

Barnstable County Retirement Association

A regularly scheduled meeting was held on March 23, 2021, at 9:00 a.m. in the office of the Retirement Association. The meeting was held through remote participation by the Barnstable County Retirement Board pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020. Members of the Public were able to join in by following this link:
<https://global.gotomeeting.com/join/174618005>

Board Members Present: Robert C. Lawton, Jr. – Ex-Officio Member, TK Menesale – Advisory Member, Ronald Bergstrom, Commissioner's Appointee, Harold S. Brunelle – Elected Member, Robert F. Rolanti – Elected Member.

Others Present for Board: Christine A. Tetreault – Executive Director, James H. Quirk, Jr. – Board Counsel, Susy Bento Holmes- Assistant Director,

Present for 91A Excess Earning hearings: Daniel Parkka, Sharon Parkka, Sally Clymer, Esq, Alfred Harrington, Sandra King-PERAC, Katherine Brady-PERAC, Felicia McGinniss-PERAC

Chairman Lawton called the meeting to order at 9:02 a.m.

Chairman Lawton advised all present that pursuant to the Open Meeting Law any person may make an audio or video recording of this public meeting or may transmit the meeting through any medium. Attendees are therefore advised that such recordings or transmissions are being made whether perceived or unperceived by those present and are deemed acknowledged and permissible.

COLA Vote:

In consideration of the 7/1/2021 COLA the Board noted the following:

System's 2020 PRIT investment return of 12.53% which exceeds the expected rate of return of 7.375%
Analysis of actual system cost provided by Ms. Tetreault showing that an override from 1.6% to 3% would result in an overall cost increase of only approximately 1.54% due to COLA cap;
Funding schedule assumes annual 3% COLA;

On a motion by Mr. Bergstrom, second by Mr. Rolanti, it was voted by roll call vote 5-0 to grant a 3% cost of living increase pursuant to M.G.L. c. 32 § 103(i) effective 7/1/2021 to eligible retirees/beneficiaries. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Prior Minutes:

On a motion by Ms. Menesale, second by Mr. Bergstrom, it was voted by roll call 5-0 to approve the February 23, 2021 regular session meeting minutes. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Warrants:

On a motion from Mr. Rolanti, second by Mr. Bergstrom, it was voted by roll call 5-0 to approve the following warrants. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

21-009	02/26/2021 Payroll	Retiree Payroll	\$	9,035,130.16
21-010	03/01/2021 Exp. Fd.	Admin/Legal	\$	35,783.10
21-011	03/15/2021 Exp. Fd.	Admin	\$	4,329.11
21-012	03/19/2021 Payroll	Office Payroll/Benefits	\$	53,264.85
21-013	03/23/2021 Refunds	Refunds	\$	575,097.91

Membership:

On a motion by Mr. Bergstrom, second by Ms. Menesale, it was voted by roll call 5-0 to approve the following new retirements. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Name	Unit	Date	Creditable Service
Benjamin, Robin	Town of Barnstable	2/06/2021	20.2500
Brooks, Patricia	Town of Barnstable	1/30/2021	14.1667
Gorenstein, Michael	Town of Barnstable	2/18/2021	16.6667
Granelli, Deborah	Town of Brewster	2/15/2021	15.1667
Hill, Linda	Town of Yarmouth	1/17/2021	15.0000
Hoffman, Cheryl	Monomoy Regional	2/22/2021	14.0833
Lenk, Holly	Town of Sandwich	1/29/2021	22.7500
Myett, David	Town of Barnstable	2/12/2021	31.4167
Nickenello, Louis	Town of Yarmouth	2/07/2021	27.5000
Oganowski, Richard	Barnstable Fire District	3/04/2021	29.5000

91A Excess Earning Hearings:

Alfred Harrington- Mr. Harrington has requested to be heard before the Board as provided in M.G.L. c.32 § 91A regarding his § 91A excess earnings. Ms. Brady explains that PERAC has calculated Mr. Harrington's overearnings by imputing 50% of the income from Captain Al's Restaurant, 50% of the W-2 wages from Harrington Enterprise, and 0% from Continental Marina. Mr. Harrington is a shareholder/owner of the companies. Ms. Brady indicated that only minimal participation is required based on prior DALA cases in order to impune earning, this includes any participation as for example signing checks, making decision or any other work. Mr. Harrington was asked what he did for the businesses and he stated that he did nothing, but did acknowledge that he does go to the restaurant on occasion. He states the businesses are run by his wife and son although he signs paychecks and corporate tax returns, thereby performing some level of service for the businesses. It is noted that Mr. Harrington is listed as President and has a 50% ownership in the companies (Captain Al's Restaurant and Harrington Enterprises). Mr. Harrington indicated that Harrington Enterprises only received rent and should therefore be considered passive income however the Harrington Enterprises 2017 the tax filing lists \$13,000 in W-2 wages in Mr. Harrington's social security number. All documents were reviewed and the board made the following determination for the 2017 and 2019 91A Excess Earning. The Board will be reviewing the 2013-2016 91A Excess Earning on April 27, 2021.

On a motion by Rolanti, second by Bergstrom it was voted by roll call vote that W2 wages from Harrington Enterprises constitutes earned income. Roll Call: Rolanti-yes, Bergstrom-yes, Brunelle-yes, Menesale-no, Lawton-yes. Motion passed 4-1-0.

On a motion by Bergstrom, second by Brunelle it was voted by roll call vote that earned income determined by PERAC from Captain Al's Restaurant was properly calculated. Roll Call: Rolanti-yes, Bergstrom-yes, Brunelle-yes, Menesale-no, Lawton-yes. Motion passed 4-1-0.

Daniel Parkka- Ms. Brady explained that PERAC has calculated Mr. Parkka 91A Excess Earning for 2018 and 2019 by imputing 50% of the income from Parkka Collision Consultants, Inc (PPC). Mr. Parkka is not a stockholder/owner of PPC. Mrs. Parkka indicates that Mr. Parkka involvement has been reduced because PPC is no longer taking any new collision case and is only completing open files. Mr. Parkka is issued W-2's for his work. Ms. Brady was asked why PERAC is not basing their calculation of 91A Excess Earning on the DALA decision that reversed Mr. Parkka's 91 Excess Earnings because only his W-2's are earnings, Ms. Brady indicated that PERAC has appealed therefore PERAC is continuing to impute 50% of PPC income as Mr. Parkka's earnings.

On a motion by Brunelle, second by Menesale it was voted by roll call vote that no business income from Parkka Collision Consultants, Inc. can be imputed based on the DALA decision therefore only W-2 wages constitutes earned income to Daniel Parkka for the years 2018 and 2019 which results in no 91A Excess Earning. Roll Call: Rolanti-yes, Bergstrom-yes, Brunelle-yes, Menesale-yes, Lawton-yes. Motion passed 5-0-0.

Distributed to Board:

PERAC Memo #11/2021 – Benefit Calculation Submissions Via PROSPER
PERAC Memo #12/2021 – Tobacco Company List
PRIM – Performance Summary for January 2021
BCRA accounting reports for December 2020
PERAC Final Audit Report

Administrative Issues:

Annual Statement of the Financial Condition of the BCRA for Year Ended 2020

On a motion by Mr. Bergstrom, second by Mr. Rolanti, it was voted to accept the Annual Statement of the Financial Condition of the BCRA for the Year Ended 2020. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Revised amended office lease agreement

On a motion by Mr. Rolanti, second by Mr. Bergstrom was voted by roll call 5-0 to accept the amended office lease agreement. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Special Legislation- Chapter 217 of the Acts of 2020 signed by Gov. Baker on 12/2/2020 authorizing James Armentrout to purchase his military service was reviewed. Mr. Armentrout was sent a letter advising him he must submit a copy of his DD214 detailing dates and character of service for the 2-year period he served prior to 2/3/71. Although Attorney Quirk feels the DD214 on file is sufficient Ms. Tetreault informed the board that all DD214 must be on file in order to confirm actual dates of service being purchased. It is common for Veteran's to submit multiple DD214 when buying their military service. Upon receipt of the DD214 Mr. Armentrout's buyback will be calculated and upon receipt of payment his retirement allowance will recalculated. The Board discussed the effective date of the recalculated benefit. It is noted that Mr. Armentrout never actually received notice of his right to purchase his military service as the original returned unopened correspondence remains on file with the BCRA.

On a motion by Mr. Burnelle, second by Mr. Bergstrom, it was voted by roll call 5-0 to recalculate Mr. Armentrout's retirement benefit retro-active to his date of retirement once he has paid the total veteran's buyback. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

Discussion for appointment of Board Vice Chair

On a motion by Mr. Burnelle, second by Mr. Bergstrom, it was voted by roll call 5-0 to appoint Mr. Rolanti as the BCRA Board Vice Chair. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.

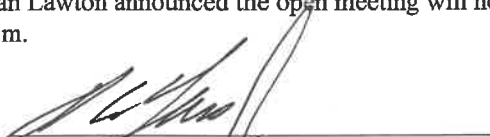
Legal Issues: None

Executive Session:

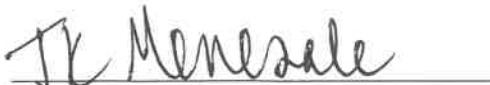
Chairman Lawton announced pursuant to M.G.L. Chapter 30A, Pursuant to M.G.L. chapter 30A, section 21 (a)(1) the Board will convene in executive session to review, discuss and/or vote on matters involving the physical and/or mental health of Michael Mendoza, David Freiner, and Thomas Swartz; and to discuss litigation strategies, the disclosure of which may constitute an unwarranted invasion of personal privacy.

On a motion by Mr. Bergstrom, second by Ms. Menesale, it was voted by roll call 5-0 to enter into Executive Session at 11:35 a.m. Roll Call: Ronald Bergstrom – Yes, Robert Rolanti – Yes, Harold Brunelle – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes.


Chairman Lawton announced the open meeting will not reconvene after Executive Session. Open meeting closed at 11:35 a.m.



Robert C. Lawton, Jr. - Chairman



TK Menesale



Ronald Bergstrom

Robert F. Rolanti



Harold Brunelle