

Berkshire County Retirement Board Meeting
March 26, 2025

The meeting of the Berkshire County Retirement Board was called to order at 9:06am, 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. Thomas Gibson, and Gerry McDonough, Legal Counsel also participated remotely and joined the meeting at 10:29am.

Present for the meeting: Michael Ovitt, Mark Bashara, Timothy Sorrell, Ericka Oleson
Michael Sacco, Legal Counsel. Participating remotely Beth Matson.

A motion was made by Mark Bashara to enter into executive session, second Ericka Oleson.

A roll call vote was taken to enter into executive session, the vote was unanimous.

The Board entered into Executive session at 9:06am

NEW BUSINESS:

2.) Executive Session- the Board will convene in executive session pursuant to MGL c.30A, s. 21(a)(3) to discuss litigation strategy in the LaBarbera matter as the Chair believes an open session will have a detrimental effect on the Board's litigation position.

3.) Executive Session- the Board will convene in executive session pursuant to MGL c.30A, s. 21 to discuss office security measures as it relates to the Chair's request for the access codes and passwords.

The Board returned to regular session at 10:29am

Consent Agenda Detail:

MINUTES:

a.) The Board minutes of the regular meeting held Feb 28, 2025 and March 5, 2025 were signed and approved.

Minutes provided as an attachment to email

INVESTMENTS:

b.) The Board received from PRIT a statement of performance for February 2025. The PRIT Fund returned .27% for the month of February.

BANK STATEMENTS:

c.) The Board received the bank statements for Feb 2025 and the budget for March 2025.

Cash Books for February were sent to Board by email.

MONTHLY WARRANTS:

d.) The Board approved payment vouchers:

| | |
|------------|----------------|
| 03-01-2025 | \$ 25,954.86 |
| 03-02-2025 | \$77,250.43 |
| 03-03-2025 | \$19,310.04 |
| 03-04-2025 | \$594,729.64 |
| 03-05-2025 | \$1,786,764.33 |

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REQUESTS FOR RETIREMENT:

e.) The Board approved the application for superannuation retirement from Rebecca Herzog, Cheshire, Treasurer. The retirement will be effective 03/04/2025.

The Board approved the application for superannuation retirement from Deborah Santolin, Lee, Cafeteria Sup. The retirement will be effective 03/13/2025.

The Board approved the application for superannuation retirement from Craig Pedercini, Williamstown Fire, Chief. The retirement will be effective 03/31/2025.

The Board approved the application for superannuation retirement from Beth Carroll, Lanesboro, Town Secretary. The retirement will be effective 4/24/2025.*date change*

The Board approved the application for superannuation retirement from Diane Scarpa, Lee, Paraprofessional. The retirement will be effective 05/01/2025.

The Board approved the application for superannuation retirement from Linda Consolini, Lenox, Paraprofessional. The retirement will be effective 06/01/2025.

The Board approved the application for superannuation retirement from Thomas Hutcheson, Dalton, Town Manager. The retirement will be effective 06/30/2025.

The Board approved the application for superannuation retirement from Christopher O'Brien, Lenox, Fire Chief. The retirement will be effective 06/30/2025.

The Board approved the application for superannuation retirement from Marc Porter, West Stockbridge, Police Chief. The retirement will be effective 07/07/2025.

MEMBER TRANSFERS OUT OF SYSTEM:

f.) The Board approved the notice of transfer of the account of Donald Murray, a member in Becket to the Pittsfield Retirement Board. The Berkshire County Retirement Board will accept 8 years of creditable service. The amount of the transfer is \$40,358.41.

The Board approved the notice of transfer of the account of Nicholas Beauchemin, a member in Becket to the Hampden County Retirement Board. The Berkshire County Retirement Board will accept 1 year and 9 months of creditable service. The amount of the transfer is \$11,741.70.

The Board approved the notice of transfer of the account of Sarah H Gilooly, a member in Williamstown to the MTRB. The Berkshire County Retirement Board will accept 1 year and 10 months of creditable service. The amount of the transfer is \$5,145.86.

The Board approved the notice of transfer of the account of Jill E Hersey a member in Berkshire County Retirement Board to the Concord Retirement Board. The Berkshire County Retirement Board will accept 3 years and 4 months of creditable service. The amount of the transfer is \$20,004.46.

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REQUEST FOR SERVICE BUYBACK:

g.) Robert Hungate, a member in Egremont, is eligible to buy back 3 months of prior creditable service as a volunteer firefighter. If Mr. Hungate pays \$910.03 into the annuity savings fund by April 30, 2025, the board will grant 3 months of creditable service.

Kelly Baldasaro, a member in CBRSD, is eligible to buy back 1 year and 11 months of prior creditable service. If Ms. Baldasaro pays \$6,586.84 into the annuity savings fund by April 30, 2025, the board will grant 1 year and 11 months of creditable service.

Eammon Coughlin, a member in Lenox, is eligible to buy back 5 months of prior creditable service. If Mr. Coughlin pays \$3,483.80 into the annuity savings fund by April 30, 2025, the board will grant 5 months of creditable service.

REQUESTS FOR REFUNDS:

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

| | | |
|-----------------|--------|-------------|
| Alyssa Maschino | Dalton | \$16,013.72 |
| JoAnn Spaulding | Lenox | \$9,941.14 |

INJURY REPORTS:

i.) There was an injury reported in SBRSD for the month of March.

NEW MEMBER APPLICATIONS:

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

| | | | | | |
|------|----------------------|------------|------------|----------------------------|---|
| 8087 | Stephen Flanders | Lenox | 2/24/2025 | Truck Driver/Operator | 1 |
| 8088 | Katheryn Phillips | SBRSD | 2/13/2025 | ESP | 1 |
| 8089 | Nicholas Feld | Hinsdale | 2/19/2025 | Police Officer | 4 |
| 8090 | Cassandra Kristant | Lenox | 2/24/2025 | Program Manager | 1 |
| 8091 | Vanessa Justice | Lenox | 2/25/2025 | Youth Librarian | 1 |
| 8092 | Ava Massaro | CBRSD | 2/24/2025 | Paraprofessional | 1 |
| 8093 | Michael Andrus | Otis | 2/10/2025 | Maintenance Tech | 1 |
| 8094 | Susanne Brelsford | BCRHA | 12/16/2024 | Service Coordinator | 1 |
| 8095 | Johana Murphy | BCRHA | 1/8/2025 | Housing Counselor/Mediator | 1 |
| 8096 | Karina Estrada-Gomez | BCRHA | 2/10/2025 | Service Coordinator | 1 |
| 8097 | Nataly Gomez | BCRHA | 12/16/2024 | Service Coordinator | 1 |
| 8098 | Jessica Suchenicz | Dalton | 3/3/2025 | Asst Tax Collector | 1 |
| 8099 | Lori Venezia | Dalton | 3/3/2025 | Admin Asst. to Town Mgr | 1 |
| 8100 | Deianira Pittz | CBRSD | 3/3/2025 | Paraprofessional | 1 |
| 8101 | Martha Read | BCRS | 3/14/2025 | Retirement Coordinator | 1 |
| 8102 | Gage O'Brien | Lenox | 2/24/2025 | Cook | 1 |
| 8103 | Vanessalynn Horne | Lee | 3/3/2025 | Payroll/Benefits | 1 |
| 8104 | Michael Baumber | BHRSD | 3/10/2025 | Paraprofessional | 1 |
| 8105 | Brian Jarvis | BHRSD | 3/10/2025 | Paraprofessional | 1 |
| 8106 | Carol Baldwin | Clarksburg | 3/11/2025 | Library Director | 1 |
| 8107 | Quinn G Kelly | Clarksburg | 3/10/2025 | Teacher's Aide | 1 |

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RETIREMENT ALLOWANCE APPROVALS:

k.) The Board received approval from PERAC to grant a retirement allowance to Kimberly Shand, MGRSD, as of 12/22/2024. Annual pension amount is \$22,280.76.

The Board received approval from PERAC to grant a retirement allowance to Katherine Pemble, MGRSD, as of 12/31/2024. Annual pension amount is \$22,510.08.

The Board received approval from PERAC to grant a retirement allowance to Cheryl Attarian, Gt Barrington, as of 12/31/2024. Annual pension amount is \$5,836.80.

The Board received approval from PERAC to grant a retirement allowance to Ronna Brandt, Clarksburg, as of 12/31/2024. Annual pension amount is \$17,908.56.

3(8)c REIMBURSEMENTS:

l.) There are no 3(8)(c) to reimbursements for the month of March.

PERAC CORRESPONDENCE:

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

#10/ 2025 Tobacco Company List

#11/ 2025 Updated SSA -1945 form

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

TRAVEL & EDUCATION APPROVALS:

n.) There are no travel requests for the month of March 2025.

MISCELLANEOUS CORRESPONDENCE:

o.) -PRIM fourth quarter 2024 update

-PRIM 2024 GASB 67/68 information

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

Timothy Sorrell: I will make a motion to accept the Consent Agenda.

Ericka Oleson: I will second.

Michael Ovitt: There was one item; Robert Hungate is he a member in Egremont?

He says he is a member in Egremont, and he is looking to buy back three months of creditable service as a volunteer firefighter. I think he is an officer.

Timothy Sorrell: Sam Hungate is in Lanesborough.

Michael Ovitt: So, is it Robert Sam or is it Sam? Where is he a police officer? In Lanesborough?

Timothy Sorrell: If it is Sam Hungate, he is working in Lanesborough full-time and Cheshire part-time.

Brian Shepard: Lanesborough.

Michael Ovitt: He has been there for a while, right.

Timothy Sorrell: Yes.

Sheila LaBarbera: He is only in Cheshire as needed.

Michael Ovitt: So, Sheila, I guess he is a voluntary firefighter, retiring, buyable?

Sheila LaBarbera: Yes, let us see, because he has a couple of them here.

Timothy Sorrell: He used to work at MCLA too.

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Sheila LaBarbera: It looks like he has four prior service.

Michael Ovitt: So, he has done buyback for multiple units.

Michael Ovitt: But then the Consent Agenda was specifically about the volunteer firefighter.

Sheila LaBarbera: The town of Monterey he was just a patrol officer.

Timothy Sorrell: The court case that came out there from the magistrate allow them to buyback volunteer fire time towards their retirement.

Michael Ovitt: If they were hired by that town.

Timothy Sorrell: That was only if they are doing that as a firefighter I thought.

Sheila LaBarbera: He was a call firefighter.

Michael Ovitt: Paid call firefighter?

Sheila LaBarbera: He was paid quite a bit.

Michael Ovitt: Can you clarify that?

Sheila LaBarbera: You mean whether he is eligible to buy it back? Is that what you are asking?

Michael Ovitt: Both eligibility and whether it is police or firefighter.

Sheila LaBarbera: Call firefighters are paid on a monthly basis, so he is a call firefighter.

Michael Ovitt: He does Egremont?

Sheila LaBarbera: Well, he does Great Barrington. That is where he bought it from, right?

Brian Shepard: No, that is only for his volunteer fire department buyback. He is doing another buyback from two or three different units. That is only for the stipend in years that he was a volunteer firefighter.

Sheila LaBarbera: Okay. It was a stipend.

Timothy Sorrell: And he is buying it under Gomes, right? I think it is what he is trying to do? The Gomes decision?

Sheila LaBarbera: Actually, we allow a buyback of a stipend and for each year of service, you get one month of creditable service.

Brian Shepard: So, for him, with that specific buyback, he had a stipend in position for the first three years. After that, it was on an on-call basis. So, you have to pay just for calls. He does not get to buyback that because it is not the stipend of position. If you have a yearly stipend, as Sheila just said, every twelve months' work, you get one month of service.

Michael Ovitt: But that was firefighter in Egremont?

Brian Shepard: Egremont, correct. He is in Lanesborough now.

Michael Ovitt: And is there also police?

Brian Shepard: That is part of his other buyback. We had to separate it because that is a stipend of position. The other would be on-call.

Michael Ovitt: Because I know, he worked for Egremont as a police officer as well.

Brian Shepard: It is Great Barrington. He has been in Egremont previously. Now, he is in Lanesborough. Egremont, Monterey, and Great Barrington.

Michael Ovitt: Okay. All right. So, the Consent Agenda, Jill's status right now?

Sheila LaBarbera: She is just working Fridays, as we need her. She is off payroll this week.

Michael Ovitt: Is she off retirement?

Sheila LaBarbera: Yes, she will be off retirement. When she returns, I am going to put her on OBRA so we can transfer her funds to Concord.

Michael Ovitt: So, has she been on retirement?

Sheila LaBarbera: She has been on retirement until the beginning of March or the first two weeks of March and she did not work last week.

Michael Ovitt: So, it did not go by her separation date? She has not separated service yet?

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Sheila LaBarbera: Well, her full-time service ended January 3, 2025.

Michael Ovitt: Okay.

Sheila LaBarbera: And the days or hours that she had between January 3rd and March 14th were all prorated.

Michael Ovitt: So, we took retirement?

Sheila LaBarbera: We did.

Michael Ovitt: Okay. All right, do we need to do anything as far –?

Sheila LaBarbera: Concord is not part of our system, so she is going to OBRA, so she will pay the 7.5% to OBRA as a mandatory OBRA for as long as she continues to work.

Michael Ovitt: And we did not need to do that after January 3rd?

Sheila LaBarbera: PERAC gives you 60 to 90 days to do a transfer before we get into issues of dual membership, and she is not going to fall into dual membership. If she had more hours, if she was going to be regular recurring and guaranteed forever, then I would not have transferred her, but I do not believe that is the case.

Michael Ovitt: But we do not have to refund her deductions from Berkshire County because she was not full-time?

Sheila LaBarbera: No, and she had worked concurrently, so there was not even any break in service.

Ericka Oleson: Until this last week where she had a break in service.

Sheila LaBarbera: Yes

Michael Ovitt: All right, anything else on the Consent Agenda? Hearing none, all in favor of accepting.

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

Thomas Gibson and Gerry McDonough joined the meeting at 10:29am

4.) Legal Update: Presented by Board Counsel Thomas Gibson

PERAC- Remand for K Larkin

Thomas Gibson: We did receive the PERAC remand of the Board's prior approval for Mr. Larkin's ADR application. PERAC made certain recommendations in its extensive remand. We have prepared a draft response to that remand, but before we finalize it, we wanted to send a clarification request to the medical panel as PERAC had suggested. We asked Mr. Larkin to submit his responses to the remand, which he did. We received them on March 14, 2025. We are now in the process of finalizing the clarification request to the medical panel that incorporates some of his responses. Most of his responses were not very useful for the purposes of the PERAC response, but some responses that he provided did provide some clarification as to the injuries he sustained on the job. We will get that out by the end of the week, if not, the beginning of next week.

DeGrenier ADR

Thomas Gibson: The Board had accepted Mr. DeGrenier's application as meeting the special requirements for accidental disability retirement and to proceed to a medical panel. The medical panel appointments have been scheduled. By the end of April, we may have all three responses back from the medical panel. I know that is optimistic, but if not, then the matter will be put over until May for review of the medical panel findings.

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Remote Participation

Thomas Gibson: The House and Senate have both passed the bill – Gerry, can you give an update on whether the governor signed that bill yet?

Gerry McDonough: I did not check it today but it was still on her desk yesterday, but she will be signing it. It has to be dealt with by March 30, 2025, so we are optimistic she will sign it this week.

Thomas Gibson: I did receive an email from the town administrator in Belmont that is a blanket email to all committees and boards that said essentially that it was a done deal and we would be going back to the hybrid method of meeting that is now allowed. We cannot find that a hard signature parchment has been signed yet as an official act. We assume it is going to be signed, if it has not already been signed and just not posted yet.

Gerry McDonough: I just checked the website and she has not signed it yet. It is still on her desk waiting.

Michael Ovitt: Okay.

Thomas Gibson: Hopefully, she will be signing that soon.

Discussion of Board Bylaws

Thomas Gibson: The other item on the agenda was the draft bylaws that we were asked to produce and send over to the Board. This is our first cut at doing some bylaws. This mirrors some bylaws that have been done for other retirement systems. This is tailored, of course, to the Berkshire County Retirement System, which is a regional retirement board and under 34B, Section 19, so it was provided just for review by the board members. Any discussions, questions, suggestions for additions, deletions, amendments, it is just for question purposes.

Michael Ovitt: We have 102 retirement systems, but do all retirement boards have bylaws?

Thomas Gibson: I am not aware that all boards have bylaws. Some do. I would say a substantial number do have bylaws. Many of the bylaws just reflect what is already in the statute as an obligation of the retirement board. There are some issues that are not in the statute that the boards like to have addressed, like the appointment of a vice chair. In case, the chair is absent for some reason and cannot participate, we have a vice chair who will step in and run the meeting that particular day. That is nice to have an organizational chart. Some of the folks who recommend best practices for retirement boards such as NCPERS; they recommend that retirement boards adopt bylaws so that there is continuity. If the board members change, you are not constantly rewriting things as a document that says this is how we operate. It has not intended to be all-inclusive by any means, but it is just a framework, and it also addresses questions that come up regarding motions and seconds and who can make a motion and who cannot make a motion.

Some boards say we are bound by the Robert's Rules of Order, some say the Robert's Rules of Order, which we are not by the way, do not bind us. It is nice to have something that says this is how we are going to do business. Anybody can make a motion, anybody can make an amended motion, anybody can ask for reconsideration during the meeting. If you wanted to have another matter reconsidered, it has to be on the next agenda to be reconsidered. It has to be an agenda item. It is just some guidelines. Some board members may not like some of them. Some may strongly endorse them. It is up to the individual board and their philosophy and their culture as to what they want to do. I think it is a good idea to have bylaws in existence.

Michael Ovitt: Okay. I am absorbing them now, and I guess, is there more out there that we should be thinking about potentially? You know our elections? Our reappointments? I do

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not want to regurgitate what is in Ch., 32 or PERAC guidelines or what contradicts one another, but just wondering how much more we need in bylaws as opposed to what we already have.

Thomas Gibson: You do not want to handcuff yourself either if you want some flexibility in a particular set of circumstances. This tries to be a balance. We have bylaws, but the election issue, that is set by statute, and the PERAC Regulation for regional systems, 34B Section 19 dictates how elections shall be run. A question that the Board may want to put in here is if there is a vacancy in an elected member's position, do they want to specify that having a new election for the vacancy that will be for a brand-new three-year term or for just the remainder of the existing term. If there's a vacancy that occurs early on in the term, that may be treated differently than a vacancy that occurs within six months of the expiration of the term. The Board does not want to do two elections within a certain period of time, so we left that out and left to the discretion of the Board what they want to do.

Michael Ovitt: Okay.

Thomas Gibson: There is no rush on this if you need time, we encourage the Board to look at this and digest it and ask questions. What does this mean, or how about if we put this in instead, that is the purpose of this first cut of a bylaw.

Michael Ovitt: Should we be looking at PERAC guidelines as opposed to Ch.32 versus what we think or we do not think needs to be in here?

Thomas Gibson: We run the show with all those things in consideration, the statutory requirements, PERAC's regulatory requirements, court cases that are decided and even PERAC's memoranda to boards on technical advisories on specific issues. We are subject to all of those, and it is not something we can run off a copy machine and say this is what PERAC has done; we are going to just adopt this. It is something that we have to incorporate generally and adopt generally. We think this is a good balance, Gerry, I do not know if you want to make any other observations or statements about it.

Gerry McDonough: Sometimes if there are disputes that happen among board members or say there is somebody from the public who is raising a complaint against the Board or a member, it is good to have some bylaws that look at the proper procedures. We have them already outlined in our bylaws and we are just following our bylaws. It is good protection for the Board to have bylaws. It is just particularly to determine when you elect the chair, when you elect the vice chair, and it is important to do what the terms of office are. Those things are totally in your control. The things that are in your control, you have to have a chair, but how you appoint a chair and when you do that, that is all up to the Board.

Thomas Gibson: For municipal systems, the chair is appointed from among the board members. For regional systems, the statute says that the first member shall be the chair of the board. It is really the vice chair that we want to have just in the event something happens. I am not wishing any harm on the Chairman but life happens and you never can tell. You may be laid up for a month or two and cannot attend the board meetings even remotely, so it would be a good idea to have someone to be able to step in and run this board meeting.

Michael Ovitt: The third piece would be supplemental regulations, which we have some supplemental regulations for the system. Now, thinking back on the town level, if there is a bylaw or a vote, it would need to be approved by the Attorney General's office. So, does somebody have to approve our bylaws?

Thomas Gibson: No one has to approve the bylaws. However, you may want to consider filing them with PERAC. If PERAC has an objection to them for any reason, PERAC can

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kick them back and say, we do not like paragraph 7, we think that conflicts with the statutory requirement. For example, we did not put in there that the Board has to meet monthly, that the Board can meet at its whim. PERAC would kick that back to us and say no the statute says you have to meet monthly and we put that into the bylaws by the way.

Michael Ovitt: Okay. If we were planning on meeting on the 30th of a month and we had a snowstorm, we came in two days later, and it was not part of a numeric month, is that acceptable?

Thomas Gibson: Yes, that is acceptable. If a monthly meeting is cancelled due to inclement weather or some other emergency, then you have to make that meeting up as close as you can. If you go into the next month, so you have two meetings in April that would be fine. That is how you cure it. We had an audit finding elsewhere where the board members' winter meeting was snowed out so they just didn't meet that month, and they did everything the following month. They only had eleven board meetings that year instead of twelve and PERAC faulted them in an audit finding.

Michael Ovitt: All right. I think collectively we can review these and come back at a future meeting.

Timothy Sorrell: Tom, quick question. This is pretty much the best boilerplate out there? The best one you have looked at or at least covers most of what we are looking to do to start with?

Thomas Gibson: It is a balance. It's a balance of saying you have bylaws, you have some guidance, and not necessarily handcuffing the Board into something that we adopted this bylaw and now we're stuck with it and we can't do anything with it. What we are trying to do is find some balance on this. We can certainly look for more bylaws.

Timothy Sorrell: Well, I do not think we want more.

Michael Ovitt: Or just do another that is going to interact with us with others.

Timothy Sorrell: I know we did talk about appointing a vice chair, right?

Michael Ovitt: Right, but that was under the guise of the elimination of the remote participation. I have been absent previously, and somebody else just ran the meeting. Paul Lisi, Mark, whoever was here jumped in to just call the votes. Was that permissible per se?

Thomas Gibson: It will be permissible, but this makes it more formal that now you have a process and you have a bylaw. This is what happens. Someone is a vice chair, and they are authorized to act in the absence of the chair, and so it is just neater.

Michael Ovitt: Okay. We are not in trouble for if we are going to look back a few years?

Thomas Gibson: What if Mark and Paul didn't agree on who should be the vice chair and they wind up duking it out and they both stormed out of the board meeting because they didn't get their way to be vice chair? Now, you do not have a quorum.

Michael Ovitt: We will further review these.

COLA Increase Retirement Advisory Board notification

Thomas Gibson: The other issue did the Board vote the FY26 COLA for the retirees and beneficiaries?

Sheila LaBarbera: We do not vote until April. We are going to notify the Advisory Board tomorrow morning March 27, 2025.

Ericka Oleson: Yes, we have our meeting tomorrow morning.

Michael Ovitt: You do have a meeting?

Ericka Oleson: Yes

Michael Ovitt: Last month, we had talked about the notification and all that.

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Thomas Gibson: You have to give 30 days' notice to the Advisory Council and then the Board can act on it. As long as I get it done before the end of June, it will be effective for the retirees, and that is important.

DRO payments and taxes

An issue that has come up elsewhere, that the Board should be aware of was a disability retiree who was divorced. There was a Domestic Relations Order on file ordering that payments be paid to an alternate payee, who was the former spouse. Those payments are taxable, even though the benefit to the disability retiree is not taxable.

This issue came up elsewhere, we did have to do a little research on that issue, and we found out that perhaps some boards are doing it incorrectly that they are not taxing the benefit to the former spouse because the benefit itself is nontaxable, so why would the part given to the spouse be taxable. But there are IRS rules, there are IRS private letter rulings, and there is actually a court case that says that that tax benefit, that tax exemption only applies to the participant, it only applies to the member himself and does not apply to the former spouse. This is something for the staff to go back and look at to be aware of, that payments made to an alternate payee under DRO, even though they are exempt from taxes because they are a disability retirement benefit, will be taxed when paid to the DRO, paid to the alternate payee.

The SSA-1945

PERAC beat us to the punch by sending out a memo on a new social security notice in a position not covered by Social Security, the WEP and GPO repeal, which was signed by former President Biden on January 5th. Following that, PERAC sent the memo out telling Boards to pause on requiring that form as part of the enrollment package. In March, Social Security issued a new form. It requires municipalities to provide that form to new members and get it signed by new hires that they are in a position not subject to Social Security, and PERAC now has sent a memo out telling Boards that they should obtain those same documents and keep them in the member's file.

PTG vs. Baystate Pensions

Thomas Gibson: Just for the Board's information, PTG and Bay State Pensions are in litigation right now. A number of retirement boards have received subpoenas to produce documents, internal emails, and things of that nature. We are not involved with that because we are not, but the litigation involves a breach of the agreement made by the principals, the defendants, that they would not compete against PTG. That is the allegation, the assertion. So, the Board is not involved in that litigation. Unfortunately, four of our clients are, and Beth, I am not sure if your Board is involved in that.

Sheila LaBarbera: Just so you are aware, PTG did grab our minutes. Our minutes are public and they are posted on the website. I do not think we are ever going to be involved and PTG has what they needed our minutes are posted publicly.

Thomas Gibson: Right.

Michael Ovitt: We had taken action.

Sheila LaBarbera: Well, we were interviewed, remember? We had PTG do a presentation, and we had Baystate they were not together, they were separate.

Michael Ovitt: Right.

Sheila LaBarbera: We are not named in anything

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MACRS Insurance policy

Thomas Gibson: The MACRS Insurance Policy. You received an invoice for that fiduciary insurance. There is a reduction in price and an increase in coverage. What is not covered in that policy is what they call employer liability insurance or cybersecurity insurance. We have asked MACRS to illustrate whether there can be riders to policies that Boards can opt into for both cybersecurity insurance and for employer liability insurance which are important coverages for retirement boards.

Sheila LaBarbera: We have those from MIIA. You might want to suggest they just look into a policy with MIIA.

Thomas Gibson: Thank you for that.

Sheila LaBarbera: Most of the cities probably already have MIIA for some coverage.

Thomas Gibson: I will make a note of that. Gerry, anything else we need to bring the Board up to speed on?

Gerry McDonough: The Lisa Mendel matter. The post-hearing briefs are due on April 18th, and we will be getting a decision probably within 60 days after we submit those post-hearing briefs.

Thomas Gibson: I will do a wager with you that it will not be 60 days. It will be more than 60 days.

Gerry McDonough: It could be.

Thomas Gibson: That will be it unless the board members have any questions for us.

Thomas Gibson and Gerry McDonough left the meeting at 10:52am

5.) Directors update: new employee training, banking signatures, 5th member Applications

Sheila LaBarbera: Martha is doing fine. We are getting her all set up, she has been sitting with both Brian and myself over the last week trying to get her acclimated to the system. We are hopefully going to have her in Prosper today. She will be able to start doing some online trainings and get up to speed. I need a signature from Mike today so I can sign her up for banking. Just sign those in green please. Then I can get her set up in the bank and we can get her doing the daily deposits and into some of the accounting now.

Michael Ovitt: Is Jill still on banking?

Sheila LaBarbera: She is. I am going to take her off, but she is still on it for right now.

Michael Ovitt: All right. I thought you were taking her off before.

Sheila LaBarbera: I was going to, but on Friday, she has been coming in doing bills and it was just easier for her to have the access, but she will be terminated soon.

Michael Ovitt: Brian needs to sign this as well?

Sheila LaBarbera: Yes.

Michael Ovitt: And where is Martha's signature?

Sheila LaBarbera: we are adding her so there is nowhere for her to sign yet. Those are the people that are on the account and they have to sign.

Michael Ovitt: Okay. I am curious. Let us back up. What is this for?

Sheila LaBarbera: For online banking.

Michael Ovitt: Okay. So, we are not adding Martha to it?

Sheila LaBarbera: We are adding Martha, but the signers have to agree to add Martha, so that is why we have to sign that today.

Michael Ovitt: I am not seeing anything for Martha on here.

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Sheila LaBarbera: Martha does not get anything until we sign it and agree to add her to the account. Then she will be added.

Michael Ovitt: Okay.

Mark Bashara: So, there will be another form once these are signed?

Sheila LaBarbera: Correct.

Mark Bashara: All right. You will get us that at the next meeting I am guessing.

Sheila LaBarbera: Sure. If there is another form.

Ericka Oleson: I think you just sign the forms to add them.

Michael Ovitt: Because there is no mention on who it is.

Sheila LaBarbera: No, because the bankers are going to come in and they have the forms.

Ericka Oleson: Like the signature card?

Sheila LaBarbera: All the paperwork regarding the signature card, the fob and remote capture.

Ericka Oleson: Yes, okay.

Sheila LaBarbera: She does not get that until your signatures are complete.

Ericka Oleson: Until after.

Michael Ovitt: So, the current users need to sign to say that Martha is coming in?

Sheila LaBarbera: Correct.

Michael Ovitt: I have never seen that before.

Sheila LaBarbera: Banking regulations use this when you try adding anybody or even taking anybody off an account, just like a personal account.

Ericka Oleson: Lots of paperwork.

Sheila LaBarbera: Yes, a lot of paperwork, signatures, notaries. It is almost not worth it to put anybody on your account anymore.

5th member appointment

Sheila LaBarbera: we have our first application. I have put it in your packet. I have a letter of interest from Smitty Pignatelli for the fifth member appointed position. I called him yesterday just to double-check to make sure he was not involved in any of our towns and he is not.

Mark Bashara: He needs to add a little more to his life.

Timothy Sorrell: Yes.

COLA notification

Mark Bashara: If I can where are we standing on the increasing the base?

Sheila LaBarbera: Yes, we are waiting. We do not have anything yet.

Mark Bashara: So, you will let us know as soon as we get them.

Sheila LaBarbera: Yes.

Michael Ovitt: So, you have an Advisory Board meeting tomorrow?

Ericka Oleson: Yes.

Michael Ovitt: Are we proposing a COLA amount? Or are we just –?

Sheila LaBarbera: We are just notifying them that the most you can do is 3%.

Michael Ovitt: Okay.

Sheila LaBarbera: If you are proposing a COLA between 2.5 and 3%, anything more than 2.5% you have to notify the Advisory Board. They will be notified and they do not vote on anything.

Michael Ovitt: Right.

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Sheila LaBarbera: As Tom said they just have to be notified. That notice went out for that meeting; we will see how many treasurers show up. I will send out another note.

Michael Ovitt: So, was it 2.1%?

Sheila LaBarbera: 2.5% for Social Security.

Michael Ovitt: I thought Tom said it was 2.1.

Sheila LaBarbera: 2.5.

Michael Ovitt: Okay. All right.

Mark Bashara: Or we can do 3%, right?

Sheila LaBarbera: Yes.

Mark Bashara: But you said we should do that in April. If you get the chance if you could check with them just to see how they are coming along.

Sheila LaBarbera: I will.

Michael Ovitt: we are looking for a motion to adjourn.

A motion was made by Timothy Sorrell to adjourn the meeting second by Ericka Oleson.

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

At 11:07am, the meeting was adjourned.

The next regular board meeting is scheduled for April 30, 2025 @ 9am.

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