

Berkshire County Retirement Board Meeting  
October 26, 2023

**The meeting of the Berkshire County Retirement Board was called to order at 8:30A.M. in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Michael Ovitt, Chairman and Mark Bashara, Elected Member and Karen Williams, Elected Member. Sue Funk, Advisory Board member and Beth Matson Appointed member participated remotely. Thomas Gibson and Gerry McDonough participated remotely.**

*A roll call vote was taken to open the meeting at 8:30am*

**PUBLIC COMMENT:**

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

**NEW BUSINESS:**

2.) The Board approved the audit proposal from Marcum for audit years 2023 and 2024. Sheila LaBarbera reached out to Scanlon Associates for a proposal they did not respond. It was noted that we have asked them in the past but they have never responded. We requested a proposal from Gary Moynihan from Adelson; they also audit towns and districts within the BCRS. Their response is that our audit is a specialized audit and they have no experience so are not interested at this time. Marcum remains as the only proposal we have received. Karen Williams made a motion to approve the Marcum's audit proposal. Mark Bashara second. **A roll call vote was taken to approve the Marcum proposal for the BCRS financial audits of 2023 and 2024. The vote was unanimous.**

3.) The Board reviewed RFQ proposals for core system software. Tom Gibson I just want to let the Board know we sat through a physical presentation by both vendors earlier this week at another board meeting, and it was quite enlightening for the board members. You already have a lot of the information that has been presented in writing and I always think it is better to get written submissions rather than the spoken word, which is like the wind. Now you have something to make a determination on and that is what you are going to do today.

Sheila LaBarbera: We do have two submissions for the RFQ. I only sent out the RFQ to Bay State Pension and to PTG. The one item that we were looking for in particular was the cost and both of them have provided us with the expected costs over the next 5 years. I can start with PTG's payment plan. We will be expected to pay the annual subscription for this year the estimated cost was \$64,000 we would have to pay to remain with them for 2024. Their payment plan does not start until November 2024.

Michael Ovitt: Have you done a comparison of the two? Do you have anything in writing at all? Pros and cons? Comparing apples to apples?

Sheila LaBarbera: The three of us have sat through demos of both, so we have physically seen what both of them are going to be providing. PTG is going to include all of the modules.

Mark Bashara: At no extra charge?

Sheila LaBarbera: We are going to have to look because for the period of 2024 – 11/23 through 11/24, we do not have an insurance module but we have document scanning and the reporting module. I know that they do not have us in a queue and I know that they are working on the insurance module in some of the larger counties so I do not know what their

Berkshire County Retirement Board Meeting  
October 26, 2023

availability is to install that starting in November of 2023. The pros and cons we went over that already. Both of these plans require you to upgrade to something else. PTG has their PTG Pro+ there are no transition costs, conversion costs, or implementation costs, as we heard in their presentation it may be a period of up to 3 years before implementation and not sure, what the annual cost will be for that system.

Mark Bashara: What I would have liked to see is when did you have a chance to review the two of them?

Sheila LaBarbera: We received both of these on October 16<sup>th</sup>, we reviewed them for cost. We have an idea of what both programs offer. Tell me what you are looking for.

Mark Bashara: What I would be looking for kind of a generalized shortened pros and cons  
Sheila LaBarbera: I think we did.

Jill Hersey: We did that before the presentation.

Michael Ovitt: Is there anything different on that? Any clarifications?

Karen Williams: The insurance module, would that add to the cost of PTG's quote?

Sheila LaBarbera: I am not sure if it would add to the cost for the next year, Karen.

Michael Ovitt: These are things that we want to establish to make a decision.

Sheila LaBarbera: I do not know the answer to whether or not they are going to include the insurance module for us in the next coming year. If you want to talk about pros and cons, is it worth it for us to set up the insurance for the next year?

Mark Bashara: It seems – is there more uncertainty in the finality of a quote with PTG than there is Bay State? PTG it seems like we do not know about the insurance module yet with Bay State there is a definitive this is what you pay and this is what you get.

Sheila LaBarbera: It is all-inclusive. PTG begins on year two for the discounted rate and they give you a prepay alternative. I was kind of hoping to get an idea of where the Board wanted to go. We were focusing on cost; I believe that both vendors offer software that is appropriate for administering retirement. The components for PTG are all there. If you have specific comparisons that you would like us to make, I certainly can do that. My question would be Bay State looks like they would be up and inclusive of everything by June of 2024, which means that I would have to run a parallel system for 6 months where I would have to use components of PTG for the first half of 2024. My question if the Board decided to go with Bay State is there a way to negotiate I know PTG did state it in their presentation that he would be able to work with us to ease our way out of PTG, how do we renegotiate those costs for the first 6 months?

Michael Ovitt: I know there was talk about being interactive our staff being interactive with the development of the county software. Is that in our proposal anywhere? If we are 10% in or 90% percent in participating, does that affect anything, we are doing as far as our rates or obligations to help them out.

Sheila LaBarbera: Well, the first two years are free I do not know that we can negotiate anything more out of that. I think he estimated that as we go through the transition that it would be an average of up to 10 hours a week that he would dedicate to us just to develop, amend or program in the different things that we would like to see in the operation.

Michael Ovitt: Ten hours a week for how long?

Sheila LaBarbera: The first six months.

Mark Bashara: What is the bottom-line cost?

Sheila LaBarbera: PTG four years is \$165,000 or \$156,749 if you take a discount.

Beth Matson: Can I just ask a question about the price? The price you are getting from PTG is for their existing module itself or the PTG Pro+ ?

Berkshire County Retirement Board Meeting  
October 26, 2023

Sheila LaBarbera: PTG Pro right now. We really don't know when PensionPro+ will be up and running or where we would even be in the queue for that transition because we know that it's going to take a couple of years, but he did indicate there's no transition cost, data conversion cost, implementation cost, or other system migration risks.

Beth Matson: That is wonderful, but I would anticipate the cost of the Pro – the + plan to increase significantly. You are paying this \$165,000 for the four years for the basic what we already have. When they finally sign onto their new program, I anticipate their lack of being transparent about what it is going to cost tells me it is going to be a giant leap. Secondly, I just want to know where you and your staff are with the software. What are your preferences?

Sheila LaBarbera: Our preferences are Bay State. We have, you know, we have talked about it extensively here in the office. We feel that the customer service and their willingness to adapt or to provide some of the changes that we have encountered as a county system.

Mark Bashara: So how much for Bay State?

Sheila LaBarbera: Would be \$173,388. The first two years, there is no charge. We could ask if there is a prepayment discount just as PTG if we paid in full for those three years at some point would we get some kind of a discount. If we prepaid the \$156,739 to PTG, we still have to pay this year.

Michael Ovitt: The CPI is a factor on Bay State. Is that going to be on top of it?

Sheila LaBarbera: I thought the 57,750 – If I did the math – is 5% of 55, and 60,638 is 5% of 57,750. I can get the calculator and do the math, but I thought that was the – the CPI Index for that increase.

Karen Williams: So, in the fifth year, Bay State is approximately \$15,000 more than PTG, but as Beth said, that is not considering the fact that they might go to PTG+ and our current year? It is about \$65,000.

Michael Ovitt: The other thing is Bay State has a platform right now. I think their discussion was the counties are not really fully developed, so that is why they were looking for our assistance to enhance the county program. Are we as a county able to use what is on the shelf right now without a great deal of modifications or enhancements for us as a county?

Sheila LaBarbera: He gave us a timeline over the first six months starting in January on their timeline of the implementation of what they would have that is fully implemented and what they would be working on.

Michael Ovitt: Are you talking about 10 hours a week to – to work on these specialties?

Tom Gibson: The question on the insurance is there is no additional charge. It costs \$13,000 a year in Middlesex. We have not started paying it yet because it is not fully rolled out. That is partially our fault because we had some staff issues with staff leaving, but there is no additional charge for the insurance portal, which I will make that clear.

Sheila LaBarbera: PTG has quoted us between 8500 and 9000 dollars a year for us who are a little bit smaller than you are. Now you have both proposals. What I would like to ask all of you to do is over the next week read them over, take the time to look at them, and then to send me questions that you have that you would like to see besides just the pros and cons.

Michael Ovitt: Well, its common sense this is how much it is on one, and this is how it is on the other. Let us do the basic comparisons.

Sheila LaBarbera: I want you to tell me what features you are interested in, what ones we have comments or concerns about.

Berkshire County Retirement Board Meeting  
October 26, 2023

Brian Shepard: A couple months ago, we put together a list of pros and cons and provided it to you.

Mark Bashara: What I want to bring up is I feel we have more than done our share of due diligence in this whole process, correct, Tom?

Tom Gibson: Yes.

Mark Bashara: If anything, we have exceeded what was required. From what we have heard through previous meetings you have a good relationship and understanding of what has been lacking in PTG in their customer service. We have had Bay State explain to us a good understanding of everything. I would be ready today to make a vote if the other board members felt that was the way to go. If Mike and other board members are more comfortable in waiting a little more and getting more information.

Michael Ovitt: I think I would like to reestablish what the issues are so that we can keep an eye on them going forward over the next six months.

Sheila LaBarbera: In an issue of due diligence or an issue of fairness, I would prefer Bay State to PTG, but if there are questions about the cost, they expect us to pay next year whether it is a full year or it is a six-month period or a three-month period? I will get you the answers so that when we come back in November we could be on solid ground to make a decision.

Mark Bashara: I mean to me it is not even good business practice but my personal opinion that there are some many uncertainties with PTG as far as cost.

Karen Williams: Right we may have to add this module or we are going to upgrade to PTG+.

Sheila LaBarbera: Well it's clear on PTG's part that we will be inclusive of everything that we asked for in 2025 not 2024. I can certainly get answers all those questions, and Tom, if you have anything else you would like to add. I am concerned about contractually working out the details of putting a contract together. Signing that contract, and working out what we need to do with PTG. If the Board decides next month we are going with Bay State, I am hoping that you can provide us that advice.

Tom Gibson: Well, certainly. First of all, Sheila, I would like you to send a hosting agreement to me if you can the PTG existing agreement. If it is like other contracts that has a 60-day, termination notice for convenience. My concern is that if you trip over a certain date you are going to be indebted to them for the whole year. I need to know when those dates are going to be because a 60-day notice may trip us into another calendar year in which they will be charging you for the whole year irrespective of whether you've terminated their services or not, so as soon as you can get that over to me.

Sheila LaBarbera: Of course. Now that would be different than what he said explicitly to us during his presentation, that he would be more than happy to work out whatever agreement we needed to if we decided to move away from PTG.

Sheila LaBarbera: Well, no, it is not the wind. I have a transcription in the minutes that is what he said.

Tom Gibson: That is important. As far as a new contract with Bay State, we are working on that right now with another retirement system and we have to make some substantial changes to the contract. It looks like it was written by their attorney who put in every single provision that is favorable to the vendor and not favorable to the customer. So, as with any contract, we are in the process now of sort of dismantling those and instituting a termination clause and a termination for no cause at any time for any reason. That is important to put in a contract we will get to those issues at the appropriate time.

Berkshire County Retirement Board Meeting  
October 26, 2023

Sheila LaBarbera: So, if there is a 60-day notice are we bound by that action? If we say, we are giving you, notice so that for January 1, we would be not participating with you at 100%, that we are looking at phasing out or whatever legal term you need to use over a period of six months and what would the cost to that be?

Tom Gibson: Well, we have the written contract, the hosting agreement that provides a 60-day notice for termination for convenience. This is not for cause. This is for convenience. You know, if you do not like each other anymore, both parties have the right terminate the contract with 60 days' notice. However, under the terms of the contract, if you go into January 1 and you have not terminated it, then you are on the hook for the next year's cost. Now you have something in writing from John that says that is not the case. We are going to work with the Board to work out any cost and any agreements you may have if, in fact, there is a separation between PTG and the Berkshire County Retirement System. That is why it is a good idea to have that in writing and have that transcript because as I said earlier, the spoken words especially from John Reidy and Chris Wallace and everybody else, that seems to just evaporate. It is what is in writing that is important.

Sheila LaBarbera: I can go back to the transcript because I know Beth asked that question.

Tom Gibson: Right, I have seen the transcript, and it is in that transcript.

Sheila LaBarbera: So, do you have any advice on the action that the Board should take today.

Michael Ovitt: Can we give notice of commitment? Is that getting us in the queue to get started sooner?

Tom Gibson: If the Board is ready to make the transition to Bay State Pensions and they're comfortable with that vote after listening to the staff and the questions that were asked were all great questions, and as Mark said, there's been more than enough due diligence here for the Board to make a decision. If the Board is ready to make a decision today I would recommend they make a decision today and give them notice today or as soon as possible to PTG so that we are not running into that potential problem of being indebted to them because the official notice was given at a later date irrespective of what John Reidy said at the Board meeting. That would be my preference. We have done enough evaluation. Chris Wallace is a salesperson, John Reidy is a salesperson, our job is to boil down all of that rhetoric and look at exactly what we are getting, and we have done that. The Board has done a great job on this, and I am comfortable that if Sheila, Jill and Brian want to work every single day with this program I think should weigh heavily with the retirement board as to what they are comfortable with. After all, our decisions are made for the benefit of our members and beneficiaries. That is all we are supposed to care about. I think based on what was discussed; there is no right and wrong decision as long as we have gone through the process. We have gone through the process, and if you are ready to pull the trigger with Bay State Pensions, then I would suggest that you do it today.

Mark Bashara: The one question I had that you brought up after I discussed about whether we take a vote today or go on is there anything if we go with Bay State that should be mentioned conditional. We prefer Bay State, we want to go with them, but let's say you look through their contract and say they're not willing to budge are we still locked in with them or do we have a way out?

Tom Gibson: The vote would be subject to a mutually acceptable agreement with Bay State, and so if it is not a mutually acceptable agreement then there is no obligation of the Board.

Berkshire County Retirement Board Meeting  
October 26, 2023

Mark Bashara: I will make a motion that we accept Bay State subject to execution of a mutually acceptable contract. Karen Williams: Second.

**A roll call vote was taken to execute a mutually acceptable contract with Bay State Pensions. The vote was unanimous.**

Sheila LaBarbera: Tom I will get you the hosting agreement today then we can talk over the next couple of days and figure out how we want to proceed. We can get PTG the termination notice by November 1, 2023.

Michael Ovitt: Not necessarily pros and cons but all the elements that we were discussing the features and the process we want that to be covered.

Sheila LaBarbera: I am going to ask PTG the clarification questions and see if they want to answer them, great. If they do not, they do not.

Beth Matson: Excuse me. I have to leave the meeting at 9:30, so thank you.

Tom Gibson: Beth, before you leave I just wanted to say quickly that the Board should be commended for the work they've done in this particular issue of determining what the appropriate software is going to be. Sheila, Brian and Jill did a lot of work on this, the Board did as well, and I think it is an example of doing due diligence and the questions that were asked, these were spot-on questions, so I just want to get that on the record for the Board.

*Beth Matson, Thomas Gibson and Gerry McDonough all left the meeting at 9:36am.*

*Item #4 began at 8:30am*

**4.) Legal Update:** There are a couple of cases of interest that have been decided recently which the Board should be aware of although some boards are adopting the DALA decisions on these cases.

**Military Service Buyback**

Specifically a number of DALA decisions that were issued involving the military service purchase in which the magistrate determined that the 10-year vesting requirement for eligibility for veterans to purchase the military service was still in effect and had never been removed by any of the amendments to the statute that had been enacted since that time. The case has been appealed. What the magistrate said was essentially any notice that had been provided to a member who had not yet vested to purchase the military service was a nullity if the member did not avail themselves of the right to purchase the military service, then it doesn't make any difference. They will get a second chance once they become vested.

Many retirement boards followed PERAC's instructions back in 2003 in a memo that said, "upon enrollment of a veteran you provide them with a military service credit option." Some boards did that. Some boards did not believe that it was appropriate to provide a notice. There is no interest so the Boards felt that it was too much of a burden on mostly veterans returning from military service to make that determination within 180 days.

There is also a legislative bill that is being reviewed and a promised action by Veterans' Day that would sort of correct potential issues. Some boards have already refused to accept liability for military service purchases that they previously have granted when the member has gone to another particular unit. I am talking specifically where a member becomes enrolled in Retirement System A, and then purchases a military service and then transfers to another retirement system. That account is then transferred to Retirement System B, but

Berkshire County Retirement Board Meeting  
October 26, 2023

what happens is now he wants to retire that individual with 10 years of service after only working 6, so Board A said no we're not going to credit that and the member won't be able to retire. I am waiting for PERAC to issue some kind of guidance. PERAC is reluctant to do so because the case went to CRAB.

Gerry McDonough: It is a confusing statute because usually when you look for these rules, you look at the Green Book of the Massachusetts statutes and general laws, but every general law is put into place by an act, and sometimes there is language in those acts that clarifies what is in the law itself. They are not easy to find and they can be quite cumbersome. The DALA magistrate is correct about this and PERAC was wrong when it issued that memo. Any member who has applied for the military service purchase after not replying within 180 days of the notice they received is entitled to purchase that service now.

Michael Ovitt: So, my understanding is we had done that where they did not respond. We had a certified return receipt and it is in their file. So, if you could clarify if I have 7 years of regular service and 3 years of military buyback, at what point can you do the buyback and it was always calculated when you started your service and have had that calculation done and on standby. At what point does that kick in and is that still under appeal?

Tom Gibson: The case is under appeal. The original legislation had a 10-year vesting requirement in it. You do not get that option to buy back the military service credit until you are vested and that would be 10 years of service. There was a series of legislative acts after that, some of which appeared in Chapter 32, some of which did not appear in Chapter 32. That were interpreted as removing that 10-year vesting requirement so that a veteran immediately, upon enrollment in a retirement system, if they received that notice from the retirement board of 180 days in which to make a decision, they had to make that decision. There are many reasons why folks did not do it immediately upon enrollment in the retirement system. Many retirement boards then refrained from giving them notice upon enrollment in the retirement system. Some do not give any formal notice because they do not want to preclude the right of a veteran to buy back that military service credit. What this case says is that until you have 10 years of service, any action that you took regarding purchasing or not purchasing your time is a nullity because you had no standing to make that request.

Gerry McDonough: I think it is important to note DALA itself had issued a decision supporting boards who had refused the military service purchases. From DALA to CRAB, everybody had missed this until we had a new magistrate who took a fresh eye at the law and the entire history.

Sheila LaBarbera: I believe that we only have one individual who was denied, they missed the 180 days, could we give him the opportunity to do that buyback right now?

Tom Gibson: I would suggest that we wait until the dust settles somewhat on this particular case. Once cases get up to CRAB, they can languish up there for years. I am hoping that there will be enough pressure on CRAB to issue a decision so that those who have been wrongly denied will have the opportunity to do it before they retire.

### **Service Buybacks**

There is a couple of other cases that have been decided involving reserve police officers. What the cases stood for is the fact that a member of a retirement system who has provided reserve police officer services in the past to a specific member unit or town that is not within the retirement system, which they are now a member, is still entitled to credit for that reserve policer officer time under Section 3-5. They are not only entitled to the credit but also entitled to the enhanced credit that is provided in Section 4-2B. That is for the time that they

Berkshire County Retirement Board Meeting  
October 26, 2023

were on the list eligible for appointment and after 2009 made an excess of \$5000. They would be entitled to full creditable service for that particular time. The cases Shailor v. Essex County, Brown v. Mass Port. In Middlesex County a police officer in North Reading, a reserve police officer, never enrolled in Middlesex because he never became a permanent police officer in Reading. He became an employee in Mass Port, and as an employee of Mass Port sought to purchase that reserve police officer time and it was denied. DALA has ruled on the prior Shailor decision that that individual is entitled to purchase that service. Mass Port has to give it to him and they have to give him up to the full time that he was working. He was actually pre-2009 so he is going to get three years of creditable service for the time he was working sporadically as a reserve police officer. That case also has been appealed to CRAB.

Beth Matson: Could I ask a question on that? Would that be included with the call firefighters as well?

Tom Gibson: No, because as you know a call firefighter has to be appointed permanent in the town in which they provide their service to avail themselves of the enhanced service. That does not apply to reserve police officers.

### **Anti-Spiking Regulations**

Gerry McDonough: Well there has been a whole bunch of anti-spiking cases that have been percolating through the system and they are not meeting with much success. I have a client who worked for the Commonwealth of Massachusetts for about 12 years, and then she went into the private sector and removed her money. She was given the offer of a job in the City of Boston and she was there for about 3-1/2 years. She rejoined the system and put her money back into the retirement system. She went to retire and the Boston system gave her a certain amount of retirement allowance and then 6 months later PERAC did an audit and they said that the board of the Boston system shouldn't have given her the amount she was receiving since she was subject to the anti-spiking law. Suddenly she owed the City of Boston Retirement System about \$3000 and her monthly pension went down by \$500 a month because there was a break in service of 12 years. In her last 5 years of service, the question is whether they were consecutive or not as required by the statute. It does have a devastating effect on some people when they expected that they were going to get a certain retirement allowance and they do not. There are some people in Somerville who were hit up by the anti-spiking law. They were nonunion officials in the City of Somerville, and they were caught up in another anti-spiking provision because they did a salary study and gave all their management people adjustments in their compensations. Some of them were quite large to bring them up to making more money than what the union people they were supervising were making. PERAC has taken the position that there is an exception under that anti-spiking provision for increases that you get as a matter of law, which are due to law, but PERAC, says a municipal ordinance that was passed to increase salaries is not a law. It is an ordinance. If you are a member of a collective bargaining unit, it will not affect you. Every time the legislature makes a change in the law, there are unforeseen circumstances that come up that affect many people, and anti-spiking is starting to generate a lot of confusion and litigation.

Tom Gibson: Lastly, the Bartini case is still pending, waiting for a decision. I am hoping that it will not be too much longer.



Berkshire County Retirement Board Meeting  
October 26, 2023

- 5.) The Board was notified that PERAC would begin the audit of Berkshire County Retirement System for the period January 1, 2017 Through December 31, 2021.

Michael Ovitt: When did they start that? It used to always be a three-year audit, and like five now.

Sheila LaBarbera: We have not had a PERAC audit since 2016; they are a little behind in scheduling so this will be a 5-year audit. We have an annual financial audit by Marcum so we were not a priority for a PERAC audit. Caryn Shea from PERAC contacted me regarding the start of the audit, I indicated we were ready anytime, so they started October 24, 2023 and will be on site for 3-4 weeks. The financials will include the review of the working papers from Marcum. Over the years I have been lucky to have a very good relationship with PERAC, I look at this audit as a learning experience for both Jill and Brian. As we go through this audit if there are teaching moments hopefully, we can take advantage of that experience.

- 6.) **Directors update:** 2024 budget and salary considerations, GASB 67/68, approved funding schedule FY24.

Michael Ovitt: There was an issue with -- with the Microsoft 365. One of the last emails that went out was around the 12th or 13th. I found out subsequently that cybersecurity-wise that there were changes when I am trying to log in to the email package it would have been nice to have a heads-up. I then learned that there was a heads-up but it was in the form of an email that went to something we would not have had access to without this enhancement. In the future maybe a phone call to follow up.

Karen Williams: I sent you the email saying I had to set up the dual authentication before getting into the email, but I chose to have it delivered to my personal phone.

Sheila LaBarbera: Email is how I communicate with everybody and I apologize I thought that that email that went out on the 13th was distributed to everybody. So, you got the email, you just did not open it on the 13th?

Michael Ovitt: I could not log in it was looking for an enhancement to the login. The dual authentication. But it said if you want to fix this, click here, and then it says download the application I don't know if this is legit or not.

Mark Bashara: I will tell you my experience I am like something is not right here I should have received the agenda usually you send them on Fridays. I am clicking and it says sign into your account. I never signed out. Then it came up you need this authentication. I was a little concerned but I clicked on it and it comes up with a box and it says enter this number in your Microsoft Authenticator, download the app. Nothing is working. It would not have hurt for someone from here to call each member because then we would have known individually to just say, we are changing over to this. Here is a number you are going to need to contact. If you have any issues, call him, or otherwise get back in touch with us.

Michael Ovitt: Well, I did not get an email because nothing would update. Nothing would refresh in your email. It appeared that it was just stalled on October 13th or 12th.

Sheila LaBarbera: I talked to Acentek, so I should just send out an email and let them know, and he said, yes, but they would probably want to contact me because you may not want to use your phone. What I am trying to figure out is you never got an email in your box on the 13th?

Mark Bashara: Nothing. Your previous emails from last month.

Berkshire County Retirement Board Meeting  
October 26, 2023

Karen Williams: When we opened our email, it said that there was this dual authentication.

Michael Ovitt: 10/12 was the last one we got.

Sue Funk: Karen, mine worked the same way yours did.

Sheila LaBarbera: So, you – so you already had it set up, right, Sue. So, you just got a number and then you were able to go in?

Sue Funk: No. I had to take the same steps that Karen did. You could not see anything. You had to get in, authenticate it, and then you will see.

Sheila LaBarbera: Okay. I apologize I am trying the best that I can but there is only three of us here.

Michael Ovitt: Why did we go with this email authentication?

Sheila LaBarbera: We did not have any choice, Mike. Office 365, the software provider that we are using requires it. I was talking to Acentek about other security measures and she said have you done the multi-factor authentication for your Office 365, she said you only have 10 days. Otherwise, Office 365 is going to do it for you, and since you do not know what everybody is using for devices, you are going to have to speak to the tech.

Michael Ovitt: So, that was a somewhat substantial change in the way we do business and communicate it and it would have been nice to know.

Sheila LaBarbera: if you have multiple office accounts as I do then, you have to be careful because that is what they have walked me through to make sure that I get the right authentication number. That is why I did not want you to set it up on your own because I do not know what you are using on your other devices. We do not have any choice we have to do the multi-factor authentication. In fact, Jill and I sat through a cyber-training with PRIM yesterday ORAM a cybersecurity company, that was his topic. It was MFA; they are going to provide us with an overview of what we may or may not need in our system. They will provide us a quote for cybersecurity services. Our insurance policy went from two pages to about ten they would be able to coordinate that with what you have in your system and tell us what we may need.

Sue Funk: Going back to Bay State, do they have any requirements as to the security that like the treasurers and your office would combine with any of that?

Sheila LaBarbera: For multifunction authentication? Yes, we already do it. We do it with PTG. You cannot get into PTG unless you get a MFA code. You do it as a treasurer for your uploads? It will not change

Mark Bashara: I had a complaint from a member that – first, they called me up and said they came here to get their affidavit and there was nobody here. I found out it was at the time when you were at the meeting or the MACRS or whatever it was, okay, which is fine, but unless he did not see it, I said, was there any sign up? Did you call? Was there a message left?

Sheila LaBarbera: Okay, well, there was a huge sign on the door.

Michael Ovitt: We should be able to leave a general message if the office is closed and for those that check the website there should be a little banner up there.

Sheila LaBarbera: I have to say, the only time this office is closed is when we are all out for a seminar and we do not close for lunch it is rare that we are closed.

Karen Williams: But again, if people put signs on their doors, that helps.

Berkshire County Retirement Board Meeting  
October 26, 2023

Sheila LaBarbera: Well, we can put a message on the phone when we get the answering service to work properly post a sign on the door and on the website.

Michael Ovitt: So the messaging services and the programmability is part of our phone bill.

Sheila LaBarbera: It is all-inclusive.

Sheila LaBarbera: We have our GASB report and the funding schedule. I did send all of those out to the treasurers. I have asked them to please forward them to the Finance Committee and the auditors.

Sheila LaBarbera: The other thing right now is a proposed budget for 2024. Some things in here are complete. The health plans we budgeted as we have for two family plans. We have one extra plan that is budgeted in our system just in case because Jill has changed her individual plan, but she does have children so if she had to change to a family plan we have to budget for that. Those costs are the proposed based on what the GIC increases would be. The unemployment taxes are relatively unchanged. Retirement Board legal counsel and medical records unchanged.

Karen Williams: Just a quick question. The two family plans that went down?

Jill Hersey: Because the family plans are only based just on Brian's HMO. We just duplicated that instead of taking the highest plan.

Sheila LaBarbera: The fiduciary insurance I have level-funded we are going to be close this year, but I think there is enough for both of our policies.

Jill Hersey: That's the thing that was a good point with ORAM yesterday is the woman brought up the fact that the policy asked you all of these questions and many people just remarked I think have that.

Michael Ovitt: With the dual authentication, does that affect will that affect our rate?

Sheila LaBarbera: It provides us more coverage protection in case there is a breach.

Michael Ovitt: So, is there anything we can look at that we are paying extra for or that we could get a discount for having this?

Sheila LaBarbera: MIIA provides us those sheets for discount. I know we get them for the MIIA policies. I can check with Paul Shanley the MACRS fiduciary insurance in general may have an increase. the TBD is going to be the service contracts. The copiers from MacFarlane are accurate. That is our estimate for the year, but the PTG Core is to be determined. Melanson, I used the proposal of '22. Scarafoni that is our lease. Education training, we did go up a little bit on education training. Travel registrations we budget for the max participation. There may be some changes with the MACRS conferences in the following year. I think they are going to add an extra day in June and the three-day conference in Springfield may be a one-day conference in Springfield. Professional services, the death audit, Adirondack Payroll, Ascentek I am looking for an estimate on that because we only pay for virus scanning right now. I am looking for an estimate for additional cybersecurity. Postage meter lease remains the same we have some new equipment and software updates our laptops are towards the end of their useful life, so the laptops may have to be replaced. The telephone Access Plus was acquired by another company and our bill has gone up significantly. The new proposal for 2024 is the copier. The copier that we have is definitely at the end of its useful life, we can purchase a new one for \$6500. If there is any town or district out there that wants the old copier, they can have it free.

The only item that I did not include is salaries. I know Brian had some graphs and charts that he sent out to you last month. I did estimate the part-time employee and provided a proposed job description for that. My proposal is 15 to 19 hours a week at \$25 an hour. Depending on

Berkshire County Retirement Board Meeting  
October 26, 2023

the employee and what they were capable of maybe do some cross training so that they would be more than just an office secretary.

Staff salaries I am asking for some direction on how you would like to handle these salaries going forward. We did provide the graphs, Brian shared with you the salary surveys and nothing has changed we lag considerably behind our peers for the positions that we have here and the work that we do.

Michael Ovitt: When was the advisory council meeting? Did they review the budget?

Sheila LaBarbera: Tuesday and they did review the budget.

Michael Ovitt: There is a lot we need to probably go back and review a little more in-depth.

Sheila LaBarbera: Well, can you tell me what exactly we would have to review more in-depth so that I can be prepared for the next meeting?

Karen Williams: We came up with a few years ago the calculations on the salaries.

Sheila LaBarbera: It is a COLA. We still have that. I can prepare that. We do it November because that is the calculation that you have in the CPI.

Sheila LaBarbera: We are talking about the salaries in general.

Karen Williams: Well, I would just be interested to see what the COLA would be this year.

Sheila LaBarbera: No, so, for the salaries, the only thing you are looking for is COLA.

Brian Shepard: Has anyone looked at those graphs I provided last month? We are almost \$20,000 behind the average so – I understand its COLA but we are looking for a little more.

Sue Funk: I would tend to agree with that.

**Consent Agenda Detail:**

**MINUTES:**

a.) The Board minutes of the regular meeting held September 27, 2023, were signed and approved.

*Minutes provided as an attachment to email*

**INVESTMENTS:**

b.) The Board received from PRIT a statement of performance for September 2023. The PRIT Fund returned -2.52% for the month of September.

**BANK STATEMENTS:**

c.) The Board received the bank statements for September 2023 and the budget for October 2023.

**MONTHLY WARRANTS:**

d.) The Board approved payment vouchers:

10-01-23	\$12,958.46
10-02-23	\$66,362.79
10-03-23	\$19,209.39
10-04-23	\$18,323.80

**REQUESTS FOR RETIREMENT:**

e.) The Board approved the application for superannuation retirement from Kim Shook, Lee, Teacher Assistant. The retirement will be effective 08/20/2023.

Berkshire County Retirement Board Meeting  
October 26, 2023

**MEMBER TRANSFERS OUT OF SYSTEM:**

f.) The Board approved the notice of transfer of the account of Raymond Ferrin, a member in Becket, to the State Retirement Board. The Berkshire County Retirement Board will accept 6 years and 5 months of creditable service. The amount of the transfer is \$34,963.01.

The Board approved the notice of transfer of the account of Kelsey Hosley, a member in Richmond, to the Mass Teachers Retirement Board. The Berkshire County Retirement Board will accept 2 years and 9 months of creditable service. The amount of the transfer is \$5,257.74.

The Board approved the notice of transfer of the account of Susan Love, a member in Lenox, to the Mass Teachers Retirement Board. The Berkshire County Retirement Board will accept 4 years and 9 months of creditable service. The amount of the transfer is \$24,000.70.

The Board approved the notice of transfer of the account of Amy Turnbull, a member in CBRSD, to the Pittsfield Retirement Board. The Berkshire County Retirement Board will accept 9 months of creditable service. The amount of the transfer is \$2,141.34.

**REQUEST FOR SERVICE BUYBACK:**

g.) Tabitha Pickett-Vahle, a member in Lenox, is eligible to buy back 5 months of prior creditable service. If Ms. Pickett-Vahle pays \$1,041.13 into the annuity savings fund by November 30, 2023, the board will grant 5 months of creditable service.

Jamie Minacci, a member in BHRSD, is eligible to buy back 1 year and 1 month of prior creditable service. If Ms. Minacci pays \$4,168.80 into the annuity savings fund by November 30, 2023, the board will grant 1 year and 1 month of creditable service.

Nancy Greenwald, a member in Lenox, is eligible to buy back 3 years and 4 months of prior creditable service. If Ms. Greenwald pays \$9,760.50 into the annuity savings fund by November 30, 2023, the board will grant 3 years and 4 months of creditable service.

Jennifer Brown, a member in Monterey, is eligible to buy back 9 months of prior creditable service. If Ms. Brown pays \$2,515.89 into the annuity savings fund by November 30, 2023, the board will grant 9 months of creditable service.

Jennifer Brown, a member in Monterey, is eligible to buy back 8 months of prior creditable service. If Ms. Brown pays \$2,922.33 into the annuity savings fund by November 30, 2023, the board will grant 8 months of creditable service.

Jennifer Brown, a member in Monterey, is eligible to buy back 4 months of prior creditable service. If Ms. Brown pays \$1,260.22 into the annuity savings fund by November 30, 2023, the board will grant 4 months of creditable service.

Berkshire County Retirement Board Meeting  
October 26, 2023

**REQUESTS FOR REFUNDS:**

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

K. Larson	Sandisfield	\$184.78 (Partial)
L. Warren	SBRSD	\$182.68 (Partial)
S.M. Kelley	MGRSD	\$72.00 (Partial)
J. Borwick	SBRSD	\$9,284.49
C. Taylor	MGRSD	\$3,234.51

**INJURY REPORTS:**

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

**NEW MEMBER APPLICATIONS:**

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

7788	Tyler Crandall	Dalton Fire	9/18/2023	Firefighter	4
7789	Leon Morin	Dalton Fire	9/25/2023	Firefighter	4
7790	Kimberly Ketchen	Lenox	8/29/2023	Para	1
7791	Kaiden Brodeur	Dalton	9/28/2023	Operator	1
7792	Paige Secord	CBRSD	10/2/2023	Para	1
7793	Jodi DeKraker	Lenox	8/29/2023	Para	1
7794	Joshua Tracy	Lee	10/3/2023	Police Officer	4
7795	Norie Amet	BCRHA	7/10/2023	Service Coordinator	1
7796	Andrea Sherill	SBRSD	10/10/2023	ESP	1
7797	Katherine Phillips	MGRSD	8/28/2023	Para	1
7798	Gabrielle Gauthier	MGRSD	8/28/2023	Para	1
7799	Scott Bergeron	Otis	9/5/2023	Police Officer	4
7800	Michael Butler	Becket	9/4/2023	Highway Mechanic	1
7801	Britney Knights	Lee (School)	10/5/2023	Para	1
7802	McKenna Hammerle	Lee (School)	10/10/2023	Para	1
7803	Samuel Rossmeyssl	Gt Barrington	10/10/2023	Youth Services Coord	1
7804	Daniel Hadsell	Gt Barrington	10/16/2023	Police Officer	4
7805	Kevin Troiano	Gt Barrington	10/16/2023	Police Officer	4
7806	Michael Kotleski	Gt Barrington	10/16/2023	Police Officer	4
7807	Julie Sylvia	Egremont	9/11/2023	Water operator Trainee	1
7808	Lawrence Love	CBRSD	10/16/2023	Custodian	1
7809	Edward Bunn IV	Cheshire	9/11/2023	Director of Public Works	1
7810	Baily DiSanti	Cheshire	10/4/2023	Facilities Manager	1

**RETIREMENT ALLOWANCE APPROVALS:**

k.) The Board received approval from PERAC to grant a retirement allowance to Kenneth Pease, CBRSD, as of 07/10/2023. Annual pension amount is \$31,560.24.

The Board received approval from PERAC to grant a retirement allowance to Kim Shook, Lee, as of 08/20/2023. Annual pension amount is \$19,142.28.

Berkshire County Retirement Board Meeting  
October 26, 2023

The Board received approval from PERAC to grant a retirement allowance to Jeffrey Kennedy, Williamstown, as of 08/08/2023. Annual pension amount is \$51,459.84.

The Board received approval from PERAC to grant a retirement allowance to James Peltier, Dalton Fire District, as of 08/01/2023. Annual pension amount is \$37,392.12.

The Board received approval from PERAC to grant a retirement allowance to James Bragdon, Great Barrington, as of 08/16/2023. Annual pension amount is \$40,743.72.

The Board received approval from PERAC to grant a retirement allowance to Regina King, SBRSD, as of 09/15/2023. Annual pension amount is \$13,084.44.

The Board received approval from PERAC to grant a retirement allowance to Ingrid Borwick, SBRSD, as of 09/08/2023. Annual pension amount is \$15,446.52.

**3(8)c REIMBURSEMENTS:**

l.) The Board received a letter from PERAC ordering the Worcester Regional Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Berkshire County Retirement Board \$23,975.04 a year toward the retirement allowance of James Peltier.

**PERAC CORRESPONDENCE:**

m.) The Board received from PERAC the following memorandums:  
#20/2023 Mandatory Retirement Board Member Training- 4<sup>th</sup> Quarter 2023  
#21/2023 Upcoming Public Hearings on PERAC Regulations  
#22/2023 Appropriation Data Due October 31, 2023

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

**TRAVEL & EDUCATION APPROVALS:**

n.) There are no travel or educational reimbursement requests for October.

**MISCELLANEOUS CORRESPONDENCE:**

o.) 2022 PERAC Comparative Analysis

The next regular board meeting is scheduled for Wednesday, November 29, 2023 at 8:30am.

Mark Bashara made a motion to accept the consent agenda as presented.

Karen Williams second.

**A roll call vote was taken to approve the consent agenda presented. The vote was unanimous. Beth Matson was absent.**

Sue Funk: So, I need to intervene here. I am not available November 29th.

Sheila LaBarbera: I know the treasurer collectors are doing their meeting that morning too from 9:30 to 1:30.

Sue Funk: I do not know what you normally do when somebody is not available, but I am available the previous week. Or I just miss it. I do not know the protocol.

Michael Ovitt: We are trying to accommodate everyone.

Berkshire County Retirement Board Meeting  
October 26, 2023

Sue Funk: Well, how about my input? Am I not able at that point to put my comment on any agenda items? How does that work?

Michael Ovitt: If you know what is on the agenda, you send us a letter.

Sue Funk: I did not know that worked. I can do that. I just did not know if it worked legit.

Sheila LaBarbera: Yes, but you cannot cast a vote.

Michael Ovitt: And you are not available on the computer? Remotely.

Sue Funk: Out of the country.

Michael Ovitt: Well. If it is something you feel strongly about, let us – let me know, and maybe we can postpone it.

Sue Funk: Okay. In addition, the budget.

Mark Bashara: So, we have done that before, so as Mike said, if there is something you are very passionate about or something you are concerned about, then when it comes up, we just table it for the next – the following meeting.

A motion was made by Mark Bashara to adjourn the meeting at 10:27am, Karen Williams: second.

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

RESPECTFULLY SUBMITTED:

---

Sheila LaBarbera, Executive Director

APPROVED BY:

---

Michael Ovitt, Chairman

---

Mark Bashara, Elected Member

---

Karen Williams, Elected Member

---

Sue Funk, Advisory Council Member

---

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