

April 25, 2012
Regular Meeting Board of Fire Commissioners

President Rosenberg called the meeting to order at 6:05 p.m. and led the Pledge of Allegiance to the Flag.

Present: President Rosenberg, Commissioners Klein, Meszoros and Rodriguez

Absent: Vice President Ana Garcia, Commissioners Doris G. Garcia and Lee

Commissioner Meszoros motioned to dispense with reading the minutes of the previous meeting; Commissioner Klein seconded and the Board passed it unanimously.

Old Business:

1. Local 834-Grievance 2011-24; LT Marc Strickland, Retirement Benefits.

Union President Whitbread reported that status remained the same.

Commissioner Klein motioned to table the grievance; Commissioner Meszoros seconded and the Board passed it unanimously.

2. Entertain a motion to Grant a Pro rata Pension Request to former FI Frank Gerardi, (Terminated 1/25/08), effective February 7, 2012, and refer to the Board of Trustees, Pension Plan B, for implementation.

Union President Whitbread represented that Frank Gerardi was not at the meeting.

Attorney Mitola informed the Board that you can't retire if you have a pending grievance.

Commissioner Klein motioned to table a Pro rata Pension Request to Former FI Frank Gerardi, (Terminated 01/25/08), effective February 7, 2012, until such time as the Board is informed that his case is withdrawn; Commissioner Meszoros seconded and the Board passed it unanimously.

3. Entertain a motion to change the status of Roberto Diaz's Pension from a Regular Pension to a Line of Duty Disability Pension and refer to the Board of Trustees, Pension Plan B, for implementation.

Attorney Mitola recommended that this request be taken off the Agenda and it could be put back on when the Workers' Compensation issue is resolved.

Commissioner Klein motioned to take Roberto Diaz's request off the Agenda and put back on when the Workers' Compensation issue is resolved; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Entertain a motion to grant a Widow's Pension Request to Arlene M. Domkowski, widow of Retired Provisional Fire Equipment Mechanic David Domkowski, effective October 8, 2011, and refer to the Board of Trustees, Pension Plan A, for implementation.

Attorney Mitola represented that the information he had was that they were legally separated and the Special Act of 1949 defines widow as surviving spouse of such member who shall have been married to him and living with him at the time of his death. It was very clear that they were legally separated and they weren't living together at the time of his death.

Deputy Chief Petrucelli stated that there is supporting documentation in the packet of information.

Commissioner Klein motioned to deny a Widow's Pension Request to Arlene M. Domkowski, widow of Retired Provisional Fire Equipment Mechanic David Domkowski; Commissioner Rodriguez seconded and the Board passed it unanimously.

New Business:

1. Communications:

a. None.

2. Commissioner Klein motioned to table request to change the status of Kathryn Serca's Widow's Pension to a Line of Duty Disability Widow's Pension to next month pending a review of documentation by the City Attorney's Office and a legal opinion; Commissioner Meszoros seconded and the Board passed it unanimously.

3. Revisit a Request from Nicholas Novia for a Line of Duty Disability Pension that was approved at last month's meeting with an incorrect effective date. The effective date should have been January 24, 2012, and refer to the Board of Trustees, Pension Plan B, for implementation.

Commissioner Klein motioned to amend the motion for Nicholas Novia for a Line of Duty Disability Pension that was approved at last month's meeting with an incorrect effective date. The effective date should be January 24, 2012 and in compliance with Settlement Agreement and pay rate at top step Captain, and refer to the Board of Trustees, Pension Plan B, for implementation; Commissioner Meszoros seconded and the Board passed it unanimously.

4. Entertain a motion to grant a Line of Duty Disability Pension request to FF Brian Walker, effective April 28, 2012, and refer to the Board of Trustees, Pension Plan B, for implementation.

President Rosenberg requested a legal opinion from the City Attorney's Office because effective April 1, 2012 he wasn't sure if the Board was able to grant pensions any longer.

Attorney Mitola responded that he would formalize a legal opinion, and put it in writing and FF Brian Walker will not be penalized. The doctor's report is clear.

Commissioner Klein motioned to table a request for a Line of Duty Disability Pension request to FF Brian Walker pending a legal opinion from City Attorney's Office; Commissioner Rodriguez seconded and the Board passed it unanimously.

5. Local 834-Grievance 2012-3; FF Greg Daly OT Hours.

Commissioner Klein motioned to grant Local 834-Grievance 2012-3; FF Greg Daly OT hours to be paid to him; Commissioner Meszoros seconded and the Board passed it unanimously.

6. Local 834-Grievance 2012-4; LT Paul Neugebauer W/C.

Executive Session Waived by Lieutenant Neugebauer.

Deputy Chief Grace stated that Berkley was not accepting 4 days in question.

Union President Whitbread stated that one benefit they receive is once they get a physician to tell them that the injury was a compensatory injury, they are suppose to get paid for that under Workers' Comp section of the contract.

Commissioner Klein motioned to grant Local 834-Grievance 2012-4; LT Paul Neugebauer W/C to change the days from December 4 to December 8 from sick leave to injury leave without that constituting any admission for the purpose of good faith resolving this grievance; Commissioner Rodriguez seconded and the Board passed it unanimously.

7. Executive Session for attendance review of the following individuals:

- a. P/CAPT Armando Cora (B) – Light Duty 4/30/2012.
- b. FF Brian Walker (B) – See Item #4 under New Business.
- c. CAPT Paul Cocca (B)

Deputy Chief Grace reported that Captain Cocca had surgery, faxed information to the Fire Department, and is receiving prosthesis.

Commissioner Klein motioned to table to the May meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

- d. LT Paul Neugebauer (B) – Executive Session Waived.

Lieutenant Neugebauer reported that his doctor answered all the questions. He is going for therapy and has a doctor's appointment on May 6.

Commissioner Klein motioned to table to the May meeting; Commissioner Meszoros seconded and the Board passed it unanimously.

8. Commissioner Klein motioned to accept the Report of Sick and Injury; Commissioner Rodriguez seconded and the Board passed it unanimously.

9. Commissioner Meszoros motioned to accept the Payroll Register; Commissioner Rodriguez seconded and the Board passed it unanimously.

10. Policy and Procedure review:

a. None.

11. There being nothing further to come before the Board, Commissioner Meszoros motioned to adjourn the meeting; Commissioner Rodriguez seconded and the Board passed it unanimously.

The meeting was adjourned at 7:05 p.m.