

Berkshire County Retirement Board Meeting
March 25, 2026

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

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.) Executive Session:** Under Purpose 7 - To comply with, or act under the authority of, any general or special law, that law being G.L. c. 30A, §§ 22(f) and (g) - the Board will review and vote on whether to approve executive session minutes regarding the LaBarbera matter. If after determining that the need for secrecy no longer exists and that the attorney-client privilege does not apply, the Board can release the minutes.

The Board returned to regular session at 9:24am

Ericka Oleson: Now that we are back in regular session, the Board voted to approve the amended Executive Session minutes, and since secrecy no longer exists and attorney-client privilege does not apply, the minutes for the meetings are going to be released. Retirement Board Counsel was directed to contact the other parties, former directors, to make good faith requests regarding the Executive Session minutes that are missing.

Bank Accounts

Timothy Sorrell: Sheila, have we officially made Ericka the acting treasurer? Does she have the ability to sign off on stuff that the Chairman is not showing up to do?

Sheila LaBarbera: I would say as the Vice Chair that she does. I think Tom Gibson would have to confirm that she has the ability to sign. I would like it right here in the minutes that Michael Ovitt has made no attempt through phone calls, emails, or any way to contact anyone in this office since the February board meeting. There are items that need signatures. Ericka signed items for us so that we could finish yearend. Now it is minutes that I need a signature because I do not have a quorum. I only have two signatures.

Thomas Gibson: If I may suggest. Let us have a vote and a motion right now to confirm Ms. Oleson as the Acting Treasurer of the Berkshire County Retirement System with full authorization to execute all documents necessary for the operations of the Berkshire County Retirement System.

Smitty Pignatelli: I will make that motion, so moved.

Timothy Sorrell: I will second that motion.

Ericka Oleson: Motion made and seconded. Any discussion? All those in favor?

A roll call vote was taken to approve Ms. Oleson as the Acting Treasurer of the Berkshire County Retirement System with full authorization to execute all documents

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necessary for the operations of the Berkshire County Retirement System, the vote was unanimous.

Alicia Dulin: Sheila, what about the bank accounts? Is she now on the bank account?

Sheila LaBarbera: I did that a month ago all I need is signatures. I do not need Mr. Ovitt's signature to remove him. We can remove him and replace him with Ericka. He does not have to sign that.

Thomas Gibson: I do not know if we can remove him because he is a statutory treasurer. We can just give the authorization to Ericka Oleson as Vice Chair. That is the purpose of the motion in his absence to let her sign those documents.

Sheila LaBarbera: She will have signing authority for everything.

Smitty Pignatelli: But we do have to notify the bank that Ericka is officially the acting Treasurer.

Sheila LaBarbera: That is right; I am going to have to add her.

Thomas Gibson: I am sorry, Sheila. I thought we had already added Ericka to the signature card at the bank.

Sheila LaBarbera: The problem is with adding individuals, he has to sign. To remove him, you do not need his signature but to add somebody, that is the problem. With Carmen, she is a new employee, and we needed his signature to add her because he is on the accounts.

Thomas Gibson: Well, there has to be exceptions to that because what happens if he becomes incompetent or incapable or would pass away? There has to be a mechanism within the bank, an internal structure of the bank, to allow the appointment of other people to sign those documents.

Alicia Dulin: Then he would be removed. It was like what happened in Sheffield.

Thomas Gibson: I think a vote of the Board would be – and the minutes of the Board would be something that the bank could rely upon in good faith to allow Ms. Oleson to do the signatures.

Sheila LaBarbera: I will talk to them this afternoon about what we can do.

Some agenda items taken out of order because of time constraints and availability.

5.) Legal Update: Presented by Thomas Gibson:

Thomas Gibson: The Mendel case is still pending at CRAB, and who knows what is going to take place at CRAB. I can tell you and perhaps Uyen can advise as well, that there have been some new hires at CRAB. Uyen, are we correct in that regard?

Uyen Tran: Yes. We hired an assistant attorney general to help with drafting decisions for the board. We also did have a paralegal but she has since transitioned over to another division, so CRAB is now in the process of trying to replace the paralegal position. I am not sure when those will be completed and when the new paralegal will be put in place but hopefully sooner rather than later.

Thomas Gibson: Some of these cases are languishing up at CRAB as we are well aware.

Uyen Tran: I am still there helping to help with the backlog as well. I am just working on cases that the CRAB chair is conflicted out of we will get those pushed through CRAB soon.

Thomas Gibson: Well, make sure you do not work on any of our cases either.

PERAC Memo #11.

I think its part of your board package, it had to do with the absence of a pre-employment physical examination in cases where a public safety officer, police or fire, are seeking to retire under one of the presumptions on the disability, heart, lung, or cancer. Evidence on a pre-employment physical or any time thereafter that the member did not have the evidence of the condition when they commenced employment is necessary in order to invoke the presumption. Over the years, the record keeping of the municipalities in most cases has been somewhat derelict, and trying to find a pre-employment physical from 20 years ago has been an issue. It is not something that the member usually has possession of; it is something that the employer has possession of. PERAC suggested in PERAC Memo 11 that the Board ask the member to authorize at the inception of his employment that a copy of the pre-employment physical be provided to the Board where it will be safeguarded in the event it would be needed down the road. We drafted a form. I do not know if the Board members have had a chance to look at that. If it has not been reviewed, then we would suggest that it be adopted by the Board and utilized. It is not a PERAC form, there is no need to get PERAC approval of it, but it is something I think is important for the Board to have.

Sheila LaBarbera: I will review the letter and send it out to the Board later today.

Thomas Gibson: There are also two legislative initiatives that have been filed that would allow for an affidavit from the employer to suffice in cases where the pre-employment physical could not be found. That has been languishing in steering committee for a long time but the Professional Firefighters of Massachusetts have initiated some action on that asking their representatives to support releasing and enacting that law.

Spring MACRS Conference Springfield MA

I also would want to note that the MACRS Conference is scheduled for Springfield, Massachusetts, on May 31st through June 3rd this year. They are not going to Cape Cod because the hotel is closed. It is being subdivided. Part of the property is being sold, and the hotel itself is not open for business. We're going back to Springfield, which is good news for some of the folks in the western part of the state, and I'm looking forward to it. The legal panel will be on June 2nd. I have been asked to moderate that panel again, and I have already retained one panelist who is present here today at our meeting. Thank you, Uyen, for agreeing to be on the panel. We will be recruiting other people to be on the panel as well.

Temporary pay for employees who have to perform additional duties

We may have spoken before about the temporary pay for employees who have to perform additional duties due to the absence of other employees or staff shortages. I just want to clarify that is to be differentiated with folks who are promoted to acting positions, which is a bona fide change in positions. For example, if Miss Oleson in her capacity was asked to be the acting town administrator while the town was searching for a full-time replacement and she was being paid as a town administrator, that is a fundamentally different situation than a school aide being asked to fill in to be a teacher for a day in a classroom. That extra pay for that teacher would not be regular compensation. The pay to Ericka for being the acting town administrator would be regular compensation. Those are some distinctions, and every case is fact-specific.

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Inspector General's Report on Attorney Sacco

You all received the Inspector General's report on Attorney Sacco and we do not want to jump to any conclusions here. These are recommendations and findings by the Inspector General. Attorney Sacco has hired Attorney Lenny Kesten, which does a lot of municipal law to represent him. They have filed a response to the Inspector General's report, and we will continue to monitor that situation and report back. It does not have any direct impact on the Berkshire County Retirement System, but it is something that affects all of the retirement systems. Anytime there is any type of negative report that is published about the public pension system, it always has repercussions. We are available to answer any questions any board members may have on any of those issues before we start our formal interview.

Sheila LaBarbera: As they had requested, the Board has a copy of the Inspector General's report. We did receive Michael Sacco's response it was distributed to the Board members. Even though it does not affect us in any way because he does not provide any services for us it just covers the bases that the response was made available on public way.

Thomas Gibson: This is just like an FYI for the Board. That would conclude our report, Madam Acting Chairperson.

7.) The Board will interview RFP submissions for legal services.

9:30 am: Gibson Law Offices, Attorney Thomas Gibson

Ericka Oleson: Thank you, Tom. We will get right into the RFP submission, and we received one from Gibson Law Offices. If you would go ahead and give us a brief overview, and we will see if the board has any questions.

Thomas Gibson: Well, I got started on Chapter 32 very early in my career but not as early as your son is getting involved in Chapter 32. I'd like to say that I was spoon-fed Chapter 32 because I went to work for the Middlesex County Commissioners when I was 19 years old as a junior at Boston College, and my boss at the time was on the Middlesex County Retirement Board.

As we know, county commissioners, I am sure Mr. Pignatelli knows this, county commissioners were a part-time position, but their staff was full-time. Many times, I would be sent into the retirement board meetings to sit in, and that is where I was spoon-fed Chapter 32 at a very young age, and it has served me well in my life. It is something I love to do because I believe that public service is really a profession. It is just not a job, it is a profession, our public servants deserve to be respected, and they deserve to have a pension system that provides them some modest security.

Legislature has provided this. It has been in existence in Massachusetts since early 1900s. It was codified in 1945. Some cities like Cambridge, Somerville, and Newton have had pension systems for their employees since the 1800s, so it is well ingrained in our Massachusetts culture, and we want to protect and preserve it. We feel that a retirement system and a retirement board needs legal help to do that to make sure that what they are doing is the right.

We are here to help our members and beneficiaries to make sure the law is being applied fairly across the board. Whether you are the chief executive officer in a community, or a police chief or fire chief, or whether you are a cafeteria worker or a school crossing guard. We want to make sure that the law is applied uniformly to everyone irrespective of where they stand in the public sector itself, and I think we do a good job at that. Sometimes you need to say no to a member because the law does not allow it. If you can explain to the member why you are saying no in a respectful manner and in a manner that the member will

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understand you can advise them of the right to appeal and then we can battle it out during the appeal process.

We have established a great rapport. We understand board members are part-timers. It is actually the board administrator that we know does all the heavy lifting in these cases and we believe we work well with the staff at the Berkshire County Retirement System. We have a great rapport and respect for Sheila and Brian and the work they do on a daily basis. We are responsive. We try to give the best job we can.

I am very fortunate because I have been able to surround myself with people who are brighter than I am, and that is Gerry and Uyen, and they certainly keep me in line as well. Most of our decisions are collaborative decisions where we get input from everyone especially on very important issues like the ones facing the Berkshire County Retirement System with its recent litigation and internal issues that they have faced. We very much love what we do, and we would love to continue to perform those services for the Berkshire County Retirement System.

We have proposed a modest increase in our fees only because we have to. As we know, prices are going up all over the place, and employees are being hit, taxpayers are being hit. There doesn't seem to be any money around to pay for anything anymore, so we are very sensitive to the fact that our funds are being paid from public funds, and we try to keep those fees as moderate as we can. You will see a slight increase in our fee. That is driven by the CPI that has gone up like 25% since 2019. I am sorry we have to do that. Gerry and Uyen, I have not given you any scripts to read to the Board, but please feel free if you want to join in and say something.

Gerry McDonough: I would like to clarify that we do not double bill or triple bill. The fact that we had three people here for the retirement board meeting this morning does not add any additional charges; we charge one fee for the meeting. It is just one fee for one person. We are here just to educate ourselves and to assist ourselves. We have a very collaborative team approach to our practice. I may be doing work in Berkshire for a time, and I keep Tom and Uyen apprised to that, and likewise, in other boards. I just wanted to clarify that. We do not charge for travel or transportation, and so we are just very cognizant that we are dealing with the public's money, retirees' money and municipality's money, and so we are very careful with it.

Uyen Tran: I would just like to add that I am very fortunate to have Attorney Gibson and Attorney McDonough recruit me after I stepped down as chair of CRAB. They were very persuasive, if I could put it that way. I am not sure how much you know about my background, but I just wanted to give you a little bit of my background since I am new to the retirement boards. I have spent most of my career in public service and that is what I have dedicated my career doing. First with many years at social security and then moving on to being appointed chair of CRAB by the Attorney General. I am hoping that working with Attorney Gibson and Attorney McDonough to provide legal services that my unique perspective being CRAB chair will help and assist retirement boards in terms of any Chapter 32 issues that may arise. I have learned so much already in the short amount of time that I have been collaborating with Attorney Gibson and Attorney McDonough, and I hope to continue that process with yourselves.

Smitty Pignatelli: One quick question, Tom. Your new hourly fee, which I think is very reasonable, but I just want to make sure. That is for each person; we have three people on, one fee whether there is one person on from your team or three people.

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Thomas Gibson: Yes. You may not get three attorneys showing up for every board meeting. Most of this is for Uyen's benefit to get her more oriented and comfortable with the retirement boards, but eventually, there will only be one or maybe two attorneys necessary, not all three, but you are not paying extra to have three of us there.

Gerry McDonough: When we consult with one another about things, we are not charging for that time either. If I got an issue with Berkshire that has come up in a conversation with Sheila and I give Tom a call to talk about it, we do not charge for our internal conversations with one another.

Smitty Pignatelli: Okay. Thank you.

Sheila LaBarbera: Just to note, Uyen is a graduate from Smith. My niece graduated from Smith, and she tells me all the time that Smithies are everywhere, so congratulations.

Uyen Tran: We are everywhere, and I just like to add that my daughter is currently a sophomore at Smith College, so we are spreading out.

Thomas Gibson: As far as transportation goes, I would like at some point to make a personal appearance out to the board. I think we see each other at the MACRS conferences occasionally, but I would like to have a personal meeting and perhaps we could coordinate with some appearances at Tanglewood. I know John Fogerty is coming there this summer and I missed them last time. Perhaps we could have a board meeting out at Tanglewood and combine it with John Fogerty.

Not hearing anything else, I know you have other business to do and other folks to be interviewed. By the way, we have all the respect in the world for the other attorneys who work in Chapter 32 as well, and we know that it is a difficult, complicated area of law, and we know you will be asking questions to the other candidates as well, but they are excellent attorneys as well. I want to make sure that you understand that too.

Ericka Oleson: Thank you so much, Tom.

Thomas Gibson: We will sign off unless there are other things that are of issue.

6.) The Board will review the Berkshire County Retirement Board Personnel policy handbook to update paid holidays (Juneteenth holiday) and classification of current full time employees as salaried not hourly employees.

Ericka Oleson: Yes, before you go, so the other item on our agenda is to review the personnel policy. When we were doing Sheila's contract, I noticed Juneteenth was not added in as a holiday officially into the personnel policy. Now that the wage complaint is over, I think we should clarify that the full-time employees are salaried. Now that we have gotten their salaries up to a reasonable living wage there will not be any issue whether it is salary or hourly. It is always good to update policies when needed anyways, would you be able to review our personnel policy and give us some guidance?

Thomas Gibson: Yes, absolutely, Ericka. I recall that we did this extensive review several months ago, but apparently, it has never been finalized. Is that my understanding?

Ericka Oleson: Yes. We were using it for Sheila's contract. We did not actually go back to the handbook itself or the personnel policy itself.

Thomas Gibson: Let us do the handbook then. Sheila, those changes that Ericka mentioned about adding Juneteenth and making sure that the employees are listed as salaried employees, I do not know if that is in there now, but if it is not, we will look at it.

Ericka Oleson: Thank you.

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Sheila LaBarbera: If I can make a suggestion for Juneteenth, if somebody wants to make a motion, we can add that to the holidays. I have pointed out the description of a full-time employee, but I think it needs to be amended in a way to indicate that they are salaried employees. I have those all notated in the different sections of the personnel policy, I'll send them all to you, and if there's anything else that needs to be updated or adjusted based on any laws that have changed, we can do that too.

Smitty Pignatelli: Just two quick questions. Are there any pros or cons to making hourly employees full-time?

Sheila LaBarbera: I think the wage complaint made very apparent some of the problems that we were having in the office.

Thomas Gibson: I am going to look and see what the policy is now. I think that as a professional executive, if the need comes for you to stay and work at eight o'clock a couple of nights a week, that's supposed to be included in your compensation. If the Board wants to recognize that at some point in time, the extra efforts, they certainly have the authority to grant you some additional compensation for that particular service. As an exempt employee from the FLSA, Fair Labor Standards Act, you are not entitled to the overtime and that is what we want to make clear here for the Board. For the moment the retirement board all gets along, that does not mean that is going to last forever. I hate to be a pessimist, and Mr. Pignatelli from his extensive public service career knows that things can change quickly, personalities can change, folks can change, and ideas can change, and we want to make sure that we are prepared for that as well.

Smitty Pignatelli: Then the last question I had is we are adding another holiday? A paid holiday? We did this at the state too. Remember the controversy about Bunker Hill Day or Evacuation Day or really St. Patrick's Day many years ago? It became a floating holiday, so people could choose. Is this another holiday that we are adding? There is an actual day?

Sheila LaBarbera: Yes, Juneteenth.

Thomas Gibson: This is a legal holiday, so irrespective of whether the Board recognizes it or not, it is still a legal holiday. It is being reflected in the handbook as a recital of what is already recognized as a legal holiday, June 19th is a legal holiday. I remember well when the Evacuation Day holiday was removed. You will recall that that was just a holiday in Suffolk County and certain parts of East Cambridge, and when it was removed, in order to placate the collective bargaining unions that had that listed in their contracts that is when the floating holiday was created to allow them to choose and pick to have another day off.

Smitty Pignatelli: I reminded my colleagues every year, because it was only Suffolk County, that if it wasn't for General Knox bringing those cannons from Fort Ticonderoga through the Berkshires, there wouldn't be a Suffolk County holiday.

Thomas Gibson: Exactly. They just celebrated that last week in Dorchester Heights where they had the cannons going off, right.

Smitty Pignatelli: Thank you very much.

Thomas Gibson: You are welcome. Okay, so without any other questions, we will sign off and let you get on with your board business and good luck with your next interview and thank you very much.

Thomas Gibson and members of the Gibson Law Offices left the meeting at 9:55am

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Ericka Oleson: Well, we are getting back to the agenda. Public Comment. Members the public have the opportunity to address the retirement board. Is there any of the logged-in members of the public looking to speak with the Board? Hearing none, we will go to the Consent Agenda.

Consent Agenda Detail:

MINUTES:

a.) The Board minutes of the regular meeting held Feb27, 2026 were signed and approved. *Minutes provided as an attachment to email*

INVESTMENTS:

b.) The Board received from PRIT a statement of performance for February 2026. The PRIT Fund returned 1.15% for the month of February.

BANK STATEMENTS:

c.) The Board received the bank statements for Feb 2026 and the budget for March 2026. *Cash Books for February were sent to Board by email.*

MONTHLY WARRANTS:

d.) The Board approved payment vouchers:

01-07-26	\$4,715.23
03-01-26	\$141,156.02
03-02-26	\$28,579.26
03-03-26	\$25,866.14
03-04-26	\$481,539.23
03-05-26	\$1,914,962.59

REQUESTS FOR RETIREMENT:

e.) The Board approved the application for superannuation retirement from Doreen Twiss, BHRSD, Admin. Secretary to Superintendent. The retirement will be effective 06/30/2026.

The Board approved the application for superannuation retirement from Patricia DiGrigoli, Lee, Director of Council on Aging. The retirement will be effective 06/01/2026.

The Board approved the application for superannuation retirement from Jennifer Gagnon, SBRSD, Accounts Payable/Grants. The retirement will be effective 03/31/2026.

The Board approved the application for superannuation retirement from Paul Kakley, BHRSD, Electronic Technician. The retirement will be effective 06/30/2026.

The Board approved the application for superannuation retirement from Lisa Coulter, Lee, Paraprofessional. The retirement will be effective 06/18/2026.

MEMBER TRANSFERS OUT OF SYSTEM:

f.) The Board approved the notice of transfer of the account of David McCoy, a member in CBRSD, to the State Retirement Board. The Berkshire County Retirement Board will accept 7 years of creditable service. The amount of the transfer is \$28,579.26.

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REQUEST FOR SERVICE BUYBACK:

g.) Laura Christensen, a member in Williamstown, is eligible to buy back 5 years and 7 months of prior creditable service. If Ms. Christensen pays \$57,496.94 into the annuity savings fund by April 30, 2026, the Berkshire County Retirement Board will accept 5 years and 7 months of creditable service.

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. Bona	Gt. Barrington	\$23,787.11
C. McKinney	Clarksburg	\$39,722.03
N. Morawiec	Becket	\$35,672.42
E. Rowe	Williamstown	\$10,143.30
E. Zanconato	BHRSD	\$584.39
W. Cahalan	Lee	\$33,149.05

INJURY REPORTS:

i.) There were three injuries reported in the town of Hinsdale, one injury reported in Stockbridge and one injury reported in Lenox.

NEW MEMBER APPLICATIONS:

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

8287	Candice J. Danylieko	Williamstown	2/23/2026	Assistant Treasurer/Collector	1
8288	Lakisha Cruz	BCRHA	1/12/2026	Service Coordinator	1
8289	Bart J. Temple	Richmond	2/2/2026	Laborer	1
8290	Timothy M. Davis	Peru	1/14/2026	Highway Laborer	1
8291	Jill K. Wenner	Gt. Barrington	2/25/2026	Administrative Assistant	1
8292	Christine D. Lynch	Lee	3/12/2026	Paraprofessional	1
8293	Michelle Guarda	FRRSD	1/28/2026	Paraprofessional	1
8294	Connor L. Fitzsimons	Lee	2/27/2026	Police Officer	4
8295	Serynity K. Moorer	Lee	3/2/2026	Paraprofessional	1
8296	Richard Moore	Lee	3/10/2026	Paraprofessional	1
8297	Jennifer P. González	Lee	2/24/2026	Paraprofessional	1
8298	Shona M. Guidetti	CBRS	3/9/2026	Paraprofessional	1
8299	Kaylah K. Briggs	CBRS	3/9/2026	Paraprofessional	1
8300	Taylor M. Salice	Lee	3/16/2026	Paraprofessional	1

PERAC APPROVALS

k.) The Board received approval from PERAC to grant a retirement allowance to Anita Calderwood, MGRSD, as of 1/15/2026. Annual pension amount is \$14,391.84.

The Board received approval from PERAC to grant a retirement allowance to Paul Storti, Gt. Barrington, as of 1/04/2026. Annual pension amount is \$93,312.00.

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3(8)c REIMBURSEMENTS:

l.) The Board received a letter from PERAC ordering the Adams Retirement Board through the provisions of MGL Sec 3(8)(c) to reimburse the Berkshire County Retirement Board \$1,593.10 a year toward the retirement allowance of Nancy McMullen. (Re-calculation)

PERAC CORRESPONDENCE:

m.) The Board received from PERAC the following:

#11/2026 Disability Presumptions and Pre-Employment Physicals

#12/2026 Violent Act Injury Disability – Updated Forms

#13/2026 Tobacco Company List

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 March.

MISCELLANEOUS CORRESPONDENCE:

o.) MACRS registration for May 31- June 3, 2026 in Springfield.

Timothy Sorrell: I will make a motion to accept the Consent Agenda as presented.

Smitty Pignatelli: I will second that.

Ericka Oleson: Motion made and seconded. Any discussion? All in favor?

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

NEW BUSINESS:

3.) The Board will review status of Chairman Michael Ovitt's resignation.

Sheila LaBarbera: Is there anything you would like to do for Item Number 3? Review the status of Mr. Ovitt's resignation.

Timothy Sorrell: I guess we are kind of tied? I do not know.

Alicia Dulin: Can we ask him? Like, send him a letter and say, this is what you said on this date and we still do not have that.

Smitty Pignatelli: I think that I would give him one more month. They are going to be sent out certified letters about the minutes. I mean, that indirectly may be pushing things, I hate to prolong these things, but he is going to get information requests this month from Tom Gibson. Let us see what kind of response we get from there and maybe that would be the trigger to make a decision.

Timothy Sorrell: Or do we put it on the agenda for next month and put it as anticipated resignation of the Chairman.

Sheila LaBarbera: Review and approve the pending resignation of Michael Ovitt?

Timothy Sorrell: Yes, as stated previously by them.

Sheila LaBarbera: As stated in the February 2026, board meeting.

Timothy Sorrell: Yes.

Alicia Dulin: So, when the attorneys are going to send a letter to the people that we asked, do we have to have that on an agenda to look at what they are going to be sending first? I'm just wondering if it's next month, we're going to have to put that on the meeting so then we can approve that and then they're going to be sent a month after that.

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Timothy Sorrell: Tom kind of gave them carte blanche to just put together a letter, the attorneys, just to formulate whatever letter or format whatever letter they wanted just to say, hey, look, we need you to get us whatever minutes you have access to and present them.

Alicia Dulin: Okay. I just wanted to make sure I was understanding that right, that we would not have to at our next meeting.

Sheila LaBarbera: I do not know where you wanted to leave Item Number 3. Are we sending him anything official?

Timothy Sorrell: I thought we just said we were going to put it on the agenda and deal with it that way.

Sheila LaBarbera: I will make sure that is the motion that we have for next month.

Smitty Pignatelli: In the meantime, we will ask Tom to send a legal letter, return receipt, to Mike and the others with a deadline to respond, and that may prompt him to make a decision one way or the other. Then next month, it will be an easy, hopefully, decision.

Timothy Sorrell: As I said, I think if the agenda item is to address his anticipated resignation or as stated previously in February.

Smitty Pignatelli: Yes.

Sheila LaBarbera: Apparently, he needs to definitely.

Timothy Sorrell: To move on.

Sheila LaBarbera: That is right.

Smitty Pignatelli: It is almost too bad that PERAC does not have some guidelines that the Chair's responsibility is to show up.

Alicia Dulin: I know that was crazy.

Sheila LaBarbera: PERAC really did not look at the long term for PERAC to remove somebody. They need to have that.

Smitty Pignatelli: So, PERAC is still looking at that for the Berkshires. The County was eliminated 25 years ago, and it is time for them to reevaluate that and give the Board the flexibility.

Timothy Sorrell: Almost a recall then.

Smitty Pignatelli: Like their own Chair. Maybe at some future meeting, we should actually write a formal request to PERAC. It has been 25 years. We are a solid board. We are solid financially. Let us make the decision. Maybe it is a rotating chair?

Sheila LaBarbera: In city systems, the chair is actually a member individually. In the city systems, the chair is rotating. They have five members and they can appoint anyone of the members, but I think for the chair it is for a year.

Timothy Sorrell: We could put together an expectation of what is expected of the Chairperson.

Sheila LaBarbera: Yes.

Smitty Pignatelli: All right.

4.) The Board will review the Office of the Inspector General Report of Former CEO of Worcester Regional Retirement System Abused Public Funds. (Michael Sacco)
This item was addressed in the legal update provided by Thomas Gibson, no comments were noted.

7.) The Board will interview RFP submissions for legal services.
10:00 am: Murphy, Hesse, Toomey & Lehane,

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Participating remotely: Attorney Linda Champion, Veronica Turovsky Genin and Clifford Rhodes

Sheila LaBarbera: If you would like to go around the room and have the Board introduce themselves, then we will have you do the same for us if that is okay. So, Sheila LaBarbera. I am the executive director.

Alicia Dulin: Alicia Dulin, board member.

Timothy Sorrell: Tim Sorrell, elected board member.

Smitty Pignatelli: Smitty Pignatelli, elected board member.

Ericka Oleson: Ericka Oleson, the treasurer representative for the Advisory Council.

Linda Champion: I am a senior counsel with Murphy, Hesse, Toomey, & Lehane.

Veronica Turovsky Genin: Veronica Genin, also senior counsel with Murphy, Hesse, Toomey, & Lehane.

Clifford Rhodes: Cliff Rhodes. I am a partner at MHTL.

Ericka Oleson: Thank you very much for submitting an RFP for our legal services. Do you want to tell us a little bit about yourselves and your experience with public retirement boards?

Linda Champion: I guess we should just say that the three of us are the primary individuals that would work with respect to Chapter 32 matters. I handle all things that related to Chapter 32, whether it is accidental disability, forfeiture actions, any day-to-day questions that the Board may have with respect to member-based issues. Attorney Genin handles anything related to investments, as does partner Cliff Rhodes, and they handle anything that is outside of Chapter 32.

As you may have seen from the document we presented, Murphy, Hesse, Toomey, & Lehane is more of a full-service firm. We can handle anything related to employment issues or matters, labor-related issues or matters, real estate-related issues, and one of the things that we do pride ourselves in is the fact that despite being a mid-sized firm, we do work directly with our boards, providing them with other resources.

For example, we have an upcoming labor and employment forum, which is free of charge, to clients and other businesses and stakeholders within the community. That is held in April in Quincy, Massachusetts. For example, you are a board administrator; it would be a great resource for them to come to learn what is happening in the space of labor and employment. We also provide frequent client alerts and updates. Some of the types of client alerts and updates we provide is, for example, PERAC sent out a notice saying it would be best practices, which I agree, for boards to seek and retain the pre-employment physical exam, particularly important for our first responders, where sometimes documents can be misplaced or lost. When people find themselves in a position where they need to go out on a disability particularly if it has to do with a presumption, they need access to that document.

PERAC sent out a notice saying, look, if you want to try to secure that, you need to have the member give you a waiver to access that document. Once that alert came out, I immediately sent a proposed draft of a form as a courtesy to all the boards so that they could have it and discuss that waiver, the HIPAA waiver, to be applied as part of their membership package. We try to do things to be not only proactive but we also make sure that we respond to the needs of the Board.

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Veronica Turovsky Genin: I will take over from here. Just a little bit about our firm. We have been around for over 40 years. Our founding partner, Katherine Hesse, when she started the firm, one of the big areas was the retirement law, and I would say that we are one of the pioneers in the fields. We are frequent attendees and speakers at the various national conferences. Linda and I were just at the NAPPA Conference.

Another thing that is advantageous for a board to have us represent them is that we are steeped into the public sector. We are counsel to over 150 public entities. We are able to advise retirement boards and often asked to on procurements, on Open Meeting Law, public records, conflicts of interest, and other matters. Oftentimes, even if a board is invested in PRIT and they do not need advice with respect to investment matters, Cliff or I are called upon to review the various RFPs, whether it is for actuarial services or IT contracts.

I help boards negotiate and review their contracts. Like contracts right now, cybersecurity is really at the forefront. Many of boards are reviewing their cyber insurance policies, meeting with various agents. I assist boards on that front and I help review investment policies, so any kind of sort of vendor contract, that is something that I would handle alongside investment matters.

Another thing that I wanted to discuss Cliff is well versed in tax matters, and that is another area that we frequently advise boards.

Clifford Rhodes: Thanks, Veronica. I would just say a little bit further about the background of our firm. I have been around for a little over 26 years now, and been outside of the firm for about 10 years before that. I have seen the firm through quite a few clients over the years, and we have an extensive experience in representing a number of retirement boards across the Commonwealth, but it's not just public sector. It's private sector as well. I think there is a breadth and depth of experience that you get from handling things outside of just the realm of public sector retirement that then provides you some good experience that can answer questions for clients within the public sector.

I handle a variety of tax matters. We have a strong tax department with me and a couple of other people who have CPAs and LLMS in tax. There are a surprising number of tax matters that pop up with retirement boards, both with their own employees and tax matters, but also reporting and taxation for participants who get benefits. Those issues come up from time to time and we are able to solve them.

The other thing many of retirement boards I have noticed over the years have been tripped up on is Public Sector Procurement Law. Many times, they look within Chapter 32 and see the Public Sector Procurement Law there for actuarial accounting and legal services and investment services, and they think that is the only procurement law they have to comply with. They go out and they procure everyday stuff like real estate or goods or services without following other sections of Public Sector Procurement Law, which they are bound to follow. And so, we've had to step in and help some entities that we weren't representing clean that up, but our knowledge can help public sector retirement boards stay out of trouble in that regard.

Well, we have a very deep bench because of our overall work in municipal matters. We have subject matter experts in the field of Open Meeting Law, Public Records Law, just general board governance and public sector board governance just because of all the attorneys that we have that have municipal law experience for the firm. We call on those people too. They are not necessarily in this meeting today, but we call on those people to help us when we encounter those situations for our public sector retirement.

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Sheila LaBarbera: Linda's able to share her screen now, if you would like to speak to the presentation you are more than welcome to do that.

Linda Champion: The funny part is I know how to share the screen. I just did not know how to get back to this screen. As Cliff was talking when he speaks about the different people that would be involved or the depth of the experience, I do want to have an opportunity just to say that I know every board is unique, and your member issues are very different.

Some boards are facing many members having to deal with Section 15 matters and forfeiture and trying to understand how to apply provisions like moral turpitude. Other boards are dealing with things like lump sum distributions and the need for members to figure out how to handle their IRS tax issues. They may have applied for and took out their superannuation in advance of the approval for the accidental disability retirement and how that income then is treated and the best way for the boards to resolve it. Reviewing PERAC's rules and regulations, as well as the board members being sensitive to the fact that their members could be subject to taxation on income that, had they received the accidental disability in the year in which they were eligible, would not have been subject to taxation.

We also have situations where you may be facing different things and the board makes certain recommendations, but then I also try to make sure I educate my boards, as does your current counsel, on just what is taking place with respect to case law because that is also important for you to know and to keep in mind, most folks don't want to be litigious to the extent that you have to engage in litigation. We want to make sure that the Board has the information that they need, so if that decision is made, there is a high likelihood, of success if the case advances through the administrative and court system, but I would love to have an opportunity to have the Board ask us any questions that you may have that we could answer.

Smitty Pignatelli: I just have one question. You've clearly been around for a long time, which I think is great, but you had a great expansion post-COVID, '23, '24, '25, with more retirement boards or more clients. What was behind that expansion and did COVID have anything to do with it?

Linda Champion: Sure, part of it is the expansion takes place as you know with respect to RFPs and just the cycle of those RFPs and going out to bid. The other space is because PERAC had issued some directives across the retirement board system indicating that they were encouraging boards to secure backup or special counsel in the event that their current counsel suffered a conflict. Where we saw those conflicts is some firms take the approach that they will represent members individually but also represent retirement boards.

As you know, people are transient. They could be in a Cambridge system today and your system tomorrow should they choose to move. That lawyer who was selected could be conflicted out of being able to represent the Board if that member should appear before you on any issue. These things were happening across the 104 retirement systems, what PERAC said is you should maybe consider instead of going out to bid again or doing that process at the same time you're selecting counsel, select backup counsel as well.

The other thing that I think is unique to Murphy, Hesse, Toomey, & Lehane is we are only on the side of boards and we do not represent individual members. We only represent public entities; I think the advantage always for us in the seat of the primary counsel is that we never have to go to a second backup counsel.

Smitty Pignatelli: All of these ones that you have listed, are you the primary counsel? Or as a special counsel, kind of a backup counsel?

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Veronica Turovsky Genin: So, you anticipated one of the points that I wanted to make. All of the boards listed here, we are not primary counsel to all boards because you may wonder how we handle all this work. We have a good-sized retirement team. We are not a one-attorney operation, which is advantageous in case there is a conflict you will always be covered. You will always have somebody to reach out to. Many of the boards that we represent, as Linda mentioned before, we are special counsel to, so they call upon us if their attorney is not able to assist with a certain matter or there's a conflict or if it's a specialized issue that their attorney doesn't handle.

Linda Champion: And to answer your question, we serve as primary counsel to the Barnstable County Retirement System, Worcester Regional Retirement System, Attleboro Retirement System, Leominster Retirement System, and we serve as primary counsel to the Bristol County Retirement System, and I believe I said the Cambridge Retirement System, the Reading Retirement System.

Veronica Turovsky Genin: Norfolk.

Linda Champion: And Norfolk as it relates to investments.

Smitty Pignatelli: Thank you for clarifying that.

Linda Champion: Correct. The rest are boards that I have identified the need to have us because they understand that there could potentially be a conflict at some point.

Smitty Pignatelli: Then the last question I would have is would we have – you got a large team, which is impressive, but would we have one person on that team? I know there is different priorities or sectors of legal counsel, but would we have one point of contact for Berkshire on your team?

Linda Champion: Yes, you would have a primary point of contact Veronica and I serve as co-counsel, so you have direct contact with us always. Then if it is, a specific issue, then your executive director would just talk to us, they would tell us the issue, and then we would facilitate that next layer. If it were a taxation issue, we would contact Attorney Rhodes. If it was a more nuanced issue – sometimes boards can have nuanced issues.

One of the things we are seeing for example, anti-spiking matters, the case that came out of the SJC, which talks about at what point in time the member becomes a member and at what point in time they believe their benefits commenced and how we apply the rules. Is it a five-year rule to that member? Is it a three-year rule?

What we saw coming out of that case is many members going back and looking at their benefits and looking at the calculation and making a determination. Were they pre-anti-spiking laws, meaning did their benefits commence or did they come into the system before 2011? If so, is there a new analysis that needs to be done?

Then we would look to see which is the best person internally that has that level of expertise, but we would still facilitate that so that those conversations and questions could be asked and answered.

Smitty Pignatelli: That's very helpful because in my previous position a of couple years ago there's too many people talking to different lawyers in a municipal law firm, and they weren't talking to themselves, so having our point of contact being the main conduit in both directions is very beneficial. Thank you.

Linda Champion: And the other – we work – Attorney Hesse has been in this field a long time, and she has a great working relationship across the board, right, across the aisle with everyone from PERAC, commissioners, league lawyers. We serve as special counsel in many spaces to many other lawyers who come before you who also may work with you. As you know, Chapter 32 is so nuanced. It can be complex for people who do not understand

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how these rules work, so what we try to do is also work with the bar, the people who are appearing before you, but also, we have to work within the Chapter 32 system with the other lawyers. I feel that Attorney Hesse has been fantastic with respect to having cordial working relationships, working across the aisle, and being able to resolve every issue that sort of presents itself.

Sheila LaBarbera: I actually had two questions if you do not mind. Do you or your attorneys belong to MAPPA? Is that the Massachusetts Public Pension Attorneys Association? .

Linda Champion: We belong to MAPPA and MACRS, and Veronica and I are members of NAPPA, which is the National Association of Public Pension Attorneys. We get to meet with all general counsels across the country. We're able to follow the trends because what could be impacting firefighters in New Hampshire, while Massachusetts may not care necessarily because it's not a supplementary regulation or an issue here, but we have to look at what's happening across the country.

COVID, for example, Massachusetts had the death of two police officers. Other counties were impacted differently. The federal government had one set of regulations, but in Massachusetts, Massachusetts, law says, look, there is no presumption. We cannot presume that you contracted COVID in the line of duty. We did not have the same sort of flexibility with respect to the law.

You see it in other spaces, you see violent offenses and violent crimes and how it is impacting other members across the country. In some spaces, Massachusetts responds. They say, yes, we need to implement this Violent Injury Act. Most of this happens because all the general counsels come together across the country and we start talking about these issues that impact members and how the law intersects with their lives.

We are all sensitive to the fact that we represent people who have dedicated their life to public service. The Board represents all of them in some respect, but then if they are doing something that is in violation of the law or they are doing something that the Board cannot act on because they are restricted by law that is really, what I see the only time where the interest kind of diverts. It is a fork and it goes in a different direction, but for the most part, I find boards really wanting to do what is best for their members, and I find that boards, if the member is entitled to something, want to help their members.

Sheila LaBarbera: This board has operated; if someone is entitled to a benefit, they will receive it. My other question, can you just give us a little idea maybe of what your philosophy is dealing with a governing agency such as PERAC?

Veronica Turovsky Genin: I could talk about that. I actually, for example, with respect to investments, I would say we have a good working relationship with PERAC. I feel very comfortable. Oftentimes when I am asked a question to call PERAC, their Compliance Unit, to ask them various questions that the Board faces, for example, I asked a question regarding manager selection and how long the RFP requests are valid in terms of going back and changing to a different manager? Certain issues are not necessarily in the PERAC regulations or maybe the guidance is not what PERAC put out, but I call them and they have to clarify. I think that boards are grateful to our answers to going directly to the governing board to inquire any of the issues they may have.

Linda Champion: PERAC, they have their rules, which we are bound to follow in their regulations, but sometimes when you have issues that are nuanced, there can be a difference of opinion, and where there is a difference of opinion, the Board may be faced with a remand from PERAC. Sometimes, when things come back on remand, the members may not

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understand that because the member sees the Board and PERAC kind of as one and saying, well, you said yes, and now you are saying no, and what is going on. Sometimes they are right and sometimes they are wrong, and as counsel to the Board, it is my job to make sure that if there's a decision made on behalf of the member, that I see my board as the finder of fact. If there is a decision that PERAC is making that is averse to the Board, I have to really take a close look at it. Why? Because they were not the person in the meeting. They did not meet the member. They did not interview the member. They are just looking at a decision and a set of documents, and they may not understand the nuances in it. For example, with firefighters in particular, one of the things we see is the delayed reporting of the cancer finding or the cancer screening. They will say at the time in which the member retired or five years have since elapsed. Now year eight and now they are saying that they have cancer. Well, there are instances where a member has gone to the doctor and complained about symptoms, and they are misdiagnosed. Are we then going to say we see in the medicals that the member continued to complain about all these symptoms and those symptoms ended up being cancer, it was just never caught. PERAC says you missed the window. That is a tough position to be in. I think that if the Board makes a decision, it is my job to advocate that decision and to make sure that we have done our best to be fair to the member as it relates to the Board's review of the information as it is presented.

Sheila LaBarbera: Thank you. That was a great answer. I do not know if anybody has any other questions.

Smitty Pignatelli: Thank you.

Linda Champion: Well, we thank you. Thank you so much for your time. It is a pleasure meeting all of you, and hopefully, we will see you at the summer conference, even though it is moved to Springfield.

Ericka Oleson: Thank you.

Clifford Rhodes: Thank you.

Veronica Turovsky Genin: Thank you. Nice to meet you.

Members participating remotely from MHTL left the meeting at approximately 10:37am

Smitty Pignatelli: Well, I am new obviously and some of you have been here a lot longer than I have, but there is something about Tom Gibson and his team that I think is comfortable. He is engaging. He is personable. I mean, this is a huge firm, but I didn't feel that vibe that she was connected to us as much but I like the fact that this other group seemed like a much younger team, but I really – I personally feel very comfortable with Tom Gibson. I think he has been responsive and professional in the situations that you have all had to deal with before we got here.

Timothy Sorrell: I think his firm fits this retirement board. We are a small community. We are a small retirement board. I think we get the personal touch from his law firm.

I think we are in a good place with Uyen coming as a former chair – or chairwoman of CRAB. She is stepping into their shoes maybe, and she has a lot of experience there, but I just like that. I feel as though we get a more personal touch with Tom's firm.

Sheila LaBarbera: I see many of the boards that have a primary counsel and a special counsel. Special counsel is going to be as needed. If you had a special counsel for the wage, complaint I think the results would have been much different.

Alicia Dulin: It also seems like they recognize that we have Gibson now and they are kind of asking to be just appointed as special counsel the way I read it.

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Smitty Pignatelli: I would echo the chief's statements and look at their fee structure. I mean, I did not see a 3% increase in Tom Gibson's proposal for seven years, but I see a filler there annually. That is automatically going to be an increase. If it's appropriate, I think I would make a motion that unless we want to think about this or check references, I would be comfortable accepting Tom Gibson's firm as our counsel for the next seven years, and I don't know if it's appropriate, but would we want to add to that motion that we would offer a special counselor opportunity for Murphy, Hesse, Toomey, & Lehane.

Ericka Oleson: I think that is a great idea.

Smitty Pignatelli: If that were okay, that would be my motion.

Timothy Sorrell: Are we okay with the way the agenda is to move on this because I will second Smitty's motion. I think it is fantastic.

Ericka Oleson: Motion made and seconded. Any discussion? All those in favor?

A roll call vote was taken to accepting Tom Gibson's firm as our counsel for the next seven years and would offer a special counselor opportunity for, the vote was unanimous.

Ericka Oleson: Perfect. Sheila, would you let everybody know that?

Sheila LaBarbera: I will, and I will check in with Murphy, Toomey, Hesse, & Lehane to see if they have anything contractually for special counsel.

Ericka Oleson: Thank you.

The next regular board meeting is scheduled for Wednesday, April 29, 2026 at 9am.

Timothy Sorrell made a motion to adjourn, Wm. "Smitty" Pignatelli: I will second that.

A roll call vote was taken to adjourn the meeting at 10:46 am, the vote was unanimous.

RESPECTFULLY SUBMITTED:

Sheila LaBarbera, Executive Director

APPROVED BY:

Michael Ovitt, Chairman

Alicia Dulin, Elected Member

Timothy Sorrell, Elected Member

Ericka Oleson, Advisory Council Member

Wm "Smitty" Pignatelli, 5th Member Appointed