

# NEW ORLEANS FIRE FIGHTER'S PENSION AND RELIEF FUND

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**Martin Gaal**  
**Board President**

**Thomas F. Meagher, III**  
**Secretary-Treasurer**

**SUBJECT:**

**Board of Trustees Regular Meeting**  
**Fire Fighter's Pension & Relief Fund**

**TIME, DATE AND PLACE:**

**November 9, 2016**  
**3520 General DeGaulle**  
**Suite 3001**  
**New Orleans, Louisiana 70130**

**The following members of the Board of Trustees were present: Martin Gaal, Thomas Meagher, Angelo Marchese, Tim McConnell, Nick Lavene and Norman Foster. Derrick Muse was absent.**

**Also present,**  
**Pam Meyer**  
**Paul Mitchell**  
**Louis Robein, Board Attorney**  
**Kenny Prevost, retired firefighter**

**A quorum being present, Board President Martin Gaal called the meeting to order at 9:17 a.m. Mr. Meagher lead the pledge of allegiance and a moment of silence for fallen firefighters and first responders.**

## **COMMUNICATIONS**

None

## **REVIEW AND ACCEPT MINUTES**

Approval of the minutes was deferred until a future date. McConnell noted that he did not have time to review the minutes before the Board meeting.

**REFUND OF CONTRIBUTIONS**

None

**CHANGE OF BENEFICIARY**

Louis Pelletteri, II, Michael Salvaggio, Ronald Sylvia and Frank White have submitted beneficiary forms.

Mr. Meagher requested that because Mr. Robein was not in attendance due to traffic delays that the Board move to the Reports of Death section of the agenda.

**MOTION: Moved by Meagher and seconded by Gaal to take items out of order on the agenda.**

**Motion passed.**

**NO OBJECTIONS**

**REPORTS OF DEATHS**

**Pensioners:**

**Warren L. Doane, Jr.** Mr. Doane died on October 7, 2016 at the age of 83 leaving no widow and no minor children. He entered the department on April 16, 1957 and retired with 28 years of service on April 17, 1986. He spent 30 years on pension.

**Thomas M. Stenger, Jr.** Mr. Stenger died on October 12, 2016 at the age of 73 leaving a widow and one dependent child. He entered the department on August 20, 1965 and retired after 25 years of service on December 20, 1990. He spent 25 years on pension.

**Jesse L. Villemarette:** Mr. Villemarette died on August 26, 2016 at the age of 86 leaving no widow or minor children. He entered the department on September 5, 1956. He retired after serving 19 years on June 16, 1976. He received 40 years of pension benefits.

**Charles H. Brokmeier:** Mr. Brokmeier died on October 28, 2016 leaving a widow and no minor children. He entered the department on April 23, 1973 and served for 34 years. Mr. Brokmeier retired on August 1, 2007 after nine years on pension.

**Widows:**

None

**MOTION: Moved by Meagher and seconded by Gaal to remove the above noted deceased members and widows from the pension rolls.**

**Motion passed.**

**NO OBJECTIONS**

Mr. Robein entered the meeting.

**R.S. 11:3376 DISABILITY APPLICATIONS**

**MOTION:** Moved by Meagher and seconded by Lavene to go into executive session to review medical documentation and reserve privacy rights to members applying for a Service Connected Disability Pension and pending applications.

**Motion passed.**

**NO OBJECTIONS**

**MOTION:** Moved by Meagher and seconded by Lavene to come out of executive session to review medical documentation and reserve privacy rights to members applying for a Service Connected Disability Pension applications and pending applications.

**Motion passed.**

**NO OBJECTIONS**

**Delany Winston:** New Fund Fire Operator, age 59 with 34 years of service is making application for a 50% Service Connected Disability Pension effective December 1, 2016.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a 50% Service connected disability effective December 1, 2016 calculated at 2 1/2% of his average annual compensation for the first 12 years of service and 3 1/3% of his average annual compensation for each year of service or portion of a year up to 100% of his average annual compensation.

A substitute motion moved by McConnell and seconded by Foster to approve a 50% Service Connected Disability retirement benefit for Mr. Bonds effective December 1, 2016 pursuant to R.S.11: 3376 (B) or to alternatively approve a regular retirement benefit in accordance with all conditions of R.S. 11:3384 to be calculated as 2 ½% of the member's average annual compensation for the member's first 12 years of service and for all years or portion of a year of service until the member has reached 50 years of age; and at 3 1/3% for each year or portion of a year beyond 12 years of service and after 50 years of age. If the member has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service the retirement benefit for each year shall be 3 1/3% up to 100% of the member's average annual compensation.

**Substitute motion passed.**

**NO OBJECTIONS**

Meagher, Marchese, Gaal and Lavene noted they voted to support the disability election.

**Damien C. Sylve:** New Fund Fire Captain, age 40, with 18 years of service is applying for a 50% Service Connected Disability Pension effective September 30, 2016.

Mr. Meagher noted that the board should defer action on this applicant. The applicant has not

been able to schedule a visit with the Board's doctor. The Board noted that his application is effective September 30, 2016. Staff noted that the member could not schedule a doctor's appointment due to schedule issues with the Fund's physician.

**MOTION: Moved by Meagher and seconded by Marchese to defer action until the medical records are available for review.**

**Motion passed.**

**NO OBJECTIONS**

**ALTERNATIVE ELECTION AS PER R.S.11:3376 F (2)**

Delany Winston is applying for the higher benefit per RS 11:3376F (2)

**MOTION: Moved by Meagher and seconded by Lavene to approve the Higher benefit election per RS 11:3376 F (2) for Delany Winston which provides a benefit of 3 1/3% for each year of service up to 100% of the member's pensionable compensation as outlined in the worksheet provided to trustees, which is subject to adjustment effective January 1, 2017 in accordance with the recent judgment. McConnell and Foster voted against the motion. Meagher, Marchese Gaal and Lavene voted for the motion. Motion passed.**

**DROP WITHDRAWAL**

Delany Winston is requesting termination of his DROP period due to retirement.

**MOTION: Moved by Meagher and seconded by Gaal to approve the DROP termination request of Mr. Delany.**

**Motion passed.**

**NO OBJECTIONS**

**REGULAR RETIREMENT APPLICANTS:**

None

**DROP APPLICATIONS:**

**Louis J. Smith-** New Fund Fire Operator, age 61 with 30 years of service is applying for DROP effective November 1, 2016.

**MOTION: Moved by Meagher and seconded by Lavene to approve a DROP benefit effective November 1, 2016 calculated at 3 1/3% of his average annual compensation for each year of service or portion of a year up to 100% of his average annual compensation as presented in the attached worksheet. The calculation is subject to adjustment in accordance with the recent court order.**

A substitute motion moved by McConnell and seconded by Foster to approve a DROP benefit for Mr. Smith effective November 1, 2016 pursuant to R.S. 11:3384 to be calculated as 2 ½% of the member's average annual compensation for the member's first 12 years of service and for all years or portion of a year of service until the member has reached 50 years of age; and at 3 1/3% for each year or portion of a year beyond 12 years of service and after 50 years of age. If the member has beyond 30 years of service the retirement benefit will be calculated at 2 ½% of the member's average annual compensation for the member's first 12 years of service and 3 1/3% for each year or portion of a year beyond 12 years of service up to 100% of the member's average annual compensation.

Substitute motion failed. Muse, Foster and McConnell voted for the motion. Marchese, Lavene, Gaal and Meagher voted against the motion. The substitute motion failed.

A vote on the original motion followed.

Meagher, Marchese, Lavene and Gaal voted for the motion. Foster and McConnell voted against the motion. The original motion passed.

### **WIDOW'S APPLICATIONS**

Mrs. Susan Stenger (Thomas) is applying for a Line of Duty Widow's benefit effective November 1, 2016.

**MOTION:** Moved by Meagher and seconded by Marchese to approve a Non Duty Death Benefit effective September 1, 2016 for Mrs. Stenger and inform the applicant that the decision of the Board can be appealed.

Motion passed.

**NO OBJECTIONS**

Mrs. Mary C. Spain (Raymond) is applying for a Line of Duty Widow's benefit effective October 1, 2016.

**MOTION:** Moved by Meagher and seconded by Gaal to approve a Line of Duty Death Benefit effective September 1, 2016 for Mrs. Spain and inform the applicant that the decision of the Board can be appealed.

Motion passed.

**NO OBJECTIONS**

Ms. Meyer noted that Mr. Stenger has a dependent child who is eligible for dependent benefits. She requested that the Board approve the benefits due the dependent.

**MOTION:** Moved by Meagher and seconded by Gaal to approve a dependent benefit for

**Brian Stenger.**

**Motion passed.**

**APPLICATIONS PENDING**

**NO OBJECTIONS**

**None**

**FINANCIAL INFORMATION**

Board members were provided with key financial revenue and disbursement figures for the New and Old system for October.

**OLD BUSINESS:**

Mitchell noted that Mr. Houston has requested an appeal hearing regarding his disability application. Meagher noted that all Board members are welcome to attend the hearing. Meagher, Gaal and Lavene agreed to participate in the hearing. A date will be coordinated with legal, staff and member.

**NEW BUSINESS:**

**Life insurance presentation:** Mr. Gaal indicated that an NCPERS affiliated term life insurance provider would like to speak to the Board about offering his services to the membership. Meagher agreed to schedule the presentation to the Board.

**Chiefs service time adjustment request:** Mr. Meagher noted that the Chiefs association is requesting that the Board recognize the 10 day reduction in their work day when service time is utilized to purchase retirement service credits. The adjustment was effective February 15, 2015. Meagher suggested that the Board request that Civil Service provide the adjusted conversion totals. McConnell and Foster noted that Civil Service does not provide service time formulas. Both suggested that the Fund prepare a policy for adoption by the Board.

**MOTION:** Moved by Meagher and seconded by Gaal to request that Civil Service adjust the service time conversion days for Chiefs. A substitute motion by Foster to have the Fund prepare the conversion days policy for exempt and non-exempt employees was seconded by Meagher.

**Substitute motion passed.**

**NO OBJECTIONS**

**SEB payment history request:** Mitchell noted that the Fund was seeking a response from Mr. McConnell regarding a request for SEB payment information made by workmen's compensation on behalf of the City to several 2016 retirees. McConnell noted that he did not respond because the Fund's SEB policy did not require him to provide the information. Meagher

noted that his delay would limit the Fund's ability to begin offsetting member's payments. McConnell suggested that the Board review the SEB policy and make the necessary adjustments before he provides any information. McConnell requested and was provided a copy of the SEB policy. He requested that the Board amend the SEB policy before he release any SEB payment information. Meagher noted that members have signed waivers allowing the release of the payment information. Mitchell agreed to provide signed waiver forms to McConnell, in hopes that he would release the SEB payment information so that the Fund can begin SEB offset calculations. McConnell noted that he would need legal review and approval of the waivers before releasing any SEB information. The Board attorney noted that the waivers were sufficient after reviewing the waiver form. Meagher suggested that McConnell review the SEB policy and provide the Board with any proposed changes.

**Approval of transfer time for Ernest Morris, Jr.** Ms. Meyer noted that Mr. Morris is transferring \$18,461.78 in service credits to the Fund from the City of New Orleans.

**MOTION: Moved by Meagher and seconded by Gaal to approve the transfer request of Mr. Morris.**

**Motion passed.**

**NO OBJECTIONS**

**City Hall payroll access** Mitchell is requesting the status of a request to receive active firefighter payroll history from the finance department similar in format to the data provided to the City of New Orleans retirement system. Foster noted that the controller is working on the request and will set up a meeting to resolve this issue.

**LEGAL:**

Mr. Robein led the discussion on the following:

- Motion for a new trial was granted for December 15, 2016 seeking clarification on the reach of retirees affected by the decision. Counsel has suggested the reach extend no more than three years from the date of the filing of the suit which is November 2015.
- A motion to dismiss all claims against all trustees in the matters of the Old Fund reserves and the 2012 funding mandamus litigation is being processed by AIG attorneys.
- The mandamus litigation is still in effect and contingent on the passing of the millage.
- There has been no activity in the Mischler matter. Abatement period extends for three years after the last legal action.
- Answers have been filed in the Lakewood matter. Depositions are expected. Case could be prolonged as the plaintiff attorney is an elected State representative who is exempt from having trials during the legislative session.

**MOTION:** Moved by Gaal and seconded by Marchese to go into executive session to discuss legal matters.

Motion passed.

**NO OBJECTIONS**

**MOTION:** Moved by Meagher and seconded by Gaal to come out of executive session to discuss legal matters.

Motion passed.

**NO OBJECTIONS**

**ADJOURNMENT**

There being no further business the meeting adjourned.

**TIMELY FILING OF APPLICATIONS:**

All Members applying for retirement, DROP or PLOP must do so 45 days in advance of the scheduled retirement date. All medical documentation for disability applications must be in the administrative office 45 days prior to the scheduled retirement date. Failure to comply with the Fund's rules will cause a delay in the Board taking action and will probably force an extension beyond the member's desired retirement date.

The administrative office will continue to process all paperwork in a friendly, orderly, and timely fashion. We thank all applying members for their continued cooperation. This will enable the Administrative Office and the Board of Trustees to perform their jobs more efficiently.

Members who have recently changed their address or marital status and have not updated their beneficiary form should do so. Please contact the Pension Office during the hours of 10:00 am to 2:00 pm for beneficiary verifications. Your cooperation is appreciated.

APPROVED BY Thomas F. Meagher III DATE 12/14/16