

Berkshire County Retirement Board Meeting
June 29, 2022

The meeting of the Berkshire County Retirement Board was called to order at 9:00 A.M. in the Berkshire County Retirement Office, located at 29 Dunham Mall, Pittsfield, MA. Present at the meeting were Paul A. Lisi, Jr., Advisory Board Member, Mark Bashara, Elected Member and Karen Williams, Elected Member. Participating remotely were, Beth Matson Appointed member and Thomas Gibson, Retirement Board Counsel. Michael Ovitt, Chairman was absent. A roll call vote was taken to open the meeting. The vote was unanimous.

PUBLIC COMMENT:

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

NEW BUSINESS:

- 2.) **Executive Session:** under Purpose 7 of the Open Meeting Law: To comply with Exemption (c) of the Public Records Law (G.L. c. 4, s. 7(26)(c)) exempting information and other materials or data relating to a specifically named individual, the disclosure of which may constitute an unwarranted invasion of personal privacy. RE: ADR Review Timothy Kelly Town of Lee

The Board entered executive session @ 9:03 am.

The Board returned to regular session at 9:24am

A vote was taken in executive session to approve the Involuntary ADR benefits for Timothy Kelly, Town of Lee.

NEW BUSINESS:

- 3.) The Board is asked to reaffirm a vote to allow Tele Med medical panel participation for Ms. Curley Graham and to allow all future medical panel requests to participate with Tele Med. Paul Lisi: I will make a motion to re-affirm the vote to allow Tele Med Medical Panel for Ms. Curly Graham. Mark Bashara: Second that motion.
A roll call vote was taken, and the vote was unanimous.

3A.) Paul Lisi: I'm going to make this 3A, Motion to allow all future medical panel requests to participate with Tele Med through December 31, 2022. Mark Bashara: Second that motion.

Beth Matson: So, I thought we had to sign a form. So, how is this going to work? I think this is great because it is difficult to get the Board together to do this, but there is three forms. The member signs, the employer signs, and the Board signs.

Sheila LaBarbera: If the member chooses Tele Med, I will still get those signatures but I would not have to wait to come back to the Board for that process.

A roll call vote was taken, and the vote was unanimous.

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4.) LEGAL UPDATE: Board counsel will update the Board on any outstanding legal issues before the Berkshire County Retirement Board.

-Policy on Third Party Recovery.

Thomas Gibson: Ok, during the discussion last Board meeting and it really arose out of our discussions regarding a disability retirement, where there is a third-party case ongoing right now. It is best to have a policy with some guidelines and so many can be aware upfront of what the board's policy is and we are not throwing darts at a dartboard trying to figure out a fair amount of money. This was our first draft, and it's just sets forth essentially what the statute says. It acknowledges that the Board has fiduciaries and has responsibilities to act in the best interest of all members of the system by collecting a fair amount from these settlements. While at the same time being reasonable and not impeding third party claims, taking away the motivation for a member to pursue a third-party action. The Board also has a fiduciary obligation to treat members fairly under the law regarding offsets or retirement allowances. The board acknowledges these pensions, theoretically, for the lifetime of the recipient, and in some cases, can amount to a million dollars or more. If you are a young individual going on disability retirement, even at \$50,000 a year, lives for another 30 years, you are talking; you are substantial, \$1.5 million payments coming from the Berkshire County Retirement System to that individual. We also acknowledge that in a third-party action, there are damages that a member is entitled to that would not be subject to offset. It is trying to balance what is a fair amount for the board. In most cases where there is a payment of Worker's Comp benefits or 111F benefits, the insurer and under the Workers' Comp scenario and the town in the 111 F scenario has the right to be reimbursed from that third party action. It is a statute in 111 F and in Chapter 152 of the Workers' Comp law clearly gives the employer and the worker's comp insurer, which would be the employer if it is self-insured, the right to get paid back money they paid, that money would come directly from the settlement. Leaving a lesser net to the member. Then this has to be a payment to the member. Further reduction should be made because of his attorney's fees, and costs. The attorney usually is one-third contingent fee basis, in which you get a third of the recovery off the top. We cannot lose sight of the fact that by pursuing this claim, the attorneys also pursuing moneys that, ultimately, will wind up in the coffers of the Berkshire County Retirement Board. Looking at this, almost like the way Blue Cross Blue Shield does, they allow attorneys' fees to be deducted from any lien a health insurer may have for reimbursement, for payment they made where liability lies elsewhere. They allow the attorney fees to be cutoff. I suggested that a fair way to do this would be to allow for the payback to the town, which the member has to do. Allow for the attorney to be paid his amount, and then from the net, what the employee has left in his pocket, I'd say anywhere from 20% to a third of that, is fair to represent lost wages. We defined loss wages because that is not defined in the statute, as lost income from current and prospective employment, including payments for diminished earning capacity. Kind of a broad definition of lost wages. It takes into consideration that under Section 91 A, disability retiree can go out and can work and make money unless catastrophically injured. We define net recovery as we define with lost wages. I threw those ranges out because I think they are fair, but the Board members may have different ideas about that as well. In a classic easy case, if there was a from ADR retiree was injured to the negligence of a third party, let's say an automobile accident, and there's an insurance policy that pays \$300,000 and the member was on 111F for a year or so, pain and suffering medical

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expenses, loss of consortium with a spouse. Then of \$300,000, the attorney would get \$100,000. In most cases, the employer would reduce its lien to \$100,000, its a third, and leave a third for the member. The member would get \$100,000. Under this policy, from that \$100,000, that the member was putting in his pocket, we would allocate anywhere from 20%, \$20,000 to \$30,000 as representing lost wages. That would leave the member with about \$66,000 in his pocket. Board would get \$20,000 or \$33,000, depending on what range the board wants to or what percentage board wants to assign.

Mark Bashara: We have the flexibility to obviously review each one. We are not setting ourselves up for precedent if we do 20% for one and then maybe the next case, the board decides to do the 30%.

Thomas Gibson: I prefer to have a set number because otherwise, everybody is going to get 20%. If you pick anywhere from 20 to 30, you have a range that you can apply. I have also put in here that the policy will be strictly applied. Every case will be evaluated individually on its merits. If you have a catastrophic illness, if you have someone who is a paraplegic, someone who has no earning capacity going forward, someone who has in one specific case I worked on third degree burns over 90% of their body, and horrendous disfigurement. The board may want to relax that guideline for lost wages because this individual is not going to work at all going forward. There is some flexibility there for the Board, but it will require, as I said, in the policy, extraordinary circumstances in catastrophic damages. I also want to point out that net recovery was defined as the amount remaining after payment of statutory liens, legal fees and costs but excluded payments made to spouses and dependents. Sometimes in these cases the settlement agreement was drafted so that the spouse was going to receive half of the net that member is going to get, or if money was going to go into a trust fund for the education of the members children, Then the member is arguing that I'm only getting \$50,000 out of this \$500,000 settlement. I excluded payments made to the spouse and family matters. Payments that are coming into the house essentially are net payment the member is receiving.

Paul Lisi: Ok. We are going to hold this for review until our July board meeting because I wanted to give Mike a chance to look at it and see if there is any questions.

Thomas Gibson: Before we get onto that Paul, there was a second form, that I redrafted called Notification of Certain Rights and Obligations. It should be included with the Disability Retirement Application package that notifies the member of what their obligations are under Chapter 32 to notify the board. They need to understand that payments for Worker's Comp and for third party recovery's will be offset from their pension. They and they pledged to co-operate with the Board in pursuing those benefits and acknowledge the Board could pursue them on behalf of the member if the member fails or neglects to do that, or if a member recovery absent the board's approval. The board can go ahead and assign this offset anyway. I tried to put everything under the sun there to protect the board as much as I could, but also, to be fair to the members. I know the Board is very sensitive to the rights and needs of it is of its membership, and I think this strikes a fair balance for both of those.

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- Review of PERAC letter regarding 3(8)c reimbursement for C. Colello

Thomas Gibson: So the next item, Mr. Chairman, is the letter from PERAC, which was a little bit disturbing because essentially, they are hanging us up on a technicality that we did not get a record, or we did not get a recommendation from Pittsfield Retirement Board before we granted the disability retirement. They are correct what the statute says but Sheila and I have discussed this. Sheila, in fact, sent a request that she had made to Pittsfield for the records, for Mr. Colello and we had also requested information from PERAC and were waiting for a recommendation from Pittsfield as to what we should do is superfluous. We know PERAC is going to express their opinion in the literature. What we are going to do approach this is one of two ways. We can go back to Pittsfield, we can provide Pittsfield with our complete record of information that we have regarding Mr. Colello and then formally ask them for a recommendation. Which we know what they are going to say. He got hurt working for Sheffield; it is your responsibility to pay that pension. Then we can proceed to go to PERAC and ask for reconsideration, or we can make the argument that that going to Pittsfield for recommendation will be an exercise in futility because they have already expressed their position in this case. We have already requested they provide records so they knew what was going on. This is not coming as a surprise to them. Sheila had conversations with Pittsfield, and she formally requested a copy of the record. I think we have done everything we should have done in this case. I would like to ask PERAC for reconsideration one-way or the other and ask them for notice of appeal rights, which was absent from their letter. The board could then file an appeal. If PERAC does not reconsider, or if they reconsider, and say, we are going to stick with our original decision, we will have the right to proceed to the Division Administrative Law and Appeals. That would be my suggestion.

Paul Lisi: So, do we have to vote or make a motion for you to go ahead and allow you to speak to PERAC?

Thomas Gibson: I would like to have the comfort, Paul, of the Board's knowledge and support in proceeding to alert PERAC to the fact that we have done what they have accused us of not doing in the letter. We have already done that. It has already been clear and ask them to reconsider and give us an appealable decision in case they find against us.

Paul Lisi: I will make a motion to allow Board Counsel to go to PERAC and ask for reconsideration and Notice of Appeal rights, in regard to the letter received from PERAC, regarding Christopher Colello dated June 16th, 2022. Mark Bashara: I will second.

Paul Lisi: And do we have any discussion?

Mark Bashara: What you explain and what we have been dealing with here, personally, I like your second option there. We pretty much did everything we could. Sheila has documentation showing that and it is apparent on its face that there is no cost to Pittsfield, and they have been made aware of it and what they are options for it. I like option B of what you suggest.

Thomas Gibson: I do too, but I wanted the Board to have the option. We were mulling that over. I agree with Mark, that we've already done it. We have already put them on notice, we have already asked them for records, they have already provided records, and they are already on record as saying they think it is our responsibility. So let PERAC make a decision, whether they are going to prorate the pension or not, and if they say no, then we go to DALA.

A roll call vote was taken, and the vote was unanimous.

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Thomas Gibson: It is the waiver of the Open Meeting Law requirements is due to expire on July 15. I've asked PERAC whether they're going to send anything out to retirement boards, but the board has to be aware that come the next meeting at the end of July, there has to be a physical quorum present in the office like we have now, and we've been doing this. It will not be a big issue for Berkshire County because this is the way you have been operating for the past several months. A physical quorum has to be present. Board members such as Beth and today, Mike, if he chose to, do so, could participate remotely and once that happens, of course, roll call votes. We also suggest that you may want to have members and vendors and members of the public continue to be able to access the board remotely as we have been doing. I think I think the Berkshire County model is a terrific model. Should be copied by all retirement boards the way you're doing it right now, but as of July 15th, a board has to meet in person with at least a quorum present.

- 5.) The Board is asked to review and approve credit card policy for the Berkshire County Retirement Board and Staff.

Paul Lisi: I will make a motion to accept the credit card policy with the following amendment in Item D, the employee using the credit card must submit a purchase order we will just replace it with receipt.as we do not use purchase orders.

Mark Bashara: Should it be shall instead of must on D? My old understanding of law, shall means there is no option they have to, must give an option.

Thomas Gibson: You sound like a lawyer, Mark. I think shall is fine. Substitute shall for must. It is more of a legal term.

Paul Lisi: Modify the motion to accept the credit card policy under Item D with the following changes, the employee using the credit card *shall* submit, then remove the word purchase order and replace with receipt.

Thomas Gibson: And, if you are going to change that then sub paragraph E Also uses the word must. You may want to make it consistent.

Paul Lisi: I will modify again, accept the credit card policy, replacing the word must with shall and under item D, removing the word purchase order.

Mark Bashara: I will second the motion as read.

A roll call vote was taken, and the vote was unanimous.

- 6.) The Board is asked to review and approve amending the Travel Regulation to expand the use of the credit card: *Authorization for Berkshire County Retirement Board Issued Credit Cards. The Board is authorized to establish a credit card account for use by Berkshire County Retirement Board staff to facilitate payment of Board related expenses, including, but not limited to, travel and lodging.*

Paul Lisi: The board is authorized to establish a credit card account for use by Berkshire County Retirement Board staff to facilitate payment of board related expenses including but not limited to travel and lodging. So the Berkshire County Retirement Board Travel Regulations my Understanding that it was reviewed by Tom, and I will make a motion to accept the Berkshire County Retirement Board travel

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regulations as presented on June 29, 2022, which will replace the current supplemental regulations of 2002. Mark Bashara: I will second that motion.

Paul Lisi: Any discussion?

Beth Matson: I would like to discuss some information that I had found out. I have heard that PERAC is denying these regulations on credit card use. Middlesex did get it through, and they looked at their regs in PERAC's regs don't allow them to approve that at this time, according to Patrick Giles, they are denying these on a go forward basis until they change their regs. Do you know anything about that, Tom?

Thomas Gibson: I do not, Beth. I know that there were audit findings issued to retirement boards who were using credit cards, to purchase things for ongoing services, because everybody wants a credit card now, they do not want to check or any other form of payment. Boards we are being dinged on audits by PERAC, because they were supposed to be using the credit card for things only related to travel. You are correct, we scrambled and amended our policy, I have done it for three other retirement systems as well, and it has gone through.

Beth Matson: Recently?

Thomas Gibson: I'd say, in early part of 2022, as you indicated, PERAC at the MACRS meeting, said they were working on a on a separate policy for credit cards. I think that perhaps we should send this in any way. If they are going to reject it, they can tell us why then we can table it until those regulations come out. I would like to show that we are doing something to come into compliance so we will not be dinged on an audit down the road.

Beth Matson: Sounds good. Ok, I just wanted clarification on that. Thank you.

Mark Bashara: My question is, I know this rental vehicle to the rough and it probably will not be that often, but where it says intermediate or full size, would it be under a compact or intermediate. I am just curious because I know there are through the roof right now. So, does anyone really need a full sized car? I do not mean to drive around in the clown car.

Thomas Gibson: we try to make this as broad as possible and not to be restrictive and enforce people into a Honda Fit but you know not have town cars be the standard. It is all about the cost. Intermediate, which is like a mid-range GM Ford fusion or something like that. And but if they give you the opportunity to go upscale a little bit and it's not going to cost any more money, then it gives the flexibility to the board member to do that.

Paul Lisi: Any further discussion regarding the Berkshire County Retirement Board Travel Regulations?

A roll call vote was taken, and the vote was unanimous.

Thomas Gibson: There are just a couple of PERAC memos I will bring you up to speed on, the waiver of earnings and hours has been approved by the governor. PERAC has sent the memo out, you may want to contact your member units and let them know that if they're hiring retirees, that the hours and earnings restrictions have been waived throughout the rest of the year, or up to 90 days, following the end of the public health emergency, it doesn't look like it's going to be ending anytime soon. I would say December 31st is the proper date. The Vernava memo came out about the sick leave and vacation payments, not being regular compensation and reiterating what the SJC said in their case, most recently, in February. It is

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retroactive it is going to be a huge administrative nightmare for retirement systems to go back and track. I suggest Boards do a 3 steps process. First step is notifying all the members you stop withholding deductions from payments made to employees in conjunction with workers' compensation. Now, the SJC decision referred to sick leave and vacation but there have been six DALA decisions written that said the same prohibition applies to educational incentives and to longevity payments that are made to a member who is receiving work as compensation. Those decisions had all been appealed to the Contributory Time and Appeal Board and personally, I don't believe that the exclusion will apply there because those are contractual payments made to a member irrespective of whether they're receiving workers' compensation or not so I think we need to get notice out to all member units to immediately stop withholding deductions from these payments made to people on workers' comp. Next step would be to review your active members, to see who has in the past received workers' compensation and then learn whether they received sick leave and vacation in conjunction with that worker's compensation, then calculate what appropriate refund would be made. No interest is involved in those refunds. The third, and last step, would be going back and looking at retirees. nobody wants to hurt a retiree by checking away some of their time and in some cases, the entire retirement allowance if, in fact, they barely made 10 years on an ordinary disability retirement because you were receiving worker's comp and sick leave and vacation, and there are some cases like that where employee went to work, became sick, non-job-related injury, used sick leave and vacation for the last year or two of their careers made 10 years filed for ordinary disability, now they would lose that. There is a bill, its part of the house budget, it is in conference committee right now, part of the state budget that would grandfather retirees and not have it affect them and I am hoping that will get through. That is why we are suggesting move very slowly when it comes to retirees. There is strength in numbers, and you folks are certainly not alone in the administrative burden that this case is placed on you. Despite the Court's dismissal of that concern that was raised by PERAC. And I'm hoping the legislature will change this I gave MACRS language to give to the legislature if they just amend the definition of wages in Chapter 32 so ways to include supplemental payments of sick leave and vacation and made to a member on workers' compensation. One phrase, they can tuck in there that would wipe this thing all up. I'm hoping that the favor will be received as well. Anyway, thank you very much. I hope you all have a great Fourth of July and maybe I will see you next month.

7.) The Board will discuss the process of performance evaluations and staff compensation.

Paul Lisi: Over the past couple of months, we've all approved the performance evaluation for office employees and performance evaluation for the executive director, now we have to tie this somehow into staff compensation, I'm still literally going through this and working on this and trying to find examples And there's not many Because many of the public sector places don't have compensation tied to performance In the private sector places, it's based upon a group of managers who get together and look at things and review things. My theory would be that if we are going to tie compensation to a performance appraisal, there has to be some kind of directions or directives as to what a person knows, like in regard to the executive director. What are the goals and objectives we expect? How do they relate to pay and that kind of stuff? there is a retirement system out there that I'm in touch with that has a very broad, basic employee compensation statement, which I'm trying to get a little bit of clarification on

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as to exactly what it means so, I don't want to make it part of the record yet, because I'm not 100% clear what it means. It is tied to a table, a consumer price index table, which makes more sense, because it is something, somebody's already collecting the data, and it is already always there. This is not something that it is going to be easy by any means, and I do not know what anyone else's thoughts are around that.

Mark Bashara: I somewhat agree with you on this way. The way I like to see it, or at least at this point, because I am open, is the evaluations, instead of it so much being based on compensation. Has it been more on learning? We do a review of someone, and we tell them what needs to be improved, but also have some bite to it, should a situation come up, or to constant reviews the person is not accelerating or advancing, but really going backwards. Then, that is where we would have to sit down and talk about the person's future. I prefer to see it more as an educational thing, where all right, this is what they need to keep the positives. I think people, usually, especially such a small staff that we have here, use it more towards the positive things, and shows this is what needs to be done and then work forward with that. Keep the compensation, as we have had it before, and it is based on cost living, I would rather the board always has the option. If something along, and we did want to do more, we could discuss it at that time. As we did when they came up for discussion or about the pandemic and so we're not negating that, but keep the two separate, because I think, when you start paying compensation, it's just going to open up whole can of worms, because you, literally, we could say, no matter the best intentions of any board, We could say, well, we think that employ A should get 3% and employee didn't quite do was good. They should get 1.5%, and then there is the argument. Well, I did not do as good because my kid was sick, it could go on, and on and now, we are saying, well, they got point. It would just be a cluster in. It is educational here is the review. Sheila, with the employees, you would sit down with them as you have done and discuss, you know, whatever you have your reviews and what to improve to ultimately, make that a better employee and keep it on a positive note and make the improvements need to be made. Then, the thing with you when we do your review to sit down and keep it on a positive buoyancy, she will be happy about A, B and C, but D and G We need to work on that. Then when we review it again, you make those improvements great that is my view. I think it takes speculation, bitterness, and everything out of it and keep the compensation where we did so.

Paul Lisi: I think me, and Karen were actually always in favor of that method, but that is not the way that it was delivered before, I have always been in favor of keeping a review education and compensation different. But we do have to now come up with something in regard to compensation, which I said, I'm trying to work on in regard to finding out what other retirement systems do, what they tie it to, things like that. I, myself, like that we have to put some policy in place, but then we have to also put a little bit of parameters in place like what you said. Other places have done in regard to, and we talked about in regard to the pandemic. In regard to that, we were actually a little behind. A lot of places gave 5%, we gave 3%. so we were a little behind. Especially now, I think we need to look at things again with huge inflation numbers going up. In Richmond, we have looked at that kind of stuff. So we need to look at that. So I'm definitely in favor of keeping this performance appraisal educational., I have been for three months now trying to figure out I got my old performance appraisals out from the bank, and I got 1, 1 through 5. If you have a four and you told your score, then it had to go to this matrix and then it, then it went to a committee who reviewed it

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and then they had a pool of funds and you saw how much was available to you. That educational part, I love. The fact that Sheila does the staff, all of us, as individuals, do the executive director. We then compile that information into one with all of the data, and then we make the one available along with the five separate ones available to the executive director to review, and say, hey, this is what we thought of you. I think that sharing that information and being transparent is definitely good for both the board and the employees.

Mark Bashara: I am just curious Beth, on your input on that, or how you feel.

Beth Matson: I am OK with not tying the review to compensation and have it for educational purposes. I do have some goals and objectives that I'd like to add to it. I am good with what you have been discussing.

Paul Lisi: Mark, I agree with you, but I think what you want us to achieve, I think, would be achieved on the HR personnel side. If you had a bad employee, you would do that for two performance appraisals and take the next steps in the HR rules, the follows. that's kind of a little bit different, but that goal is still achievable. Beth, you said that you had some additional goals and objectives that you would like to include is that in both the Executive Director and the individual employee ones?

Beth Matson: It probably should be both so that they know what we are looking for. I do not think it is a bad thing.

Paul Lisi: Since we do not have any of those, I don't think it is fair to talk about those because I would like to review those first, but is it possible for you to share those with Sheila so that we can get them disbursed to us for the July meeting?

Beth Matson: Sure.

Sheila LaBarbera: what I am planning on doing with the employees for the end of this year, is put together is exactly what you said. Our goals and objectives, as we go through this year, is a learning curve and different job responsibilities are starting to fall in for each employee. I can create the goals and objectives for each of them into categories will provide them with an expectation that is just, give me a number 1, 2, 3, 4. What you have for the Executive Director? I do not have clear goals and objectives, so I will just pick one. As I looked over them, budgeting and economic management, that is a measurable goal, that is easy to do, however creativity is not measurable. My idea of what might be creativity might be much different from your idea of creativity. Administration is really to me measurable. I just would like a little bit more clarification for what each of these categories mean. Obviously, inter-personal things are measurable, I am clear with those, but once you get to some of the others like innovation, objectivity, credibility, flexibility. As we go through some of these things, what I am looking for is exactly what is the goal and objective. How do they relate specifically to my job duties and responsibilities? I do not mind being evaluated whatsoever, but I want to be aware of who is participating in this evaluation. If there is someone other than the five of you, Tom Gibson, and John Parsons or PERAC, you can do any of those professional people and they are people I deal with all the time, but if there is somebody from outside of that circle, I want to know who they are, and I want to know why they are participating.

Paul Lisi: I do not want to speak for the whole board, so I will speak for myself. I think that the board, I was pretty confident, or comfortable in being able to do this, and we would reach out to the necessary people that we may think you do business with like the Tom, PERAC, but I wouldn't necessarily have them do an appraisal. I would say how would you rate the interpersonal skills with Sheila? I am comfortable with that, but I am also comfortable with

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giving you a little bit more how that some of this stuff, in my opinion, can come off creativity. I just do not; I do not know how creativity can be governed by law.

Mark Bashara: When we first started this, we said this was going to be a learning curve for us. The process can change over the years, and as things change, in our world, there might be new things that we might, or laws, change with the retirement thing, so I do not think we are locking ourselves in, at least we have a good foundation to start.

Paul Lisi: I am comfortable working on something for you. You are asking the objectives, but I do not want to do that until we receive the information from Beth, because she might have some pretty cool stuff that could be added in here, too. I think that is important we know we have clarify definitions, which is what we need first. The first is that a performance appraisal will be just that, it is an educational matter. Piece of material that will be used for an employee to discuss how the job is done and to educate to improve any processes that need improvement.

Mark Bashara: You can use the words, for the betterment of the employee and the Berkshire County Retirement System. Because you want to be able to do both. You want to better the employee, but also by bettering the employee, you are hoping to better the services provided.

Paul Lisi: Then we need to create compensation policy. So to say where an employee who works here knows that this is what they could expect, this is how we get to it, and this is how it is tied to compensation. I think that is a much more manageable goal, for sure. I think we could do that in a very reasonable amount of time. So if Beth is willing to share that information with you, and you can just send it to all of us.

Mark Bashara: We need Mikes input obviously, but at least we are making some headway.

Beth Matson: I just wanted a little more clarification from Sheila. I am not sure what she was trying to get at with other than the five board members and PERAC?

Sheila LaBarbera: Well, we had a discussion, maybe it was two months ago, and discussion got a little broad for me. The discussion was vague, of whom others would be participating in my review. Like I said, I am not opposed to people that I deal with all the time, but I just want to know there is not some random person.

Mark Bashara: I would assume you are saying we are not going to call your neighbor and say oh is she a good neighbor? But you deal with treasurers, so it could be that.

Paul Lisi: I do not see it as a treasurer filling out a review on you. I see it as Karen or myself reaching out to a treasurer and saying hey is she approachable, how do you feel about working with her? Then we would take that and would create our performance evaluation in here with knowledge from ourselves, and the information that we got from our colleagues. You would see mine and then it would become part of an overall one. You would be able to see all of the individual ones and then you can see how all of the information is then put together.

Sheila LaBarbera: And to clarify that, even a little bit more, because my kind of idea is that I do not have any trouble, even with the treasurers, but I guess I want a differentiation from a performance evaluation versus an interaction. So, let us just say, for example. I have to deliver bad news to Hinsdale. So now the Hinsdale treasures irate because something happened. That should be dealt with on an individual basis, rather than as a performance evaluation. I just want to make sure that we are differentiating from an evaluation. It is a general interaction of, Do I get the information that I need? Is a timely? Is my interaction with the retirement board professional in a positive manner? Those are the kinds of things.

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Rather than to say, here's an individual, because once in a while the treasurers may not like the news so I just want to know who is or has participated in my evaluation.

Mark Bashara: I totally agree with you that, if you are giving some legal, because it is bad news that would be documented there. The proof anyway, so all of us, I would believe, but if it was not, I am not saying do this, but let us just say an interior point about the use. It, if it was proven that any director, I'm going to take you, personally, I said, well, you know, to bad stuff, and that's the way it is, then that would come into part of your review. You should not be held accountable if you section chapter 32 says something.

Sheila LaBarbera: It was presented as very broad in May. I just do not want somebody to say, hey, I cannot wait to get in on that, because she told me my assessment went up by 17 percent. I just want to make sure that that it is the board's responsibility. I understand that you get input from others I just want to be aware of where that input is coming from So if there's somebody that I feel is an outlier I am aware of that and I can add anything.

Mark Bashara: Anything like that would come on its surface. Because, even if something trickles down, when it has turned out, that, Yeah, well, they have to pay an extra \$50,000 a year, that is not your fault and you were polite, professional. I cannot imagine anything different.

Sheila LaBarbera: I know, sometimes you deliver bad news, and I do not want to affect the evaluation it is what it is.

Beth Matson: I am glad you clarified that. I was not sure exactly what you meant. I would not seek outside sources, anyway. I pretty much know what you do from my position itself. I feel I'm making a good position to evaluate.

- 8.) PTG Software update: Sheila LaBarbera: We do have a live site up. It is not ready to receive deductions yet, we will be working with Stephan over the next couple of weeks, to get that up and ready we have. I think we may have been a problem with Harpers. We have a tweak; I think that it is going to work, if that works, we actually have about 12 units that are ready to go live. All together, we have 44 units. We have about 12 that are sitting ready to be able to start processing. We are excited about having that number ready to go. We are actually getting, more treasures asking when are we up? We are excited about the fact that people are so willing to do that. My plan was to do it by payroll through the window, because some people are just ready to do it, and they have taken the initiative with their software vendor. We have a mix of who is available, and we have one, a delay in one of our larger units that I think yesterday. I spoke with the town, and I think we are going to get past that pretty quick. Our 12 could easily be hit 15 to 16 people quickly. The pin access, we were having trouble with the e-mail. I did speak to Stephan yesterday. He indicated to me that he thought that the programmers had worked that out. That was not a problem with our QA site that was a problem with PTG. We are struggling a little bit with our payroll providers, so Universal and Adirondack. We are going to have to figure out what we are going to do with them, so that they may be on the back burner for a little bit. We are actively moving through this. I have gotten nothing but positive feedback, especially the school districts. I am open to allowing treasures if they decide that it is easier for them to do this as part of payroll and they do a weekly or biweekly payroll and they do not want to do it monthly. Either we can have them upload their reports and then we can post the reports with a monthly

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remittance of the money or if they want to upload and remit the money, weekly or biweekly when they are doing payroll as part of the process, we are willing to do that too. We calculate pensions in the county based on a monthly remittance. I'm not changing the way I'm going to calculate, whether you're doing it weekly or biweekly, I still accumulate those deductions and it's a little bit of a work on my end But I will still process and calculate a retirement on a monthly so that everybody is treated fairly but quite honestly, getting the deductions remitted and posted this way is going to make life easier that we should have plenty of time in the future to be able to do that. I am teaching Brian and Jill how to calculate retirements right now and it is going very well. Everyone that has gone through the QA process and has their file finally up and running and can just upload it, hit the five validation buttons, and they're done, have said, wow, this is great. We have shut down the departmental codes because everybody's payroll system has a different way they code.

9.) Consent Agenda Detail:

MINUTES:

a.) The Board minutes of the regular and executive session meeting held May 25, 2022, were signed and approved.

Minutes provided as an attachment to email

INVESTMENTS:

b.) The Board received from PRIT a statement of performance for May 2022. The PRIT Fund returned -0.53% for the month of May.

BANK STATEMENTS:

c.) The Board received the bank statements for May 2022 and the budget for June 2022.

Cash Books for May were sent to Board by email.

MONTHLY WARRANTS:

d.) The Board approved payment vouchers:

05-06-22	\$1,581,609.56
06-01-22	\$22,601.90
06-02-22	\$17,572.46
06-03-22	\$104,349.48
06-04-22	\$135,916.22
06-05-22	\$1,580,881.63
06-06-22	\$85.00

REQUESTS FOR RETIREMENT:

e.) The Board approved the application for superannuation retirement from Astrid Vaughan, Lee, Admin Asst. The retirement will be effective 06/01/22.

The Board approved the application for superannuation retirement from Lori Goodfellow, Lenox, Food Service. The retirement will be effective 06/25/2022.

The Board approved the application for superannuation retirement from Kendra Rybacki,

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FRRSD, Dir food service. The retirement will be effective 06/21/2022.

MEMBER TRANSFERS OUT OF SYSTEM:

f.) The Board approved the notice of transfer of the account of Shannon Albee, a member in Lee to the State Retirement Board. The Berkshire County Retirement Board will accept liability for 5 years and 8 months of creditable service. The amount of the transfer is \$17,601.46.

The Board approved the notice of transfer of the account of Nicholas Leveque, a member in Dalton to Pittsfield Retirement Board. The Berkshire County Retirement Board will accept liability for 5 years and 3 month of creditable service. The amount of the transfer is \$44,537.82.

The Board approved the notice of transfer of the account of Samantha Burke, a member in SBRSD to Teacher's Retirement Board. The Berkshire County Retirement Board will accept liability for 5 years of creditable service. The amount of the transfer is \$8,728.68.

The Board approved the notice of transfer of the account of Sheila Guercio, a member in Lanesboro to Teacher's Retirement Board. The Berkshire County Retirement Board will accept liability for 18 years creditable service. The amount of the transfer is \$33,481.52.

REQUEST FOR SERVICE BUYBACK:

g.) Timothy Kelly, a member in Lee, is eligible to buy back 7 years and 3 months of prior creditable service. If Mr. Kelly pays \$67,872.88 into the annuity savings fund by July 31, 2022, the Board will grant 7 years and 3 months of creditable service.

Joshua K Tompkins, a member in Clarksburg, is eligible to buy back 3 years and 4 months of military service through Chapter 71 of the Acts of 1996, as amended by Chapter 468 of the Acts of 2002, veteran's buyback. If Mr. Tompkins pays \$12,826.67 into the annuity savings fund the Board will grant 1 year and 9 months of creditable service.

recalculation of original request additional service was available for purchase

REQUESTS FOR REFUNDS:

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

Thomas Barrett III	Lanesboro Fire & Water	\$25,415.93
Kevin Fitzpatrick	Monterey	\$36,950.48
Maria Thomas	CBRSD	\$7,807.88
Kimberley Kelly	Lee	\$38,879.81
Megan Lamarre- Smith	MGRSD	\$1,481.18
Nicole Woodard	Dalton Fire Dist.	\$1,926.43
Tammi Dunham	BCRHA	\$12,776.41
Kiersten Vallieres	Florida	\$8,647.60

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INJURY REPORTS:

i.) There were no injuries reported in June

NEW MEMBER APPLICATIONS:

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

7467	Juliana Harris	Great Barrington	4/19/2022	Library	1
7468	Stephen Boutin Jr.	MGRSD	4/25/2022	Custodian	1
7469	Cassandra Crosier	Florida	4/26/2022	Teachers Aide	1
7470	Kelli Bradbury	West Stockbridge	5/9/2022	Town Collector	1
7471	Jesse Polo	Lee	5/31/2022	Waste Water Oper	1
7472	James Rourke	Sheffield	5/1/2022	DPW Laborer	1
7473	Joan Lewis	Florida	5/31/2022	Town Administrator	1
7474	David Ruot	Sheffield	6/13/2022	DPW Supervisor	1
7475	Samantha Lovett	Lee	6/13/2022	DPW Admin. Asst.	1
7476	Rebecca Wagner	New Marlborough	5/19/2022	Assessors' Clerk	1
7477	Danielle Luchi	Clarksburg	5/1/2022	Tax Collector	1
7478	Yidialisse Cintron	BCRHA	6/6/2022	Service Coordinator	1
7479	Lilian Pereira	Lenox (School)	6/6/2022	Technology Support	1

RETIREMENT ALLOWANCE APPROVALS:

k.) The Board received approval from PERAC to grant a retirement allowance to Arthur Mottor, CBRSD, as of 07/09/2021. Annual pension amount is \$18,099.96.

recalculated not eligible for veterans allowance

The Board received approval from PERAC to grant a retirement allowance to William Girard, Becket, as of 03/31/2022. Annual pension amount is \$23,611.32.

The Board received approval from PERAC to grant a retirement allowance to Chad Shimmon, Gt Barrington, as of 04/08/2022. Annual pension amount is \$56,319.60.

3(8)c REIMBURSEMENTS:

l.) There are no 3(8)c reimbursements for the month of June.

PERAC CORRESPONDENCE:

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

#13/2022	2021 salary Verification Requests
#14/2022	SJC decision Vernava II
#15/ 2022	Tobacco Company List
#16/2022	2022 wavier of Sec 91 limits for retirees in public sector

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

TRAVEL & EDUCATION APPROVALS:

n.) There were no travel reimbursement requests for the month of July.

MISCELLANEOUS CORRESPONDENCE:

o.) -PERAC 2021 Investment Report
-PERRAC Pension News James Guido appointed to Commission

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The next regular board meeting is scheduled for Wednesday, July 27, 2022 at 9:00am.

Mark Bashara: Made a motion to approve the consent agenda. Karen William: seconded.
A roll call vote was taken to approve the Consent agenda as presented, and the vote was unanimous to approve consent agenda.

A motion was made by Mark Bashara to adjourn the meeting at 10:30am, Karen Williams, second.

A roll call vote was taken, and the vote was unanimous.

RESPECTFULLY SUBMITTED:

Sheila LaBarbera, Executive Director

APPROVED BY:

Michael Ovitt, Chairman

Mark Bashara, Elected Member

Karen Williams, Elected Member

Paul A. Lisi, Jr., Advisory Council Member

Beth Matson, 5th Member Appointed