

## Barnstable County Retirement Association

A regularly scheduled meeting was held on April 27, 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/173302493>

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: Alfred Harrington, Sandra King-PERAC, Katherine Brady-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.

### Prior Minutes:

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

### Record vote taken in Executive Session on March 23, 2021

*On a motion by Mr. Bergstrom, second by Ms. Menesale, it was voted by roll call 5-0 to record votes taken in Executive Session. Roll Call: Harold Brunelle – Yes, TK Menesale – Yes, Robert Rolanti – Yes, Ronald Bergstrom – Yes, Robert Lawton, Jr. – Yes.*

*On a motion by Mr. Bergstrom, second by Mr. Brunelle, it was voted by roll call 5-0 to request PERAC schedule a RMP to examine Michael Mendoza in conjunction with his application for accidental disability retirement. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes*

*On a motion by Mr. Brunelle, second by Mr. Bergstrom, it was voted by roll call 5-0 to accept the findings of the RMP and approve the accidental disability retirement of David Freiner. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes*

*On a motion by Mr. Brunelle, second by Mr. Bergstrom, it was voted by roll call 5-0 to accept the findings of the Regional Medical Panel and deny the accidental disability retirement of Thomas Swartz. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes*

*On a motion by Mr. Bergstrom, second by Mr. Brunelle, it was voted by roll call 5-0 to allow Attorney Quirk to accept a reduced percentage on the settlement for Ms. Legendre. Roll Call: Robert Rolanti – Yes, Harold Brunelle – Yes, Ronald Bergstrom – Yes, TK Menesale – Yes, Robert Lawton, Jr. – Yes*

*On a motion by Mr. Bergstrom, second by Mr. Brunelle, it was voted by roll call 5-0 to allow Attorney Quirk to continue to negotiate 15% to 30% of worker's compensation settlement to be paid to BCRA regardless of which section the settlement relates to and have Attorney Quirk present the BCRA with any cases that he believes should be settled outside of the policy percentage. 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: Harold Brunelle – Yes, TK Menesale – Yes, Robert Rolanti – Yes, Ronald Bergstrom – Yes, Robert Lawton, Jr. – Yes.*

21-014	03/31/2021 Payroll	Retiree Payroll	\$	9,022,525.64
21-015	04/01/2021 Exp. Fd.	Office Payroll/Benefits/Admin/Legal	\$	42,866.83
21-016	04/14/2021 Refunds	Refunds	\$	42,080.41
21-017	04/15/2021 Exp. Fd.	Admin/Postage	\$	13,985.80
21-018	04/15/2021 Exp. Fd.	3(8)(c)	\$	624,735.68
21-019	04/27/2021 Refunds	Refunds	\$	467,320.99

Membership:

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

Name	Unit	Date	Creditable Service
Barry, James	Town of Nantucket	2/26/2021	17.4167
Coggeshall, Kathleen	Town of Sandwich	3/19/2021	33.8333
Cox, Frank	Town of Barnstable	3/15/2021	34.9167
Dellner, Mark	Town of Dennis	3/31/2021	16.1667
Diemer, G. Jennifer	Town of Sandwich	4/01/2021	19.0833
Frankio, Dennis	Town of Barnstable	3/03/2021	31.4167
Gaulin, Lane	Town of Bourne	2/28/2021	14.7500
Hevener, Joseph	Town of Yarmouth	2/26/2021	14.1667
McLane, Martha	Town of Barnstable	3/19/2021	27.9167
Scali, Richard	Town of Barnstable	3/18/2021	34.5000
Trant, Carol	Town of Bourne	2/28/2021	18.4167
Trovato, Michael	Town of Wellfleet	2/25/2021	10.5000
Wilson, Brian	Town of Sandwich	3/08/2021	18.0000

Ronald Bergstrom left the meeting at 9:21 a.m.

91A Excess Earning Issues/Hearings:

PERAC directive on Board excess earnings determination of Daniel Parkka- The Board reviewed correspondence from PERAC dated 4/9/21 directing them to adopt a decision consistent with PERAC’s determination that Mr. Parkka had excess earnings for the years 2018 and 2019 of \$85,629.92. It is noted that at the March 23, 2021 meeting of the BCRA board it was voted that Mr. Parkka had no 91A Excess Earning for 2018 and 2019 based on the DALA decision for prior years excess earnings (PERAC appeal to CRAB pending), the Board’s findings that Mr. Parkka has no role other than that of employee in Parkka Collision Consultant’s Inc, for which he received a W-2. Once again the Board noted that Mr. Parkka has no ownership in this business and that the business’ primary focus is no longer accident reconstruction. At this time the Board’s options are to adopt PERAC’s position as directed or appeal to DALA. Ms. Tetreault informed the Board that a letter of appeal has already been filed in order preserve the board right to appeal but would be withdrawn if the BCRA board chooses follow PERAC’s directive.

*On a motion by Ms. Menesale, second by Mr. Brunelle, it was voted by roll call 4-0 to appeal PERAC’s determination order that Mr. Parkka had 91A Excess Earnings for 2018 and 2019. Roll Call: Harold Brunelle – Yes, TK Menesale – Yes, Robert Rolanti – Yes, Robert Lawton, Jr. – Yes.*

Alfred Harrington – 91A Excess Earnings: The Board will be addressing Mr. Harrington’s outstanding 2013 to 2016 excess earnings. Atty. Quirk feels Mr. Harrington’s medical condition is a factor that should be discussed and considered in this case the Board agreed it would be best to discuss this matter in Executive Session.

Executive Session:

Chairman Lawton announced 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 Alfred Harrington and Thomas Downs, the disclosure of which may constitute an unwarranted invasion of personal privacy.

*On a motion by Mr. Rolanti, second by Ms. Menesale, it was voted by roll call 4-0 to enter into Executive Session at 9:32 a.m. Roll Call: Harold Brunelle – Yes, TK Menesale – Yes, Robert Rolanti – Yes, Robert Lawton, Jr. – Yes.*

**Return to Open Session at 10:59 a.m.**


Distributed to Board and acknowledged:

- PERAC Memo #13/2021 –2020 Annual Statement of Earned Income Filing (91A)
- PERAC Memo #14/2021 – Mandatory Retirement Board Member Training -2<sup>nd</sup> Quarter 2021
- PERAC Memo #15/2021 – Implementation of Paid Family Medical Leave (“PFML”)
- PRIM – Performance Summary for February 2021
- PRIM – Quarterly Update 4<sup>th</sup> Quarter 2020
- PRIM – Client Service Team
- BCRA accounting reports for January 2021
- BCRA accounting reports for February 2021

Update on Legal Issues:

- Attorney Quirk has filed an appeal on behalf of the board for Daniel Parkka 91A Excess Earnings
- Negotiations are still in process for lump sum settlement for Carol Legendre
- Negotiations are still in process for lump sum settlement for Bruce Edwards
- James Armentrout has not sent his DD214-Ms. Tetreault expressed importance of documenting service.
- Attorney Quirk has file the notice of appearance on behalf of the board for Thomas Swartz

*On a motion by Mr. Bergstrom, second by Ms. Menesale, it was voted by roll call 5-0 to adjourn at 11:25: Roll Call: Harold Brunelle – Yes, TK Menesale – Yes, Robert Rolanti – Yes, Ronald Bergstrom – Yes, Robert Lawton, Jr. – Yes.*

  
Robert C. Lawton, Jr. – Chairman

  
TK Menesale

  
Ronald Bergstrom

Robert F. Rolanti

  
Harold Brunelle