

DEPARTMENT OF CITY CLERK

CITY HALL

AUGUST 24, 1989

The Retirement Board of the Employees' Retirement System meets this day at 10:00 o'clock A.M. in the Chamber of the City Council, City Hall.

Present: Vice-Chairman Bissonnette, Class "A" Representatives McCrink and D'Amico, Class "B" Representative Landi, Class "A" Representative Retired Mendillo, Class "B" Representative Retired McDonald, Councilman Dillon, Miss Lincourt and Mr. Simmons, Designee of Mayor Paolino - 9.

Absent: Class "B" Representative Power and Mr. Quattrocchi - 2.

Also present is Richard Peirce, Legal Counsel, Dr. Guy Geffroy, Medical Advisor, and Edward Lynch, Pension Administrator.

(Helen Gibbons-Vieluf, Assistant Clerk and Rose M. Mendonca, Clerk). Also present is Attorney Hawkins and David B. Casten Representing Peat Marwick.

TREASURER'S REPORT.

The Treasurer's Report is presented, showing the amount to the credit of the Employees' Retirement System of the City of Providence at the close of business on August 22, 1989:

TREASURER'S REPORT

Mayor Joseph R. Paolino, Jr., Chairman  
Employee's Retirement System  
City of Providence  
Providence, RI

Dear Chairman:

This is to certify that the amount of credit to the City or Providence Employee's Retirement System is as follows:

Cash Available as of August 22, 1989	\$266,394.05
Repurchase Agreement	\$3,200,000.00
Accounts Receivable FYE 1988	\$6,564,082.68
Loans Receivable as of 7/28/89	\$6,623,345.90
TOTAL:	<u>\$16,653,822.63</u>

NEW ENGLAND TRUST COMPANY 7/31/89

Cash Equivalent at Market Value	\$2,002,828.00
Government & Agencies	\$19,733,122.00
Corporate Obligations at Market Value	\$9,884,445.00
Total Common Stock at Market Value	\$23,504,537.50
Principal Cash	\$2,109,100.30
TOTAL:	<u>\$57,234,032.80</u>

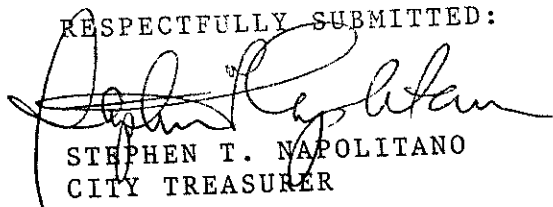
AUGUST 24, 1989

<u>FLEET NATIONAL BANK 7/31/89</u>	
Short Term Investment Income at M.V.	\$296,437.91
Short Term Investment Principal at M.V.	\$4,974,043.58
Government Securities & Bonds at M.V.	\$60,616,198.72
Notes & Mortgages	\$365,224.31
Stocks	\$70,834,962.50
Miscellaneous	10.00
Cash	\$4,847,650.00
	TOTAL: <u>\$141,934,527.02</u>

<u>RHODE ISLAND HOSPITAL TRUST 7/31/89</u>	
Short Term Investment Income at M.V.	\$30,995.99
Short Term Investment Principal at M.V.	\$924,096.60
Bonds	\$2,305,841.75
Stocks	\$2,816,350.00
Cash	\$574.50
	TOTAL: <u>\$6,077,858.84</u>

GRAND TOTAL: \$221,900,241.29

RESPECTFULLY SUBMITTED:



STEPHEN T. NAPOLITANO  
CITY TREASURER

On motion of Mr. Mendillo, seconded by Miss Lincourt,  
it is

VOTED: That the City Treasurer's Report is Approved  
as Printed.

INVESTMENT OF FUNDS - FLEET NATIONAL BANK.

Mr. Harold A. MacKinney, Executive Vice-President of  
Fleet National Bank is present this day for discussion and  
states as in communication dated August 18, 1989:

"I am enclosing a program with a recommendation to make a  
small change in the City's Retirement Plan.

As of July 31 the market value of the portfolio is at \$141  
million, which represents an all-time high--up \$10 million  
since June 30, 1989. The common stocks in the portfolio con-  
stitute exactly 50% of the total holdings, which is in  
line with the directions given by the Retirement Board.

The stock market is continuing to act well in 1989, although for  
the remainder of the year, we are not looking for any further  
substantial increased in value. My program suggests the sale of  
one-quarter of the holdings of IBM. The stock has not been a good  
performer in 1989, and with the intense competition that exists in  
the technology world, it is difficult to predict that IBM is  
going to grow more rapidly in overall corporate profits. We have  
a large profit in the current holding of approximately 270,000, and  
I would be comfortable using the money as short-term reserve."

Accordingly, on motion of Mr. Mendillo, seconded by  
Councilman Dillon, it is

VOTED: That Fleet National Bank be authorized as the  
Investment Agent for the Retirement Board of  
the Employees' Retirement System for the following  
sales as outlined below, same being as submitted  
and recommended by its Agent in communication

AUGUST 24, 1989

dated August 18, 1989:

<u>SELL AMOUNT</u>	<u>DESCRIPTION</u>	<u>INT. OR DIV'D.</u>	<u>COST</u>	<u>NOW HELD</u>	<u>PRICE</u>	<u>APPROXIMATE VALUE</u>	<u>INCOME</u>
5,000	IBM	4.84	(305,000)	(20M)	115	575,000	24,200

(CAPITAL GAIN=\$270,000)

Mr. MacKinney is excused at this time.

INVESTMENT OF FUNDS - NEW ENGLAND TRUST COMPANY.

Mr. Ernest R. Famiglietti, President of New England Trust Company is present this day for discussion and states as in communication dated August 18, 1989:

"During the past month the economy has continued its expansion at a somewhat stronger pace than many observers had expected. Employment figures in recent months have consistently been revised upward from preliminary estimated levels, bringing the total jobs created for the first six months of the year to 244,000 on average, a surprisingly good performance.

Interest rates have generally continued the decline which began in late March. For example, a package of one, three, five and ten year U.S. Treasury Notes which in the week ended July 14, sold to yield 7.98 percent, yielded 7.71 percent in the most recent week; during the same period the thirty year bond declined in yield from 8.09 to 7.91 percent.

Monetary policy has eased modestly during the past two months, but there are few if any signs that the Federal Reserve has the intention of flooding the system with money and credit; so some consolidation of the bond rally is a reasonable expectation in the months ahead.

The stock market as measured by the Standard & Poor's 500 Stock Index, has continued its rally during the past month, moving up just over 6 percent to 344.74, 31 percent above its level of a year ago. Based on projected 1990 earnings, the Standard & Poor's Index has a price/earnings ration of 13.5 percent and yields 3.1 percent".

Accordingly, on motion of Mr. Mendillo, seconded by Councilman Dillon, it is

VOTED: That New England Trust Company be authorized as the Investment Agent for the Retirement Board of the Employees' Retirement System for the following sales and purchases as outlined below, same being as submitted and recommended by its Agent in communication dated August 18, 1989:

<u>SELL:</u> <u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>INT. OR DIV'D.</u>	<u>COST</u>	<u>NOW HELD</u>	<u>PRICE</u>	<u>APP. VALUE</u>	<u>PROFIT</u>
12,000 shs.	Marion Lab		295,374		36.00	432,000	
<u>BUY:</u> <u>AMOUNT</u>	<u>DESCRIPTION</u>	<u>INT. OR DIV'D.</u>	<u>MATURITY</u>	<u>NOW HELD</u>	<u>PRICE</u>	<u>APP. VALUE</u>	<u>INC.</u>
1,000,000 shs.	U.S.T.	8.25%	6/91	(8.41%)	99.23/32	1,000,000	
6,000 shs.	Smithkline Beechman				45.50	273,000	
1,000 shs.	Chase Manhattan				38.00	38,000	
1,000 shs.	Gould Pumps				23.00	23,000	
						1,334,000	

AUGUST 24, 1989

Mr. Famiglietti is excused at this time.

INVESTMENT OF FUNDS - HT INVESTORS.

Mr. Scott C. McKay , Vice-President of HT Investors, Inc is present this day for discussion and states as in communication dated August 21, 1989:

"In preparation for the meeting of the Retirement Board scheduled for August 24, 1989, at 10:00 A.M. the attached investment change is recommended.

The only recommendation we propose for this meeting is the sale of Home Depot. The stock has run up quite nicely since we acquired it back in late Janaury of this year. It is now trading at 33 7/8 after having split three for two on June 30th. Based on our investment disciplines, the stock has run to a level where it has become a sell candidate.

The sale of Home Depot at this level would generate a profit for the portfolio of approximately \$44,700 representing a gain well in excess of 65% on the position.

Being somewhat concerned about the stock and bond markets at these levels from a short term perspective, we are making no buy recommendations for consideration at this meeting."

Accordingly, on motion of Mr. McDonald, seconded by Mr. Landi, it is

VOTED: That HT Investors be authorized as the Investment Agent for the Retirement Board of the Employees' Retirement System for the following sales as outlined below, same being as submitted and recommended by its Agent in communication dated August 21, 1989.

<u>AMOUNT SELLS:</u>	<u>DESCRIPTION</u>	<u>DIV.(YIELD)</u>	<u>PRICE</u>	<u>PROCEEDS</u>	<u>COST</u>	<u>GAINS LOSS</u>	<u>PER SHS. GAINS/LOSS</u>	<u>LEAVES</u>
3,150 shs.	Home Depot	\$ .12(.3%)	\$33 7/8	\$106,706	\$62,003	\$ 44,703	\$14.19	-0-

On motion <sup>/of</sup> Mr. Landi requests and is granted Item No. 10 on this day's agenda be discussed at this time.

OCCUPATIONAL CANCER CASES: ATTORNEY JOHN HAWKINS FOR ARTHUR J. CHOINIÈRE AND JOSEPH HULL.

ATTORNEY JOHN HAWKINS is present this day for discussion and states: "Chairman and Members of the Board, I came before you at the last meeting with regards to Chief Joseph Hull and Lt. Arthur Choiniere, retired members of the Providence Fire Department relative to the Cancer Disability Act passed by the last session of the General Assembly which mandates that retired firefighters if they contract cancer, be given a disability pension. I think all but Councilman Dillon heard my argument last time so I don't see any need in explaining any further except to show Councilman Dillon a copy of the legislative findings

JULY 27, 1989

and a copy of the Act as amended to put retired firefighters under its coverage. I would request the Board to look favorably upon these two applications as you did with Lt. Mullens a few months back.

MR. SIMMONS: I think for Mr. Dillon's purposes, you ought to request an opinion again from the Solicitor's Office and from Mr. Peirce.

MR. PEIRCE: I have taken another look at this matter over the last month very carefully and probably more carefully than in the past, I haven't had a chance to talk with Ed Clifton about it, because my conclusions are a little different than they were previously. I hate to be equivocal but focusing on this it becomes a much more complex issue than when I looked at this initially. Part of the problem is I think that the particular statute is rather poorly drafted. One of the issues that we were concerned about initially was whether the statute really was restricted to those Cities and Towns that had opted to participate in the State Plan for Police and Fire Retirements rather than be a Statute of general application, because there is a reference to the Bruckshaw case to the fact that the Legislature now that there is a Home Rule Charter can legislate benefits that have general application to all Cities and Towns and the language of the statute is not really clear because it initially refers to all firefighters and then, it describes two specific categories of firefighters - those that work for the State and those that fall under the State Plan for Cities and Towns. So the statute is somewhat unclear but it does in fact say any firefighter, then describes two categories I think my conclusion is that it is a general statute and applies generally to all firefighters, although I think the legislature could have done a much better job in making that clear. The other issue is somewhat more difficult and it really involves the whole status of the whole Retirement System, because the legislature has said that even if it is a statute of general application, if this System exists pursuant to a special Act of the

AUGUST 24, 1989

legislation, then the special Act of the legislature prevails. Even though this is a statute of general application it would not apply to this System. We have ...the fact though that there had been the intervening fact that the City of Providence now has a Home Rule Charter and what impact that has on the existence of the Retirement System..does it exist pursuant to the original special Act of the legislature, or does it exist as a creature of City government. As I understand it, the City Council has never adopted or ratified the Retirement System, this Board has, but there is a question as to whether or not this Board has the authority to simply ratify the Act or continue it in existence or whether it requires City Council approval. Then there is a third twist, because the Supreme Court has also said that at least with respect to Retirement Benefits for police officers, because it involves the police power of the State, Public Safety, that even though there is a Home Rule Charter, this particular case involving Cranston, that the special Act of the Legislature continued to govern pension benefits for Cranston Police Officers even though there was a Home Rule Charter which contains specific provisions relating to the Retirement System. So, from my point of view the whole situation is very confused as to what affect general legislation from the Legislature has on this Retirement System. I guess the bottom line is, I didn't expect that this particular issue was going to raise this much more significant and general issue, but the fact is it is an issue that is probably going to arise frequently and is an issue that needs to be resolved.

I know that you didn't hire me to tell you that I don't know the answer to these questions and rarely would I ever give that response I rarely hesitate to say with any degree of certainty exactly what the status is with respect to this issue. How this statute applies to this System, I do conclude that it is a statute of general application which is different than the conclusion that I reached previously.

MR. LANDI: And we also applied this in the case of Lt. Mullens previously...

MR. PEIRCE: There is no question about that.

MR. LANDI: And now you agree that it is of general

AUGUST 24, 1989

application which applies to all Cities and Towns?

MR. PEIRCE: Well, that's a step beyond, I agreed that this is a general statute, whether general statutes apply to the System is another question.

Further Discussion ensues and Miss Lincourt at this time states on behalf of Judge Clifton who could not be here today and asked that she reiterate his position of December 7th, where he was of the opinion that this was not something that should be approved.

MR. LANDI: That opinion was not of general application if I remember correctly and our counsel agreed with it and now he does not..however, ....

MR. PEIRCE: And I should say that I feel it is unfortunate that I didn't have an opportunity to discuss that with him before this meeting but it is something that I have been looking at for the last several days.

MR. LANDI: Although it may be confusing, I don't think that we should penalize these people by waiting any longer and at the last meeting I made a motion to grant this and unfortunately at the end of the meeting there was a lot of confusion and the meeting was, as far as I am concerned, illegally adjourned and this was voted at the last meeting - there was a quorum present when many of the people here left but there was still a quorum present and there were 6 votes in favor of this being granted last week. However, rather than cause a lot of problems, I would like to make a motion now that the Disability/<sup>be</sup>granted Arthur Choiniere and Joe Hull.....

COUNCILMAN DILLON: Under discussion, our legal opinion it does not matter that they retired before the disease manifested itself, <sup>and</sup> that is not <sup>a</sup> problem?

MR. PEIRCE: Well....that becomes another interesting issue which we really haven't considered. One of the amendments to the Act in 1988, was to make the whole thing retroactive. That's one of the specific amendments, the legislature said we are making this statute retroactive for all people who

AUGUST 24, 1989

had previously retired. What the actuarial implications are of that and obviously, the Legislature was spending other people's money when it did it...and whether it is permissible to make a retroactive application of a benefit of that we have not considered that legal issue.

Councilman Dillon reviews same and states "my recollection is the City Council did approve the Resolution regarding this cancer bill, it may cost the City a lot of money but we did agree at that time".

Mr. McDonald informs that anything that the retired police and fire put through always was presented to the City Council and informs that there was a disclaimer from the City Council on this Bill.

Mr. Peirce, Miss Lincourt and Mr. Simmons all state that were not aware of this.

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Accordingly, after further discussion, Mr. Landi repeats his motion that the Request of retired Chief Joseph Hull and Lt. Arthur Choiniere for Disability Pension under the Cancer Disability Act be Granted.

This motion being seconded by Mr. McDonald, it Put to Vote and Passed by the following Roll Call Vote:

AYES: Councilman Dillon, Mr. D'Amico, Mrs. McCrink, Mr. Landi,  
Mr. Mendillo and Mr. McDonald - 6.

NOES: Mr. Simmons and Miss Lincourt - 2.

NOT VOTING: Vice-Chairman Bissonnette - 1.

ABSENT: Mr, Quattrocchi and Mr. Power - 2.

The motion for Passage is Sustained.

(Same to be effective as of the Man's date of Operation).

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PEAT MARWICK TAX INFORMATION - DAVID B. CASTEN PARTNER.

Miss Lincourt submits the following opinion from Peat Marwick Main & Co., dated April 27, 1989 as requested at the July Meeting of the Board and in the Minutes of the July Meeting of the Board - (refer to that meeting).



AUGUST 24, 1989

Mr. McDonald also at this time presents the following pertaining to Workmen's Compensation exclusions:

**1208 Chapter 2 — Gross Income — Exclusions**

compensation for injuries or sickness is discussed in this paragraph; exclusions applicable to employee accident and health plans are covered in ¶ 1219; 1220. A taxpayer may receive a number of benefits in connection with one injury or sickness, some of which fall into one class of exclusion and some in another. The fact that the payments overlap does not affect the right to respective exclusions. If benefits received from one source have been financed partly by the taxpayer and partly by his employer, the exclusions are apportioned; see ¶ 1220(c).

**(a) Workmen's compensation.** Amounts received under workmen's compensation acts as compensation for personal injuries or sickness are excluded from gross income [Sec. 104 (a)]. Nonoccupational disability benefits or occupational benefits received in excess of Workmen's Compensation cannot be excluded under this provision, but may qualify for exclusion as benefits under an accident or health plan [¶ 1219] [Sec. 1.104-1].

**NOTE:** Payments received by firemen and policemen on pension for total permanent disability caused by or arising out of their duties are in the nature of workmen's compensation and exempt.<sup>1</sup> When a state court ruled that occupational benefits in lieu of Workmen's Compensation actually were Workmen's Compensation, the Revenue Service allowed the entire amount to be excluded, even though the benefits exceeded the normal benefits payable under Workmen's Compensation.<sup>2</sup>

**(b) Accident or health insurance.** Benefits received from accident or health insurance taxpayer himself purchased, or from state sickness or disability funds generally may be excluded [Sec. 104(a); 1.104-1(d)]. But proceeds that reimburse for business overhead expenses are taxable.<sup>3</sup>

The exclusion does not apply to benefits attributable to deductible contributions made on behalf of a self-employed person to a qualified retirement plan while he was self-employed; nor does it apply to amounts, such as hospitalization, medical and surgical benefits, attributable to medical expense deductions allowed for an earlier year [Sec. 104 (a)].

**¶ 1219 Employee accident and health plans.** (a) **Excluded benefits.** An employee can exclude from his income all or part of three benefits attributable to the employer's contributions to accident and health plans. These are: (1) sick pay [(c) below]; (2) reimbursement for medical expenses of the employee, his wife or dependents that are not deducted as itemized medical expenses [Sec. 105 (b); 1.105-2]; (3) benefits paid for loss of an arm, leg, or other bodily function<sup>1</sup> by the employee, his wife, or dependent, if the amounts payable are based on the nature of the injury and not on the time the employee is absent from work (the employee can also take the medical expense deduction) [Sec. 105; 1.105-3].

**(b) What plans qualify.** A qualified accident or health plan must be a prior arrangement or practice for paying employees in the event of personal injuries or sickness.<sup>1</sup> It may cover one or more employees, and there may be different plans for different employees or classes of employees. A plan can discriminate in favor of highly paid or key employees, even if they also are officer-shareholders,<sup>2</sup> but it must benefit employees, not officer-shareholders only.<sup>3</sup> A plan may be contributory or noncontributory. It may be either insured or uninsured. It is not necessary that it be in writing or that the employee's rights to benefits under the plan be enforceable. However, if his rights are not enforceable, he must be covered by a plan (or a program or policy, but not merely a practice within the employer's discretion<sup>4</sup>) providing for payments to him in the event of personal injuries or sickness. Also notice of the plan must be reasonably available to him. It does not matter who pays the benefits provided by the plan [Sec. 1.105-5]. A government official or employee whose salary continues by law during illness is considered to be under a plan.<sup>5</sup>

Mr. David B. Casten, is present for discussion this day and states:

"Let me say at the outset, that if additional information is being sought from the IRS then maybe my presence here today is premature I'm not here to debate the question whether something is taxable. We were asked for our opinion and we gave it and

AUGUST 24, 1989

it was an opinion that the Actuary agreed and then we were asked to seek an information letter from the IRS which we did and also concurred with our views as to the taxability of work related disability pension distributions. However, I said that if the taxpayers involved have sought their own ruling from the IRS and from the Treasury Department, perhaps this session is premature."

Mr. Landi requests that this be explained in layman's terms.

Mr. Casten continues: "what our views are and understanding of the facts, if the person has a work related disability and retires on account of it they have a pension which consists as I understand <sup>it</sup> of two pieces. One piece is the Actuarial equivalent of that persons own contributions which is paid out over his life and second piece consists of the greater of 2/3 of the persons final compensation, or if greater, what he would have gotten had that person required normal acquired benefit, is that the understanding? Our understanding of the exclusion for disability requirement pensions, is that they are excluded from gross income to the extent that they are determined or without reference to a compensation, length of service, age or prior contribution, and to such extent that they are determined by some other formula then the conclusion is that they would be taxable to that extent. Now, that was our belief for the disability benefits and that was our belief in which the IRS Chief Counsel concurred. With respect to a work related disability retiree of the City of Providence that person to the extent that the disability retirement pension did not exceed the 2/3's of final pay would be tax free. To the extent it exceeded 2/3's of final pay and was determined by reference to that person's contributions age, and length of service, it would be taxable, subject to the rule that the person is receiving in part, his own money back, then that would not be taxable because it is their own money."

MR. MCDONALD: Under the law, if a person worked 2 weeks or 2 months, and got an accidental disability, they would receive 66 and 2/3%. If a man works anywhere from 28 1/2 years to 32 1/2 years, he could raise his pension from 66 2/3's to 75%, it would not be fair to take a man that worked 32 years

AUGUST 24, 1989

and take the man that worked 2 years and they both would get 66 and 2/3%. A law was passed to put that into fairness and bring the man that worked...2% of every year after 28 and 1/2 year<sup>s</sup> which would be equal to 66 2/3's%. Now, if you come under Section 104 a of the IRS code, you were just stating, that up to 66 and 2/3's would be tax free and have no exclusions because there was no age or that there was no time limit as to when the man would leave the job. I will give you one short paragraph which is State Law and the lawyer who was the head of the Senate at that time, put this bill through....and I will read you the federal notices and will give you the copy for your files.

Mr. McDonald refers to paragraph a - copy of same on page 9 of this record.

Mr. McDonald suggests Attorney Hawkins explain same to the members he having worked on the bill as Senator and refers to the Tavares case.

ATTORNEY HAWKINS: The Tavares bill was a bill that was put in and he had approximately 34 years on the Providence Fire Department he went off on a disability pension, he got a 66 and 2/3's pension. What the Tavares bill does is allow him to accumulate over the 28 1/2 years up to 32 years up to 75% but not greater, as his disability pension. Under this section of the IRS the whole thing is non-taxable and that's the Tavares Bill. If somebody worked 20 years he got 66 and 2/3's. If he worked 30 years, he got approximately 70% - when he got to the 32 1/2 years, he reached a maximum of 75%.

MR. MCDONALD: This is federal law and I have many facts and many papers to prove this and if I don't know my ABC's I know for 20 years preaching about Section 104 a of the IRS code, and I will get the ruling for the City Controller and everyone will have a copy .....and will get back to the Board. At the present time, I feel and we straightened this out in the month of February through the Mayor and the IRS and Peat Marwick had their men at that meeting, and I cannot see where this Board or the City of Providence is losing one penny....

AUGUST 24, 1989

and if I thought the City of Providence was losing one penny, I would be arguing the point. If the City is not losing anything, then why are we pursuing this issue when it is Federal Law and we wasted \$2,500 one time and \$1,960.00 another time to come back with answers we already had answers for.

Further discussion ensues at this time Mr. Simmons recalling the meeting that was held with Mrs. Briggs of the IRS in the Conference Room, they being of the opinion the woman retired and never submitted an opinion in writing.

Mr. McDonald states "she is not retired and I have a communication and he proceeds to read same "Charlotte A Briggs has been employed by the IRS for 18 years. During those years she has advanced from a clerical to a technical position. She has received many awards and commendations from the IRS throughout her years of employment with that Agency. Mrs. Briggs is subject to recall at any time by the IRS and was in fact, recalled recently to assist with Alene Clearances. Mrs. Briggs did not seek to be the IRS representative requested by the City of Providence Retirement Office to help clarify tax questions, relating to firefighter disability pensions, rather Mrs. Briggs was chosen by the IRS District Director, Mr. Malcolm Leiberman, to attend said meeting because of her abundance of technical knowledge pertaining to firefighter issues brought before the IRS."

Further discussion ensues Mr. Simmons recalls what happened at that meeting.....

Mr. McDonald informs that he will bring the original ruling down and copies can then be made.

Mr. Landi questions Mr. Casten as to whether or not he will continue to look into Option IV retirement and Mr. Casten informs that they have been requested by the City Controller to seek an informational letter from the Chief Counsel of the IRS and we are awaiting a response from them.

Mr. Landi questions Mr. Casten as to what he is asking them for?

AUGUST 24, 1989

MR. CASTEN: The issue is whether a person can recover tax free the entire amount of his own contributions in the year of retirement or whether the recovery of tax free has to be spread over the life of the pension payments that the person is going to get.

MR. LANDI: Are you asking that the interest that accumulates is tax free also?

MR. CASTEN: No, because I believe it is not.

MR. MCDONALD: When you get a chance to review this, I believe it does mention the word interest.

Mr. McDonald informs that all his information he will be glad to give to City Controller Lincourt who will inform Mr. Casten.

Mr. Casten is excused at this time.

E X E C U T I V E   S E S S I O N

On motion of Mr. Landi, seconded by Miss Lincourt, it is voted that all Requests for Accidental Disability Retirement appearing on this day's Agenda be heard in Executive Session under the Open Meetings Law 42-46 (a) (1) same being DONALD ALBERICO, JERALD JEFFREY, and WILLIAM SIRAVO.

R E C O N V E N T I O N

On motion of Mr. Landi, seconded by Miss Lincourt it is voted to Reconvene in Public Session.

DONALD ALBERICO - REQUEST FOR ACCIDENTAL DISABILITY RETIREMENT.

On motion of Mr. McDonald, seconded by Mr. Landi, it is

VOTED: That the Request of Donald Alberico for Accidental Disability Retirement be Granted, based on the findings of the Disability Committee.

Mr. D'Amico desires to be recorded as voting "No".

JERALD JEFFREY - REQUEST FOR ORDINARY DISABILITY RETIREMENT.

On motion of Mr. Landi, seconded by Mr. Dillon, it is

AUGUST 24, 1989

VOTED: That the Request of Jerald Jeffrey for Ordinary Disability Retirement be Granted, based on the findings of the Disability Committee.

WILLIAM SIRAVO - REQUEST FOR ACCIDENTAL DISABILITY RETIREMENT.

On motion of Mr. Landi, seconded by Mr. McDonald, it is

VOTED: That the Request of William Siravo for Accidental Disability Retirement be Granted, based on the findings of the Disability Committee.

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BUCK CONSULTANTS INVOICE FOR PAYMENT OF SERVICES RENDERED - JUNE, 1989.

A Bill from the Actuary is presented for the month of June, 1989, in the amount of \$16,947.00:

"Employees' Retirement System of  
the City of Providence  
City Hall  
Providence, Rhode Island 02903

Calculation of retirement allowances during June, 1989:

11 cases @ \$60.....				\$ 660.00
14419	19095	22880	24192	
14780	21114	23365	27108	
18154	21584	23663		

Completion of valuation as of June 30, 1988 and work on report..... 6,951.00

Consulting services and cost calculations in connection with collective bargaining issues, including preparation of explanation of contribution required to fund automatic cost of living adjustment, submitted June 7..... 3,217.00

Work on preparation of W-2P information for 1987 and 1986..... 2,208.00

Preparation of draft of employee booklet, submitted June 1 and work on revisions and layout, submitted June 7..... 3,423.00

Miscellaneous correspondence and consulting services.... 488.00  
16,947.00

AUGUST 24, 1989

On motion of Mr. Simmons, seconded by Mr. McDonald, it is voted that the Bill from the Actuary for the month of June in the amount of \$16,947.00 be approved for payment.

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LEGAL COUNSEL INVOICE FOR PAYMENT.

Miss Lincourt states that the Bill from the Legal Counsel runs eight months, from November to July, same being in the total amount of \$18,599.27 as follows:

<b>ROBERTS, CARROLL, FELDSTEIN &amp; TUCKER</b>			
	INCORPORATED		
		24853	
PROV. EMPLOYEES RETIREMENT SYSTEM		8/21/89	
C/O GLORIA L. LINCOURT-COMPTROLLER			
60 EDDY STREET		1161-1	
PROVIDENCE	RI 02903		
			INTERIM BILLING

RE: LEGAL COUNSEL TO RETIREMENT BOARD

- 11/16/88 RMP 1.8 PREPARE FOR AND ATTEND OFFICE CONFERENCE WITH CITY SOLICITOR REGARDING LEGAL REPRESENTATION OF RETIREMENT BOARD.
- RMP .5 REVIEW AGENDA AND REPORTS FOR BOARD MEETING; DISCUSSION WITH MS. LINCOURT'S OFFICE.
- 11/17/88 RMP 3.5 MEETING WITH GLORIA LINCOURT; ATTEND MEETING OF RETIREMENT BOARD.
- 11/23/88 RMP .2 DISCUSSION REGARDING RETIREMENT ISSUES.
- 11/28/88 RMP 1.5 PREPARE FOR AND ATTEND MEETING AT CITY HALL WITH SOLICITOR REGARDING REPRESENTATION OF RETIREMENT BOARD.
- 11/29/88 RMP .3 DISCUSSION WITH GLORIA LINCOURT REGARDING PENDING ISSUES AND REQUEST FOR COLLECTIVE BARGAINING AGREEMENTS.
- RMP 1.5 DISCUSSION WITH CONTROLLER; REVIEW OF PENSION PLAN AND VARIOUS CORRESPONDENCE.
- 11/30/88 RMP .3 DISCUSSION WITH CONTROLLER REGARDING LEGAL ISSUES FOR DECEMBER MEETING.
- RMP 1.0 REVIEW AND REVISE MEMORANDA REGARDING COLLECTIVE BARGAINING AGREEMENTS.

PROV. EMPLOYEES RETIREMENT SYSTEM  
PAGE 2  
DATE 8/21/89

24853

- 12/01/88 RMP .3 DISCUSSION WITH MS. LINCOURT REGARDING AGENDA OF DECEMBER MEETING.
- RMP 1.0 REVIEW VARIOUS COLLECTIONS BARGAINING AGREEMENTS.
- 12/02/88 RMP .3 DISCUSSION WITH MR. LYNCH REGARDING BARKLEY CLAIM.
- 12/07/88 RMP .7 ATTENTION TO CORRESPONDENCE FROM MR. LYNCH REGARDING DONALD BARKLEY.
- 12/12/88 RMP 6.0 PREPARE FOR AND ATTEND MEETING WITH E. CANAVAN REGARDING CODIFICATION; DISCUSSION OF PENDING ISSUES; REVIEW OF DOCUMENTS; DISCUSSION WITH ATTORNEYS LIGUORI AND RAGOSTA; OFFICE CONFERENCE.
- 12/14/88 RMP 2.0 REVIEW VARIOUS ISSUES RAISED REGARDING PENSION BOARD MEETING INCLUDING LONGEVITY PAY ISSUE AND LOAN PROVISIONS; REVIEW OF COLLECTIVE BARGAINING AGREEMENTS; DISCUSSION WITH ACTUARY REGARDING BARKLEY.

AUGUST 24, 1989

- 12/15/88 RMP 4.5 PREPARE FOR AND ATTEND RETIREMENT BOARD MEETING OFFICE CONFERENCE IN PREPARATION FOR MEETING.
- 12/20/88 RMP .8 DISCUSSION WITH MS. CANAVAN REGARDING AMENDMENTS TO ACT; REVIEW OF AMENDMENTS; DISCUSSION WITH SOLICITOR; FURTHER DISCUSSION WITH MS. CANAVAN.
- 12/22/88 RMP 2.8 PREPARE FOR AND ATTEND MEETING OF PROVIDENCE RETIREMENT BOARD; DISCUSSION WITH ATTORNEY ALLEN; OFFICE CONFERENCE; DISCUSSION WITH MR. LYNCH.
- RJK .3 OFFICE CONFERENCE.
- 12/23/88 RJK 3.5 DISCUSSION WITH ATTORNEY CHLEBUS; REVIEW FINANCING DOCUMENTATION.
- RMP .3 DISCUSSION REGARDING CONSENT TO TRANSFER OF BICKFORD LEASE.
- 12/27/88 RJK 2.0 REVIEW FINANCING DOCUMENTS, CORRESPONDENCE REGARDING NATIONAL BICKFORD FOREMOST, INDUSTRIAL FOUNDATION OF RHODE ISLAND.
- RMP .3 DISCUSSION REGARDING ASSIGNMENT OF BICKFORD LEASE.

PROV. EMPLOYEES RETIREMENT SYSTEM 24853  
 PAGE 3  
 DATE 8/21/89

- 12/28/88 RJK 3.0 DISCUSSION WITH MR. BISSONNETTE AND MR. LYNCH; OFFICE CONFERENCE; PREPARE AND REVISE LETTER TO BOARD REGARDING INDUSTRIAL FOUNDATION FINANCING; REVIEW OPEN MEETINGS STATUTE.
- RMP .5 DISCUSSION WITH MR. BISSONNETTE REGARDING ASSIGNMENT OF BICKFORD LEASE.
- 12/29/88 RJK .9 DISCUSSION WITH ATTORNEY MORE; ATTEND PENSION BOARD HEARING; DISCUSSIONS WITH EDWARD LYNCH.
- 1/03/89 GTG .6 OFFICE CONFERENCE TO REVIEW MATTER; REVIEW WORKERS' COMPENSATION ACT AS IT APPLIES TO MUNICIPAL EMPLOYEES.
- RMP .6 ATTENTION TO LETTER FORWARDED TO BOARD REGARDING BICKFORD BONDS; REVIEW CORRESPONDENCE REGARDING WORKER'S COMPENSATION AND DISABILITY PENSION; OFFICE CONFERENCE REGARDING SAME.
- 1/04/89 GTG .5 REVIEW RHODE ISLAND CASES REGARDING EFFECT OF PENSION ON COMPENSATION BENEFITS.
- 1/05/89 GTG 1.5 OFFICE CONFERENCE TO REVIEW COMPENSATION ISSUES FURTHER REVIEW OF WORKERS COMPENSATION LAW; REVIEW STATUTES REGARDING MUNICIPAL EMPLOYERS AND RETIREMENT BENEFITS.
- 1/06/89 RMP .6 REVIEW COLLECTIVE BARGAINING AGREEMENTS AND PLAN REGARDING EFFECTIVE DATE OF PENSION.
- 1/07/89 RMP 1.0 PREPARE LETTER TO REGARDING EFFECTIVE DATE OF RETIREMENT; MEMORANDUM REGARDING SAME. MEMORANDUM TO RMP REGARDING SAME.
- 1/11/89 RMP .4 DISCUSSION WITH GLORIA LINCOURT REGARDING PENDING MATTERS; OFFICE CONFERENCE REGARDING STATUS.
- 1/16/89 RMP 2.5 PREPARE DRAFT LETTER REGARDING COMPENSATION BENEFITS OFFSET FROM DISABILITY RETIREMENT.
- 1/18/89 RMP 3.5 PREPARE MEMORANDUM REGARDING BARCLEY CLAIM; DISCUSSION REGARDING BOARD AGENDA; REVIEW ACT.
- 1/19/89 RMP 4.5 PREPARE OPINION LETTER REGARDING CLAIM OF BARCLEY; OFFICE CONFERENCE WITH BARCLEY AND ATTORNEY MARSELLA; DISCUSSION WITH G. LINCOURT AND BUCK ASSOCIATES.

PROV. EMPLOYEES RETIREMENT SYSTEM 24853  
 PAGE 4  
 DATE 8/21/89

- 1/20/89 RMP 1.0 ATTENTION TO REVISIONS TO OPINION LETTER REGARDING BARCLEY; DISCUSSION WITH MR. LYNCH.
- 1/21/89 RMP .2 PREPARE LETTER TO ATTORNEY CLIFTON WITH MEMO. ON BARCLAY CLAIM.
- RMP 1.0 REVIEW MATERIALS FOR JANUARY 26 MEETING.
- 1/23/89 RMP .3 DISCUSSION WITH MR. BISSONNETTE REGARDING MEETING OF BOARD.
- 1/24/89 RMP .3 DISCUSSION WITH MR. LYNCH REGARDING BOARD MEETING.
- 1/25/89 RMP 1.0 DISCUSSION WITH CLIENT E. LYNCH REGARDING MEETING OF BOARD; REVIEW MEMORANDA IN PREPARATION FOR MEETING.
- 1/26/89 RMP 4.2 PREPARE FOR AND ATTEND MEETING OF PROVIDENCE RETIREMENT BOARD; CONFERENCE WITH MR. BISSONNETTE.



AUGUST 24, 1989

- 1/27/89 RMP .6 REVIEW COURT DECISIONS; DISCUSSION WITH MR. LYNCH REGARDING BOARD ACTION WITH RESPECT TO COURT ORDER.
- 1/31/89 RMP .4 OFFICE CONFERENCE REGARDING OPEN MEETINGS LAW AND MEDICAL RECORDS.
- 2/06/89 RMP 2.0 DISCUSSION WITH OFFICE OF ATTORNEY MARREN: REVIEW COMPLAINT FILED IN SUPERIOR COURT AGAINST RETIREMENT BOARD: DISCUSSION WITH VINCENT PALLOZZI.
- 2/07/89 RMP .5 DISCUSSION WITH SOLICITOR CLIFFTON REGARDING COMPLAINT FILED AGAINST RETIREMENT BOARD.
- 2/08/89 SMF 1.7 REVIEW AND REVISE MINUTES FOR EXECUTIVE SESSION MEETING; PREPARE LETTER TO CLIENT.
- 2/10/89 SMF 2.2 PREPARE LETTER TO CLIENT REGARDING FORM OF MINUTES; REVISE MINUTES; PREPARE FORM LETTER FOR APPLICANTS.
- 2/11/89 SMF .9 RESEARCH AND PREPARE MEMORANDUM REGARDING OPEN MEETINGS LAW AND CONFIDENTIAL MEDICAL RECORDS.
- 2/12/89 RMP .3 PREPARE LETTER TO E. CLIFTON REGARDING LAWSUIT RELATED TO CAPTAIN EXAM.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 5  
 DATE 8/21/89

24853

- RMP .3 PREPARE LETTER TO GLORIA LINCOURT REGARDING MANDATORY RETIREMENT.
- RMP .4 REVIEW AND REVISE MINUTES OF EXECUTIVE SESSION SENT BY GLORIA LINCOURT.
- 2/13/89 RMP .3 OFFICE CONFERENCE REGARDING MINUTES FOR MEDICAL SUBCOMMITTEE.
- SMF 3.8 REVIEW AND REVISE MEMORANDUM REGARDING CONFIDENTIALITY LAW AND OPEN MEETINGS; REVISE LETTER TO CLIENT; REVISE FORM LETTER TO APPLICANTS; REVISE MINUTES FOR OPEN AND CLOSED SESSIONS; REVIEW RETIREMENT BOARD ACT AND LAW REGARDING CONFIDENTIALITY RULES.
- 2/14/89 RMP .3 DISCUSSION WITH MR. BISSONETTE REGARDING ACTION TO RETURN EMPLOYEES ON MANDATORY RETIREMENT DATE.
- RMP 1.3 DISCUSSION WITH ATTORNEY MARK GERSKY REGARDING RETIREMENT BENEFITS; REVISE AND REVIEW MEETING MINUTES AND MEMORANDUM.
- SMF 2.0 REVIEW AND REVISE MEMORANDUM REGARDING CONFIDENTIALITY AND LETTER TO CLIENT; REVIEW FILE REGARDING MELLO.
- 2/15/89 RMP 2.0 PREPARE MEMORANDUM REGARDING HEALTH CARE INFORMATION; PREPARE LETTER TO M. BISSONETTE REGARDING MATERIAL; PREPARE LETTER TO GLORIA LINCOURT.
- SMF .6 REVIEW AND REVISE MEMORANDA.
- 2/16/89 RMP .3 DISCUSSION WITH CLIENT G. LINCOURT REGARDING OPEN MEETING MINUTES; HEALTH RECORDS AND RETIREMENT BOARD MEETING AGENDA.
- 2/21/89 RMP .4 DISCUSSION WITH ATTORNEY M. MARRAN REGARDING STATUS OF BOARD ACTION ON MANDATORY RETIREMENT; DISCUSSION WITH MR. BISSONETTE REGARDING MEETING AGENDA.
- 2/22/89 SMF 1.4 RESEARCH CONFLICT OF INTEREST LAW; CONFERENCE REGARDING MELLO CASE.
- RMP .6 DISCUSSION WITH ATTORNEY MARK GERSKY AND SOLICITOR F. CLIFTON REGARDING LAW SUIT BY POLICE OFFICERS; REVIEW COMPLAINT; DISCUSSION WITH GLORIA LINCOURT.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 6  
 DATE 8/21/89

24853

- 2/23/89 RMP 4.0 PREPARE FOR AND ATTEND HEARING ON TEMPORARY RESTRAINING ORDER AT SUPERIOR COURT; ATTEND PROVIDENCE RETIREMENT BOARD HEARING.
- 2/24/89 RMP .4 DISCUSSION WITH ATTORNEY REGARDING DEPOSITION AND RELEASE OF MEDICAL RECORDS.
- RMP .2 DISCUSSION WITH GLORIA LINCOURT REGARDING NOTICE OF DEPOSITION AND AVAILABILITY OF RECORDS.
- 2/28/89 JAB 1.4 OFFICE CONFERENCE REGARDING DEPOSITION OF KEEPER OF RECORDS OF THE CITY OF PROVIDENCE RETIREMENT BOARD; REVIEW STATE LAW REGARDING DISCLOSURE OF INFORMATION; DISCUSSION WITH MS. CRAVELL REGARDING MOVING FOR A PROTECTIVE ORDER.
- 3/01/89 RMP .5 OFFICE CONFERENCE REGARDING SUBPOENA; DISCUSSION WITH MR. LYNCH.

AUGUST 24, 1989

- JAB 1.8 OFFICE CONFERENCE REGARDING MOTION FOR PROTECTIVE ORDER; PREPARE MOTION FOR PROTECTIVE ORDER; PREPARE MEMORANDUM IN SUPPORT OF OUR MOTION FOR PROTECTIVE ORDER; PREPARE LETTER TO JUDGE BOYLE REGARDING PROTECTIVE ORDER.
- 3/02/89 RMP .5 DISCUSSION WITH ATTORNEY CLIFTON AND ED LYNCH REGARDING SUBPEONA; OFFICE CONFERENCE.
- RMP .4 DISCUSSION WITH CARLEEN DESISTO OF FLEET REGARDING BOND POWER AND RESOLUTION; PREPARE OFFICE MEMORANDUM.
- JAB .4 REVIEW AND REVISE MOTION FOR PROTECTIVE ORDER AND MEMORANDUM IN SUPPORT OF MOTION FOR PROTECTIVE ORDER.
- JAE 1.4 DISCUSSION WITH COURT CLERK REGARDING HEARING CONCERNING DEPOSITION; DISCUSSION WITH PLAINTIFF'S ATTORNEY AND DEFENDANT'S ATTORNEY REGARDING HEARING ON MOTION FOR PROTECTIVE ORDER; DISCUSSION REGARDING DOCUMENTS; DISCUSSION WITH MR. LYNCH REGARDING MOTION FOR PROTECTIVE ORDER.
- 3/03/89 JAB 1.0 ATTEND COURT HEARING REGARDING REGARDING MOTION FOR PROTECTIVE ORDER; MOTION DENIED; PREPARE LETTER TO DEFENDANT'S ATTORNEY ENCLOSING DOCUMENTS.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 7  
 DATE 8/21/89

24853

- 3/06/89 RMP .2 DISCUSSION WITH E. CLIFTON, CITY SOLICITOR REGARDING ANSWER TO COMPLAINT; DISCUSSION WITH ATTORNEY MARRAN REGARDING MOTION TO DISMISS.
- RMP .2 DISCUSSION WITH GLORIA LINCOURT REGARDING STATUS OF VARIOUS MATTERS.
- 3/07/89 SMF .2 DISCUSSION WITH MR. BISSONNETTE REGARDING BOND POWER.
- 3/09/89 SMF 1.4 ATTENTION TO CONTRACT ISSUES REGARDING INTENT RELATED TO MELLO CLAIM.
- 3/10/89 SMF 3.2 REVIEW CONTRACT AND FRAUD ISSUES FOR MELLO COMPLAINT.
- 3/15/89 SMF 3.0 REVIEW RHODE ISLAND LAW REGARDING RETIREMENT BENEFITS.
- RMP .2 DISCUSSION WITH E. LYNCH REGARDING AGENDA.
- 3/16/89 SMF 3.8 PREPARE MEMORANDUM REGARDING DEFERRED RETIREMENT BENEFITS.
- 3/20/89 SMF .1 OFFICE CONFERENCE REGARDING MEMORANDUM AND LEGISLATION.
- 3/21/89 SMF 4.7 REVIEW AND REVISE MEMORANDUM REGARDING DEFERRED RETIREMENT BENEFITS; REVIEW RETIREMENT ACT IN CONNECTION WITH SUMMARY PLAN DESCRIPTION.
- 3/22/89 SMF 4.7 REVIEW RETIREMENT ACT AND PAMPHLET.
- RMP .5 OFFICE CONFERENCE REGARDING PENSION BOARD MONTHLY MEETING; OFFICE CONFERENCE REGARDING POWERS LITIGATION MOTION TO DISMISS; REVISE MEMO.
- DEC 1.1 OFFICE CONFERENCE REGARDING INTERVENOR'S MOTION TO DISMISS; REVIEW FILE IN PREPARATION FOR SAME; DISCUSSION WITH ATTORNEY CLIFTON REGARDING SAME.
- 3/23/89 SMF 3.7 REVIEW AND REVISE MEMORANDUM AND ATTEND BOARD MEETING.
- RJK 2.8 REVIEW MEMORANDA; PREPARE FOR AND ATTEND BOARD MEETING.
- DEC .2 OFFICE CONFERENCE REGARDING INTERVENOR'S MOTION TO DISMISS.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 8  
 DATE 8/21/89

24853

- 3/28/89 RMP .2 DISCUSSION WITH MS. LINCOURT REGARDING EMPLOYEE BROCHURE.
- RMP .5 ATTENTION TO HEARING ON MOTION TO DISMISS.
- 4/07/89 RMP .2 DISCUSSION WITH CLIENT GLORIA LINCOURT REGARDING STATUS OF VARIOUS MATTERS.
- 4/08/89 RMP 1.0 REVIEW RETIREMENT BROCHURE.
- 4/10/89 SMF .5 REVIEW BROCHURE FOR ACCURACY.
- RMP .3 REVIEW CORRESPONDENCE REGARDING SCHOOL BOARD MEMBERS JOINING PLAN.
- 4/11/89 SMF 3.5 REVIEW ACT AND BROCHURE FOR ACCURACY.
- 4/12/89 SMF 2.4 PREPARE MEMORANDUM REGARDING SUMMARY PLAN DESCRIPTION.

AUGUST 24, 1989

- 4/13/89 SMF 3.1 PREPARE FOR AND ATTEND MEETING REGARDING SUMMARY PLAN.
- 4/14/89 SMF .3 DISCUSSION WITH CLIENT REGARDING MODIFICATIONS TO BROCHURE.
- 4/18/89 SMF 1.3 DISCUSSION WITH CLIENT REGARDING BROCHURE MODIFICATIONS; ATTENTION TO REMAINING OPEN ISSUES FOR BROCHURE; CONFERENCE REGARDING DISABILITY AND SCHOOL BOARD INQUIRIES.
- 4/19/89 SMF 1.6 OFFICE CONFERENCE REGARDING SCHOOL BOARD MEMBERS ISSUE; REVIEW CHARTER; DISCUSSION WITH GLORIA LINCOURT; REVIEW DISABILITY AND WORKER'S COMPENSATION RESEARCH.
- 4/20/89 SMF .1 DISCUSSION WITH CLIENT REGARDING SCHOOL BOARD AND PART TIME BOARD MEMBERS.
- RMP 3.5 ATTENTION TO VARIOUS LEGAL ISSUES PRESENTED FOR OPINION.
- 4/21/89 RMP .3 DISCUSSION WITH ED LYNCH REGARDING STATUS OF DELIVERED PENSION.
- RMP .5 ATTENTION TO REQUEST FOR OPINION REGARDING SCHOOL COMMITTEE MEMBERS CONTRIBUTING TO RETIREMENT PLAN.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 9  
 DATE 8/21/89

24853

- 4/22/89 SMF .9 RESEARCH FEDERAL LAW REGARDING MANDATORY RETIREMENT.
- 4/24/89 RMP 2.0 PREPARE FOR AND ATTEND MEETING WITH MS. LINCOURT AND ACTUARY REGARDING DEFERRED PENSIONS.
- 4/26/89 SMF .6 OFFICE CONFERENCE REGARDING SERVICE RETIREMENT REQUIREMENTS; REVIEW IN CONNECTION WITH SAME.
- RMP .8 REVIEW AND REVISE MEMORANDUM REGARDING DEFERRED PENSION; DISCUSSION WITH CITY SOLICITOR; DISCUSSION WITH STEVE PETERSON REGARDING DEFERRED PENSION.
- 4/27/89 RMP 3.5 PREPARE FOR AND ATTEND MEETING OF RETIREMENT BOARD.
- 5/17/89 RMP 3.5 PREPARE FOR AND ATTEND MEETING AT RETIREMENT BOARD REGARDING BROCHURE TO RESPOND TO QUESTIONS FROM UNION REPRESENTATIVES.
- 5/22/89 SMF .8 OFFICE CONFERENCE REGARDING ISSUES FOR RESEARCH.
- RMP .4 OFFICE CONFERENCE REGARDING STATUS OF VARIOUS ISSUES.
- RMP .2 OFFICE CONFERENCE REGARDING STATUS.
- 5/24/89 SMF 7.7 REVIEW LAW REGARDING CITY COUNCIL ABILITY TO DELEGATE POWERS PURSUANT TO HOME CHARTER, MEMBERSHIP OF SCHOOL BOARD MEMBERS IN SYSTEM AND ABILITY TO WITHDRAW EXCESS ANNUITY FUND CONTRIBUTIONS; PREPARE MEMORANDUM REGARDING SAME.
- SMF .2 REVIEW AND REVISE MEMORANDUM.
- RMP 1.2 REVIEW AND REVISE MEMORANDUM IN PREPARATION FOR RETIREMENT BOARD HEARING; OFFICE CONFERENCE.
- 5/25/89 RMP 2.5 PREPARE FOR AND ATTEND RETIREMENT BOARD HEARING AT CITY HALL; REVIEW MEMORANDA.
- 6/02/89 SMF 2.6 REVIEW BROCHURE MODIFICATIONS; CONFERENCE REGARDING SAME; DISCUSSION WITH CLIENT.
- RMP .4 OFFICE CONFERENCE REGARDING STATUS OF ISSUES.
- 6/07/89 SMF 3.3 PREPARE LETTER TO CLIENT CONFERENCE REGARDING INTERPRETATION OF ACT'S OPTION PROVISIONS; RESEARCH DISABILITY PROVISION FOR REINSTATEMENT; PREPARE MEMO REGARDING SAME.

PROV. EMPLOYEES RETIREMENT SYSTEM  
 PAGE 10  
 DATE 8/21/89

24853

- 6/08/89 SMF .3 DISCUSSION WITH ATTORNEY CANAVAN; REVISE LETTER TO CLIENT.
- CJA 3.1 RESEARCH REGARDING PENSION PLAN LOANS.
- 6/09/89 RMP 1.0 REVIEW AND REVISE LETTER TO CLIENT REGARDING BROCHURE.
- CJA .9 RESEARCH BANKRUPTCY CODE.
- 6/20/89 SMF .2 OFFICE CONFERENCE REGARDING MEMORANDA.
- RMP .8 ATTENTION TO PREPARATION OF MEMORANDUM REGARDING WITHDRAWAL OF EXCESS CONTRIBUTIONS.
- 6/21/89 SMF 1.0 REVIEW AND REVISE MEMORANDUM REGARDING SCHOOL BOARD MEMBERS; PREPARE SCHEDULE OF MEMOS.

AUGUST 24, 1989

- RMP .5 REVIEW AND REVISE MEMORANDUM; PREPARE FOR BOARD MEETING.
- 6/22/89 RMP 2.5 PREPARE FOR AND ATTEND PROVIDENCE RETIREMENT BOARD MEETING.
- 7/17/89 RMP .6 REVIEW AND REVISE OPINION LETTER REGARDING PART TIME APPOINTED OFFICIALS MEMBERSHIP IN SYSTEM.
- 7/25/89 RMP 2.0 PREPARE FOR AND ATTEND MEETING AT PROVIDENCE CITY HALL WITH MESSRS SUMMONS, HAWKINGS, LANDI AND MS. LINCOURT REGARDING FIREFIGHTER LONGIVITY AND OTHER ISSUES.
- 7/27/89 RMP 4.5 PREPARE FOR AND ATTEND MEETING OF PROVIDENCE RETIREMENT BOARD; PREPARE MEMO REGARDING APPLICABILITY OF CANCER DISABILITY ACT.
- 7/28/89 RMP 1.0 ATTENTION TO REVIEW OF WORKER COMPENSATION LAW; OFFICE CONFERENCE.
- 7/31/89 RMP .2 DISCUSSION WITH CLIENT GLORIA LINCOURT REGARDING COMP LOANS.

24853

RE: LEGAL COUNSEL TO RETIREMENT BOARD

FEE: \$ 18,411.25

COSTS:

EXPERT REVIEW	\$	10.00
PHOTOCOPYING		79.20
LONG-DISTANCE TELEPHONE		3.75
LODGING AND MEALS		22.25
TELECOPIER CHARGES		13.00
LEXIS SEARCH		39.82
OFFICE		20.00

TOTAL COSTS 188.02

TOTAL DUE \$ 18,599.27

24853

PROV. EMPLOYEES RETIREMENT SYSTEM 8/21/89  
 C/O GLORIA L. LINCOURT-COMPTROLLER  
 60 EDDY STREET 1161-1  
 PROVIDENCE RI 02903

INTERIM BILLING

TIME SUMMARY:

RMP	R.M. PEIRCE	102.10HR @ \$112.50
RJK	R.J. KNISLEY	12.50HR @ \$75.00
GTG	G.T. GILSON	2.60HR @ \$75.00
SMF	S.M. FINK	67.80HR @ \$75.00
JAB	J.A. BERTNESS	6.00HR @ \$75.00
DEC	D.E. CARLEY	1.30HR @ \$75.00
CJA	C.J. ALLESSANDRO	4.00HR @ \$40.00

On motion of Miss Lincourt, seconded by Mr. Mendillo, it is voted to approve the Legal Counsel invoice for payment.

LOANS APPROVED.

Miss Lincourt informs that the Total of All Loans is \$284,701.47.

On motion of Mr. Simmons, seconded by Mr. Mendillo, it is voted that all loans be Approved.

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AUGUST 24, 1989

PURCHASE OF SERVICE - WAYNE MONTAGUE - PROVIDENCE HOUSING AUTHORITY.

Miss Lincourt submits the following communication from Stephen J. O'Rourke, Executive Director of the Providence Housing Authority dated August 18, 1989:

"Mr. Edward Lynch  
Pension Administration  
City Hall  
Providence, RI 02903

Subject: Wayne Montague

Dear Mr. Lynch:

This is to confirm that Wayne Montague worked for the Providence Housing Authority from May 15, 1972 to August 30, 1972 and from May 18, 1973 to August 30, 1973. His total amount of service each year was ten weeks (20 hours per week) for a total of twenty weeks.

If you have any additional questions, please contact me".

Accordingly, on motion of Mr. Simmons, seconded by Mr. D'Amico, the Request of Mr. Wayne Montague for Purchase of Service is hereby granted.

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SERVICE RETIREMENTS.

MAXIMUM ALLOWANCE.

JOSEPHINE R. BARRUS - APPLICATION FOR SERVICE RETIREMENT -

MAXIMUM ALLOWANCE.

The Application of Josephine R. Barrus is presented. Mrs. Barrus was employed in the School Department as a Teachers' Aide. She is 63 years of age with a service record of seventeen years, seven months, seven days, working for the City the same length of time.

This Application is in proper form with Allowance as recommended by the Actuary as follows:

Josephine R. Barrus Teachers' Aide/School Dept.  
Allowance \$569.98 a month, effective May 26, 1989.

GENOLA R. PETERS - APPLICATION FOR SERVICE RETIREMENT - MAXIMUM

ALLOWANCE.

The Application of Genola R. Peters is presented. Mrs. Peters was employed in the School Department as a Teachers' Aide. She is 65 years of age with a service record of twenty years and nine months, working for the City the same length of time.

This Application is in proper form with Allowance as

AUGUST 24, 1989

recommended by the Actuary as follows:

Genola R. Peters                      Teachers' Aide/School Department  
Allowance \$674.45 a month, effective June 21, 1989.

OPTION II.

ANNA BURNS - APPLICATION FOR SERVICE RETIREMENT - OPTION II.

The Application of Anna Burns is presented. Mrs. Burns was employed as a Teachers' Aide in the School Department. She is 59 years of age with a service record of sixteen years, seven months, nineteen days, working for the City the same length of time.

This Application is in proper form with Allowance as recommended by the Actuary as follows:

Anna Burns                              Teachers' Aide/School Department  
Allowance \$500.00 a month, effective June 21, 1989.

OPTION IV.

CALVIN E. TURNER, JR. - APPLICATION FOR SERVICE RETIREMENT - OPTION IV.

The Application of Calvin E. Turner, Jr., is presented. Mr. Turner was employed as a Renewal Inspector in the Code Enforcement Division. He is 63 years of age with a service record of twenty years, four months and two days, working for the City the same length of time.

This Application is in proper form with Allowance as recommended by the Actuary as follows:

Calvin E. Turner, Jr.                      Renewal Insp./Code Enforcement  
Allowance \$893.63 a month, effective June 16, 1989.

ANNA R. PRINCIPE - APPLICATION FOR SERVICE RETIREMENT-OPTION IV.

The Application of Anna R. Principe is presented. Mrs. Principe was employed as a Payroll Clerk in the School Department. She is 55 years of age with a service record of twenty-two years, eighteen days, purchasing three years, four months, eleven days, working for the City eighteen years, eight months, and seven days.

This Application is in proper form with Allowance as recommended by the Actuary as follows:

Anna R. Principe                              Payroll Clerk/School Department  
Allowance \$858.49 a month, effective June 30, 1989.

AUGUST 24, 1989

OPTION II.

ALEXANDER USENIA - APPLICATION FOR SERVICE RETIREMENT - OPTION II.

The Application of Alexander Usenia is presented. Mr. Usenia was employed in the Police Department as a Patrolman. He is 42 years of age with a service record of twenty-one years, five months, twenty-nine days, purchasing one year, four months, seven days, working for the City twenty years, one month and twenty-two days.

This Application is in proper form with Allowance as recommended by the Actuary as follows:

Alexander Usenia                      Patrolman/Police Department  
Allowance \$1,241.64 a month, effective June 8, 1989.

Accordingly, on motion of Mr. Landi, seconded by Mr. Mendillo and Mr. McDonald, it is voted that the foregoing Applications for Service Retirements be Approved.

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NEW BUSINESS.

- a. REQUEST OF SALVATORE BIANCA FOR RECONSIDERATION OF RETIREMENT BENEFITS.
  
- c. REQUEST OF EUGENE HASSEL TO WITHDRAW ADDITIONAL CONTRIBUTIONS, PROVIDED HE APPLY SAME TO OUTSTANDING LOAN.

On motion of Mr. D'Amico, seconded by Mr. Simmons, the above requests are severally continued to the September Meeting of the Retirement Board.

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- b . REQUEST OF DR. HENRY LEVIN TO JOIN CITY OF PROVIDENCE RETIREMENT SYSTEM.

Miss Lincourt presents the following communication from Dr. Henry Levin, D.D.S., dated August 1, 1989:

"Board Members of the City of Providence  
Municipal Employees Retirement System  
City Hall  
Providence, RI 02903

Dear Retirement Board Members,

Pursuant to the Retirement System Act, as a noncertified Providence School Department employee, I hereby seek membership and participation in the City of Providence Municipal Employees Retirement System.

Please advise as to what action is required on my part."

Also presented is communication from Donald R. Hickey, Executive Director of the State Employees' Retirement System.

AUGUST 24, 1989

to Dr. Levin:

"Dr. Henry Levin  
81 Rockridge Road  
Lincoln, RI

Dear Mr. Levin:

This letter is in response to the conversation Mr. Capizano of my staff had with Mr. West, Personnel Administrator for the Providence School Department, regarding your retirement status.

Mr. West informed Mr. Capizano that your position as Director of the Providence Dental Clinic's is not classified as Teaching service, and you do not hold a certificate of qualification as a teacher. According to our law, you should not be contributing as a member of the Teacher's Retirement System.

This office has informed the Providence School Department to cease retirement deductions immediately. As soon as contributions stop, this office will process a refund of your contributions.

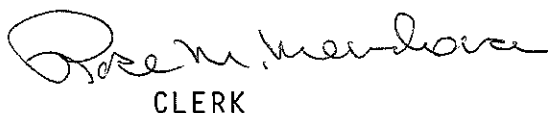
Please contact your Personnel Director to check to see if you are eligible to join the City of Providence Municipal Retirement System."

After a brief discussion, on motion of Mr. D'Amico, seconded by Mr. Mendillo and Mr. Simmons the Request of Dr. Henry Levin D.D.S. is Approved subject to the following conditions:

1. That the Retirement Board receive information from the School Department stating that he was an employee and still is.
2. The amount of contributions that were made on his part are transferred from the State Retirement System to the City of Providence Retirement System, and
3. That the employees' earned<sup>?</sup> contribution is also removed from the State System and put into the Providence Retirement System.

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ADJOURNMENT. On motion of Mr. Landi, seconded by Mr. Mendillo, it is voted to adjourn at 11:20 o'clock A.M. to meet again on THURSDAY, SEPTEMBER 28, 1989 at 10:00 o'clock A.M. in the Chamber of the City Council.  
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ASSISTANT CLERK

  
CLERK