

# **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:**

**February 8, 2017  
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 and Nick Lavene. Tim McConnell, Norman Foster and Derrick Muse were absent**

**Also present,  
Pam Meyer  
Paul Mitchell  
Kenny Prevost, retired firefighter  
Nicholas Felton, President Local 632  
Michele Conway, Mayor's office  
Donald Schulz, retired firefighter  
Paul Hahn, retired firefighter  
Joe Dullary, retired firefighter**

**A quorum being present, Board President Martin Gaal called the meeting to order at 9:15 a.m.**

## **COMMUNICATIONS**

None

**REVIEW AND ACCEPT MINUTES**

**MOTION:** Moved by Meagher and seconded by Gaal to approve the minutes of the January 11, 2017 Board meeting.

Motion passed.

**NO OBJECTIONS**

**REFUND OF CONTRIBUTIONS**

Michael Taylor is requesting a refund of contributions as a result of resignation.

**MOTION:** Moved by Meagher and seconded by Marchese to approve the refund of calculations to Michael Taylor.

Motion passed.

**NO OBJECTIONS**

**CHANGE OF BENEFICIARY**

Wilmont Shows, Wilfred Argeanion, Jr., Arron M. DeGruy, Sr., Nels Abrams, Adam Owens, Dominic Signorelli, and Corey Williams, Sr. have submitted beneficiary forms.

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

None

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

None

**DROP WITHDRAWALS**

None

**REGULAR RETIREMENT APPLICANTS:**

None

**DROP APPLICATIONS:**

**Ronald G. Fiorello:** New Fund Fire District Chief, Age 54 with over 22 years of creditable service is applying for DROP effective February 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. Ronald G. Fiorello effective February 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

**NO OBJECTIONS**

**Robert G. Tourres:** New Fund Fire Captain, age 59 with over 30 years of creditable service is applying for DROP effective February 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. Tourres effective February 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

**NO OBJECTIONS**

**Phil S. LoCicero:** New Fund Fire Operator, age 59 with over 21 years of creditable service is applying for DROP effective February 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. LoCicero effective February 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

**NO OBJECTIONS**

**Joseph Bennette:** New Fund Fire Captain, age 50 with over 24 years of creditable service is applying for DROP effective March 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. Bennette effective March 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year

beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

**Henry J Vanderbrook, III:** New Fund Fire Operator, age 53 with over 30 years of creditable service is applying for DROP effective April 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a DROP application for Mr. Vanderbrook effective April 1, 2017 with a regular retirement benefit in accordance with all conditions of RS 11:3384 to be calculated at 2 ½% for all years of service until he has reached 50 years of age; and 3 1/3% for all years of service and any portion of a year beyond 12 years of service and 50 years of age; If he has beyond 30 years of service the retirement benefit for each year or portion of a year beyond 12 years of service shall be 3 1/3%.

Motion passed.

NO OBJECTIONS

## REPORTS OF DEATHS

### Pensioners:

**John W. Umbach:** died at the age of 71 on January 15, 2017 with no widow and no minor children. He entered the department on August 13, 1967 and provided 28 years of service. retiring on February 29, 1996. He spent 20 years on pension.

**Stanley Gauthreaux** died on December 22, 2016 at the age of 70, leaving a widow and no minor children. He entered the department on October 5, 1969 and retired on December 7, 2005 after serving 36 years. He spent 11 years on pension.

**Ronald P. Leblanc** died on January 22, 2017 with no widow and no minor children. He entered the department on July 28, 1967 and retired on January 8, 1995 after 36 years of service. He spent 22 years on pension.

### Widows

**Shirley Schultz** died on January 18, 2017. Her benefits began on December 1, 2010. She was 81.

**Audrey Crimmins** died on January 21, 2017 at the age of 95. Her benefits began on July 1, 1974. She spent 42 years on benefits.

**Marie S. Herty** died on January 4, 2017 at the age of 88. Her benefits began on November 1, 1996.

**MOTION:** Moved by Gaal and seconded by Marchese to remove the above noted members and widow from the rolls.

Motion passed.

NO OBJECTIONS

**WIDOW'S APPLICATIONS**

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

Motion passed.

**NO OBJECTIONS**

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

Motion passed.

**NO OBJECTIONS**

**Mrs. Gola Lee Tometich (Stanley Gautreaux):** is applying for a non-duty death benefit effective January 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a Non-Duty Death Benefit retroactive to January 1, 2017 for Mrs. Tometich..

Motion passed.

**NO OBJECTIONS**

**Mrs. Linda Sortino (Vincent)** is applying for a Line of Duty Widow's benefit effective January 1, 2017.

**MOTION:** Moved by Meagher and seconded by Lavene to approve a Non-Duty Death Benefit retroactive to January 1, 2017 for Mrs. Daray, deny the Line of Duty benefit and notify the applicant of her right to appeal the decision.

Motion passed.

**NO OBJECTIONS**

**APPLICATIONS PENDING**

The appeal hearing for Don Houston will take place immediately following the regular Board meeting.

**FINANCIAL INFORMATION**

Board members were provided with key financial revenue and disbursement figures for the New and Old system for January 2107.

**OLD BUSINESS:**

**Update on request to access to firefighter payroll data from Finance**. Mitchell noted that this request would provide the same access to firefighter payroll information that NOMERS receives for its members from Finance. Foster was not available for this meeting.

**SEB information request update** The Fund has requested that McConnell provide SEB payment information to them. McConnell was provided with member waiver forms earlier this year. McConnell did not attend this meeting.

**NEW BUSINESS:**

**Dr. Lutz Medical retainer:** Mitchell noted that Dr. Lutz requested a retainer of \$1500 per month in October. The Board approved a \$1300 per month retainer at that time. Staff is requesting that the retainer be approved to \$1500 retroactive to October. Discussion followed on the quality and timeliness of service being provided by Dr. Lutz.

**MOTION:** Moved by Gaal and seconded by Marchese to approve increasing the retainer to \$1500 effective October 1, 2016.

Motion passed.

**NO OBJECTIONS**

**OLD Fund Appropriation:** Meagher noted that the appropriation requested by the Fund and the amount remitted to the Fund is adjusted monthly by McConnell. He is seeking a legal reason for the adjustment. McConnell did not attend the meeting. This item will appear on the next agenda.

Meagher requested that Lakewood matters be added to the agenda. Gaal noted that Donald Shultz would also like to address the Board.

**MOTION:** Moved by Marchese and seconded by Gaal to add the Lakewood and Shulz matter to the agenda.

Motion passed.

**NO OBJECTIONS**

**Lakewood:** Meagher noted that Lakewood Golf has incurred certain capital and operating costs related to the sewer line repairs. Lack of play has also reduced cash flow which has resulted in the need for \$40,000 in additional cash infusion to the organization. Meagher noted that Lakewood borrowed \$100,000 late last year from Falconhead for short term cash needs and cannot repay this balance in the near future.

**MOTION:** Moved by Meagher and seconded by Gaal to approve the payment of \$40,000 to Lakewood for sewer repairs and operational needs.

**Motion passed.**

**NO OBJECTIONS**

**Donald Schulz**, a retired fireman, noted that he has appeared before the Board requesting a forensic audit of the Golf course a few years ago. He feels a decision on moving forward with the audit was delayed due to the longevity litigation and millage tax proposals. Mr. Schulz was reminded that members of the Board address all matters of impropriety when that evidence was presented to them. There has been no delay in addressing impropriety by this Board. Mr. Schulz has failed to provide any evidence to the Board that would require resolution through a forensic audit or any other method. Mr. Schulz agreed to bring evidence to Mr. Meagher.

**LEGAL:**

Mr. Robein led the discussion on the following:

- Meagher and Robein noted that several active members have asked the Fund to consider giving active members the opportunity to revoke their DROP election as a result of the recent court decision. Active members have noted that they would not have entered DROP if they were subject to the calculations determined under the recent District Court's decision. The proposal being considered would undo the DROP completely and start DROP anew. Members electing to revoke the DROP decision would have to pay employee contributions for periods not in DROP. Robein provided the Board with a draft resolution which will be discussed at the next meeting.
- Motion for a new trial on the alternative interpretation was heard on December 15, 2016 seeking clarification on the reach of retirees affected by the decision. A new trial was denied, with the Judge noting that her decision was clear. The Judge has agreed to a suspensive appeal, which the City has appealed. Robein noted that the Fund has elected to move forward with implementing the judgment. The decision of the District Court has been appealed by the Fund.
- 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 City attorneys, except for pending claim for alternative interpretation and SEB offsets.
- The District Court upheld the Fund's position on SEB offsets. The City can appeal the decision. Segretto, Noya et. al have filed suit objecting to the disability date approved by the Board.
- There has been no activity in the Mischler matter. Abatement period extends for three years after the last legal action.

- A hearing in the Lakewood matter granted the dismissal of discrimination claims. Plaintiff has to prove to the courts its claim for retaliation before a decision on dismissal of this claim by the Judge is reached.

**ADJOURNMENT**

There being no further business the meeting adjourned at 11:45.

**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. Meyers DATE: 3/9/17