

# **NEW ORLEANS FIREFIGHTERS' PENSION AND RELIEF FUND**

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**Martin Gaal  
Board President**

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

**SUBJECT:**

**Board of Trustees Regular Meeting  
Firefighters' Pension & Relief Fund**

**TIME, DATE AND PLACE:**

**Aug 9, 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, Nick Lavene, Timothy McConnell and Derrick Muse. Beverly Gariepy was absent.**

**Also present**

**Pam Meyer**

**Paul Mitchell**

**Louis Robein, Board Attorney**

**Jon Bialas, active firefighter**

**Bob Tarcza, Board Attorney**

**Jon Breth, Consultant**

**A quorum being present, Board President Martin Gaal called the meeting to order at 10:05 a.m.**

## **COMMUNICATIONS**

Beverly Gariepy informed the Board that she would not attend the meeting.

**REVIEW AND ACCEPT MINUTES**

**MOTION:** Moved by Meagher and seconded by Lavene to approve the July Regular Board minutes.

Motion passed.

**NO OBJECTIONS**

Mr. Meagher noted that Bob Tarcza was on hand to provide an update to the Board regarding discussions with the FDIC. The Board would need a motion to take items on the agenda out of order and another motion to go into executive session.

**MOTION:** Moved by Meagher and seconded by Gaal to take items out of order to discuss legal matters relating to the FDIC.

Motion passed.

**NO OBJECTIONS**

**MOTION:** Moved by Meagher and seconded by Gaal to go into executive session to discuss legal matters relating to the FDIC.

Motion passed.

**NO OBJECTIONS**

**MOTION:** Moved by Gaal and seconded by Marchese to come out of executive session.

Motion passed.

**NO OBJECTIONS**

Regular order of business resumed at 11:00 am.

**REFUND OF CONTRIBUTIONS**

None

**CHANGE OF BENEFICIARY**

Louis Galiano and John Von Hoven, Jr completed change of beneficiary forms.

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

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

Motion passed.

**NO OBJECTIONS**

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

**Motion passed.**

**NO OBJECTIONS**

**Ryan j. Burlett.**: New Fund Fire Fighter, age 38 with 15 years of service is applying for a 50% Service Connected Disability effective August 24, 2017.

**MOTION:** Moved by Meagher and seconded by Gaal to approve a 50% Service connected disability calculated at 50% of his last month's salary for Mr. Burlett effective August 24, 2017.

**Motion passed.**

**NO OBJECTIONS**

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

**None**

**APPLICATIONS TO REVOKE DROP**

The following member has elected to revoke their earlier decision to enter DROP:  
Gustave Ysaguire.

**MOTION:** Moved by Meagher and seconded by Lavene to approve the applications to revoke DROP for the individual listed.

**Motion Passed.**

**NO OBJECTIONS**

**DROP WITHDRAWAL** effective June 30, 2017

**Kevin Williams** is requesting termination of his DROP period due to retirement.

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

**Motion passed.**

**NO OBJECTIONS**

**REGULAR RETIREMENT APPLICANTS:**

**Kevin Williams** New Fund Fire Educational Officer, age 53 with 17 years of service is applying for a Regular Service pension effective July 28, 2017.

**MOTION:** Moved by Meagher and seconded by Marchese to approve a Regular Service Pension benefit calculated at 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 shall be 3 1/3% up to 100% of the member's average annual compensation.

Motion passed.

NO OBJECTIONS

### DROP APPLICATIONS

**Gustave Ysaguire:** New Fund Fire Captain, age 61 with 38 years of service is electing to start DROP effective January 1, 2013

**MOTION:** Moved by Meagher and seconded by Lavene to approve the DROP application for Mr. Ysaguire effective January 1, 2013 with benefits for periods beginning January 1, 2017 calculated at 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 shall be 3 1/3% up to 100% of the member's average annual compensation, and for periods prior to January 1, 2017 the benefit is calculated at 2 ½% of the member's average annual compensation for the member's first 12 years of service and at 3 1/3% for each year or portion of a year beyond 12 years of service. If the member has beyond 30 years of service the retirement benefit for each year or portion of a year shall be 3 1/3% up to 100% of the member's average annual compensation

Motion passed.

NO OBJECTIONS

**Theodore A. Kreger, Jr.:** Mr. Kreger, a New Fund operator, age 58 with 28 years of service, is applying to enter DROP effective August 1, 2017.

**MOTION:** Moved by Meagher and seconded by Marchese to approve a DROP Pension benefit effective July 1, 2017 calculated at 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 shall be 3 1/3% of the member's average annual compensation up to 100% of the member's average annual compensation.

Motion passed.

NO OBJECTIONS

**REPORTS OF DEATHS**

**Pensioners:**

**Lester Guillette:** Mr. Guillette died on July 24, 2017, leaving a widow and no minor children at the age of 79. He entered the department on July 18, 1960 and retired on January 17, 1987, after 26 years of service. He received benefits for 30 years.

**Widows:**

**Caroline Davis** died on July 17, 2017 at the age of 81. Her benefits began on January 1, 1995. She received benefits for 22 years.

**Cielle Drouant** died on July 12, 2017 at the age of 67. Her benefits started effective July 1, 2009. She received benefits for 8 years.

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

Motion passed.

**NO OBJECTIONS**

**WIDOW'S APPLICATIONS**

None

**APPLICATIONS PENDING**

None

**FINANCIAL INFORMATION**

Board members were provided with key financial revenue and disbursement figures for the New and Old system for July 2017.

**OLD BUSINESS:**

**SEB payment history request:** McConnell noted that he expects to meet with the new workmen's compensation provider shortly. He will update the Board at that time.

**Old System Reserve:** Meagher reminded the Board that the Old System's reserves will be depleted at year end. Without a reserve benefit payments to the Old Fund members could be missed or delayed if the appropriations are not received timely from the City. He noted that Norman Foster considered returning a reserve amount to the Old Fund earlier this year and asked that efforts be made to consider placing a reserve back in the Old Fund. Ms. Gariepy was not at the meeting.

**FNBC Loans:** Meagher noted that meetings continue with the FDIC. The matter was discussed in executive session.

### **NEW BUSINESS:**

**2017 Board elections:** The Board was informed that current elected members were unopposed. A special meeting will be held on August 24, 2017 to seat the elected members.

**Fiduciary insurance coverage:** Meyer noted that each Board member should make a check payable to the Fund for \$25 for waiver of recourse coverage under the Fund's fiduciary insurance policy.

**Information for life insurance:** Staff has confirmed life insurance coverage for certain members who retired disabled. City Hall representatives have refused to provide members of the fund with a listing of persons covered under this policy citing privacy issues.

### **LEGAL:**

Mr. Robein led the discussion on the following:

- There has been no response from the City Attorney on the applicable accrual rates for NOFF reinstatements/rehires.
- There has been no activity in the Mischler matter. Abatement period extends for three years after the last legal action. Case will not go forward until filing fees are paid.
- The appeal to the alternative interpretation was filed during April. Oral arguments are scheduled on September 12, 2017.
- The Lakewood matter is set for mediation in October.
- The 2010 consent Judgement requires no action as funding is in place. The City has not dismissed the 2012 action, which was resolved as well. This item should be taken off the agenda.
- Member SS benefits are not subject to offsets because of longevity payments. Social Security regulations provide for a windfall elimination provision exception for back pay awards. The Robein Law firm is handling social security offset matters related to longevity payments for members.

**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. Mergenthaler Date: 9/14/2017