

Berkshire County Retirement Board Meeting  
August 30, 2021

**The meeting of the Berkshire County Retirement Board was called to order at 8:08 A.M. 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, Karen Williams, Elected Member, Beth Matson Appointed member and Paul A. Lisi, Jr., Advisory Board Member.**

**PUBLIC COMMENT:**

Members of the public had an opportunity to address the Retirement Board as the remote link to the meeting was posted with the agenda. There were no members of the public attending the meeting or connected remotely.

Michael Ovitt requested that item o. on the consent agenda -Letter of resignation from William Flynn Retirement Coordinator/ Accountant and be included in the discussion of item #4 of New Business the discuss the hiring plan for the Retirement Coordinator/Accountant position in the retirement office.

**NEW BUSINESS:**

1.) The Board reviewed the legal opinion regarding the group 4 classification for the Lee Firefighter/EMT.

Michael Ovitt: The Board received the legal opinion regarding the group 4 classification for the Lee Firefighter/EMT. This has been ongoing for a long time. Sheila, what was the most recent complication with this?

Sheila LaBarbera: had sent all the information that we had regarding their request/application, to Attorney Thomas Gibson for the group 4 classification opinion. Their job descriptions the Firefighters Local Union and a charter. They belong to the bargaining union and they have a charter for their fight fighters it was all sent to Attorney his opinion is that they should be classified as group 4.

Michael Ovitt: These are existing employees?

Sheila LaBarbera: They are current employees, yes.

Michael: I think it was an issue of, 'what do you do with the old service. Do they qualify too?

Sheila: These people are all new. They have always had EMTs and ambulance, but they kind of did away with the volunteers. They were EMTs first, in Lee, and then would do fire calls. What they have done, is they made them fire fighters first, who will do EMS if necessary.

Michael Ovitt: Which most fire departments do now?

Sheila LaBarbera: Yes, they don't really have any volunteers anymore.

Michael Ovitt: As far as the EMS goes, their response is as a fire fighter?

Sheila LaBarbera: I don't know that they have any individual just EMS anymore. They are all Firefighters/EMS. If they have anybody that is just EMS, I will find them, and they would not be classified as group 4.

Michael Ovitt: Is Lenox Village Ambulance part of the fire department, or are they a separate entity?

Sheila LaBarbera: It always was and now it's one station and they are doing all the emergency 9-1-1 calls.

Michael Ovitt: So, you're sure of that?

Sheila LaBarbera: Yes, according to the job description and according to the chief.

Mark Bashara: Looking at the job description, the Union and all that, they pretty much lock themselves in good. I didn't see anything there saying, 'other duties'.

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Sheila LaBarbera: The difference is that their fire station is a separate station. They are not at the Town Hall doing chores.

Mark Bashara: And the town is obviously aware what they are paying the group 4.

Paul Lisi: I would make a motion to approve the classification of group 4 for the town of Lee Fire Fighter EMTs.

Mark Bashara: Motion of Second.

Michael Ovitt: For clarification, are there any older employees that have prior service that we have to consider.

Sheila LaBarbera: I will check. If they have prior service, it is not group 4. I believe now, it would have to be prorated. They are not eligible for anyways. They would be eligible as group two, but they would not get a group 4 from their date of entry. Most of these employees came in as Firefighters EMTs with this particular job description. I will sort them out but I don't think they have anybody left from their paramedic squad days, but I will check.

Paul Lisi: How does this effect this. Is there anything president-wise. There's one thing that is important. Lenox doesn't have a charter, whereas Lee does have a charter. So they couldn't just say, 'Lee did this and let us do this', they would have to –

Sheila: Yes, I would have to check to see.

Paul Lisi: They would have to do a little work to check.

Sheila: Yes, they classified Lenox through DALA/CRAB for a ruling and they said it was group 4. So, I would have to check to make sure. I know at least, they are all union employees. I'll have to check about the charters.

Mark Bashara: This is the way I would think they should do it. Verify the paperwork, so it eliminates the guesswork and takes them in. that's what you are responsible for. They can't say, 'you are not following what you're supposed to be in if they are doing something else'.

Michael Ovitt: Further discussion? All in favor

**Vote to approve the Group 4 classification and the vote was unanimous.**

2.) The Board reviewed the purchase and installation of the Deduction Posting system from PTG.

Sheila LaBarbera: I apologize about this I really just haven't had the time to sit down and put the proposal together regarding the PTG. They did send me a preliminary cost and the SOW for the deduction posting program. The cost is down significantly.

Michael Ovitt: The copy that we got, there was no date on. So, was that a recent one?

Sheila LaBarbera: Yes, sorry. We sent that one in an email, so I just got that.

Mark Bashara: So, what was it? I know at the last meeting we asked you.

Sheila LaBarbera: It was 20 thousand dollars for the SOW last time.

Mark Bashara: We asked for you to talk to them and you spoke to them and he brought it down.

Sheila LaBarbera: Yes, he brought it down to 5,000 from 20,000.

Michael Ovitt: But 15 thousand a year.

Sheila LaBarbera: That's our annual maintenance. Which is that's up a little bit, but that could be the size of our system. I haven't been able to discuss with him the annual fee, the 15 thousand, I will if we decide to go forward with it, then we could negotiate from a side of 'yes, we are going to buy it. What are we going to pay?'.

Michael Ovitt: Do we still have what was proposed 3-4 years ago?

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Sheila LaBarbera: Yes, we do. It was proposed before, 20,000 for the SOW and that has been reduced to 5,000. The annual fee in 2018 was 10,500 and it is now 15,000. So that is up 4,500.

Mark Bashara: So that is what I think we would want to talk to him about. The drop in the 15,000 and 20,000 great I have no problem with that. The 15,000 there it is like the shell game.

Paul Lisi: I think the data in there now, there has been an increase in members in there since 2018.

Sheila: Yes, we would have to look at that. We're up significantly there. The other thing too, and I think the 15,000, is once you are ready to make the purchase, let's talk about our annual fee. You negotiate from a position of power. Right now, it's just we are considering this proposal.

Paul Lisi: So, I would, make a motion to accept the statement of work for the 5,000. Like Mark said, if they are willing to negotiate and say, we will pay them a maximum maintenance fee of 12,500, because I understand with 10,500 in 2018, we have gone up considerable, and there's raises in the cost associated with maintenance. I would say the scope of work of 5,000 and Sheila offered to go into negotiations to pay a maintenance fee of maximum of 12,500.

Mark Bashara: I'm good, but if he knows that we are going to only pay a maximum of twelve five, then he might just say, that's the best. I prefer that there not be a number there and she negotiates with them and let us know the price and at that point then we can decide.

Paul Lisi: The only reason I made that motion, is because we have already gone back and forth with those people like six times now.

Michael Ovitt: We haven't done anything with them in years.

Sheila LaBarbera: Since 2019.

Mark Bashara: I mean, I'm all for it. After hearing your experience and stuff. I'm not against it, I think 5,000 sounds reasonable, and I just want to get the best bang for our buck for the fee that's 15,000. I mean, I'm not expecting him to come back with a 5,000 a year maintenance fee or something like that, but if he comes back, at least you can say this is what they are offering.

Michael Ovitt: The annual maintenance fee of 15,000, but you're talking about the 20,000 down to 5,000. What's that for?

Sheila LaBarbera: That's what we talked about the SOW, so it's the treasurer training, the conversion.

Michael Ovitt: I thought last month, they told you it was going to cost us 20,000 a year? That's why I was looking to clarify.

Sheila LaBarbera: 5,000 is a onetime payment.

Michael Ovitt: So what was it two years ago?

Sheila LaBarbera: Two years ago, it was a onetime payment of 20,000 and an annual fee of 10,500.

Mark Bashara: So, all we are looking to do is, we're good with the 5,000. And have you negotiate for a better rate for the rest. And you have a motion, but I'm saying, that's what I'm thinking.

Beth Matson: My opinion on it is to start with the 10,500 and go up.

Sheila LaBarbera: The timing of this we will have to figure out. It will be when we have staff to do this. We also have to figure out what the queue is for them. I'm sure they are doing conversions and I would expect that we wouldn't be able to do this until sometime in the first

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quarter of next year. They can probably get us going sooner than that, but I would need to make sure that I have the staff.

Michael Ovitt: So you want to talk to them again? And figure out the total package, as far as the annual fee just to have a better idea.

Sheila: Yes.

Paul Lisi: So, the motion here is basically, accept the statement of work for the 5,000 fee and then allow Sheila to negotiate up to 12,500 for the annual maintenance fee and then once that is negotiated, bring it back to the Board to have it signed off.

Sheila LaBarbera: I'll start at the 10,500.

Mark Bashara: I'm sure if you do the 10,500, I'm sure the Board will be on board immediately.

Michael Ovitt: The hosting of services agreement keeps referencing back to that. Is there anything there that would make that increase that fee?

Sheila LaBarbera: No, the fees are pretty straight forward. The only thing there is our basic contract with PTG for the core system and ESS Portal and we now have the scanning module.

Michael Ovitt: This is just the general calendar year fee?

Sheila: Yes, they actually – we were on a December schedule, but they sent us a bill and wanted to change us to September because that's when we had signed our original contract, but I have to talk to them about it because we may have signed a contract, but I don't think we actually converted and were ready to go until December, so I'm not really sure I want to agree to changing it sooner. It's an annual fee, so if I pay it in September, I pay it in September verses if I pay it in December, I'll still have to pay it.

Michael Ovitt: With the new item?

Sheila LaBarbera: Right.

Mark Bashara: Would it be unreasonable to, once that is negotiated, - or maybe they already do this? But to lock in a price for three years or something? To keep it so they can't say, "10,5000, this year and okay, and then it goes up to 20,000.

Sheila: I already have done that to some degree, and I think I can get a five-year lock-in price.

Mark Bashara: Okay, so if he agrees to 11,000, that's what we would be locked into for five years?

Sheila LaBarbera: I would need to ask them.

Mark Bashara: Okay, that's what my concern is, that they would take this hit this year, but would increase next year. Let's see if we can get it locked in.

Michael Ovitt: So as far as the dates go, do you want to wait until next month?

Sheila LaBarbera: Yes, I'm going to bring it back next month and I'll see what I can accomplish between now and the next Board meeting. It's kind of a work in progress.

Michael Ovitt: So, by voting this, are we totally committed

Paul Lisi: No because we haven't executed the contract.

Mark Bashara: No, if they say the best we can do is 14,000, that's not in our realm then -

Michael Ovitt: So, by accepting this SOW?

Paul Lisi: No, we're not saying that we will pay 5,000 for the statement of work and up to 12,500 for the maintenance fee.

Sheila LaBarbera: So, basically, we are saying that 5,000 is okay, but if you drop the annual cost to 13,000, now this scope of work can't go up to 7,000. They can't keep moving it around.

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Mark Bashara: If they meet with what we voted for now, we already agreed to 5,000, then we would physically sign the contract. At this point, we are not signing the contract. We are just saying that we are good with the 5,000 and we are halfway there. This is what the Board is okay with.

Michael Ovitt: I think we should all review the items training to the towns, the software and all that stuff

Sheila LaBarbera: Well, that's all a big part of the whole process so we have to set it up.

Michael Ovitt: So, we are saying, yes, we can interface it with everything

Mark Bashara: Do you have a list of – I mean, I know you have a list and there's a lot going on, but a list of towns already that aren't so problematic, so that you can say 'there are three towns'

Bill Flynn: Some towns have changed. We've had a list of what every town had, but it is not updated right now. Richmond for example, could have changed from Harpers to somebody else and we wouldn't know that.

Michael Ovitt: So, we can solicit that?

Sheila LaBarbera: Yes

Bill Flynn: That is one question, that you guys having said that – I didn't know if, I'll use Paul because he's sitting there. If you guys changed your payroll service tomorrow, who redoes that to make sure the new service goes forward? Just to have that in your head.

Mark Bashara: Yes, it sounds to me that at some point, I don't know when, all the Treasures would have to get together or be notified or something.

Sheila LaBarbera: I know that Lee is changing theirs.

Karen Williams: Are they going to Harper's?

Sheila LaBarbera: They are.

Michael: Any other discussions? All in favor moving forward?

**Vote to approve continuing the negotiation of the annual maintenance fee and the vote was unanimous.**

3.) The Board considered a one-time stipend payable to retirement staff for the extra work they have taken on while the Board is searching to fill the vacated Retirement Coordinator position.

Sheila LaBarbera: So, Bill and I sat down and tried to put together some backup details of what you have asked for regarding the stipend. And basically, what I did was for you, was made a list of all the things that would be completed over the last eight months. All of the things on this are things that we did either daily, weekly, monthly to maintain that position for the last eight months. I kind of put together on the front, what some of the extra hours were, what some of the extra things that we did were probably not necessarily expected. Things that happened that weren't really anticipated. These were some of the unanticipated things that happened over the last eight months. I don't know if anybody had any questions regarding the details or anything? I know Bill and I sat down and tried to remember what we do in March and what did we do in February? We saw that we just looked at the calendar on the wall to kind of tell us what had happened during those months. But these were the kind of things that we did.

Paul Lisi: So, I would like to stick to my original thought. I know that, I would probably say that if I asked Bill or asked you individually, this doesn't represent everything that you have done, by any means. Because there was probably extra stuff, just on a daily basis that popped

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up out of the ordinary, on top of the normal stuff. So, I would still like to stick to and would ask the Board to approve a one-time five-thousand-dollar stipend paid to the retirement staff for the extra work that they have put in and have taken on while the Board is searching to fill the vacated Retirement Coordinator position.

Beth Matson: I just wanted to say that I know you have worked hard since losing an employee and since this has happened, being a Board member and being in an administrative role, I had to retire people and refund transfers all while working a full-time job and I get it. It was a lot of responsibility because it was my job and I was the only one that knew how to do it and I did not, and cannot legally get compensated, so I have changed my position on this. And it's not because you didn't do the work, I know you did. I know that both of you worked really hard, it's just that it comes with the territory.

Michael Ovitt: In reviewing the minutes, I made reference to the fact that I spoke with Bill to say that he came in early and stayed late, but we have been operating here for a long time and we've never had and we've never been made aware of, or seeking additional compensations for if you work late one night, then you leave early the next and how do you usually handle that? Who used to do seminars in the evenings after normal work hours? How would you handle something like that?

Sheila LaBarbera: Well, I think those in the past would be dealt with differently because when people would stay late, you could take an extra hour at lunch time. Or if you had a doctor appointment and you didn't have to report it, you just went and did that kind of stuff. And in the end it all worked out. In the last eight months though, it wasn't one where you could even say, oh Bill take the day off or I'm going to take the day off because the work was just always still there. And I think the recognition of the fact that it is a three-person office. It is three full time jobs in that office. And it is necessary to have three people. And I think that from a standpoint of both Bill and myself, we were able to keep a standard, if you will because we knew how and could do our job while making time, to some extent to do another job. But over a period of time, that ability to do that eroded because when you talk about just simple transactions and stuff, that's basically all that we have been able to do. Especially over the last three months. There are no seminars. There are no people that are wanting to come in and retire. I feel badly because the command, we schedule them for an hour and we've always said that it doesn't make a difference how long it takes, but I'll tell you that there were days when people came in and they were lucky to get an hour and that's not how we like to do business. The recognition of, I think I said this before, that sometimes in the winter time, I don't have any activities in the wintertime or when it's raining, so an evening here or a morning there when it's a Saturday morning, it doesn't really affect me that much, but I know that for myself and Bill after you hit May and June and it's the summer, you have outdoor activities, and families, and things that you like to do. If you take vacation, and like Bill said, it wasn't even a vacation. It was probably more stressful.

Michael Ovitt: So, you take the good with the bad, the peaks with the valleys and it would balance out and however we keep track of this. If I have something and it says an average of five to ten hours, and ten is double five, are work working five hours, are we working ten?

Sheila LaBarbera: Even if it's just five hours, over how many weeks did Bill and I not take a lunch?

Michael Ovitt: Well on average, it's 5-10. So, were you working an extra 20 hours in a week? We didn't document them. Do we have any – as far as the backup goes, these are the generalities.

Bill Flynn: the reality is that we just did the job.

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Paul Lisi: I just have a question for Bill and then Sheila. So, the reality is that this position. Bill, did you look over this position that Denise did? You have an idea of what that position is, right?

Bill: Yeah.

Paul Lisi: So, you would say that ninety-nine percent of this stuff has been carried on in the last eight months?

Bill: The essentials have all been done.

Paul Lisi: So, I don't know how you can feasibly say, unless you kept an excel spreadsheet and documented that, other than that it's done, and we can go back and somebody can look and see that it's done. I also want to clarify that neither of these two individuals asked me for any money. We talked about this at the Board meeting. This was not something that anybody brought up. This was talked about at the Board meeting, by Board members. I do think that it is, and it is not uncommon that in the practice of business to pay salaried employees extra money for work and additional duties that are not their responsibilities that they have taken on. I don't think – I understand where Beth is coming from. Legally, and that she cannot take compensation, but there is not anything legally here, that allows them to not take additional compensation. There are some points in the job description that say and/or what else is required of you, but that does not mean, in the HR world whole other jobs. And there could be fights about that in labor court about that, in regards to 'I was expected to do this when my job description clearly states, this' and I can tell you that from this job description here, we gave this individual something else to do on top of what they have to do. It wouldn't be legal. Because this job description does not say, and whatever else might be required.

Sheila LaBarbera: With that one, what I did was, I took all the excerpts off, so it does say that in the job description. All of them do.

Michael Ovitt: So, going into something, knowing that its being presented to us, that you are working these extra hours, you want to come up with a compensation to reflect that.

Karen Williams: So were you doing most of these things or is there any way to...I'm just wondering. Did these responsibilities fall to you? Or did you split them?

Sheila LaBarbera: We split them. A lot of the new records and new record accounts, I did those. Doing the posting and a lot of the confirmation of deductions rates, the enrollments, the refunds, although the reconciliation of what the errors are for the refunds, came through retirements. Because we were processing so many retirements.

Mark Bashara: I don't want to interrupt; I just want to say something. But I didn't know if you were done. So how I look at it, I don't think in fairness to you or Bill that any of you can put it to specific like we want, like I worked two and a half hours, and I worked this, and I totally understand. You did what you had to do to get it done. So maybe one day you did more and one day he did more, whatever but the job got done. Which is good. The way at this now, since I've had time to think and I think I said this in the last meeting. Both, all employees that were here got it done. In my opinion and if I'm wrong you can show me and maybe I can reconsider, are generously compensated, with very good salaries. I'm not saying, it's the top, but I'm confident it's not the lowest. So, I look at things like, if you guys were at the bottom of the barrel salary-wise and you're doing all this. I would be like, you know they're not being paid squat anyways, we need to help. The other thing that I am concerned with is, do we set a precedent. So, as we are here now, do we think other things are going to come up? Somebody else may leave some day, or retire, somebody else may have a health or family issues where they are out for several months. You know, we're not big enough where we have so many people where it didn't matter if one or two people didn't

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come it, it would be easily absorbed. The possibility is going to continue on. So, do we now set a problem. Where, we did this this time and next time, something else comes up and whoever the employees are here at that time have to really step up and do a good job as you and Bill did and now we have to pay them extra now too. Because if we don't, we're going to create hard feelings. And those two employees – I'm not saying that it's even you – are going to be like oh geez, the last people that were here, they worked really hard and they did like three months, or six months, or whatever and we did six months' worth and we're not getting anything. I can't take away from the job that you guys did, it's just that for that amount for that, like I said before sometimes I think you got to take the good with the bad. I know that I've said that it's a different job than what I did as Chief, but I know many times, I put way more hours than I was paid for and other times, when things were good, I was able to take a half day. I was able to do that and the town never asked me, you only worked 30 hours this week, so we're going to break your salary down to hourly. Nobody here doesn't think that you're not worth it, and that you didn't do a wonderful job. I know for the time that I've been on the board. At least my perception is that we've been very good to the employees here, in the sense of raises and in the sense of what their salary is. I know that when you came before us a few year ago, comparing the Directors position, we took that into consideration and we agreed to it. I don't think we've been a Board, at least my perception of it, is that we are tight or cheap with the help here. If you need it, and we knew you really needed, I know sometimes there's a debate about PTG and whatever all that stuff. But whenever something is needed, we never question it. So, I think that we have been very good there. And I think maybe on this one, you guys can take a hit in the sense that you definitely did a great job. I don't think anyone is taking that away, but I just said what I said. I'm not going to keep talking.

Michael Ovitt: Is there any question on whether you are a salaried employee or an hourly employee?

Paul Lisi: Yes, there is. So, by law, they are both hourly employees.

Michael Ovitt: Since when?

Paul Lisi: They have no contracts.

Michael Ovitt: You don't need contracts to be a salaried employee.

Paul Lisi: Well, we tell them when to come to work. There's three things that set the rules to how employees are in the labor department.

Michael Ovitt: Well, there's no doubt that they are employees.

Paul Lisi: The instructions in there of how you set the regulations regarding salaried employees. It's all in the labor site.

Bill Flynn: Right, wrong or indifferent. We payroll as an hourly. We put in thirty-five hours a week at our rate. It has been that way as long as I've been here. So, I just continued doing it that way. Right, wrong or indifferent. That's how it's been.

Michael Ovitt: So whatever salary we're setting; we're setting that into the budget. So, this is your annual compensation and we're just dividing it by and plugging that in.

Bill Flynn: Honestly, this is one of the times and I hate to say this, but that was the way I was taught and that's the way it has always been, so I've never changed it. And I hate saying that because I hate that terminology, but honestly that's how I've always done it.

Paul Lisi: That's no different than any cities or towns. The Towns meetings sets to say, 'if I didn't have a contract or if Karen didn't have a contract, that sets our annual compensation, then that's just divided by fifty-two point two and divided by the number of hours that you work. And you get an hourly rate.

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Michael Ovitt: But when you exceed something. The police department works eight and a half hour days, anything over that eight and a half hours, they are going to get paid time and a half. So, we could come up with an overtime rate and could be subject to -

Paul Lisi: So, you're thinking of something greater than five thousand dollars.

Michael Ovitt: If they were entitled to it, I would give it to them, but you know. Again, after the fact you do it kind of -

Paul Lisi: So, we should be doing a timecard?

Michael Ovitt: If we are going to do that then yes. We need to comp the hours to be fair both ways so that if they work over or if they work less. Then we need to have an idea before we cash a ten-thousand-dollar bill to say, well we're going to agree on this or we're going to say that we're going to let this go and work your regular hours and we'll play catch up.

Mark Bashara: Or can we renegotiate?

Michael Ovitt: That's something that we should be made aware of.

Paul Lisi: Let me just clarify, the only reason this was ever on the agenda was that we, as a Board, publicly talked about this in a meeting. This was brought up to these individuals. We didn't set any kind of idea as to what the expectations as to what they needed to do to keep track of their hours. Last meeting, you asked them to bring back to you a detail of what they've done, and they did that.

Michael Ovitt: The average of five to ten is not very specific.

Sheila LaBarbera: And that was just kind of hard because we talked about the number of hours worked and some weeks it maybe more.

Paul Lisi: I would be willing to move my motion down a little bit to a thousand dollars, but I truthfully believe that we talked about this, they should have received something for this. We never said that they shouldn't or should. We put it out on the table and the Board also started the process of hiring the individual in January. We didn't hire the person until June or July. We have some responsibility as well. We could have had some more meetings to move along the hiring process.

Mark Bashara: I disagree with you there. We had Board meetings many times and in the end it wasn't - I wasn't going to point fingers at anybody, but it wasn't the Boards fault because we had hired and we had done the approval and things changed. So, then we had to start over. So that was nobody's fault.

Sheila LaBarbera: That's true, that the original hiring plan was looking at having somebody start in the beginning of March. We didn't have the first interview meetings until March seventeenth. So, the plan was to have somebody actually on board in March.

Mark Bashara: You had to post some things and she wasn't done until, January the first week. I know you posted everything you were supposed to and we talked about it. Once again, I could be wrong, but I don't remember, and I'm not saying anyone is accusing this, but I don't remember us taking it lightly saying that we'll get to it when we get to it. I'm not saying maybe things could have been a little quicker, but I know that we had meetings. And I remember at the time it was remotely because of what was going on but you know. That end of it I think it could have been a little earlier, but to point fingers at this point. Now, I would think that it doesn't do anybody good at this point because people worked extra, they lost time off. You mentioned would we be open again and elect some time off, but everybody right now it would be nobody because obviously right now you're in the process of hiring and it wouldn't be good until you were fully staffed and trained.

Michael Ovitt: We gave flexibility and we carried over and we did give you the opportunity to buy back the time.

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Paul Lisi: But that in the event that the employee earned it.

Sheila LaBarbera: Well, you did, you carried over two days. And the thing that I think is generous is to be able to buy back vacation at the end of the year, but I think that both Bill and myself have stated from the very beginning that I would rather take my vacation. Obviously if I can't take it and I can get compensated for it, that's great, but it is necessary in a lot of ways. And I think these last eight months proved it, that you need time away and that you need a break. And I think that I would like to use it. And I know that there are some people that like to buy it back at the end of the year, but I am not one of them.

Karen Williams: I know that I haven't said anything, but my opinion hasn't changed from last time so, I'll just state that. I can reiterate, but I think everyone knows.

Bill Flynn: One thing Mike, I do want to just give you guys a warning, I guess. Because you guys talked about overtime and keeping track and all that and that was an audit finding in Hampden County. If you are going to be paying overtime, you have to have, at least according to PERAC, very strict procedure as to how it's authorized and everything else. That was a significant problem they had in Hamden County, so just keep that in your head. I won't be here, so it's not going to affect me.

Karen Williams: As far as record keeping?

Bill Flynn: And authorization as to who authorized the whole process.

Mark Bashara: See, to me I don't know why – I'm not saying at this moment, but to me I would prefer if it were legal and we could, if we're going to start getting into that. Just making salaried positions. Maybe put a limit, but this was told me when I was Chief, by the Chief's Attorney that the town can't pay your salary and also at the same time, expect the same benefits as an hourly paid employee. But in the end, other than these situations, at least with salaries, we're not splitting hairs this week and like this week you guys work fifty hours, and then the following week because of the month, or year later things are smooth, and you work twenty hours. We're not getting into all that and I don't think we're big enough. And I know this debate is a discussion for another day, but I can say right now that if it were to go either way, I would say to forget all the overtime stuff and let's just keep it simple. And go to salary. Fairly compensate them for their salary and they take in averages and stuff. And I know that's for another time, but thank you for saying that though. Because it all the more convinces me to get into that thing of the Director like okay, I authorized this and I can see future discussions, of why did you authorize this when it could have been done. I don't think those arguments, debates, or discussions are warranted when we could have just solved it by doing a salary that is reasonably in compensation. Which I feel already, but anyway.

Michael Ovitt: Anything to add to the discussion? Okay. Motion to give them a five-thousand-dollar stipend to Bill and Sheila. All in favor.

Paul Lisi: I

Michael Ovitt: All opposed 4 Nay Michael Ovitt, Mark Bashara, Beth Matson, Karen Williams.

**Vote to approve 5,000 stipend failed.**

Michael Ovitt: I think we need to clarify hourly and if there's something going on, we should address it when it's happening and not months later.

Skipped item #4 at end of meeting

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5.) The Board will review the preliminary results of the January 1, 2021 actuarial valuation prepared by PERAC.

Michael Ovitt: The Board will review the preliminary results of the January 1, 2021 actuarial valuation prepared by PERAC. What was the percentage of our rate of return?

Sheila LaBarbera: We should do that, and we should consider that today.

Michael: So, it's not on here for a vote?

Sheila LaBarbera: It is part of the actuarial evaluation review that I have some points that I wanted to review with you that John Boorack has given us. At this point it is a recommendation, he is recommending that all the retirement Boards and we have the luxury because of where we are funded at right now, that we drop our rate of return to six-point seven five percent and maintain, the most important page in this, is the last page. If you look at the actuarial evaluation and our proposed funding schedule, that we would be funded in 2028. So, we would be able to drop our actuarial assumption to six-point seven five percent. We also should have included in that motion that the mortality tables. They continue to update the mortality tables, and so he used updated mortality tables to prepare this for the Board. Still within those ratios, we look at the difference of where we were two years ago. Two years ago, we had seven percent actuarial rate of return and our overall funding was eighty-three-point eight percent. With the two assumption changes for this year, which would be six-point seven five percent and the mortality update, we would still gain and end up at eighty-seven-point four percent funding. In January we had forty and a half million in unfunded liability. We were able to make up over nine million dollars toward the unfunded liability over the last two years.

Michael Ovitt: So, this is the end of the three years?

Sheila: Two years.

Michael Ovitt: And I think the assumptions that were used, were that more people died that cycle. Is that did I read that right? So that adjusts our position.

Sheila LaBarbera: We had higher death rate.

Michael Ovitt: Six hundred thousand at one point, right. And that was probably due to more retiree deaths that I assume offsets somewhat by the rate and it increases.

Sheila LaBarbera: Two actuarial reviews before, was the one that Jim Lamenzo had done. He had a significant number of retirees in the eight-five- and ninety-five-year range. So, we knew that eventually, that was going to come down because we had so many elderly people that had lived so long. So, at that point we were actually really over. The assumption was that kind of an anomaly if you will. Because usually, they were outliving the mortality. And there were a number of people who were outliving the mortality rate. And I think that we had one of the highest numbers of ninety plus retirees.

Michael: We just took a vote on the four classifications that will have an impact

Sheila: Well, that's the second part of this. We talked about that, but it won't affect this evaluation, but John Boorack is available on September 29<sup>th</sup> to join us via Zoom to talk about the exercise that we had done, I think we did it six or seven years ago. By unit. So what ends up happening is, that right now we use the salary basis and then we're just going to switch to the actuarial basis. The number of units are going to be how the entire piece of the pie is calculated. So right now, all we take is active member salaries and we just distribute that based on a percentage of active member's salary. But what we learned from the exercise that we did before, is that you are going to take into effect everything that you do. Active, retired, disability, group classifications. So, when we did it before, it really wasn't that bad. But we

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did have two units that were outliers that were significant. Dalton was one of them and the other one was a smaller unit. I want to say it was somebody that had a disability. It was a small unit.

Michael Ovitt: The group 4 was inherently more expensive.

Sheila LaBarbera: It was more expensive.

Bill Flynn: Because they retire early.

Michael Ovitt: The benefits are in there. So, disabilities are included?

Sheila LaBarbera: Not right now, no.

Michael Ovitt: And that's where we were. The talk was that towns were utilizing the retirement board to get rid poor performing or problem employees, as well as disabilities.

Sheila LaBarbera: Right. Before the group four classifications we had lost that case with Lenox and they did increase. It showed in that exercise that they were going to pay more. It wasn't as much as we thought it was going to be.

Michael Ovitt: And we also felt strongly about the increases.

Sheila LaBarbera: Well, at that point on one town. John Boorack indicated that now and the burden is really with us as far as getting that salary information. Although, we just use the year end data to do this, we don't use the estimates from September 30<sup>th</sup> anymore, we haven't in a long time. The biggest change for us is to make sure that the data in the system is correct. That would be a little more work for John on his end. When he does the actual evaluation he has to make sure that everyone within the county is going to be assigned to their primary unit. Group classifications will have to be correct, and that sort of thing. Making sure the assignments are there.

Michael Ovitt: September 30<sup>th</sup> used to be annualized wages.

Bill Flynn: That is the traditional method, but that must be ten years ago now because we have had towns that were playing games. We're actually behind the eight ball because instead of using September 30<sup>th</sup>, we are using the actual wages as of December 31<sup>st</sup> of the prior year. But they are the real numbers. The first year it was kind of weird, but going forward. I hated September 30<sup>th</sup> wages because, look at Lenox. They left off the Town manager every year because he was a hundred thousand dollars. It was like, you would spend more time trying to track down and find out who is lying to you than anything else. It was just a major... people were trying to cut their assessment, so they were trying to make things look lower. Schools like Southern Berkshire one year didn't hire someone in September, they hired in October so that their assessment would be lower. It just didn't work. There was a whole conversation with Jim Lorenzo and that's why we changed it here.

Michael Ovitt: So, what do we need to do to prepare John's visit? Is it just the correct data to present?

Sheila LaBarbera: You mean for September 29<sup>th</sup>? It will just be a discussion to switch it. It wouldn't be for this actuarial evaluation. This one is already done. It will be just going forward. So, our next actuarial evaluation would also give us time to get out to the towns, to say it is changing. We've been very aggressive with the schedules so there's an increase. It used to be four, four and a half, four point seven or something like that increasing and it's not almost seven percent increasing across the board. So that kind of estimate is going to go away. It's going to be how well you manage your town. So, if you decide that all of the employees need to be on disability, that's fine but you're going to pay for it. If you decide that you are going to need a full-time police and fire and that's fine, but you're going to pay for it. And that's just kind of the way it works.

Mark Bashara: It sounds like it's more of an accountability.

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Sheila LaBarbera: It is, and they do it like that in Middlesex. They have done it that way for a very long time. Like Tom Gibson said, you just have to make sure we are planning to do it the next time around get out there to make sure that the towns know. They have to be prepared and understand that what they do is going to directly affect what they are going to pay.

Mark Bashara: So what's going to stop the towns, just so that I understand. Like What Bill said, they used to hire in October or lie or whatever. What we're looking to do is going to prevent that?

Sheila LaBarbera: Well, we are still going to use actual salary data, but we are also going to use the data for a group four police officer. It's a lot more with group four. So, it will be weighted more because you get out earlier and the benefit maximizes at a much earlier date. Those are the kind of things that are going to be taken into effect. We talked about there being a phasing period of about two years for those assessments to be fully realized.

Mark Bashara: The town should be supportive of us because, from what I remember you said, once in another seven years, we get fully funded then their assessment is going to drop quite a bit.

Sheila LaBarbera: Fifty percent.

Mark Bashara: It's essential for them that we get there, if I'm understanding this correctly.

Karen Williams: How would that look? Like notifying the towns of the changes?

Sheila LaBarbera: I believe that we can get preliminary numbers and if we did get them like the last time around when we did the evaluation and we start with those who are going to be affected the most. And just say look, there really isn't any negotiation to it. It's just the way that it works because it's based on your usage. We can use Dalton as an example. Dalton had a large number of retirees. People worked there their entire life. And they had a large number of disabilities and group fours and they were an outlier. We had no idea about Dalton. We were looking at Lee and Lenox with the group 4, you would have to sit down with them and say look, this is the way the process is.

Michael Ovitt: Tri-town health and shared employees

Karen Williams: So, you would actually have a meeting with them? A face-to-face meeting.

Sheila LaBarbera: Yes.

Michael: When you are entering into an agreement you need to know that the liability is going to be with you and how the assess it.

Sheila: Right and if you look at the two towns that had shared liability, it was Lanesborough and Clarksburg and they had the larger units with their schools and even though three or four other towns were contributing, they were the ones when people would retire, so that's where their benefits landed. Those agreements aren't out there anymore, at least in Lanesborough because they consolidated to MGRSD.

Michael Ovitt: For all members?

Shelia LaBarbera: You mean the new members?

Michael: Yes

Sheila LaBarbera: Yes, they still have part time help. They are in Lee though, but they are Tri-Town Health.

Bill Flynn: School nurses are teachers, but regular nurses in Tri-town health, that are in public health they still belong to us. It's only school nurses that go to teachers.

Michael: So, it must be last month

Sheila: Yes

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Beth: I would just like to say that six point seven five is a good idea, and with all the unknowns that are there, and eight seven-point four percent is still pretty great.

Michael Ovitt: So, with that number how much of an impact on assessments will that have?

Bill Flynn: The number doesn't change, it's the allocation. What town is going to pay what portion is what changes.

Michael Ovitt: But from seven to six point seven five?

Shelia: I would have to look at our schedule

Beth: It doesn't impact the overall what we owe because we are not assuming that we're going to make 7%

Bill Flynn: That's what it was in the last one.

Sheila LaBarbera: Well, the normal costs are increasing four and a half per year.

Bill Flynn: And that's no different than the last one

Sheila: Yes.

Bill Flynn: Our increase hasn't gone up to seven percent the last time. It didn't increase more, I don't believe.

Michael Ovitt: Will that give us any flexibility on determining future liability. In one of the town audits, they are looking for the individual towns and liability

Sheila LaBarbera: Yes, GASB 67/68, so those schedules are what they use to produce that. I'm not sure if I'm answering the question correctly, but we're funded at a rate so that all of the towns in Berkshire County, retirement is an asset, it's not a liability. So, if you were funded at 87.4%, we're all listed as an asset on there. But their share of the unfunded liability is just separated as it is right now. Whatever their percentage of participation would be, would be their percentage of liability.

Michael Ovitt: But that would change if we change this audit.

Sheila LaBarbera: Yes.

Michael Ovitt: You couldn't go – so that's what is going to change is the liability.

Sheila LaBarbera: Correct.

Michael: Okay, so when do we need to set that rate?

Sheila: For today, if someone would like to make a motion, that the Board would approve the recommendation of PERAC for the 6.75% and for the mortality tables, then you are all set and I can return this to John Boorack, I can invite him to the September 29<sup>th</sup> meeting and you can start a preliminary discussion regarding assessments by unit.

Paul Lisi: Make a motion to approve the 6.75% rate of return as recommended by PERAC as well as the updated mortality tables.

Mark Bashara: I'll second that.

Michael Ovitt: The only thing we didn't really discuss are, what are our options for the mortality tables?

Sheila LaBarbera: You want to keep the old ones? That's not what they are recommending though. The mortality tables were so far behind that they had to bring them up and that caused an increase for a number of retirement systems.

Michael Ovitt: So, it has a greater impact on it.

Mark: Is there something about people living longer?

Sheila: Yes, the average age continues to increase.

Michael Ovitt: So, we are using the 2015 one? So, what's our options? To remain with the one that we have or for the updated one?

Sheila LaBarbera: Yes, and again like I said, he did use the updated tables to produce this. So, I think with this, we are looking more toward the results, than you are using the old ones.

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Michael Ovitt: So, you can't say that we want the 2015 tables or the 2019 tables, right?

Sheila LaBarbera: I don't think – I guess I suppose if you want. I mean, we've never asked to use the older mortality tables, so I don't know how to answer that question.

Michael Ovitt: I mean; it makes sense to use the new ones

Mark Bashara: And he set it like that? The 6.75%, was set with the more recent one?

Sheila: Correct, the mortality tables were updated to the most recent.

Michael Ovitt: Okay, good with that. All in favor?

Sheila: Do we have a second on that?

Mark Bashara: I do.

**Vote to approve the actuarial rate of 6.75% and the new mortality rates as recommended by PERAC Actuary and the vote was unanimous.**

**Consent Agenda Detail:**

**MINUTES:**

a.) The Board minutes of the executive session and regular minutes of the July 21, 2021, and regular minutes of the July 28, 2021 to be signed and approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for July 2021. The PRIT Fund returned .75% for the month of July.

*Investment report provided as an attachment to email*

**BANK STATEMENTS:**

c.) The Board received the bank statements for July 2021, and the budget for August 2021.

*Note: copies of cashbooks for July 2021 were emailed to each Board member prior to the meeting.*

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

07-05-21	\$1,517,606.66
08-01-21	\$2,569.77
08-02-21	\$15,923.99
08-03-21	\$26,222.95
08-04-21	\$90,224.13
08-05-21	\$1593,497.84
08-06-21	\$239.00

**REQUESTS FOR RETIREMENT:**

e.) The Board approved the application for superannuation retirement from Kristopher Balestro, Gt Barrington, police officer. The retirement will be effective 08/10/2021.

The Board approved the application for superannuation retirement from Cheryl Cachat, Dalton Fire District, Treasurer. The retirement will be effective 10/02/2021.

The Board approved the application for superannuation retirement from Nancy Kulpa, CBRSD, custodian. The retirement will be effective 11/02/2021.

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The Board approved the application for superannuation retirement from Nancy Fuore, CBRSD, Admin Asst. The retirement will be effective 11/15/2021.

**MEMBER TRANSFERS OUT OF SYSTEM:**

11.) The Board approved the notice of transfer of the account of Jedadiah Henry, a member in Hinsdale to Greenfield Retirement Board. The Berkshire County Retirement Board will accept liability for 7 months of creditable service. The amount of the transfer is \$2,433.63.

The Board approved the notice of transfer of the account of Luke Fitzgerald, a member in BCRHA to State Retirement Board. The Berkshire County Retirement Board will accept liability for 2 years and 6 months of creditable service. The amount of the transfer is \$9,188.80.

**REQUEST FOR SERVICE BUYBACK:**

g.) There are no requests for service buybacks in the month of August

**REQUESTS FOR REFUNDS:**

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

**Deductions taken in error:**

Kathleen Griffin	Lee	\$37.35
Delores Harasyko	Sandisfield	\$975.41
Delores Harasyko	Sandisfield	\$468.64
Zoe Marinelli	SBRSD	\$815.93
Timothy Sorrell	Lanesboro	\$58.80
Melissa Stezynski	Lee	\$213.64

**Refunded members:**

Susan Barkin	BHRSD	\$2,708.38
Wayne Buckley	Dalton	\$37,046.42
Claudia Ellet	Clarksburg	\$2,946.90
Heather Morgan	Otis	\$3,046.91
Stephen Parkington	Washington	\$6,789.11
Michael Race	BHRSD	\$23,590.26
Leah Schwab	Lee	\$2,473.72

**INJURY REPORTS:**

i.) There were no injuries reported in the month of August

**NEW MEMBER APPLICATIONS:**

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

7273	Megan Padelford	CBRSD	8/2/2021	Admin Asst	1
7274	Arthur Pennetti	Dalton	8/5/2021	Custodian	1
7275	Robert Derksen	Lanesboro	7/19/2021	Police Chief	4
7276	Randy McLeod	Lenox	7/19/2021	Tech director	1
7277	Elizabeth O'Brien	Lenox	7/19/2021	Data Manager	1
7278	Dougias Sigsbury	CBRSD	8/19/2021	Custodian	1

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7279	Rebecca Basnet	Lenox	8/26/2021	Secretary	1
7280	Errin Roney	Richmond	9/9/2021	Paraprofessional	1
7281	McKenzi Powell	CBRSD	8/30/2021	Paraprofessional	1
7282	Elissa Senecal	CBRSD	8/30/2021	Paraprofessional	1
7283	Jason Wagner	Dalton	8/16/2021	Equipment Opr	1
7284	Kevin Shook	Lenox	8/23/2021	Police officer	4
7285	Bruce Carnevale	Dalton	8/23/2021	Equipment operator	1
7286	Jill Hersey	BCRS	8/30/2021	Retirement Co-ord	1
7287	Mackenzie Fenn	SBRSD	7/29/2021	Secretary	1
7288	Tanelle Ciempa	Dalton Fire Dist	8/9/2021	Firefighter	4

**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Cathleen Bourquard, BHRSD, as of as of 04/01/21. Annual pension amount is \$15,630.00.

The Board received approval from PERAC to grant a retirement allowance to Debra Turnbull, Williamstown, as of as of 04/20/21. Annual pension amount is \$12,864.96.

The Board received approval from PERAC to grant a retirement allowance to Susan McGrath, Savoy, as of as of 005/19/21. Annual pension amount is \$11,127.36.

The Board received approval from PERAC to grant a retirement allowance to Dennis Burke, Dalton, as of as of 07/27/21. Annual pension amount is \$7,605.72.

The Board received approval from PERAC to grant a retirement allowance to Matthew Larson, Lee, as of as of 10/17/19. Annual pension amount is \$48,093.96.

**3(8)c REIMBURSEMENTS:**

l.) There are no 3(8)c reimbursement request for August.

**PERAC CORRESPONDENCE:**

m.) The Board received from PERAC the following memorandums:  
24/2021 Amendment to GL Ch. 32 Section 100

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

**TRAVEL & EDUCATION APPROVALS:**

n.) There are no travel or educational reimbursement requests for the month of August.

**MISCELLANEOUS CORRESPONDENCE:**

o.) -Mass PRIM reports highest fiscal return in history

**A roll call vote to approve the items as presented in the Consent Agenda, and the vote was unanimous.**

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4.) The Board will discuss the hiring plan for the Retirement Coordinator/Accountant position in the retirement office.

Letter O was removed from the consent agenda at the beginning of the meeting.

Michael Ovitt: Sheila sent out a letter a week ago I talked with Sheila and Bill by conference call and was notified of Bill's resignation

Sheila LaBarbera: First congratulations to Bill on being named the administrator of the Adams Retirement Board it is a position he has been hoping for and we wish the timing was better but our loss is Adams gain and we wish him the best in his new position The issue before us is the open position that is important to the essential functions of the retirement system. We just recently spoke about the additional hours needed to get the job done and I am only one person, so this is a large undertaking, I can carry it for a while but not that long. It is going to be critical to put together a hiring plan to hire someone quickly and hire someone competent.

Michael Ovitt: Sheila what about scheduled vacation time?

Sheila LaBarbera: I have a week in October and 2 weeks in November, 2 days in September that I will probably not be able to use.

Michael Ovitt: We have Jill here now so you could take the days in September it is a matter of having someone in the office to serve the membership if they have questions Sheila can always answer them later

Bill Flynn: you will not be able to contact Sheila she will be out of the country

Mark Bashara: I am happy for you I know you tried to go last year and couldn't with the pandemic

Michael Ovitt: Bill thank you very much for your years of service to our system it's a huge loss to our system you are very well versed in CH 32 and everything you do for our system

Bill Flynn: It was not an easy decision

Michael Ovitt: We have talked a little about the resources available through PERAC, treasurer collectors the mentor programs for town administrators but Sheila indicated that there were none available for retirement systems

Bill Flynn: There are 7 open positions in different retirement boards looking for help

Sheila LaBarbera: I have had conversations with Tom Gibson and Lisa Maloney they are involved with several of the open positions I think we know that there are not a lot of applicants for open positions, Tom is helping to hire someone in Holyoke and they are not getting a lot of applicants. Lisa Maloney in Middlesex has offered to be a resource, as an administrator of a county she is very familiar with the issues we face every day. PERAC John Boorack, Judith Corrigan and Scott Henderson along with PTG are resources we can count on.

Michael Ovitt: Present to the board about what do we do next?

Sheila LaBarbera: Bill and I have had a discussion about what the job entails what is out there for talent to recruit for this position. It is hard to post the position and hope someone with the skills applies. So Bill made a recommendation, after looking at all of our treasurers, of which 14 were new this year and probably more than that since a number of them did not last. there is one person who is a treasurer that has done very well by us and Bill suggested we approach Him to see if he was interested in the position. I have had 2 discussions with him and he said he would be interested but we would have to put it before the Board. I want to make it clear I did not avoid my duty, but I asked Bill to as he did the job every day for 25 years and I know some of it but Bill does the daily transactional part every day. I think you

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would do me a favor and the board a favor by making that recommendation to the board members so that they can understand the kind of things you do every day and also who would be a good fit for the position. Bill was very gracious and said he would I am not sure if Bill has spoken with all of you at any length about the proposal. I would like to discuss it as the individual has expressed an interest, he is someone who would be available relatively soon to fill the position, you talk about lulls in the cycles but we are getting to the end of the year. Looking at the amount of time I will be out of the office because of my vacation time. I apologize as they both have been planned and paid for so I am not in a position to say I won't go, one in particular is very important to me so I am going even with the covid issue. The real action ship I have had with the individual over the last 6 years on the board have been good and he is an asset to the system. He asks questions about Ch. 32, he always asks about how things work so he is not starting without any experience. As a treasurer a lot of the functions that are preformed are similar to what a treasurer does reconciliations and deposits. Also the accounting and we know he has done both treasurers positions and accountant positions in several towns. For me know what goes on the office daily and weekly he would be a good fit. I think he is someone who has integrity so I don't have to worry as he is someone willing to learn how to do his job, with that Bill I am not sure if there is anything you would like to add?

Bill Flynn: We have looked around Berkshire County and there were only several others who could potentially fit and I mean potentially. It's a tough position to fill because you are already down one person. You have the luxury to bring someone in with Ch. 32 experience and he could hit the ground running.

Karen Williams: who were the others you were considering? Did you consider more than Paul?

Bill Flynn: We mentioned Ericka but she just started in a new town the list was very short.

Sheila LaBarbera: It is not just the skill level it was also how they would fit in the office.

Beth Matson: I am in the unique position to speak on this because I just resigned from my position in North Adams and one of my board members is interested in my position. If you called the ethics commission I have done a lot of research on this according to the ethics commission the member has to resign from the board then wait 30 days before the board can consider their application. There are no expeditions or exceptions or anything like that so we are looking at the end of September and assuming the candidate is chosen I assume they would have to give notice to your employer and you are aware of that?

Paul Lisi: yes

Beth Matson: Are you still willing to apply for this position?

Paul Lisi: Interested

Beth Matson: Interested Ok

Sheila LaBarbera: That was one of the discussions I had with him I know he is employed in several member units and I wanted to protect his interests because I am not sure he has had the opportunity to discuss this with them, I do not want to jeopardize any of his current employment.

Beth Matson: I know the law is crummy I know and it is really messing us up in North Adams. However, if you do have any interest in this position we have been advised in North Adams that you need to recuse yourself from the discussion and you are ok with that?

Paul Lisi: yes

Beth Matson: I also had a thought myself, I think the Chairman would do a wonderful with your background with your experience with Ch. 32. I have thought about this because there is

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so much movement in Berkshire county, in Middlesex and Worcester their chairman's are working chairman's and we are fortunate to have a chairman with accounting and treasurer experience and 30 yrs. of retirement experience so I would like to pose that for your consideration. As the chairman are you interested in applying for the position?

Karen Williams: How does that work? How do you institute a working chairman?

Beth Matson: So I did reach out to PERAC and it is a board vote. It's governed by 34B sec 19(5) c provides the chairman will be compensated in an amount to be determined by the Board. The board could vote to adjust the chairman's salary to reflect the additional duties taken on. There would be no wait because there would be no change in his status he is still the chairman and now just a working chairman doing Bill's position that's my thoughts on the situation.

Mark Bashara: So if I understand this my questions would be there are no conflicts based on what you are saying?

Karen Williams: There is no waiting period

Mark Bashara: Because he is the chairman the only thing changing is his hours and his duties.

Beth Matson: His responsibilities

Michael Ovitt: We would have to look at our personnel policies if we have to accept a section or anything like that.

Paul Lisi: So I have a question if I am going to recuse myself from talking about this then the individual you are talking about he should recuse himself also?

Beth Matson: He should he didn't say he was interested yet I was waiting for him to tell us if he was interested or not.

Mark Bashara: I was just asking to find out if we were on good footing or not. If we cannot do this, I don't want to spend any time on it so that's good.

Beth Matson: We are good I gave you the section of the law this is from Attorney Catherine Brady

Michael Ovitt: Is she your counsel?

Beth Matson: No this is PERAC this is her specialty I had to ask her about another issue so I had to throw that in there too

Beth Matson: So are you interested in this position?

Michael Ovitt: I think I have a lot of skills I am not an accountant per se but I think I can bring a lot to it treasurer collector certain things are unique to a retirement system you know what entries. I went to school for accounting finance and marketing when you bring it to the municipal world things float around. So a lot of it is individualized training, so yes I would be interested I am just not sure what process is to determine the parameters

Mark Bashara: You said Middlesex and Worcester use this system?

Paul Lisi: I have questions but I am not allowed to speak

Sheila LaBarbera: So when you talk about a working chairman, you would be here 35 hrs. a week?

Beth Matson: He would be here as long as it takes to do Bill's job 35 hrs.

Sheila LaBarbera: So what was the other county?

Beth Matson: Worcester

Sheila LaBarbera: My question would be in both of these counties do you believe this is the kind of work that the chairman's do?

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Beth Matson: I am not sure what the scope of work that Tom Gibson and Mike Sacco perform I think it's legal. But I know Kevin Blanchette was not an attorney so not sure what his duties were.

Sheila LaBarbera: I know Kevin Blanchett and I was aware of his duties not sure what Mike Sacco does now.

Beth Matson: Kevin was the CEO chairman but I think it would be a natural fit there would be no wait time. There is a lot of experience at this table and either candidate would be good. I think my preference would be for the chairman because of the 30 yrs. of experience.

Mark Bashara: After what you just explained it makes sense to me if I am not missing something.

Karen Williams: This is a lot of information to take in so I don't want to take it lightly so I feel like I would need a little more time possibly

Beth Matson: I don't think we would make a decision today not ready at this moment but we have to move soon.

Karen Williams: I don't mean to drag it out I think they are both excellent candidates I don't think we could go wrong with either way it just is a lot to take in, it's a big decision I feel like

Mark Bashara: Is this something we could come back before September 29th

Sheila LaBarbera: I would say by the end of the week I can get in touch with Tom Gibson, we should have some input from Tom

Karen Williams: That sounds good

Sheila LaBarbera: Tom can tell us what is involved and what is appropriate for a working chairman. He can help us set the parameters and what the expectations are.

Mark Bashara: And we are not waiting a whole month we are keeping up with what we need to do.

Karen Williams: Please let us know what his response is.

Sheila LaBarbera: Why don't we set up a meeting it will have to be after Wednesday because we need 48 hours to post a meeting

Karen Williams: Friday I am open Pl Friday later in the day

Michael Ovitt: It is Labor Day weekend too SL how about between 1-3pm? Depends on Toms availability I will get back to the Board and post the meeting

Michael Ovitt: Are we looking to have Tom present

Sheila LaBarbera: Yes

Michael Ovitt: Or are we consulting him?

Sheila LaBarbera: I will call and tell him what the meeting is about

Mark Bashara: That is good if anyone has any questions

Sheila LaBarbera: I would suggest if either individuals are not going to be present at the meeting to prepare questions in writing

Paul Lisi: So we do not need to be here? Attend the meeting on Friday?

Sheila LaBarbera: I don't know?

Mark Bashara: Would they be able to ask questions because it was regarding them?

Paul Lisi: For the privacy for each of us we have no spoken with our employers if you are having a meeting on Friday I would prefer executive session so people are not randomly talking about us. Personally I hope the notes of today's meeting do not reflect our names.

Sheila LaBarbera: when I spoke with Tom about today's meeting we it was not an executive session item I was not able to speak with him before this morning's meeting so I was not sure

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how to handle this? Tom had hearings this morning so he was not able to be with us this morning. I will speak with him before the end of the day set something up for Friday.

Mark Bashara: This way we are moving along at the proper pace.

Karen Williams: I think we should address bill's request to use his vacation days as well as the request in his letter

Michael Ovitt: Depending on what goes on the timing of it Bill is extending his service

Bill Flynn: The only reason I asked is to cover my insurance I don't care how I get paid out I am entitled to the days one way or another lump sum or whatever. My concern is the insurance there is a lag time before eligibility and I was looking to cover myself before I am able to enroll at my new job

Michael Ovitt: How concrete is your date can you work 1/2 days or a couple of hours here and there. Can you help out between now and Nov 1st?

Bill Flynn: Fridays are a 1/2 day so I could come down every Friday if you needed me.

Michael Ovitt: Do we have to accept his resignation and formalize anything?

Paul Lisi: The board has to accept his resignation I understand where you are coming from on the insurance. I feel that your last day would be you last check. His insurance would be covered through October

Michael Ovitt: How would he be covered he is not an employee?

Paul Lisi: We have always covered the employee if they have paid for the month ahead of time

Bill Flynn: My insurance would terminate on the date that is entered on the termination form

Mark Bashara: Whatever we need to do to make sure he gets the coverage for 25 yrs. that is the least we can do

Karen Williams: What insurance deductions are you taking from the final check?

Bill Flynn: One months' worth I will be covered through Nov 1st since I was not employed on Sept 1<sup>st</sup> I cannot join until Nov 1st

Mark Bashara: The last payment will cover him until Nov 1st

Karen Williams: I always preferred taking it out in a lump sum

Michael Ovitt: It changes your last date of termination

Paul Lisi: The system is different than insurance

Michael Ovitt: Premiums are a payroll deduction so you must be on the payroll with vacation time to cover your insurance

Karen Williams: So last day worked is sept 3rd but vacation time until Nov 1st?

Mark Bashara: He just stays on vacation until it runs out then insurance is paid for until Nov 1st

Karen Williams: Paul and I are just looking at it from the payroll piece

Sheila LaBarbera: Bill will remain as an employee on vacation until Nov 1st any remaining vacation days owed for Nov 1st will be paid out in a lump sum

Paul Lisi: You are entitled to resign and take COBRA on sept 3rd there is a financial benefit to you to do this

Bill Flynn: I am just trying to do what is best for me

Michael Ovitt: Does he get holidays?

Sheila LaBarbera: Yes he does he should take the vacation and stay on the insurance

Bill Flynn: I have a vested interest in the system and I have every intention of helping anyway I can my mother was the administrator before I worked here, I have an emotional attachment and a vested interest

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Paul Lisi: I make a motion to accept Bill Flynn's resignation on September 3rd and taking his vacation time until Nov1st

Mark Bashara: Second

Michael Ovitt: All in favor unanimous

Michael Ovitt: Asked if anyone wanted to have a party for bill?

Sheila LaBarbera: Covid is an issue but we can work it out over the next several months

Michael Ovitt: Next meeting is September 29th'

Beth Matson: Announced she resigned in North Adams and has accepted a job in Marlborough. She has negotiated her 4 personal days to come out for quarterly meetings otherwise she will zoom monthly. If you will still have me, I am interested if not, I understand.

Karen Williams: Will you be relocating?

Beth Matson: Yes

Michael Ovitt: When do you start?

Beth Matson: September 20th

Mark Bashara: I think you brought a lot to the board as long as you can meet the obligations of a board member I way back was against I was all about in person with Joe Kellogg but the fact you are already on the Board and Covid has changed everything, because we can now do remote so I am more open. I think if it became an issue you yourself would step away if it wasn't working

Karen Williams: I would love to have you stay

Paul Lisi: Motion to adjourn at 10:38am

Karen Williams: second Unanimous

The next regular board meeting is scheduled for Wednesday September 29, 2021 at 9:00am.

RESPECTFULLY SUBMITTED:

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Sheila LaBarbera, Executive Director

APPROVED BY:

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Michael Ovitt, Chairman

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Mark Bashara, Elected Member

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Karen Williams, Elected Member

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Paul A. Lisi, Jr., Advisory Council Member

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