

October 17, 2012
Regular Meeting Board of Fire Commissioners

President Rosenberg called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance to the Flag.

Present: President S. Rosenberg, Vice President J. Klein, Commissioners M. Lee, J. Meszoros, Fire Chief B. Rooney

Absent: D. Garcia

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.

Commissioner Meszoros motioned to table until November, Commissioner Lee seconded and the Board passed it unanimously.

2. Entertain a motion to change the status of Kathryn Serca's Widow's Pension to a Line of Duty Disability Widow's Pension, effective August 20, 2010, and refer to the Board of Trustees, Pension Plan A, for implementation.

Attorney Mitola sent Mrs. Serca a letter on August 15, 2012 requesting additional information and telling her the reason why it was needed and that if he didn't hear back within a month he would assume that she wouldn't pursue this and that Attorney Mitola would recommend to the Commission that they deny this Widow's Disability Pension without prejudice. The documents Attorney Mitola has at this time do not support her Widow's Line of Duty Disability Pension request. Since he has not heard anything back from Mrs. Serca, Attorney Mitola recommends this request be denied.

Commissioner Meszoros motioned to deny this request; Commissioner Lee seconded and the Board passed it unanimously.

3. Entertain a motion to grant a Widow's Line of Duty Disability Pension Request to Joan McCullough, effective July 13, 2011 and refer to the Board of Trustees, Pension Plan A, for implementation.

President Rosenberg said that since this was acted upon last month and based on the City Attorney's legal opinion it was denied. Attorney Joyce Riccio said that she received a notice of the September meeting the day before and she called and spoke with Deputy Chief Petrucelli and said she could not make the meeting on such short notice and asked that it be tabled until October.

Attorney Mitola doesn't have anything against the Commissioners hearing what Attorney Riccio has to say about her client. To be absolutely fair, he thinks that the Commission should hear from Attorney Riccio.

Attorney Riccio states that she has never seen the legal opinion from Attorney Mitola. Since Attorney Riccio needs time to go over the opinion, President Rosenberg suggested that she come back in November. Attorney Riccio requests the possibility that the case be re-opened in November after her presentation.

President Rosenberg informed Attorney Riccio that the Commissioners meet on the third Wednesday of each month and the next meeting would be decided upon due to the fact that November 21st is the Eve of Thanksgiving. She will be informed of the date (either the week before or after Thanksgiving).

Commissioner Klein motioned to allow Attorney Riccio to present her case in November; Commissioner Meszoros seconded and the Board passed it unanimously.

New Business:

1. Communications:

None.

2. Entertain a motion to remove Retired FF James P. Bonazzo, deceased September 27, 2012 from the Firefighters Pension list and refer to the Board of Trustees, Pension Plan A for implementation.

Commissioner Meszoros motioned to grant this motion; Commissioner Klein seconded and the Board passed it unanimously.

3. Entertain a motion to grant a Widow's Pension Request to Shirley F. Bonazzo, widow of retired FF James P. Bonazzo, effective September 28, 2012 and refer to the Board of Trustees, Pension Plan B for implementation.

Commissioner Klein motioned to grant this motion; Commissioner Meszoros seconded; the Board passed it unanimously.

4. Entertain a motion to grant a Pro Rata Regular Pension request to former FI Ronald Morales, effective August 24, 2012 and refer to the Board of Trustees, Pension Plan B for implementation.

Attorney Mitola mentioned that this situation is very similar to Frank Girardi's case. He does have a pending Application to Vacate the Arbitration Award. As you remember, he was terminated from this position and the termination was upheld through the grievance process. He has filed an Application to Vacate which means if he's successful, he can get his job back. He lost the case up at the Labor Board, so now he has filed an Application to Vacate the Arbitration Award in Superior Court. Attorney Mitola spoke to Attorney Bohannon and he

states that the case is still pending. Attorney Mitola recommends not to act on this until Ronald Morales comes before the Board to state his intentions. There is also a disability claim pending.

James Morley spoke to Ronald Morales today and confirmed that Mr. Morales intends to file for disability pension.

Commissioner Klein motioned to table this motion until after arbitration is complete or if he withdraws his Application to Vacate; Commissioner Meszoros seconded; the Board passed it unanimously.

5. Local 834 Grievance 2012-12; FF James Boyle, Article 5, Disciplinary Action.

Due to the fact that Union President Robert Whitbread could not be present, he asked that this be tabled until November. Commissioner Klein motioned to table until November; Commissioner Meszoros seconded; the Board passed it unanimously.

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

- a. CAPT Paul Cocca (B) – tabled until November.
- b. FF Robert Gaito (B) – back on duty with no restrictions.

7. Entertain a motion to accept the Report of the Sick and Injury.

Commissioner Klein motioned to accept this motion; Commissioner Meszoros seconded and the Board passed it unanimously.

8. Entertain a motion to accept the Payroll Register.

Commissioner Meszoros motioned to accept the payroll as written; Commissioner Klein seconded and the Board passed it unanimously.

9. Policy and Procedure review.

None.

There being nothing further to come before the Board a motion to adjourn was made by Commissioner Klein; Commissioner Meszoros seconded and the Board agreed unanimously.

The meeting was adjourned at 6:14 p.m.