

Berkshire County Retirement Board Meeting
December 29, 2025

The meeting of the Berkshire County Retirement Board was called to order at 9:00am, in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Timothy Sorrell, Elected Member and Ericka Oleson, Vice Chairman and Advisory Board member and William S. Pignatelli, 5th member appointed. Michael Ovitt, Chairman and Mark Bashara, Elected Member, were absent. Participating remotely were Thomas Gibson, Gerry McDonough and Ann Tran, Legal counsel.

PUBLIC COMMENT:

- 1.) Members of the public have the opportunity to address the Retirement Board. There were no public comments. No comments from the members of the public.

NEW BUSINESS:

2.) Legal Update: Presented by Board Counsel Thomas Gibson
Attorney Gibson reported that he had been in contact with PERAC and Ms. LaBarbera regarding complaints from a candidate regarding the recent board election. Assertions were made regarding the presence of campaign materials in the retirement office, and the use by a municipal treasurer of a government email account to garner support for the other candidate. Attorney Gibson noted that the Berkshire County Retirement System Advisory Council is the statutory Election Board which oversees the election of the elected board members under G.L. c. 34B, s. 19(h). As such, issues regarding the board election process should be brought to the Election Board for review. Attorney Gibson stressed that the matter should be promptly investigated, all parties interviewed, all documents reviewed, and recommendations made in a transparent and thorough manner. He requested that the Advisory Council Chair authorize his office to timely commence the process. Attorney McDonough has vast experience in election law and will be the point person to do the review. Ms. Oleson on behalf of the Advisory Board agreed and indicated that a follow up mail would be forthcoming. Mr. Pignatelli and Mr. Sorrell agreed and that time was of the essence.

Mr. Gibson reported on two recent decisions issued by DALA and CRAB of which the Board should be aware. In *Gloucester v. PERAC*, DALA affirmed PERAC's opinion that overtime pay, when not taken but converted to compensatory time is regular compensation when paid out. That decision is likely to be appealed. In the second case, *Carpuso v. State Board of Retirement*, CRAB reversed a DALA decision that found that an accidental disability applicant who was injured while driving from his home to a training site was in the performance of his duties when involved in an accident, because he was looking at his work emails and listening to his voice mail messages at the time. CRAB found that even if those assertions were true, those activities were only incidental to his work responsibilities, and his injuries were not sustained while in the actual performance of duties.

Ms. Oleson asked Mr. Gibson about executive session minutes that had been approved, and were ready for release as the need for secrecy no longer existed, but not signed by one of the members. Mr. Gibson indicated that the minutes could still be released and that documentation should be made explaining that the minutes were available for signature.

Thomas Gibson and Gerry McDonough and Uyen Tran left the meeting at 9:16am

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Consent Agenda Detail:

MINUTES:

a.) The Board minutes of the regular meeting held November 24, 2025 were signed and approved.

Minutes provided as an attachment to email

INVESTMENTS:

b.) The Board received from PRIT a statement of performance for November 2025. The PRIT Fund returned 0.60% for the month of November.

BANK STATEMENTS:

c.) The Board received the bank statements for Nov 2025 and the budget for Dec 2025.

Cash Books for November were sent to Board by email.

MONTHLY WARRANTS:

d.) The Board approved payment vouchers:

11-01-25	\$1,871,894.29
12-01-25	\$106,478.49
12-02-25	\$10,135.92
12-03-25	\$51,194.63
12-04-25	\$17,408.89
12-05-25	\$1,894,089.81
12-06-25	\$130.91
12-07-25	\$7,006.75
12-08-25	\$1,800.00

REQUESTS FOR RETIREMENT:

e.) The Board approved the application for superannuation retirement from James Shea, Williamstown, Foreman. The retirement will be effective 02/06/2026.

The Board approved the application for superannuation retirement from Glenn Storie, MGRSD, Lead Custodian. The retirement will be effective 12/31/2025.

MEMBER TRANSFERS OUT OF SYSTEM:

f.) The Board approved the notice of transfer of the account of Timothy Herrmann, a member in Florida, to the MTRS. The Berkshire County Retirement Board will accept 2 years and 5 months of creditable service. The amount of the transfer is \$10,135.92.

REQUEST FOR SERVICE BUYBACK:

g.) Carrie Schorge-Roy, a member in BHRSD, is eligible to buy back 1 year and 4 months of prior creditable service. If Ms. Schorge-Roy pays \$4,208.66 into the annuity savings fund by January 30th, 2026, the board will grant 1 year and 4 months of creditable service.

Christopher Graceffa, a member in FRRSD, is eligible to buy back 2 years and 5 months of prior creditable service. If Mr. Graceffa pays \$32,312.97 into the annuity savings fund by January 30th, 2026, the board will grant 2 years and 5 months of creditable service.

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REQUESTS FOR REFUNDS:

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

J. Hunt	Monterey	\$130.91(Partial)
D. Barenski	BHRSD	\$11,881.16
M. DelSignore	Gt. Barrington	\$3,396.40
P. Downer	Lenox	\$48,055.27
F. Hernandez	Gt. Barrington	\$16,529.89
M. Moro	SBRSD	\$3,855.31
J. Nicholson	Gt. Barrington	\$7,806.24
W. Wood	Egremont	\$23,954.11

INJURY REPORTS:

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

NEW MEMBER APPLICATIONS:

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

8243	Elizabeth Hartsgrove	Great Barrington	11/3/2025	Town Manager	1
8244	Kyle DeMarco	CBRSD	11/10/2025	Custodian	1
8245	Eric Anderson	Dalton	11/17/2025	Town Manager	1
8246	Stacy Chaffee	Lee	11/10/2025	Paraprofessional	1
8247	Mason C. Snyder	New Marlborough	11/3/2025	Laborer/Equip. Operator	1
8248	Emily Riehl-Bedford	Clarksburg	11/18/2025	Library Director	1
8249	Andrew J. Gennari	Egremont	11/17/2025	Truck Driver/Heavy Equip. Operator	1
8250	Joseph M. Prince	Savoy	11/3/2025	Laborer	1
8251	Felicia M. Newton	MGRSD	11/7/2025	Paraprofessional	1
8252	James B. Rivers	Dalton	12/1/2025	Operator	1
8253	Richellemarie E. Luckey	CBRSD	12/1/2025	Paraprofessional	1
8254	Stephen B. VanTassel	West Stockbridge	10/27/2025	DPW Superintendent	1
8255	Kate Gibbs	Sheffield	12/1/2025	Asisstant to Director	1
8256	Alan Havill	Monterey	11/26/2025	Highway Superintendent	1
8257	Madeline Swanner	Williamstown	11/10/2025	Dispatcher	1
8258	Shaine Dowd-Smith	Lee	12/1/2025	Driver/Laborer	1
8259	Christopher M. Colucci	SBRSD	12/8/2025	Cook	1
8260	April Marie Gagliardi	Town of Dalton	12/15/2025	Treasurer	1

PERAC APPROVALS

k.) The Board received approval from PERAC to grant a retirement allowance to Charles Durfee, Williamstown, as of 10/17/2025. Annual pension amount is \$63,802.92.

3(8)c REIMBURSEMENTS:

l.) The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the MTRS \$1,919.52 a year toward the retirement allowance of Judy Rush.

The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Essex Regional Retirement System \$35,444.22 a year toward the retirement allowance of Gregory Federspiel.

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The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the MTRS \$3,971.42 a year toward the retirement allowance of Donna Beguin.

The Board received a letter from PERAC ordering the Berkshire County Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the MTRS \$759.66 a year toward the retirement allowance of Francine Shelhamer.

PERAC CORRESPONDENCE:

m.) The Board received from PERAC the following:

#33/2025 Violent Act Injury Disability – Recent Legislative Changes

#34/2025 Proposed Amendment to Electronic Signature Regulations

#35/2025 2025 Disability Data Changes

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

TRAVEL & EDUCATION APPROVALS:

n.) There were no travel expense requests for the month of December.

MISCELLANEOUS CORRESPONDENCE:

o.) The PRIM ACFR FY2025 Annual Report (attached in an email)

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

- 3.) The Board will review and approve executive session minutes regarding the LaBarbera Matter.

Ericka Oleson indicated she had received most of the draft minutes from Attorney Sacco's office and had distributed them to the Board members in advance of the meeting. There were still several meetings without minutes. Ericka Oleson is going to contact Beth Matson regarding those minutes as Mr. Bashara and Mr. Ovitt did not respond to email requests identifying the Board member responsible for those minutes.

Vice Chair Ericka Oleson expressed concern since the current board quorum did not represent the Board members in attendance for earlier executive session meetings.

Attorney Thomas Gibson indicated that the Board could accept and approve the minutes as a matter of necessity since several of the Board members are no longer serving on the Board.

Timothy Sorrell asked that the matter be tabled until January 2026 so that he could have more time to review the minutes and maybe allow for more follow up to obtain the missing minutes. The Board members agreed.

A motion was made to table approval of minutes until January 2026 Board meeting, second by Wm "Smitty" Pignatelli. A roll call vote was taken to table the approval of the executive session minutes on the LaBarbera matter until January 2026, the vote was unanimous.

- 4.) The Board is asked to approve proposed 2026 annual budget of \$720,930.00. Sheila LaBarbera updated the final staff salary numbers since the last review of the proposed budget for 2026. No other items have been adjusted since the November review the total proposed 2026 annual budget for the Berkshire County Retirement Board is \$720,930.00.

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A motion was made by Timothy Sorrell to approve the 2026 annual budget of the Berkshire County Retirement Board of \$ 720,930.00, second by Wm “Smitty” Pignatelli. A roll call vote was taken to approve the 2026 annual budget of the Berkshire County Retirement Board of \$720,930.00, the vote was unanimous.

5.) Directors update: staff evaluations, Server purchase, Adams Community Bank signatures.

Sheila LaBarbera noted that the annual evaluation was complete for Brian Shepard, she rated his performance for 2025 as excellent. Noted on the evaluation are some goals for 2026 that include additional leadership roles as Asst. Director, specifically training and development of new staff member and performance evaluation for the new Pension Pro+.

A new server has been purchased. IT will work on the set up and migration of the data in the first quarter of 2026.

A signature from Chairman Ovitt is required to complete the bank set up for our new employee. Sheila LaBarbera will contact the bank to see if all permissions have been granted to the new user. If not Chairman Ovitt will need to sign before the January 2026 meeting as it will hold up the bank training and ability of the new employee to do her job. Sheila LaBarbera will report back to the board the situation after contacting the bank.

Timothy Sorrell asked to confirm the scheduled date of the January 2026 Board meeting as Wednesday, January 28, 2026 at 9:00am.
The Board members in attendance agreed.

Timothy Sorrell made a motion to adjourn, Wm. “Smitty” Pignatelli: I will second that.
Ericka Oleson: Motion made at 9:29 to adjourn. All in favor.

A roll call vote was taken to adjourn the meeting at 9:57 am, the vote was unanimous.

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RESPECTFULLY SUBMITTED:

Sheila LaBarbera, Executive Director

APPROVED BY:

Michael Ovitt, Chairman

Mark Bashara, Elected Member

Timothy Sorrell, Elected Member

Ericka Oleson, Advisory Council Member

Wm "Smitty" Pignatelli, 5th Member Appointed