



**MINUTES FROM MEETING**  
**OF**  
**OCTOBER 20, 2016**

Mr. Torres called the meeting to order at 8:10 AM in the Sustainability Conference Room, 2<sup>nd</sup> floor of City Hall and determined a quorum was present.

<b><u>Members Present</u></b>	<b><u>Also Present</u></b>
Jason Franklin	Katrina Laudeman, Executive Director
Mario Garcia	Matt Dickey, Deputy Executive Director
Christopher McCullion	James Loper, Board Attorney
Eddie Torres	Dionna Little, Department Advocate
Douglas Zabin	Mike Clelland, Attorney
	David Stern, Firefighter
	Michelle McCrimmon, Deputy CFO
	Katie Zuccarini, Employee Benefits
	Michele Keane, Pension Coordinator

**1) PUBLIC COMMENT**

Mr. Torres asked for public comment. There was none. Mr. Torres turned the meeting over to Mr. Loper, the Board Attorney.

**2) ELECTION OF OFFICERS AND 5<sup>TH</sup> MEMBER**

Mr. Loper explained that the Board consists of two trustees who are appointed by the Mayor and two elected firefighters. These four members elect a fifth trustee

**A MOTION TO RE-APPOINT EDWARD TORRES AS THE 5<sup>TH</sup> MEMBER** was made by Mr. Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO ELECT DOUGLAS ZABIN AS CHAIRMAN** was made by Mr. Torres and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO ELECT EDWARD TORRES AS VICE-CHAIR** was made by Mr. McCullion and seconded by Mr. Zabin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO ELECT JASON FRANKLIN AS SECRETARY** was made by Mr. Zabin and seconded by Mr. Garcia; **MOTION CARRIED UNANIMOUSLY.**

Mr. Loper turned the meeting over to Chairman Zabin.

### **3) DAVID STERN DISABILITY HEARING**

Chairman Zabin stated this is the time set for hearing the disability application of David Stern. He informed everyone the hearing is being recorded and will be conducted in an informal manner but consistent with constitutional requirements of due process and equal protection.

Mr. Stern was represented by Mr. Clelland. The Fire Department was represented by Ms. Little. Chairman Zabin asked Mr. Loper to explain the Board policy. Mr. Stern was sworn in by Ms. Keane as a witness.

Chairman Zabin stated that Mr. Stern's disability package, Independent Medical Examination and Dr. Buhrmann's deposition transcript would be accepted into evidence. Ms. Little's email dated August 11, 2016 stating there is not a position available for Mr. Stern with his current restrictions, was also accepted.

Mr. Clelland made his opening statement and addressed the permanence of Mr. Stern's disability.

Ms. Little made her opening statement repeating that there is not a position available for Mr. Stern and noting Dr. Buhrmann's ambiguity regarding the permanence of the of the disability.

Mr. Clelland made his closing statement and addressed Ms. Little's concern about the permanence of the disability by paraphrasing Dr. Buhrmann's testimony. (Ms. McCrimmon arrived at 8:30 a.m.)

Ms. Little made her closing statement by reiterating her concern about the permanence of the disability.

Chairman Zabin declared the evidence phase of the hearing was now closed and the Board would enter into the determination phase of the proceeding. Some questions were asked by the Board members to which Mr. Clelland replied.

**A MOTION THAT THIS IS A PERMANENT AND TOTAL DISABILITY** was made by Mr. Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT THIS IS A LINE OF DUTY DISABILITY** was made by Mr. Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

Mr. Zabin noted that the Fire Chief does not have a limited duty position for Mr. Stern.

**A MOTION THAT THE LINE OF DUTY DISABILITY PENSION WILL BE EFFECTIVE SEPTEMBER 1, 2016** was made by Mr. Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION THAT DAVID STERN DOES HAVE TWENTY YEARS OF SERVICE AND IS ENTITLED TO COST OF LIVING PAYMENTS** was made by Mr. Zabin and seconded by Mr. Garcia; **MOTION CARRIED UNANIMOUSLY.**

A recess was taken at 8:48 am at which time Mr. Stern and Mr. Clelland left the meeting.

Meeting resumed at 8:58 am.

**4) A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 15, 2016** was made by Mr. McCullion and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**5) CONSENT AGENDA**

**A MOTION TO ACCEPT THE CONSENT AGENDA** was made by Mr. Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**6) PENDING / OLD BUSINESS UPDATE**

**a. DISABILITY UPDATE**

Ms. Keane updated the Board on the outstanding application.

**7) A MOTION TO ADJOURN THE MEETING** was made by Mr. McCullion and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.** The meeting adjourned at 9:02 AM.

Respectfully submitted,

*Michele Keane*

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Pension Coordinator