

June 16th, 2009 Approved Regular Meeting Minutes with one change.

(See highlighted area of New Business Item E.)

Room 319, 6:00 P.M. City Hall Building
Norwich, Connecticut 06360

I. Roll Call:

A. Members Present

1. Paul Schroder
2. Frank Davis
3. Jerald Navick
4. Sarah Kannas
5. Joanne Philbrick
6. James Tetreault, Alternate
7. Richard Benoit, Alternate

B. Members Absent

1. John A John, Alternate

C. Others Present

1. Brigid Marks, Assistant Human Resources Director
2. Donna DesSureau, Secretary
3. Brian Curtin, City Treasurer
4. Peter Schultheis, Director of Youth & Family Services
5. Beverly Goulet, Director of Human Services
6. Danielle McMullen, MEUI representative
7. Michael Driscoll, City Corporation Counsel
8. Eileen Duggan, Special Labor Counsel for the City of Norwich
9. Charles Norris, Attorney
10. Claire Bessette, Reporter (The Day)

II. Minutes

A. Minutes of Personnel & Pension Board Regular Meeting held on 4/21/2009.

1. Motion to accept the minutes by Sarah Kannas, seconded by Jerald Navick; all in favor. The 5/19/09 meeting was cancelled, so there are no minutes to review for that date.

III. New Business

- A. Application from Michael Blanchette, Police Officer (Police Department) for a regular/normal Police Retirement effective 4/25/09. Paul Schroder noted that he felt uncomfortable passing out the agreement between the City of Norwich and Michael Blanchette, stating that he did not feel that it was appropriate that the Board should see the agreement; that the Board should only be concerned with whether Mr. Blanchette met the requirements for a regular/normal retirement, and that he personally did not want to see it. Joanne Philbrick then asked if the document was confidential or should it in fact be considered a public document. Corporation Counsel Michael Driscoll then spoke, stating that he was not sure that it was necessary for the Board to review the agreement, and that if Attorneys Eileen Duggan and Charles Norris felt differently they could raise the issue. Atty. Norris responded that he did not think that the Board should feel obligated to look at the agreement. Paul Schroder stated that he was giving his personal opinion, not giving an opinion on behalf of the Board. At this time Paul Schroder stated that he would like to make a motion that the Board not look at the agreement as part of the application for retirement. Joanne Philbrick asked again whether the agreement was a public document or a confidential document. Eileen Duggan stated that the agreement was a finalized (therefore public) document, and that she was aware of FOIA requests for it. She also stated that she agreed with Attorney Norris and Michael Driscoll previously stated regarding the agreement, noting that the only part the Board may want to review later on would be the section concerning the buyback of

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- Workers' Compensation service time. Jerald Navick asked Donna DesSureault if Mr. Blanchette would have enough service time to qualify for a regular/normal retirement once the Workers' Compensation buyback payment was complete. She replied that the buyback would be a deduction from Mr. Blanchette's lump-sum payout check, so that when the check was processed he would have the 20 years of service necessary for a regular/normal Police retirement. Motion made by Paul Schroder to strike the agreement between Mr. Blanchette and the City of Norwich from the retirement application; seconded by Jerald Navick, motion passed 4-1(Philbrick). Motion made by Paul Schroder to approve the regular/normal Police retirement for Michael Blanchette effective 4/25/09, contingent upon Mr. Blanchette's payment of the back due amount to the Retirement Fund; seconded by Frank Davis, all in favor.
- B. Application from Norma Wallace-Martin, Executive Secretary (City Manager's Department) for a non-service-connected disability General City retirement effective 6/12/09. Secretary Donna DesSureault passed out the medical documentation/backup from Ms. Martin's physician with the request that it be returned to her after review due to confidentiality (HIPAA laws). Motion made by Paul Schroder to go into Executive session; seconded by Jerald Navick, all in favor. After a short time, motion made by Paul Schroder to return to Regular session; seconded by Frank Davis, all in favor. Motion made by Joanne Philbrick to approve the non-service-connected disability General City retirement for Norma Wallace-Martin effective 6/12/09; seconded by Frank Davis, all in favor.
- C. Application from Claudia Baranowski, Accounts Payable Clerk (Finance Department) for a regular/normal General City retirement effective 8/19/09. Motion made by Frank Davis to approve the regular/normal General City retirement for Claudia Baranowski effective 8/19/09; seconded by Jerald Navick, all in favor.
- D. Request from Peter Schultheis, Youth & Family Services Director, to purchase up to 42 months of prior service time as the Norwich Youth Services Clinical Director. Mr. Schultheis became a City employee on 11/23/87. Prior to that time he was paid as a contractor through the Accts. Payable system. Mr. Schultheis stated that he was being laid off effective 7/1/09, and that he worked as a contractor but is contesting the "contractor" status for those years. He stated that he felt he was a true employee at that time as the City controlled the means of work and how he was to do it. He also noted that he had received a service award in the past that referenced 6/2/80 as his hire date, and that at this time he would like to submit more payroll backup information. Paul Schroder noted that he would like the Corporation Counsel to review this case and make the determination as to Mr. Schultheis' status, and stated that in the past the City has allowed employees to purchase seasonal/CETA program time. Mr. Schultheis stated that he felt that he was never afforded the opportunity to purchase his time as a contractor. Beverly Goulet then spoke about being hired in 1985 as Director of Social Services, and described the past history of the Human Services Department, stating that at one time the Senior Citizens' Services and the Youth Service Bureau were not part of the Department, and that the employees were being paid differently than City employees. She stated that she fought for those programs to be incorporated into the Social Services Department, noting that the City Manager and City Council agreed, which changed the structure of the department. She spoke about how the three Human Services Divisions work together as a team, serving the community as a valuable asset. She noted that she wished that the City Manager/City Council had recognized those employees earlier, and that those employees worked equally as hard as other City employees but did not receive the same benefits. A motion was made by Paul Schroder to table voting in order to get a legal opinion from the Corporation Counsel, obtain relevant IRS rules/regulations for that time period from the Comptroller, and to have time to further review of the payroll backup documentation submitted by Peter Schultheis today. The motion was seconded by Joanne Philbrick; all in favor.
- E. Request from Joseph Loyacano, Public Works Director, to renew the eligibility list for the position of Laborer, which will currently expire on 6/23/09. After a discussion regarding the past history of certifications and eligibility lists, it was agreed that Brigid Marks will draft a

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policy /agreement stating that certification lists will expire 120 days after the expiration date of the eligibility lists, to be brought to the next meeting. Motion was made by Paul Schroder to extend the eligibility list for Laborer for an additional 6 months; seconded by Frank Davis, passed 4-1(Kannas). Ms. Kannas stated that she was opposed to renewing the list for 6 months, and that she felt it should have been extended for 1 year instead, **as requested and presented to the Board by Brigid Marks.**

- F. Application from Charles Stedman, former Board of Education employee, to receive a refund of pension contributions and interest in the amount of \$23,904.85. Mr. Stedman left the Board of Education in June of 2003, but just returned his rollover/refund request form. Motion by Frank Davis to approve Mr. Stedman’s refund; seconded by Joanne Philbrick, all in favor.
- G. Outside earnings report for 2008 service-connected disability pensions with an outside earnings clause. After a review of the report, motion made by Paul Schroder to approve the list for reduction of annual pension amounts and suspension of payments for non-compliance effective 7/1/09; seconded by Frank Davis, all in favor.
- H. Medical bills for payment – no business under this item; no action required.
- I. Employees to be admitted into the City of Norwich Employees’ Retirement Fund:

| NAME | POSITION | DATE OF HIRE | ACAD. GRAD. DATE | PROB. PERIOD UP ON: | EVAL./REQUEST FORM RECEIVED BACK ON: |
|----------------|--------------------------------|--------------|------------------|---------------------|--------------------------------------|
| Jill Brennan | Admin. Clerk (HR/CM) | 8/26/08 | N/A | 2/26/09 | 5/8/09 |
| Dana Merise | Paraeducator (Bd. of Ed.) | 12/1/08 | N/A | 4/30/09 | N/A |
| Noah Witt | Custodian (Bd. of Ed.) | 10/15/08 | N/A | 4/15/09 | N/A |
| Juliet Deckman | Payroll Secretary (Bd. of Ed.) | 3/2/2009 | N/A | 5/31/2009 | N/A |

Motion made by Frank Davis to approve entry of the employees listed above into the Retirement Fund; seconded by Jerald Navick, all in favor.

- J. New employees: None at this time; no action required.
- K. **Added under suspension of the rules - discussion regarding the creation of a handout for employees applying for a disability retirement.** After discussion, it was decided that Secretary Donna DesSureauult would create a reference guide for an employee applying for a service-connected or non-service connected disability retirement. The employee would be able to give to his/her physician the handout for reference, which will ensure that the medical documentation submitted with the retirement application is adequate.

IV. Old Business

- A. Pension calculation for Kathleen Lawson, who retired on 4/1/09 from the Board of Ed. - annual amount = \$11,300.24. Ms. Lawson’s retirement was approved at the 4/21/09 meeting. Motion to approve the calculations under items A through E by Paul Schroder; seconded by Sarah Kannas; all in favor.
- B. Pension calculation for James Deveny., who retired on 4/11/09 from the Police Department - annual amount = \$51,321.90. Mr. Deveny’s retirement was approved at the 4/21/09 meeting. See item A for motion approval.
- C. Pension calculation for Charles Glinski, who retired on 5/30/09 from the Assessor’s Department - annual amount = \$49,619.63. Mr. Glinski’s retirement was approved at the 4/21/09 meeting. See item A for motion approval.
- D. Pension calculation for Thomas Dawkins, who retired on 5/30/09 from the Human Resources Department – annual amount = \$10,248.69. Mr. Dawkins’ retirement was approved at the 4/21/09 meeting. See item A for motion approval.
- E. Pension calculation for Carol Butova, who retired on 11/20/08 from the Board of Ed. with a deferred retirement payable on 5/21/2010 – annual amount = \$7,966.35. Ms. Butova’s retirement was approved at the 1/20/09 meeting. See item A for motion approval.

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- F. Status update on Steven Palmer's retirement and Workers' Compensation payments – tabled from the 2/17/09 meeting. Attorney Charles Norris, who represents Mr. Palmer noted that due to the clause in the Retirement Act regarding Workers' Compensation earnings, that Mr. Palmer may have a calculation of zero dollars, as the Workers' Compensation payments may be more than his monthly pension amount. After further discussion, it was decided that the Retirement Plan Administrator (Donna DesSureau) will calculate the amount of Mr. Palmer's pension, and that this item should now be removed from the agenda for future meetings.
- G. Status update on the legal opinion from Michael Driscoll, Corporation Counsel, regarding the terms for appointed and elected Personnel & Pension Board members. Motion made by Paul Schroder to table this item until the information has been provided to the Board by the Corporation Counsel; seconded by Frank Davis, all in favor.
- H. **Added under suspension of the rules: Discussion regarding planning the next meeting for OPEB presentations.** After a short discussion, it was decided to hold a short presentation/meeting before the next meeting with the two finalists. Motion made by Paul Schroder to recall UBS and Hooker & Holcombe for a half-hour presentation/recap of their presentation/pricing issues, and to send a letter to the other responding firms to let them know that they were not selected. The motion was seconded by Frank Davis; all in favor.
- I. **Added under suspension of the rules: Discussion regarding the past offer from the Personnel & Pension Board to reduce/temporarily suspend the City's contribution to the Retirement Fund.** Paul Schroder noted that former Director of Human Resources Tom Dawkins contacted the Corporation Counsel regarding the Board's offer but did not contact the Board in any way about the matter, and that the City Manager's office then sent a letter or email out stating that it is illegal to temporarily suspend the City's contribution to the Retirement Fund, based upon a legal opinion from Attorney Sean Sullivan from Brown, Jacobson, PC. He further noted that he was told by Tim Ryor (City Actuary from Hooker & Holcombe) that temporary suspensions had been done by some other municipalities, and that as long as it did not affect the City's bond rating it could be done. Mr. Schroder noted that he did not think the Board was being negligent or unsound as the idea brought forth by the board was to temporarily postpone the payments, not eliminate them altogether. He also stated that he was very unhappy with the way the matter was handled by the City.

V. Adjournment

1. Motion by Paul Schroder; seconded by Sarah Kannas to adjourn the meeting, all in favor. Meeting adjourned at 7:45 PM.

Respectfully submitted,



Donna DesSureau, Secretary