

DEPARTMENT OF CITY CLERK

CITY HALL

SEPTEMBER 17, 2003

The Retirement Board of the Employees' Retirement System meets this day at 10:30 o'clock A.M., in the Conference Room, Third Floor, City Hall.

PRESENT: Chairman Pasquale T. D'Amico, Pasquale Grieco, Brian Jackvony, Edward J. Maroney and Dr. Melvin Hershkowitz, Carla Dowben – 6.

ABSENT/EXCUSED: Mayor David N. Cicilline, Vice-Chairwoman Betty J. Jackson, Daniel J. McCarthy, Joseph L. Chiodo and Councilman Kevin Jackson – 5.

ALSO PRESENT: Also present are Edward J. Lynch, Jr., Pension Administrator, Kenneth Chiavarini, Assistant City Solicitor, Law Department, Claire E. Bestwick, First Deputy City Clerk and Jennifer L. Emidy, Assistant Clerk.

(Subsequently Vice-Chairwoman Betty J. Jackson, and Joseph L. Chiodo join the meeting)

1. Approval of Minutes: May 2003, June 2003 and July 2003

MR. GRIECO: I so move.

MRS. DOWBEN: I second.

On motion of Mr. Greico Seconded by Mrs. Dowben, it is voted to approve the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

2. Disability Committee Report: Dr. Guy Geffroy, Medical Advisor Closed Session: RIGL 42-46-4 and RIGL 42-46-5 (a) (1) (Specific to discussion regarding physical or mental health of a person).

- a. Hope Varone – Accidental Disability
- b. Donald Pease – Accidental Disability
- c. Daniel Salzillo – Accidental Disability
- d. James Gaspar – Accidental Disability
- e. Donna Lancellotti – Accidental Disability

f. John Reddington – Accidental Disability

g. John Choinire – Ordinary Disability

MR. CHIAVARINI: I would do one at a time.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue
Hope Varone-Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue
Donald Pease-Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue
Daniel Salzillo- Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue
James Gaspar- Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue
Donna Lancellotti- Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

On motion of Mrs. Dowben, seconded by Mr. Grieco, it is voted to continue John Reddington- Accidental Disability.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

MR. JACKVONY: Mr. Choinire is here and is applying for an ordinary disability. It was granted on a 2-0 vote to approve the ordinary disability and I am looking for a motion to grant.

On motion of Dr. Hershkowitz, seconded by Mrs. Dowben it is voted to approve the forgoing Ordinary Disability by a Roll Call Vote:

Roll Call:

Mayor Cicilline – Absent
Chairman D'Amico-Aye.
Vice-Chairwoman Jackson-Absent.
Mr. Grieco-Aye.
Mr. McCarthy-Absent.
Mr. Jackvony-Aye
Mr. Chiodo-Absent.
Mr. Maroney-Aye.
Dr. Hershkowitz-Aye.
Mrs. Dowben-Aye.
Councilman Jackson-Absent.

CHAIRMAN: Motion carries.

3. Invoices for Payment:

- a. **Medical Consultant - None**
- b. **Attorney Skolnik - None**

4. Loans Approved:

Total number of loans since last Board Meeting: 69
Total amount of loans since last Board Meeting: \$280,250.00

MR. GRIECO: I make a motion.

CHAIRMAN D'AMICO: Do I have a second?

MR. JACKVONY: Second.

On motion of Mr. Grieco, seconded by Mr. Jackvony it is voted to approve the forgoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

5. Purchase of Service:

a. **Dennis Salema – Water Supply Board - Continuous Temp Time – 9 months, 18 days - \$2,651.42 - Make up Contributions – 2 months, 11 days - \$671.94.**

b. **Nicholas T. Meola – Public Works - Continuous Temp Time – 1 year, 8 months, 19 days - \$4,604.29 – Make up Contributions – 1 month, 18 days - \$335.72.**

c. **Kenneth Simoneau – Police Department– Military Time – 3 years - \$6,852.03.**

d. **Gina Fedele – Public Safety – Continuous Temp Time – 2 years, 2 months, 14 days - \$3,589.27.**

e. **Joseph Agugiaro – Public Works – Continuous Temp Time – 1 month, 20 days-\$720.18.**

MR. LYNCH: This was submitted for informational purposes, all those in order.

CHAIRMAN D'AMICO: Do I have a motion to grant?

MR. GRIECO: I make the motion.

CHAIRMAN D'AMICO: Do I have a second.

MR. JACKVONY: I second it.

On motion of Mr. Grieco, seconded by Mr. Jackvony it is voted to approve the forgoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

6. Service Retirements:

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- A. Maximum: None**
- B. Option I: None**
- C. Option II: None**
- D. Option III: None**
- E. Option IV: None**

MR. JACKVONY: Last month we talked about checking on someone's service retirement coming to question.

MR. CHIAVARINI: It is my understanding that information was provided to a Board Member and it seemed to be that the information that the Board Member had gotten was inaccurate and the situation has been remedied.

MR. LYNCH: Mr. McCarthy isn't available, the retirement was based on the pay that it should have been. As far as service retirements we will have them available for next month, we have not done the payroll because the meeting is so early this month.

7. New Business:

A. Ad-Hoc Committee Regarding 18 Month Rule for Accidental Disability Applicants – Councilman Kevin Jackson

MR. LYNCH: Regarding an 18 month rule for Accidental Disability applicants-Councilman Jackson.

MR. MARONEY: Motion to continue.

MR. GRIECO: Second.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

B. Investment Sub-Committee – Daniel McCarthy

MR. MARONEY: Motion to continue.

MR. GRIECO: Second.

On motion of Mr. Maroney, seconded by Mr. Grieco, it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

C. Forensic Audit Request To City Council – Edward Maroney.

MR. MARONEY: That seems to be going no where. Can we have this Board put a request to the City Council to see if they....

CHAIRMAN D'AMICO: I think we already did that.

MS. DOWBEN: We did that.

MR. JACKVONY: We did that last month. You said that if we fund it would it be approved.

MR. MARONEY: Are we waiting for a decision from the Solicitor?

MR. CHIAVARINI: I am still, I will have that next month.

MR. MARONEY: Okay. Continue it.

MR. GRIECO: Second.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The “Ayes” have it.

D. Chief Joseph Scolardi's Pension – Edward Maroney

MR. MARONEY: Continue that we have an attorney going into court to get parents declared.

MR. GRIECO: Second.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

E. Immediate Appointment by the City Solicitor of an Independent Hearing Officer for Revocation and/or Suspension of the Pension Benefits of Vincent A. Cianci, Jr. – Carla Dowben

MS. DOWBEN: I move that we continue it.

MR. GRIECO: Second.

On motion of Ms. Dowben, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

F. Discussion Relative to Members of the Providence Police and Fire Departments that Retired Between December 20, 1991 and June 30, 1992 Not Receiving Colas – Edward J. Maroney.

MR. MARONEY: I am going to continue.

MR. GRIECO: I second.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

G. Request For Information Relative to 87 Members Receiving A 6% Cola – Edward J. Maroney

MR. MARONEY: I continue it.

MR. GRIECO: I second it.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

H. Change From Ordinary Pensions to Disability Pensions for Arthur Carmichael and Russell Salisbury Under Rhode Island Law Chapter 227, 84-H, 7573, Section 9 – Edward J. Maroney

MR. MARONEY: I am going to remove this from the calendar.

MR. LYNCH: Thank you.

MR. GRIECO: I second.

CHAIRMAN D'AMICO: Motion to remove.

On motion of Mr. Maroney, seconded by Mr. Grieco it is voted to remove the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

I. Discussion Relative to Medical Records for Disability Applicants Not Being Processed In A Timely Manner – Brian Jackvony.

MR. JACKVONY: I need to set up, as the Medical Sub-Committee Chairman I will be calling a meeting and I just need to coordinate it with Dr. Hershkowitz and Betty Jackson, it will probably be taking place over the next couple of week. Move to continue.

MR. GRIECO: Second that.

On motion of Mr. Jackvony, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

J. Discussion Relative to the Accidental Disability Application of Karen Germain – Retirement Office.

MR. LYNCH: It is requested to be continued.

MR. JACKVONY: I make the motion.

MR. GRIECO: I second.

On motion of Mr. Jackvony, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

MS. DOWBEN: Can I just ask a question what is going on with the item I don't understand?

MR. LYNCH: Her attorney called and requested the continuance.

MS. DOWBEN: Is she the one who maybe wasn't working full time.

MR. CHIAVARINI: If I may, she wasn't part of the retirement system when she was injured. The opinion that I had written to her attorney via a letter was that she would not qualify for any of the disabilities under the retirement act. Her attorney had different information provided to her that she was working and the records may be wrong. It is just taking some time for him to do the research.

MS. DOWBEN: Thank you.

K. Status Of Disability Pension Applicants who Refuse Potentially Curative Treatment – Dr. Melvin Hershkowitz.

DR. HERSHKOWITZ: I would like to keep this on the agenda please. I anticipate that we are going to be faced with more and more applications where this will be pertinent. We are going to need some definitive help from the legal department, and the Mayor's Office. Let's please keep that on.

CHAIRMAN D'AMICO: You made that motion?

DR. HERSHKOWITZ: Yes.

MR. GRIECO: Second it.

On motion of Dr. Hershkowitz, seconded by Mr. Grieco it is voted to keep the foregoing matter on.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

L. Updated List of Medical Doctors – Brian Jackvony

MR. JACKVONY: I spoke with Dr. Hershkowitz and he provided me with a copy of the directory of members of the Rhode Island Medical Society. We are running short on a list of doctors. We can move to adopt this so we can get the names from this booklet.

CHAIRMAN D'AMICO: That comes under Personnel.

MR. CHIAVARINI: You can make the recommendation. You can forward that over to Sybil Bailey but I think that she is the one entrusted with complying that list.

MS. DOWBEN: At this point since I was curious about it. You can not use the whole state list of Doctors as the referral. We had a problem before and we wanted to be sure that we had Doctors who were unbiased and not involved with any of the members. We have had this problem before and it was well known that X, Y, and Z Doctors were the ones that you went to if you wanted somebody to say you were accidentally disabled, which is why we went back and met. I believe my husband did, you did, several people went and talked to the Dean at the Medical School to be sure that we can get people who were outside as consultants. I realize people have retired, they don't want to do it. I think a re-visitation rather than a whole state list. This is asking in a certain sense for potential difficulties. I am not saying that it will happen, but it doesn't take long for the word to get out. Who will be favorable and who won't.

CHAIRMAN D'AMICO: The problem is they are running out of Doctors.

MS. DOWBEN: Well I realize that but if we can revisit the situation with Brown Medical School, Roger Williams, and other places to see if they have specialist available. I really don't wish to have a recurrence of what was very difficult and embarrassing to this Board I might add.

MR. JACKVONY: Naturally it has been an ongoing problem that we are faced with and pretty much the list is depleted.

MS. DOWBEN: That is not to say that....this is now five years later to say that it can not be revisited in terms of who will be considered by the Doctors involved, our consultant and Dr. Hershkowitz or anybody else. A visitation with people who might be in a position to make referrals. At the time the Medical School needed the money, they still would like that specialist. All I am saying is we can re expand the list again.

MR. JACKVONY: We can continue this and discuss it.

CHAIRMAN D'AMICO: Do I have a second.

MR. GRIECO: I will second it.

On motion of Mr. Jackvony, seconded by Mr. Grieco it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

M. Request of Mr. Jerue for payment for special knee braces – Edward J. Maroney.

MR. MARONEY: Kenny you said that the Board does not have the authority.

MR. CHIAVARINI: Under the Ordinance and under other Retirement Ordinances I could not find any authority for the Board to grant this request even though I guess two or three months ago the Board did. This is something that the administration would have to overrule. Blue Cross would deny Mr. Jerue his

benefits. I shouldn't say denied the benefits, denied the purchase of these additional braces.

MR. MARONEY: Okay I just want to point out in the May minutes on page 35 it says Medical Payment for Thomas Vincent for \$100.00 dollars. Tommy D'Amico said that is the same thing, he was injured at work at Public Works I don't know how many years ago. Once in a while he runs into a bill like this, so we might as well pay this one. It was approved. It was paid. Page 35 of the May meeting. If it is good for one it is good for the other.

MR. LYNCH: That was approved by the Board years ago, before my time.

CHAIRMAN D'AMICO: Oh yeah.

MR. CHIAVARINI: I will look into it with Mr. Lynch.

CHAIRMAN D'AMICO: Are you going to continue this.

MR. MARONEY: Yes please. I know Mr. Jerue has attained an attorney now to sue and get this.

MR. JACKVONY: I will second it.

On motion of Mr. Maroney, seconded by Mr. Jackvony it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

N. Request of Mike Borcuk for payment of bills – Edward J. Maroney.

MR. MARONEY: Eddy do you have the bills, did they send them to your office?

MR. LYNCH: I do have copies of those.

MR. MARONEY: I haven't gotten them. After the meeting will you give me a copy, maybe suggest that I go to Vinny up at the Police Department.

MR. CHIODO: Shouldn't they ultimately go to Personnel because Personnel is the one that has to authorize the bills Ed not you.

MR. MARONEY: Anthony Vescera is who I have to go to.

MR. CHIODO: Any bill processing has to go through Personnel now. I am just trying to help you that is all.

MR. MARONEY: That is something that is twenty-five years old.

MR. CHIODO: Whatever, it has to go through Personnel to authorize it. Eddy can't do anything with it. He can do one of two things he can sit with it and do nothing with or he can sit with it and say I got it. He can not do anything with it.

MR. MARONEY: I make a motion to continue.

MR. GREICO: I second.

On motion of Mr. Maroney, seconded by Mr. Greico it is voted to continue the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

O. Adoption of Actuarial Report – Joseph L. Chiodo

MR. CHIODO: I just handed it out last week. It was two adjustments, and if you had any questions or concerns I obviously can bring somebody here. On that not the gentlemen who did the Actuary Report I don't know if you are aware of it or not, we should probably do something. He was fifty-one years old Mr. Mitch Barlus he just recently passed away. He had stage four lung cancer the last time he was here. He was being treated at Dana Farber and it is a horrible disease. He was a nice gentleman, fine man, intelligent man.

MR. MARONEY: What would you suggest Joe?

MR. CHIODO: Maybe we can send something to the either the Finance Committee from the Retirement Board. If I get his address for his house just his condolences or something.

MS. DOWBEN: At least a card of sympathy.

MR. CHIODO: Maybe in the form of a Resolution or whatever we can do.

MR. MARONEY: I motion to have Joe's request honored.

MR. GREICO: I second the motion.

MR. CHIODO: About eight or ten days, cancer at fifty-one.

MR. MARONEY: You get it.

MR. CHIODO: Anyway we are going to have a new man on the account by the name of Mr. Sherman and he has been here before me and Ed. He is going to hopefully come down and put a face to Buck Consultants as the head guy. I know he wants to come down and meet Mr. Simmons. Eventually he will come in front of this Board. Mitch is no longer with us unfortunately.

On motion of Mr. Maroney, seconded by Mr. Greico it is vote to adopt the foregoing matter.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

P. Discussion concerning the Moise case litigation – Law Department.

MR. CHIAVARINI: I would ask that the Board go into Executive Session because this matter concerns current litigation pending at the Supreme Court and at Superior Court.

MR. JACKVONY: I make a motion.

MS. DOWBEN: Second.

On motion of Mr. Jackvony, seconded by Ms. Dowben it is voted to enter into Executive Session pursuant to Rhode Island General Law 42-46-4 and Rhode Island General Laws 42-46-5 (a) (1), by the following Roll Call Vote:

ROLL CALL:

Mayor Cicilline-Absent.
Chairman D'Amico-Aye.
Vice-Chairwoman Jackson-Absent.
Mr. Grieco-Aye.
Mr. McCarthy-Absent.
Mr. Jackvony-Aye.
Mr. Chiodo-Aye.
Mr. Maroney-Aye.
Doctor Hershkowitz-Aye.
Mrs. Dowben-Aye.
Councilman Jackson-Absent.

EXECUTIVE SESSION

RECONVENTION

On motion of Dr. Hershkowitz, seconded by Mrs. Dowben it is voted to reconvene into open session, by the following Roll Call Vote:

Roll Call:

Mayor Cicilline-Absent.
Chairman D'Amico- Aye.
Vice-Chairwoman Jackson-Aye.
Mr. Grieco-Aye.
Mr. McCarthy-Absent.
Mr. Jackvony- Aye.
Mr. Chiodo-Aye.
Mr. Maroney-Aye.
Dr. Hershkowitz-Aye.
Mrs. Dowben- Aye.
Councilman Jackson-Absent.

MRS. DOWBEN: Mr. Chairman I make a motion that we adopt the recommendation of the legal department. That we agree to the order proposed by the Supreme Court.

DR. HERSHKOWITZ: I will second it and I would like to add if I may comment that this Board if I can speak for other members unanimously expresses its dismay and disappointment at this recommendation and if we approve it is very reluctant.

September 17, 2003

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On motion of Mrs. Dowben, seconded by Dr. Hershkowitz, it is voted to approve the forgoing matter by a Roll Call Vote:

Roll Call:

Mayor Cicilline-Absent.
Chairman D'Amico- Nay.
Vice-Chairwoman Jackson-Aye.
Mr. Grieco-Aye.
Mr. McCarthy-Absent.
Mr. Jackvony- Abstaining.
Mr. Chiodo-Aye.
Mr. Maroney-Abstaining.
Dr. Hershkowitz-Aye.
Mrs. Dowben - Aye.
Councilman Jackson-Absent.

CHAIRMAN D'AMICO: Motion passes.

On motion of Mr. Grieco, seconded by Mrs. Dowben, it is voted to Seal the Minutes of Executive Session.

CHAIRMAN D'AMICO: All in favor.

COMMITTEE: Ayes.

CHAIRMAN D'AMICO: Opposed? The "Ayes" have it.

ADJOURNMENT: On motion of Mr. Grieco, seconded by Mrs. Dowben it is voted to adjourn the meeting at 11:15 o'clock a.m.



FIRST DEPUTY CITY CLERK



ASSISTANT CLERK