

Berkshire County Retirement Board Meeting  
January 29, 2025

**The meeting of the Berkshire County Retirement Board was called to order at 8:59am, 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 participated remotely.**

**PUBLIC COMMENT:**

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

**Consent Agenda Detail:**

Michael Ovitt: So, we have no public, just for the record.

There was one thing on the Consent Agenda that is just at the end that talks about the next regular board meeting scheduled for Wednesday, January 29th.

Sheila LaBarbera: It should be Wednesday, February 26<sup>th</sup> @9am.

Michael Ovitt: Well, I am scheduled to work the day shift that day, so do you want to do it on a different day?

Ericka Oleson: I could do Monday, Tuesday, or Friday.

Timothy Sorrell: Friday, 02/28 then, 9 o'clock.

Mark Bashara: And with the Consent, the addendum is taken care of for the regular minutes.

Sheila LaBarbera: It is at the end of the meeting and I missed it.

Michael Ovitt: And, as far as the availability of the transcript and all that, do we have access to that?

Sheila LaBarbera: If you want them, the videos we only have access to for a year.

Michael Ovitt: Is it a year? I just guessed that.

Mark Bashara: Well, I'll make a motion to accept the Consent Agenda as written.

Timothy Sorrell: I'll second that.

Michael Ovitt: Are we going to discuss the PTG on your update? That is under Miscellaneous.

Sheila LaBarbera: I wanted you to have all those memos in advance, so that's why I put it there and sent it out to you.

Michael Ovitt: And the PERAC actuarial evaluation letter?

Sheila LaBarbera: That is a standard letter. We have evaluation this year.

Michael Ovitt: So that has nothing to do with Mark's request?

Sheila LaBarbera: No.

Mark Bashara: I think you were saying originally it would not be until like February or March.

Sheila LaBarbera: That is right.

Michael Ovitt: We have motion and second of the buyback. So, the buyback, we do not want to discuss that? Do we have to take a vote on the interest on the buyback?

Sheila LaBarbera: So, we seem to be having some issues with some of the treasurers.

In this case, Dylan was erroneously omitted or not enrolled and the buyback he is paying in full. If he pays it in full, what we will do is we will not charge any interest. The interest, if the interest is waived, is only \$99. It was not his error.

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Michael Ovitt: So, he was eligible in 6 months working full-time? Would the town pay it? I mean would the town be made to pay this?

Sheila LaBarbera: The Town wired us the money; they paid it in full, so he has his original membership date. The disconnect is that the treasurers do not have control of that anymore. The towns have a Human Resource person that is supposed to be in charge, nobody knows what the other one is doing, and it just does not get done.

Michael Ovitt: There cannot be that many that have personnel. I mean, can we instruct the treasurer? I mean, our connection is with the treasurer. Can we make sure that they communicate that properly?

Sheila LaBarbera: I have tried to do that with the town managers to just say we cannot reassign treasurers' duties and responsibilities to other people in their organization.

Ericka Oleson: I just want to throw in as a treasurer. People do not tell me when they hire somebody. All of a sudden, they will show up on payroll and I cannot pay you. I do not know who you are. There is a lot of disconnect, and I do find a lot of my job is chasing people.

Michael Ovitt: Okay. So, are we going to vote this?

Sheila LaBarbera: If you would like to waive the interest, we should take that off the Consent Agenda and vote on that separately, so that the interest could be waived.

Michael Ovitt: All right. We will take that off, and we are going to make a motion. Item G, the request for service buyback for Dylan Tyler.

Mark Bashara: All right. I will make a motion to remove the interest for Item G.

Timothy Sorrell: I will second that.

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

Michael Ovitt: All right. It is unanimous. The remainder of the Consent Agenda. Hearing no other discussion.

Mark Bashara: I will make a motion to approve the Consent Agenda.

Timothy Sorrell: I will second that.

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

**MINUTES:**

a.) The Board minutes of the regular meeting held December 27, 2024 and an addendum to the regular meeting held 10/31/24, were approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for December 2024. The PRIT Fund returned -1.60% for the month of December.

**BANK STATEMENTS:**

c.) The Board received the bank statements for Dec 2024 and the budget for January 2025. *Cash Books for December were sent to Board by email.*

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

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01-01-2025	no refunds
01-02-2025	no transfers
01-03-2025	\$18,973.08
01-04-2025	\$208,941.30
01-05-2025	\$1,815,210.61
01-06-2025	\$2906.01

**REQUESTS FOR RETIREMENT:**

e.) There are no applications for retirement in the month of January.

**MEMBER TRANSFERS OUT OF SYSTEM:**

f.) There are no transfers in the month of January.

**REQUEST FOR SERVICE BUYBACK:**

g.) Dylan Tyer, a member in Lenox, is eligible to buy back 6 months and 25 days of prior creditable service as a police officer. If Mr. Tyer pays \$2,852.34 into the annuity savings fund by February 28, 2025, the board will grant 6 months and 25 days of creditable service. *\*The Board is asked to consider waiving interest on this buyback if completed by December 31, 2025. The error and omission of enrollment was an oversight of the Town of Lenox, interest would be less than \$99.00\**

**REQUESTS FOR REFUNDS:**

h.) There are no refunds in the month of January.

**INJURY REPORTS:**

i.) There were no injuries reported in month of January.

**NEW MEMBER APPLICATIONS:**

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

8066	Brett Pierce	Lanesborough	12/16/2024	Police Officer	4
8067	Courtney Phelps	MGRSD	12/12/2024	Paraprofessional	1
8068	Dylan Tyer	Lenox	12/8/2024	Police Officer	4
8069	Cheryl Cummings	Lenox	12/9/2024	Kitchen Staff	1

**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Bustin Buzzella, Dalton, as of 09/28/2023. Annual pension amount is \$64,206.72.

The Board received approval from PERAC to grant a retirement allowance to Thomas Rubino, Stockbridge, as of 12/09/24. Annual pension amount is \$30,845.88.

The Board received approval from PERAC to grant a retirement allowance to Flor Sanchez, SBRSD, as of 12/20/24. Annual pension amount is \$11,881.44.

**3(8)c REIMBURSEMENTS:**

l.) There are no 3(8)c reimbursements in the month of January.

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**PERAC CORRESPONDENCE:**

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

- #32/ 2024 Tobacco Company List
- #33/ 2024 Mandatory Retirement Board Training 1<sup>st</sup> Q25
- #34/ 2024 CMR 840 Annual Review of medical Testing Fee
- #01/ 2025 2025 Interest set at 0.1%
- #02/ 2025 Repeal of Social Security offsets
- #03/ 2025 Required Minimum Distribution Age 73
- #04/ 2025 2025 Limits under Ch. 46 of Acts 2002
- #05/ 2025 2025 limits under Sec 23 Ch. 131 of the acts of 2010
- #06/ 2025 COLA Notice
- #07/ 2025 2025 Interest Rate 0.1%
- #08/ 2005 Investment management Statements in Prosper

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

**TRAVEL & EDUCATION APPROVALS:**

n.) There are no requests for Travel or Education reimbursements for January

**MISCELLANEOUS CORRESPONDENCE:**

- o.) -PERAC Actuary Valuation Letter for January 2025
- Email from PTG regarding hrMecca and ongoing legal issues
- MIIA Unemployment Services Program Update

**NEW BUSINESS:**

- 2.) The Board will review the completed ADR application of Kurt Degrenier, SBRSD, and consider a request for a medical panel.

Thomas Gibson: I do not think we need to get into any medical information, so we can keep it in open session. As the Board will recall, there was some question and some lack of clarity in the duties that Mr. DeGrenier was performing on November 10, 2020, when he fell down a flight of stairs at the high school where he was working. We had asked the employer and the applicant himself to expound on that issue so that we could ensure that the allegation was that he was in the performance of his duties.

We sent letters to both Jesse Carpenter who is the principal who signed the employer's statement and to the applicant himself through his counsel. Both responded promptly and both responded with some substance. Jesse Carpenter especially said that he had no first-hand knowledge of what Mr. DeGrenier was doing, but he did summarize what his job duties were, and part of those job duties were that he would be responsible supervising students periodically throughout the workday during certain shifts.

The applicant himself gave us a detailed affidavit in which he indicated that he was assigned to supervise a particular student in the mezzanine of the weight room at the school, and he went there and was present as the work was being performed and, "Immediately preceding the student's lunch period, the student and I exited the weight room. I was carrying all the equipment used to paint the mezzanine. That was two gallons of paint, paintbrushes. I was traveling from the weight room back to return the equipment. We assigned a workspace. I stepped on something at the top of the stairs, tripped, and fell down the stairs."

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He has made out a prima facie case that would require the Board to accept the application and ask PERAC to convene a medical panel. I sent a summary of that recommendation to Sheila on Monday, and Sheila, I think you have shared that with the board members. Sheila LaBarbera: Yes, I have.

Thomas Gibson: So At This Point, the threshold is very low to go to a medical panel unless the member cannot be retired as a matter of law. The Board almost has to accept what has been represented and then wait for the medical panel to come back and see what they have to say about disability permanence and causation, that is our recommendation to the Board at this point.

Mark Bashara: If I read that correctly, the administrator said that painting is not part of his job duties, correct?

Thomas Gibson: Painting is not part of his job duties.

Mark Bashara: So, was he carrying the paint for the students that were painting?

Thomas Gibson: Apparently, he was gathering up the equipment to return to the storage area after they had done the painting, and that is when he fell down the stairs.

Mark Bashara: Right, because that is where I was a little skeptical.

Timothy Sorrell: They are coming out and saying he is in a supervisory role. If you are supervising, you are not hands-on, so are you in agreement that he qualifies?

Thomas Gibson: I am in agreement that there is enough information here. The application is a very low bar. Let us not forget this is not the ultimate determination of whether or not he is entitled to accidental disability retirement. This is just a question of whether he has met the requirements to go to a medical panel. Once he completes the application, unless there is a matter of law for which he cannot be retired, the Board has to send it to a medical panel for examination. We do not see any issue as a matter of law.

Mark Bashara: Right, but after that medical, can it still be discussed as far as the question of what he was doing?

Thomas Gibson: Yes. Absolutely. What the medical panel does, Mark, is it is like a gatekeeper. If the panel comes back and says, no, he is not disabled, then that is the end of the ball game right there. There is no need to go into any fact finding at all. If the panel comes back and says it is not permanent, then there is no need to go into any fact finding or if the panel says that it is not related to any injury that happened on the job. What the medical panel does by certifying in the affirmative is that now the Board has the obligation to review all of the evidence in the file, medical and nonmedical, to make a determination whether the disability is a natural and proximate result of the injury he sustained on the job. That includes looking at all of these underlying facts. Right now, you have to take the member at his word, what he is alleging, and then when the panel comes back, you can start testing those underpinnings of his application.

Mark Bashara: All right. Thank you.

Timothy Sorrell: Tom, pretty much in a nutshell, you said it, 84 CMR 10.081, the Board shall schedule an exam, and so our hands are tied?

Thomas Gibson: At this point, unless we can point to something that says it is a matter of law, for example, if he was on his lunch hour, he was not performing any duties when he fell down the stairs. That is the classic Mrs. Namvar case at Bunker Hill Community College. She was going from the cafeteria back to her classroom without performing any duties and it had nothing to do with her job and she fell down the stairs. That is why we looked at this case to see what he was actually doing at the time, whether he was painting or not painting. That was the original threshold issue I believe.

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Michael Ovitt: We have opened that door and are saying it is work-related then?

Thomas Gibson: What we are saying is that the member has made a prima facie case of the matter to go to a medical panel. We are not committing to anything at this point in time other than saying the application does rise to the level of going to a medical panel. There is no reason as a matter of law he cannot be retired.

Mark Bashara: We have to do the medical panel. He goes to the medical panel. Let us say for discussion, they say, yes, he qualifies, and then we discuss the other issues at hand. That cannot be used against us. Could he say, well you approved the medical panel?

Thomas Gibson: No.

Mark Bashara: Okay.

Michael Ovitt: We are going to be accepting it potentially today.

Thomas Gibson: For the purposes of requesting a medical panel.

Michael Ovitt: But now we are saying that it is work-related based on his statement.

Thomas Gibson: What we are saying is that the application that he has filed meets the threshold requirements to go to a medical panel. That is all we are saying. We are not admitting it. We are not granting anything. It is an open book when the medical panel comes back.

Michael Ovitt: Okay, but we have had that same information for months though, so in his new statement all he said was that, "In a supervisory capacity, I carried paint down the stairs and fell."

Thomas Gibson: Well, we were not sure what exactly he was doing at the time that he fell and why he was there. What was he doing there? His application itself was very bare bones. "I was supervising students." Period. That is all he said in his application. The witness statements when they talked about there being paint all over the walls and pain all over the floor and he was covered in paint, we needed to ensure that he actually was not painting because that was not in his job duties. Now we have established that at least based on the representation from the employer and the member, so now it goes to a medical panel, but that issue is not precluded from being raised again after the medical panel comes back.

Michael Ovitt: Okay.

Mark Bashara: Do I make a motion?

Michael Ovitt: Do we want to review these or take a vote? I do not know.

Thomas Gibson: I would suggest that the motion be to accept the application for the purposes of proceeding to a medical panel examination.

Mark Bashara: I will make a motion to accept the application and to move forward with sending Mr. DeGrenier to a medical panel.

Timothy Sorrell: I will second that.

Michael Ovitt: We have motion and second. Any further discussion? All in favor.

**A roll call vote was taken to accept the ADR application of Mr. Degrenier and request a medical panel with PERAC, the vote was unanimous.**

3.) Legal Update: Presented by Board Counsel Thomas Gibson  
-PERAC Remand for Kevin Larkin

Thomas Gibson: I think the Board expected there would be some bumps in the road on Mr. Larkin's application considering the length of time that has elapsed between the asserted work events and his application for disability retirement. PERAC has looked at it. They originally had questioned whether the matter should have been accepted and gone through a

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medical panel. We had responded to PERAC and showed them why it should go to a medical panel. Mr. Larkin had met the threshold requirements for a medical panel, and PERAC agreed and convened a medical panel. The medical panel now has made its return and indicated that his disability was related to events that occurred on the job, but PERAC has now remanded back. The reasons they have remanded it back vary.

The first point they make is that the information provided does not indicate when Mr. Larkin officially stopped working as a police officer. In the member's application, he provides August 4, 2006, as the last day he was able to perform his essential duties. The employer's statement indicates that his appointment ended on April 1, 2006, and he referenced other dates with the medical panel. We can respond to that. There are payroll records and his application for superannuation certainly has information, and I think Sheila has other documents in the file that we can provide in response to that preliminary issue that PERAC had raised.

The other point that PERAC made is that after establishing the date of disability, the Board should address why it has found that Mr. Larkin was disabled from performing his essential duties as a police officer and what particular incidents have you relied upon in making that determination. We do have a report from Dr. Patel in his physician statement that did say in 2005, there are office notes attached to the employer's statement that we believe would assist the Board in providing a response to that particular event that PERAC has raised for that particular issue.

PERAC questioned all of the incidents that were relied upon. One of the things they found regarding the shooting at Simon's Rock College is that the report showed that Mr. Larkin did not actually respond to the college shooting but rather was working as a dispatcher on that particular date. The diagnostic and statistical manual used by the psychiatrist to determine PTSD does require – I am not sure it did back in 1992, but it did require at least at some point that a member actually physically be in interaction. Just hearing about something would not suffice to be a cause of PTSD unless there was a close family member or friend that they were learning bad news about.

In the file, we have a letter from Chief Walsh, which indicated that Mr. Larkin did, in fact, respond to the scene and was active in searching dormitories that day for other victims or other shooters. We do have some evidence in that particular issue to respond to PERAC's remand as well. What will require some more work is the fact that some of the doctors cited some incidents, some of the doctors cited other events and that would require a little more work.

Mr. Larkin has also received a copy of this remand. Mr. Larkin himself has an obligation to provide information to the Board to address these issues as well. In other words, we can assist the member in their application process, but we are not going to function as the member's attorney. We will not do all the legal work that perhaps the member or the member's attorney should do to respond to a PERAC remand. Records that we have in our file that are responsive to the issues PERAC raised we can provide, but Mr. Larkin himself is going to be preparing a package and a response.

Sheila LaBarbera: I spoke to Kevin when he got the letter, and he is going to go through the letter, collect the information, and answer all of the questions that they are asking. We should probably put a time limit on that for him and ask him to provide that information to us by a specific date so that we review it.

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Thomas Gibson: I would say certainly by the next meeting of the Board, he should have this information to us. I would suggest that before we put pen to paper and respond to PERAC's remand that we see what Mr. Larkin has to offer in his response as well. We can take a shot at satisfying PERAC's concerns. If PERAC is not satisfied after our initial response to placate their concerns, then the ball would be in Mr. Larkin's court to take further action and an appeal. It would be an appeal that would be against PERAC. We would be necessary party but we would not be the party doing all the heavy lifting in the case. It would be Kevin Larkin v. PERAC.

Michael Ovitt: What is the timeframe on our response to get it up?

Thomas Gibson: There is no statutory or regulatory timeframe to have a final response. We want to do this thoughtfully and we want to give Mr. Larkin the opportunity to provide his response and then we can take his response and then we can look at it. We can incorporate his response with the Board's response and ship that back into PERAC. It may take 60 days to do that, but we are well within our time to do that.

Michael Ovitt: Okay. Super.

Thomas Gibson: Any questions?

Mark Bashara: No.

**Legal Update: Repeal of the WEP and GPO**

The repeal of the WEP and GPO was implemented when former President Biden signed the Security Fairness Act. Many people have worked long and hard to get that repealed especially Rep Neal out in the western part of the state. It is a huge victory for public workers who have also contributed to social security as well. It shows that the folks in Capitol Hill can really work together if they want to when there is a good issue to be done.

This will be effective as of January of 2024, so there will be some retroactivity. Most public workers who are receiving social security who are impacted by the WEP will see a slight increase in their benefit. Where it is really going to have an impact is in the elimination of the GPO, which affects a spouse's receipt of social security based on their spouse's social security earnings. In some cases, we know that those have been eliminated by the formula that the Government Pension Offset implemented in determining what they are entitled to under social security. In some cases, we may see spouses; I would say mostly women, who will receive close to \$18 or \$19 thousand dollars a year now in social security benefits that previously were reduced to zero because of the application of the GPO.

What our members should know is that has no impact on what they receive from the Berkshire County Retirement System. Those benefits have never been impacted and will not be impacted going forward. If members have any questions, I would refer them to the social security office for any particular questions they may have about their own individual situation.

Beth Matson: Is Middlesex going to put out a newsletter just making them aware? I do not think all retirees are aware that this happened, just the ones that are closely following it.

Thomas Gibson: We have put it on our website, Beth. It is on the front page of the website. We have a script that when the phone rings we tell people. We have monthly member meetings at Middlesex where members are invited to come into the office and every month that is part of the agenda for our member meeting. We do have a newsletter that is coming out, but it will not be out until June. The Board is going to try to do an e-mail blast; we have captured some e-mail addresses for many of our members but not all of them.



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Beth Matson: Can you recommend other Boards to do the same? I just am worried about the people who are not aware of it and are off the radar of social security.

Thomas Gibson: We are making reasonable efforts to do that. You know, there is nothing in Chapter 32 that requires a retirement board to provide any type of social security counseling. The only thing we are required to do is give them that notice of a noncovered pension, which by the way I think we can remove from the enrollment package because it is no longer valid. It is a huge issue for all of our workers, and therefore, I think we should make an effort to get that information out to our members and beneficiaries.

Beth Matson: And can I steal some of your language for Middlesex?

Thomas Gibson: It is a public record and we are all in this together, Beth.

Beth Matson: Thank you.

Thomas Gibson: Anything you want to use, borrow – I would not use the word steal, just use the word appropriate.

Beth Matson: All right. Thank you so much.

Sheila LaBarbera: Actually, I have one question for you, Tom. I know that we should remove that from the notice of the effect that your pension may have on social security but the SSA Form itself that tells somebody that they are no longer contributing to social security. Should we still do that? Because they not contributing to Social Security, so it is still going to affect your social security.

Thomas Gibson: It might. They will be getting quarters. If they only have forty quarters, they may not – they may think you are getting it, so that is a good point, Sheila.

Sheila LaBarbera: The affect is while you are not contributing to social security you are not gaining anymore benefit, if you are not vested in social security you should check with them.

Mark Bashara: Mass Retirees has been doing a great job for most members, putting updates immediately. I just go straight to the SSA site and the first one was updated January 6th, and then it was like two weeks nothing was happening. Then I think it was January 24th they put up a more in-detail information there that explains who is affected, when is it going to be going on, why it's taken some time, and so that could be helpful for, you know, telling members that whether or not they're a member of Mass Retirees that's up to them. If they go straight to the SSA, site – do not listen to the stuff they see on YouTube and stuff because there is a thousand proclaimed experts out there. I go right to the site.

Beth Matson: Good tips. Thank you.

Mark Bashara: Basically everybody that is collecting social security, the main thing they're emphasizing is make sure they have your current direct deposit information because I think what's going to happen is someday someone is going to click on their bank account and they're going to see a substantial amount of money deposited in there from social security.

Beth Matson: Great information. Thank you.

*Thomas Gibson left the meeting @9:27am*

## **MENDEL DALA**

Gerry McDonough: I will just let everyone know that the Lisa Mendel case is moving along slowly but surely. We had some hiccups with the magistrate. Originally, we were going to resolve this on the papers without evidentiary hearing, but once Ms. Mendel changed her background story, it became clear that we needed to have an evidentiary hearing. The magistrate has been issuing some orders and most recently asked for us to just give him a

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final list of witnesses and exhibits and to respond to a reported DALA decision, Dupree v. State Board of Retirement.

It is significantly different from Ms. Mendel's case. In Dupree, she had been in training with the State for two days before her actual start date that she listed in her enrollment form. They determined, while she was still a member of the state employees' retirement system. She wanted to make sure that she got credit for those two days because those two days were before April 2, 2012. She overlapped between the implementation dates for the Pension Reform Act of 2011; she needed those two days to show that her start date was before the effective date of the statute, which limited certain retirement benefits to people who were employed before April 2, 2012. That is why it was a big issue for her, but it was clear that she was paid for those two days. It was required for her to do the training, and the state board had an issue with, well, if there was a break in service of a few days between the completion of the service and the start of her employment.

We think that that case is not influential over Lisa Mendel's case. We feel very confident. There is a lot of information we have. We have provided a prehearing submission, and there will be a hearing on February 18, 2025, an evidentiary hearing. It will be remote. Sheila will testify for us. They have some questions about payroll records we will need her to testify about. That is the only case I think that is pending right now at DALA or anywhere. Any questions?

That is the only litigation. There are many things happening legislatively. You have heard about the WEP and GPO, and you know that there have been many pension bills filed by PERAC, by the Mass Retirees Association, and so we are waiting to see what happens with those. The governor submitted her budget and she did have one item that is of interest to us, which is the Vernava decision, which said you could not add on vacation leave, sick leave, or personal leave to worker's compensation payments. Those payments are not considered regular compensation according to the Supreme Judicial Court, and Governor Healy's proposal would address that.

There's a lot of legislative activity brewing, but legislature doesn't appoint their committees and appointment to the committees until mid-February, and then the bills get assigned numbers and distributed and then they start the process of hearing, so a long way in the session from things starting to happen, but they will happen soon.

Another note is that the remote hearings that we are running right now, the legislative statutory authority for that runs out at the end of March. We are hoping the legislature will address this and allow for the present system of remote hearings to continue. The last time I think it happened right on the last day before it was supposed to expire, so hopefully the legislature will do something. There have been some complaints from some smaller communities, municipalities that they could not afford it, but that can easily be addressed by making the whole process voluntary. We are keeping an eye on that and other legislative things as well. Any other questions anyone has?

Michael Ovitt: I think we are good. Thank you very much.

*Gerry McDonough left the meeting @9:33am*

Sheila LaBarbera: Do you want to go back to Consent before you go to Item #4.

Michael Ovitt: We are supposed to complete Consent first. Item #2 and #3 we took care of.

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4.) The Board will review and approve the cybersecurity contract with NOVA computers  
Sheila LaBarbera: This is the estimate it is not quite an invoice. This is the estimate that NOVA had given us. This is what we would be paying for. We did budget for this. It is going to be active cybersecurity. It includes a couple of hours every month of service. For example, Beth had some issues with her MFA, we would do it if we have an issue like that to call NOVA and it is built into what we are paying for. I think we have three hours a month. Its active cybersecurity and we have all the equipment in place. This is the software that goes with it. We did budget for it, and I did meet with our insurance company we did review what we had proposed and so the insurance company is happy with it. We need something though because if we decide that we are not going to do this and we are just going to leave with what we have, which is kind of a passive cybersecurity, it is going to be hard to get insurance.

Michael Ovitt: At the moment, we do not have certain features listed here?

Sheila LaBarbera: Right. We have not started it yet.

Michael Ovitt: No, but I mean, you know, is it through another vendor or do we just do not have it?

Sheila LaBarbera: We do not have it.

Michael Ovitt: So, when can this go on?

Sheila LaBarbera: Well, if you approve it today, he is going to start it on February 1st.

Michael Ovitt: And this is monthly?

Sheila LaBarbera: Monthly, yes.

Timothy Sorrell: Thought it might be annual.

Mark Bashara: The \$1,080 is monthly.

Sheila LaBarbera: Yes

Timothy Sorrell: I will make a motion to approve the cybersecurity contract with NOVA Computers.

Mark Bashara: I will second.

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

Mark Bashara: What did we have budgeted?

Sheila LaBarbera: I think we budgeted \$15,000. There is another piece to this it is a penetration test and it is about \$3000. I am going to wait until July 1 and see if we can get a grant to do that as we did for the policies and procedures.

Michael Ovitt: Did MIIA do that? The penetration testing?

Sheila LaBarbera: No. We had ORAM. The insurance paid for it. That was about \$1,800, and they did that about two years ago. This will be an active penetration test based on what he is using for cybersecurity.

Michael Ovitt: Who is doing the testing?

Sheila LaBarbera: NOVA will do the testing.

Michael Ovitt: They are testing their own features?

Sheila LaBarbera: I am not sure I do not know how it works.

Michael Ovitt: They are testing their own vulnerabilities? I think they are going to pass with flying colors.

Sheila LaBarbera: No, maybe not. They will not make any money if it is not safe.

Mark Bashara: Maybe once the contract comes up next year, things are good and you are happy, maybe we can discuss with them if we sign longer if they could give us a cheaper rate like a two-year contract.

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Sheila LaBarbera: Right. That is a good suggestion. We can do that, but I think also too is you have to remember we are with NOVA because we have less than 10 stations. Ten is the breakeven point for all these cybersecurity companies. NOVA is only picking up the less than 10 clients, so I do not know that there is a big margin because we are just not that big.

Mark Bashara: Right. But you can ask.

Sheila LaBarbera: I can certainly ask them. John actually is proactive with all this; he is actually trying to look to see if he can find us ways to subsidized or less expensive if you are a certain classification. Certain nonprofits that get significant discounts. Right now, we do not qualify, but he has looked into that. That might be something that we might be able to get in the future too.

Mark Bashara: All right. Then you are going to look for that grant or see what you can do.

Michael Ovitt: Sheila, can you clarify where has NOVA come into this here?

Sheila LaBarbera: Well, NOVA is under the umbrella of Bug Busters. John is the person who is servicing our account and essentially it's NOVA, but he is under the umbrella of Bug Busters because he is facilitating some of what he does like call-in support services.

Michael Ovitt: So, is there any correlation? Do we need that? I mean, this is our estimate, but do we need to get in touch with NOVA? Or the parties involved?

Sheila LaBarbera: I already actually talked to John about that issue.

Michael Ovitt: And whose liability it is if there is a problem.

Sheila LaBarbera: Right. All the work papers and everything that we have for him it is all NOVA.

Michael Ovitt: W-9?

Sheila LaBarbera: W-9's are NOVA. I have had that discussion with him, and he keeps telling me it's NOVA, but then I keep getting these and it says Bug Busters.

Michael Ovitt: Just tax ID?

Sheila LaBarbera: Right, exactly. What I will do is if you approve this today, I will ask him for an actual contract, and I can actually have all of the business documents attached to the contract.

Michael Ovitt: And as far as hours outside the three hours, is there a rate?

Sheila LaBarbera: There is a discount. Its \$90 an hour I believe. It is discounted.

Timothy Sorrell: I see it does say discounted billing rate.

Mark Bashara: We get two hours per month and then they do it in fifteen-minute increments. Thirty minutes onsite.

Michael Ovitt: So, if you can add the rate in there.

Mark Bashara: I see what you are saying. Instead of the same discounted billing rate, what is that discounted rate?

Ericka Oleson: Yes.

Beth Matson: I always have my attorney look over any contract before I sign it. I think we could vote to approve pending Tom's approval? If you want to look that way.

Mark Bashara: I think that is good, and mention to him that we are going to have them put the billing amount so that he does not pick up on that.

Michael Ovitt: Well, before we are done, just, you know, the estimate is from this, so if we can get the proper name.

Beth Matson: We would have him review any contract that we were signing is my intent.

Sheila LaBarbera: Then we are going to have to push it back to – if you want to make sure, we have legal review. We can push it back to March 1st instead of February 1st as the start date.

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Mark Bashara: Or we could vote on it pending approval from counsel? If Tom a week from now says, hey, it looks good, you send us an e-mail letting us know that Tom approved it or send us a copy of Tom's review if you want.

Sheila LaBarbera: I will send the actual contract for Tom's review.

Michael Ovitt: So, are they prepared to start February 1st?

Sheila LaBarbera: He is ready. It is not going to take him long to get it set up because he has already done the hardware. This is going to be managed services.

Beth Matson: I am all on board as long as there – like, just the fact that they did not mention the hourly rate. That is the type of things that the attorneys usually point out or can get them to add it.

Michael Ovitt: And obviously, the entity name.

Sheila LaBarbera: So we have hourly rate and entity name.

Timothy Sorrell: And review by counsel.

Mark Bashara: So, do you amend your motion?

Timothy Sorrell: I can amend my motion to approve the cybersecurity contract with NOVA Computers, based on our discussion to include taking effect February 1, 2025, and upon legal approval.

Michael Ovitt: modifying your motion –

Timothy Sorrell: Modified my motion

Mark Bashara: I will second the modification.

**A roll call vote was taken to approve the proposed contract with NOVA based on our discussion to include to take effect February 1, 2025, and upon legal approval, the vote was unanimous.**

Mark Bashara: As soon as you hear from Tom let us know, I contacted NOVA and it takes effect such and such.

5.) Directors update: staffing, PTG, staff payroll detail

Sheila LaBarbera: **PTG**, we have all of the e-mails that have been sent out. We are actually doing pretty well with PTG right now. We are not really having any issues again; things seem to be going very well. They have in those memos outlined their successes and their future plans. I think that PTG Pro+ is coming sooner rather than later.

Mark Bashara: And that has included with our thing, correct?

Sheila LaBarbera: I have already been told that if they get rid of the old platform and they go to the new one, it is not going to cost us anything.

Mark Bashara: Because that was part of our contract.

Sheila LaBarbera: For a city system, I think they had said the other day in his presentation – was it four?

Brian Shepard: Five.

Sheila LaBarbera: Five? That are using the new system? I've talked to him because obviously a county has much different needs than a city system and so probably for us to look at anything to demo, it probably would be somewhere out to second quarter somewhere, but everything seems to be going well.

Michael Ovitt: So, are they in a Beta version?

Sheila LaBarbera: No, I believe they are live on the new platform.

Brian Shepard: Cities.

Michael Ovitt: But no counties.

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Sheila LaBarbera: No counties.

Michael Ovitt: So, to set the records straight, the letter?

Sheila LaBarbera: I did not give you the first part, apparently, there was something going around with Chris Wallace and Bay State letting everybody know that the new PTG was suing the old PTG and nobody was getting along.

Michael Ovitt: They are addressing something we did not know.

Sheila LaBarbera: They are just addressing the same old issues. Their fight seems to be in public these days.

**Staffing:** We have Jill here on Fridays. It helps, but of course, it is not enough. As we get into February is when it will start really feeling the pinch because we have a ton of people that want to retire. We are going to keep you posted on what we do. We will get into that, I think, probably in Item #6.

There is something that I would like to address, and I want to put it out there and see if we can move forward for 2025. I would like to ask the Board to consider Brian for Assistant Director, and his salary would be increased to \$75,000. Brian has earned this consideration and some of this is for retention, a promotion and some money. He is currently at \$69,000. I would like to make sure that I have at least one person here in this next year that is fully capable and confident. Brian has done an excellent job, and I certainly think that he has earned it and that he deserves it. I would like you to consider that. I do not know if anybody has any opinions? Thoughts?

Timothy Sorrell: I support it. If I can ask, was Jill at a higher salary?

Sheila LaBarbera: No, they are exactly the same.

Timothy Sorrell: Exactly the same, okay, but Brian is picking up the extra responsibility and going to be labeled as the second in charge in your absence.

Sheila LaBarbera: Correct.

Michael Ovitt: So, he is going to be known as an assistant director?

Sheila LaBarbera: Yes

Michael Ovitt: And is his job description changing?

Sheila LaBarbera: No. The job description again as we have gone over before, the job descriptions here in this office are very general because they encompass everything that we do. I have intentionally trained both Jill and Brian on everything. They do not do just deduction posting. They do not just do payroll. They do not just do retirement calculations. Everybody here has been trained to do a little bit of everything. When we hire a new employee in this office, it is a new skillset, it is a new person. Let's see how they develop as we do the training, what they like to do, what they're good at, and we'll separate some of those.

Mark Bashara: There needs to be something distinctive though because if this was agreed upon, we do not want a new person coming in doing the exact same job. I mean, they have to learn it, and then come back and say, well, why am I not an assistant director as well because I do the same job. That's all I'm saying. You know what I mean.

Sheila LaBarbera: Supervisory responsibility, you know.

Timothy Sorrell: I'm wondering if somewhere in Brian's job description with that title, we put in the absence of you, he is your representative he makes the decisions in your absence.

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Sheila LaBarbera: Sure.

Mark Bashara: Just so, there is some distinction.

Timothy Sorrell: And reports to the Chairman in your absence, whatever, you know.

Sheila LaBarbera: Sure.

Timothy Sorrell: I think that will do it. Would that suffice?

Mark Bashara: Well, yeah, I mean, if you want to talk about it, but I think there has to be a distinction just for his sake going forward.

Sheila LaBarbera: Sure.

Mark Bashara: If you are going to have a title, you need to have some distinction with that and responsibilities.

Michael Ovitt: I guess we can type up a proposal.

Sheila LaBarbera: Okay.

Michael Ovitt: I mean, I do not like to be surprised in a meeting with a decision of this magnitude.

Sheila LaBarbera: Well, I am just putting it out there. I would like to propose it. So, that is what I am doing. I am proposing it.

Michael Ovitt: So, send it out to the Board, you know, in advance and maybe we can take a vote, discuss it than in a meeting.

Sheila LaBarbera: Right. Well, what I will do is what you just asked. I will put together a job description. I will put together all of those details. I will get it out to you and then we can put it on the agenda for you to have a discussion and make a decision.

Mark Bashara: And if you could – for my sake, I mean, everybody I'm sure would benefit from it, but to just have some kind of distinction, you know – I mean, they all need to know the same thing because it's a small place, I get that, but something where we can look at it and say, these are the responsibilities of the assistant director. Obviously, if the assistant director is out, then the other person can help and stuff and maybe eventually work up to that or something, but, yeah, as I said, I just don't want to have it where they are both identical job descriptions because then what is the purpose?

Sheila LaBarbera: I understand. I can do that. Any other questions?

Mark Bashara: Beth, do you have anything?

Beth Matson: No, not at this time. I want to just look at the proposal.

Mark Bashara: Okay. So, yeah, put that together and then we can discuss it.

Michael Ovitt: And send it out to us before the next meeting.

Sheila LaBarbera: Mike asked for this last month. That is all the payroll detail for those years that you asked for last month.

Michael Ovitt: Okay. Great.

Sheila LaBarbera: All right. That is all I have for today.

Mark Bashara: And Jill has been – has she been here every Friday?

Sheila LaBarbera: She has been here every Friday, yes.

Mark Bashara: All right.

Michael Ovitt: And we are through January, so I would like to just reiterate that I would like some communication as far as additional hours.

Sheila LaBarbera: Well, I do not have any. Brian is the only one who has been doing any additional hours.

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Michael Ovitt: All right. Okay, so I guess I'd like to keep track and see what we're doing, you know, what aren't we getting done in a normal day that requires – and I know you – you know, in Jill's absence, I know there's some obvious things, but, you know, we're trying to figure out what we're doing and what our priorities are and that kind of stuff, so obviously what our hiring plan as well.

Sheila LaBarbera: Well, that is the next item.

Michael Ovitt: All right. I will look this over. This is okay. I will look at this when we go on to the next. This is your response to last month's request.

Sheila LaBarbera: Yes.

Michael Ovitt: Okay. And that was not okay. Yeah, okay. Thank you.

6.) Review a hiring plan and applications for open position in the retirement office.

Michael Ovitt: Number 6.

Sheila LaBarbera: I have sent out as they have been received at the end of each week all of the applications that we have received for the open position. The position has been posted at PERAC and on Indeed. We have, I believe, nine applicants. I have gone through them myself. I do not know if any of you have gone through them or have any opinions on anything. Most of the applications do not have the minimum requirements.

Mark Bashara: Well, I think that Raj was the only one.

Sheila LaBarbera: There is four of them that have an accounting background.

Mark Bashara: Right.

Sheila LaBarbera: So, Raj obviously is an auditor. She has been there a little bit maybe a year and a half, I think. Is it sixteen? Eighteen months? She certainly she has experience. The other three, Martha Read is actually an accountant for a local nonprofit. Cynthia Perrea is a banker from a Co-op. the last one is Nicole Stracuzzi.

Mark Bashara: Veterinarian?

Sheila LaBarbera: No. her application just came in last Friday. She actually is listed as an accountant. She has multiple jobs. Those are really the only four out of these that I would consider interviewing. I do not know what kind of a process you would like to use. I would suggest, and I am certainly open to do this as we did with Brian, I will do the first four interviews and then from those four, pick two, and then the final two could come in and interview with the Board.

Mark Bashara: Like we did last time.

Sheila LaBarbera: And make a decision

Timothy Sorrell: If it worked the last time I would say do it again.

Michael Ovitt: Well, I am not sure why we did not pick today as the deadline, but we picked the 31st.

Sheila LaBarbera: Well, it is posted until January 31st.

Michael Ovitt: All right.

Sheila LaBarbera: If I have anybody in the next day or two and they fit the bill I will include them.

Michael Ovitt: Right.

Sheila LaBarbera: But, you know, there are other people that are in here that I would just like to notify.

Michael Ovitt: Right. Can you summarize ?



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Beth Matson: And it is timing. Sorry. I just went through this. I actually interviewed Raj. Raj is female, and she is excellent. She was one of my finalists. I ultimately did not end up going with her, but she interviews extremely well, and she is quite impressive. I narrowed it down here to three that I brought to the Board. I think three is probably a better number. We will spend maybe twenty minutes each on them. I would just prefer that option, and that is my two cents.

Mark Bashara: I mean, I do not see any harm in doing the three. I mean, you are going to interview them, and I guess in a way it shows more that we have done a more thorough –  
Sheila LaBarbera: So, did you hire somebody with more experience? Why wasn't Raj hired?

Beth Matson: We did not. We hired someone internal – it was not my decision. It was the Board's decision, and it was an internal candidate from the town. Yeah, but she would have been my choice. She is very good.

Sheila LaBarbera: My only concern is that her application is everywhere.

Beth Matson: Yup, and she lives in Westborough, so she would have to be willing to relocate for you.

Sheila LaBarbera: Right and I was going to say I know that we are, even at the top of our range, we are much less than some of the others that have openings right now.

Beth Matson: I think the top of your range was what we were offering. And it was acceptable.

Sheila LaBarbera: Okay.

Mark Bashara: Well, I'm going to guess if – there's a lot of ifs with this, but if she was considered, I would think she'd take it somewhat seriously if she's going to relocate here because that's quite a bit of work. So, if she moved here, I would assume we could expect her to be here for a bit. I mean, we can ask her. Because – you know, to move from Westborough to here and then stay two months, and there is not a lot of open in this area where she could bounce too.

Timothy Sorrell: If she can find something affordable to live in too.

Michael Ovitt: Could you send us those top picks, and you know, give a little recommendation.

Sheila LaBarbera: Sure.

Michael Ovitt: All right.

Mark Bashara: So, we will do the three as Beth recommended.

Sheila LaBarbera: Well, I am going to interview all four though.

Mark Bashara: Oh, four, right, but then narrow it down to three.

Sheila LaBarbera: Narrow it down to three.

Mark Bashara: And then you will let us know if someone under the wire sent something in. Obviously by tomorrow.

Michael Ovitt: And if reviewing these, if you feel strongly about bringing another one in for an interview.

Ericka Oleson: I had my top four, and three of them were the same. I did not have Nicole, but I had Debra Twitchell instead. Would you just take another look at hers?

Sheila LaBarbera: Yes

Ericka Oleson: She was my tied with third place.

Beth Matson: Sheila, I only received three applications. Could you send me the previous ones that were sent out because I do not have access to that e-mail.

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Michael Ovitt: There were previous e-mails.

Sheila LaBarbera: Every Friday I send out what I received.

Michael Ovitt: Right. I think there was the first group, three more, and then one.

Sheila LaBarbera: Because the one week there was none, so I think first we got, like, five or six and then one where we had none. Then Raj and Cindy came. Must have come through PERAC because they came to my e-mail.

Beth Matson: Would you mind just forwarding them to my personal email. Is that okay?

Sheila LaBarbera: That is fine.

Mark Bashara: I don't know from the last time, but do you have anything prepared so that they know what their benefits or potential things are?

Sheila LaBarbera: Yes

Mark Bashara: I mean, like, the health insurance, the retirement, the so on.

Sheila LaBarbera: Yes, I can do that.

Michael Ovitt: What were you thinking for timeframe? Obviously, we will need to notify them.

Sheila LaBarbera: Mostly I wanted to notify the people that are not.

Michael Ovitt: Are we thinking for the next board meeting?

Sheila LaBarbera: Oh, yes. for the final interview?

Michael Ovitt: Do you want to do it before that?

Sheila LaBarbera: I will do the five interviews way before that. I'm going to try to do them in the next two weeks and then I'll send you the recap of the five and then we can kind of – I'll give you my rankings, you guys can look at the rankings too, and we can pick three. If you want to do the interviews at the next board meeting, we can do that late, so do that on Friday, February 28th.

Mark Bashara: A little time.

Michael Ovitt: Give you time to coordinate it. I did not know if we were going to try to do something sooner.

Sheila LaBarbera: If it works out and you want to, I do not have a problem with that. The sooner we fill that seat is better because that is the other thing too is we're going to have to give money for it anyway, but I have to talk to Joel about getting another computer, so another setup because I don't have any place else to put Jill on Fridays.

Michael Ovitt: You wouldn't share that?

Sheila LaBarbera: What is that?

Michael Ovitt: You would not just work off the same workstation.

Sheila LaBarbera: No.

Michael Ovitt: So, you are thinking Jill is going to continue working past the new hire.

Sheila LaBarbera: Yes

Michael Ovitt: Okay.

Sheila LaBarbera: I mean, Raj is an auditor so I am expecting that they would have been exposed to more than somebody off the streets, so the training probably would not be as much or as long.

Ericka Oleson: But with any of the other applicants, there was no prior experience.

Sheila LaBarbera: Yes.

Ericka Oleson: If you get it done quicker and they are ready, we can always set a meeting earlier.

Michael Ovitt: So, Sheila, just tell me again, what are you going to do with the five?

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Sheila LaBarbera: I am going to call them up and I am going to set up interviews with them. I am going to guess that Raj with her remote, did she do it remote with you, Beth?

Beth Matson: No. She came in person both times.

Sheila LaBarbera: I can try to see if she wants to come in person. I do not mind doing it remote.

Ericka Oleson: And then saving an in-person one for the final.

Mark Bashara: The in-person one for the Board.

Sheila LaBarbera: The other ones are right here in Pittsfield. I don't think that gives an unfair advantage to anyone whether I do it remote or in person. For me, it does not matter.

Mark Bashara: Remote is a lot more accepted now too.

Michael Ovitt: But you are going to narrow it down.

Mark Bashara: You are narrowing it down to three now. Right. Okay.

Sheila LaBarbera: And I will let you know if I think there is three.

Mark Bashara: I get you.

Sheila LaBarbera: You can do three if you want. If I say, hey, look, there is one-and-a-half.

Timothy Sorrell: You are wasting your time with them.

Michael Ovitt: But you are going to consider what Ericka had said.

Sheila LaBarbera: Yes.

Mark Bashara: All right. Very good.

Sheila LaBarbera: Because I think that includes everybody that everybody looked at and because the drop-off is steep.

Ericka Oleson: It is.

Mark Bashara: I will make a motion to adjourn the meeting at 10:13.

Timothy Sorrell: I will second that.

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

The next regular board meeting is scheduled for Friday February 28, 2025 @ 9am.

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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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Mark Bashara, Elected Member

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Timothy Sorrell, Elected Member

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Sue Funk, Advisory Council Member

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