is scheduled for Wednesday, August 31, 2016 at 9:00am.

**Voted to Adjourn.** Meeting adjourned at 10:20 am.

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RESPECTFULLY SUBMITTED:

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Sheila LaBarbera, Executive Director

APPROVED BY:

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Michael Ovitt, Chairman

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Patricia Carlino, Elected Member

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Peter Menard, Elected Member

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Paul A. Lisi, Jr., Advisory Council Member

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Gerald Doyle, Jr., Appointed Member