



**AMENDED MINUTES FROM MEETING**  
**OF**  
**February 15, 2018**

Chairman Zabin called the meeting to order at 9:07 AM in the Blowfish Conference Room, 4th floor of City Hall and determined a quorum was present.

<b><u>Members</u></b>	<b><u>Also Present</u></b>
Douglas Zabin, Chairman	Katrina Laudeman, Executive Director
Eddie Torres, Vice Chair	Michelle McCrimmon, Deputy CFO
Jason Franklin, Secretary	Matt Dickey, Deputy Executive Director
Mario Garcia, Trustee	James Loper, Board Attorney
Christopher McCullion, Trustee	Dionna Little, Firefighters' Advocate
	Katie Zuccarini, Employee Benefits
	Lori Janeczek, Employee Benefits
	Michael Caraway, Retired Firefighter
	Michele Keane, Pension Coordinator

**1) PUBLIC COMMENT**

Chairman Zabin asked for public comment. There was none.

**2) APPROVAL OF MINUTES FROM NOVEMBER 16, 2017**

**A MOTION TO APPROVE THE MINUTES OF NOVEMBER 16, 2017** was made by Mr. Torres and seconded by Mr. Garcia; **MOTION CARRIED UNANIMOUSLY.**

**3) APPROVAL OF MINUTES FROM DECEMBER 7, 2017**

**A MOTION TO APPROVE THE MINUTES OF DECEMBER 7, 2017** was made by Mr. McCullion and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**4) APPROVAL OF CONSENT AGENDA**

**A MOTION TO ACCEPT THE CONSENT AGENDA, AS AMENDED, WAS MADE BY** Chairman Zabin and seconded by Mr. Torres; **MOTION CARRIED UNANIMOUSLY.**

**5) PENDING / OLD BUSINESS UPDATE**

- a. Disability Update – Chairman Zabin noted he is expecting two disability applications to be filed for firefighters who were involved in a vehicle accident about nine months ago.

b. Securities Litigation Update – Ms. Laudeman stated that the custodian has not filed any litigation on behalf of the pension fund last month.

c. Michael Caraway Update – Mr. Loper reviewed his recommendations regarding investigating Mr. Caraway’s ability to perform as an active firefighter. As a first step, Mr. Loper would like to send three medical documents (a November 9, 2017 lumbar spine MRI, a December 14, 2017 cervical spine MRI and Dr. Goll’s December 21, 2017 office notes) to Dr. Portnoy, the City’s occupational health doctor, for review. A letter will be sent to Dr. Portnoy requesting his written opinion if such documents alone would disqualify Mr. Caraway from reemployment as an active duty firefighter. If Dr. Portnoy is able to render an opinion that Mr. Caraway is disqualified from reemployment as an active duty firefighter, the Board can make a determination at that time.

If the first step doesn’t provide sufficient information, the second step will be to send him for a functional capacity evaluation (FCE). Discussion ensued.

The Board will be updated on the response from Dr. Portnoy and the next steps will be determined at that time.

Mr. Torres asked if there should be a formal process in place for similar cases. Some discussion ensued.

**A MOTION TO FOLLOW MR. LOPER’S RECOMMENDATIONS, STARTING WITH STEP ONE, SUBMITTING THE THREE MEDICAL DOCUMENTS TO DR. PORTNOY FOR REVIEW AND TO AUTHORIZE ANY REASONABLE COSTS TO ACCOMPLISH THIS** was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

**A MOTION TO HAVE MR. LOPER DRAFT A NEW POLICY FOR REVIEWING DISABILITY CLAIMS** was made by Chairman Zabin and seconded by Mr. Franklin; **MOTION CARRIED UNANIMOUSLY.**

Mr. Caraway spoke briefly about his desire to return to work and left the meeting at 9:21 AM. Ms. Keane will contact Centra Care to find the best way to submit the documents for Dr. Portnoy’s review.

## **6) NEW BUSINESS**

a. Jill Nagedly’s Request – Chairman Zabin noted that Jill Nagedly is asking if the Pension Board will consider reclassifying the pension benefits she is receiving to a line of duty death benefit and if so, what steps she needs to follow. Mr. Loper discussed the legality and policy issues with the request. Mr. Loper summarized by saying the Board should proceed with the claim for the line of duty death request.

He added the Firefighters’ Pension Board does not have a standard application for a line of duty death. Some discussion ensued.

**A MOTION TO HAVE MR. LOPER CONTACT MS. NEGEDLY'S ATTORNEYS AND NOTIFY THEM THE PENSION BOARD IS WILLING TO CONSIDER RECLASSIFYING THE PENSION BENEFITS** was made by Mr. Garcia and seconded by Mr. McCullion; **MOTION CARRIED UNANIMOUSLY.**

Mr. Loper will include a copy of the current disability application and make note that we are in the process of modifying our procedures for line of duty death requests.

- b. Pension Board Attorney Replacement Discussion – Ms. Laudeman stated the Pension Board would like to formalize a process for seeking a replacement for the Board Attorney. She asked Mr. Loper to put together a list of qualifications and questions to be used for a Request for Information (RFI). Mr. Loper will provide some examples of RFIs other municipalities are using and provide a list of potentially qualified attorneys. Ms. Laudeman will send a draft of the RFI questions to the Board for review before sending it out. Mr. McCullion suggested forming a sub-committee to review the replies. Chairman Zabin asked about a timeline for the process to which Ms. Laudeman and Mr. McCullion responded they are thinking about sending out the letters in March.

Ms. McCrimmon asked how Mr. Loper will handle the transition of records from his firm to the new firm. Mr. Loper will provide all paper documents, especially his notebook that includes Special Acts, and transfer his electronic files to the Pension Board upon request.

- c. Ms. Zuccarini introduced her replacement, Lori Janeczek. Ms. Zuccarini has delayed her retirement until April 1, 2017.

## **7) ADJOURNMENT**

The meeting adjourned at 10:29 AM.

Respectfully submitted,

*Michele Keane*

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Pension Coordinator