

Berkshire County Retirement Board Meeting
January 29, 2020

The meeting of the Berkshire County Retirement Board was called to order at 9:00 A.M. in the Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were, Michael Ovitt, Chairman, Mark Bashara, Elected Member, and Gerald Doyle Jr., Appointed Member. Paul A. Lisi, Jr., Advisory Board Member was absent. Karen Williams, Elected Member participated by phone. Roll call vote taken to allow remote participation, Unanimous.

PUBLIC COMMENT:

Members of the public have an opportunity to address the Retirement Board.

There was no public comment.

MINUTES:

1.) The Board minutes of the meeting held December 30, 2019, were signed and approved. Voted to approve the minutes.

NEW BUSINESS:

2.) The Board conducted a Section 12B pension termination hearing for John Doe. Chairman Ovitt opened the hearing at 9am. In attendance, representing John Doe was Jane Smith mother of John Doe.

Chairman Ovitt announced the purpose of the hearing to receive evidence and hear testimony regarding the termination of the 12B pension benefits and dependent allowance for John Doe. Chairman Ovitt stated that John Doe has the right to be represented and asked if there anyone representing John Doe at the hearing today? Jane Smith, mother of John Doe, stated she would be representing her son.

Mr. Ovitt stated purpose of the hearing is to determine if John Doe has been legally adopted. An allowance paid under the section 12B for the benefit of a child shall terminate upon his/her adoption, based on the evidence presented today the Board will make a decision on the termination of John Doe's current 12B benefit.

Mr. Ovitt indicated that the Board became aware of the possibility that John Doe had been adopted because Mrs. Smith had inquired about changing John's name on the annual affidavit she indicated at that time her spouse had adopted John.

Mrs. Smith acknowledged that she was unaware that an adoption would terminate her son's benefit, but that would not have stopped her spouse from adopting John as his son. Mrs. Smith expressed disappointment at the possibility of termination of her son's benefit because she had planned to use the money for college and she did not receive any child support since John's birth father was deceased.

Mrs. Smith presented the board with the following documents:

- A certificate of adoption dated October 10, 2018, certifying the adoption in the State of New York.
- A new birth certificate from the State of Massachusetts, issued February 6, 2019.
- A social security card issued March 15, 2019, identifying John Doe Smith.
- A marriage certificate for Jane Smith and John Smith dated September 17, 2018.

After review of the documents, Mr. Ovitt gave Mrs. Smith a copy of MGL Ch. 32 s. 12B, and reviewed with her allowances payable under this section for the benefit of a child shall terminate upon adoption.

Berkshire County Retirement Board Meeting
January 29, 2020

Mr. Ovitt indicated the based on the information submitted to the Board they did not have any other options other than to terminate the 12B survivor allowance and the dependent allowance for John Doe Smith based on his October 10, 2018 adoption.

A motion to terminate the 12B survivor pension and dependent allowance was made by Mark Bashara second by Gerald Doyle, Jr., Unanimous.

The Board explained Mrs. Smith had the right to appeal the decision of the Board and that she would receive a certified letter detailing how to appeal the decision.

Voted to terminate the 12B pension benefit.

The Board also noted that the adoption was complete on October 10, 2018. John Doe was not eligible for the continued payment of the 12B pension benefit after October 10, 2018. The total benefit paid from October 10, 2018 thru October 31, 2019 was \$5756.90. Gerald Doyle Jr, made a motion to waive the repayment of the 12B pension benefit of \$5756.90, second Mark Bashara, unanimous.

Voted to waive repayment of \$5756.90.

Voted to close the hearing at 9:30am, unanimous.

3.) The Board will consider retaining Cain Hibbard Myers on an as needed basis for personnel issues in 2020. The Board wanted to complete the Personnel Policy update process, which includes a presentation by Attorney Goodman in February. Motion to table by Mark Bashara second Gerald Doyle Jr, Unanimous.

Voted to table.

4.) The Board reviewed the supplementary regulation regarding regular compensation proposed by Attorney Thomas Gibson. The Board reviewed a supplemental regulation of Employment of active members in additional employment positions within the Berkshire County Retirement System. There is currently a conflict with Ethics stating that employees cannot be employed in more than one position within a governmental unit this regulation would allow the additional position(s) to be considered regular compensation. The Board discussed this issue and questioned how this would affect the current supplemental regulation requiring membership enrollment for employees who work more than 520 hrs. in a six month period. The Board also reviewed the FAQ's for determining regular compensation Karen Williams indicated she had several questions regarding the determination of regular compensation and would like her questions submitted to Thomas Gibson for an opinion and inclusion in the FAQ's. The Board members would like this item to remain on the agenda for February for additional discussion before taking any action

Voted to table.

INVESTMENTS:

5.) The Board received from PRIT a statement of performance for December 2019. The PRIT Fund returned 2.05% for the month of December.

Voted to note the record.

Berkshire County Retirement Board Meeting
January 29, 2020

BANK STATEMENTS:

6.) The Board is in receipt of the bank statements for Dec 19 and the budget for Jan 2020.

Voted to note the record.

MONTHLY WARRANTS:

7.) The Board approved payment vouchers:

12-07-19	\$60,903.00
01-01-20	\$121,915.18
01-02-20	\$22,408.48
01-03-20	\$6,299.86
01-04-20	\$1,396,793.08

Voted to approve payments as presented.

REQUESTS FOR RETIREMENT:

8.) The Board approved the application for superannuation retirement from William Girard, Becket, Bldg. Inspector. The retirement will be effective 01/31/2020.

The Board approved the application for superannuation retirement from Susan Baker, Lee Schools, Admin Asst. The retirement will be effective 02/10/2020.

The Board approved the application for superannuation retirement from James Roche, Lenox, Highway Dept. The retirement will be effective 02/25/2020.

The Board approved the application for superannuation retirement from David Soules, Gt Barrington, Water Dept. The retirement will be effective 04/03/2020.

The Board approved the application for superannuation retirement from Timothy Kaiser, Williamstown, Director Public Works. The retirement will be effective 04/12/2020.

Voted to approve retirement requests as presented.

REQUEST FOR SERVICE BUYBACK:

9.) Lisa Michaud, a member in Becket, is eligible to buy back 3 years and 8 months of prior creditable service. If Ms. Michaud pays \$31,609.65 into the annuity savings fund by February 29, 2020, the Board will grant 3 years and 8 months of creditable service.

Voted to approve service buybacks as presented.

MEMBER TRANSFERS OUT OF SYSTEM:

10.) There are no transfers for the month of January.

REQUESTS FOR REFUNDS:

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

Peter Skorput West Stockbridge

- Mr. Skorput is ineligible for a return of accumulated deductions (refund) because he is currently employed as the Fire Chief in the Town of West Stockbridge.

Voted to deny the request for a refund as presented.

Berkshire County Retirement Board Meeting
January 29, 2020

INJURY REPORTS:

12.) There were injuries reported in the Town of Stockbridge and the Southern Berkshire Regional School District.

Voted to note the record.

NEW MEMBER APPLICATIONS:

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

7044	BRYAN M CARLINO	LEE	11/18/2019	DRIVER/LABORER	1
7051	JOAN M PETERS	GT Barrington	10/24/2019	ADMIN ASST	1
7053	JEAN M O'HEARN	MGRSD	12/6/2019	CAFÉ/CUSTODIAN	1
7055	KATHERINE R O'NEIL	LENOX	12/13/2019	LIBRARY DIR	1
7056	BORIS BASORA	HINSDALE	12/24/2019	ASST TREAS COLL	1
7057	EDWIN M HERNANDEZ	LEE	12/20/2019	POLICE OFFICER	4
7058	HALEY KORTE	BHRSD	1/6/2020	PARA	1
7059	MOLLY C RANDO	MGRSD	1/3/2020	PARA	1
7060	STEVEN M PADEN	SBRSD	12/30/2019	CUSTODIAN/GROUND	1

Voted to approve new members as presented.

RETIREMENT ALLOWANCE APPROVALS:

14.) The Board received approval from PERAC to grant a retirement allowance to Adrian Kohlenberger, Lee, as of 08/20/2019. Annual pension amount is \$46,986.48.

The Board received approval from PERAC to grant a retirement allowance to Timothy Sheehan, Lenox, as of 09/09/2019. Annual pension amount is \$52,480.68.

The Board received approval from PERAC to grant a retirement allowance to Bella Ahern, MGRSD, as of 09/19/2019. Annual pension amount is \$15,368.04.

The Board received approval from PERAC to grant a retirement allowance to Sarah Henry, MGRSD, as of 09/27/2019. Annual pension amount is \$14,183.04.

The Board received approval from PERAC to grant a retirement allowance to Daria Woodger, Lenox, as of 10/04/2019. Annual pension amount is \$5,061.12.

Voted to note the record.

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 \$12,916.42 a year toward the retirement allowance of Lynn Schmitter.

Voted to note the record.

PERAC CORRESPONDENCE:

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

#01/2020	Tobacco Company List
#02/2020	2018 Comparative Analysis
#03/2020	Mandatory Retirement Board Training

Berkshire County Retirement Board Meeting
January 29, 2020

#04/2020 Investment Consultant
#05/2020 2020 limits under Ch. 46 of the acts of 2020
#06/2020 2020 limits under sec23 of Ch. 131 of 2010
#07/2020 COLA Notice
#08/2020 Actuarial Data
#09/2020 Buyback and Makeup Repayments

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

TRAVEL & EDUCATION APPROVALS:

17.) The Board approved the travel expense for Sheila LaBarbera to visit with Middlesex County Executive Director February 20, 2020, in Billerica, MA.

Voted to approve the travel request.

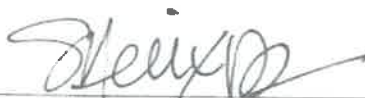
MISCELLANEOUS CORRESPONDENCE:

a.) The Board is in receipt of the final CRAB decision to dismiss the appeal of James Salice.

The next regular board meeting is scheduled for Wednesday, February 26, 2020 at 9:00am.

Voted to adjourn at 10:25am.

RESPECTFULLY SUBMITTED:



Sheila LaBarbera, Executive Director

APPROVED BY:



Michael Ovitt, Chairman

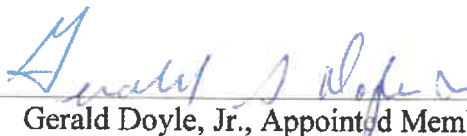


Mark Bashara, Elected Member



Karen Williams, Elected Member

Paul A. Lisi, Jr., Advisory Council Member



Gerald Doyle, Jr., Appointed Member