

**NEW HAVEN POLICEMEN'S & FIREMEN'S PENSION FUND (P&F)**  
**REGULAR MEETING MINUTES**  
**NOVEMBER 25, 2020 8:00 A.M.**  
**VIRTUAL MEETING**

**Dial-In Numbers:** +1 929-205-6099 or +1 312-626-6799

**Meeting** 986 9435 5028

**ID:**

**Password:** 46402177

**Meeting** <https://newhavenct.zoom.us/j/98694355028?pwd=WWpGbUhzRS9lU3ArVDFjMC84aGJVdz09&URL:from=addon>

**Meeting** 986 9435 5028

**ID:**

**Password:** 22\$txSkB

**TRUSTEES PRESENT:** Mayor Justin Elicker, Fund President/Trustee  
Patrick Cannon, Fire Union Representative/Trustee  
Evelise Ribeiro, Police Commissioner/Trustee (exited 8:58am)  
Brian McDermott, Police Union Representative/Trustee  
Steven Cousin, Fire Commissioner/Trustee  
Paul Nunez Jr., Police Commissioner/ Trustee (exited 8:30am)

**TRUSTEES ABSENT:** Kevin Diaz, Trustee, Police Commissioner

**ALSO PRESENT:** Jerome Sagnella, Pension Consultant  
Leanna Ambersley, Pension Administrator  
Michael Gormany, Acting Controller, P&F Fund Clerk (exited 9:05)  
Carolyn Kone, Fund Counsel, Brenner, Saltzman & Wallman  
Dave Moran, Raymond James  
Derek Ciampini, Raymond James  
Taylor Cannon- Payroll/Pension Benefit Auditor  
Evonne Duzant - Worker's Comp & Risk Management Coordinator  
Daniel Del Prete, New Haven Fireman  
Abigail Roth, Alder  
Kenneth Hulse  
Miguel Rosado

*Trustee Mayor Elicker convened the meeting at 8:01 a.m.*

**ITEM 1: INVESTMENT REPORT:**

Raymond James did not present. Presenters will wait until December or January.

**ITEM 2: APPROVAL OF MINUTES:**

**A. APPROVAL OF MINUTES FOR THE OCTOBER 29, 2020 MEETING.**

**MOTION:** Made by Trustee Nunez Jr. to approve the minutes from October 29<sup>th</sup>, 2020.

**MOTION SECONDED:** by Trustee McDermott

**MOTION CARRIED:** by unanimous vote

**ITEM 3: ADMINISTRATIVE MATTERS:**

**A. ROBBINS GELLER RUDMAN & DOWD LLP UPDATE**

Pension Administrator, Leanna Ambersley, explained the report from Laura Stein: The Southern Company was a highlighted case on the October 2020 Settlement Report, indicating it may have a potential claim in that matter.

**B. MAILING COST FOR PORTAL WELCOME LETTERS**

Jerome Sagnella and Leanna Ambersley update the Trustees about a potential cost to be split between both funds to cover the printing, folding, stuffing, and postage of welcome letters to be mailed to participants just before the pension portal goes live in the New Year. The estimated cost is \$1663.00. Trustee Cannon suggested the City would be able to do it cheaper. Carolyn Kone stated the administrative costs in the end are paid for by the City, this would be an administrative cost (Hooker & Holcombe) that would be included.

**C. 2021 PROPOSED CALENDAR OF P&F TRUSTEE MONTHLY MEETINGS**

**MOTION:** Made by Trustee Ribeiro to accept

**MOTION SECONDED:** By Trustee Cannon

**DISCUSSION:** Made by Trustee Cousin to move the meeting next year from Wednesday November 24<sup>th</sup> 2021 to Tuesday November 23<sup>rd</sup> 2021

**MOTION:** Made by Trustee Ribeiro to amend original motion and make the motion with the addition to move the meeting next year from Wednesday November 24<sup>th</sup> 2021 to Tuesday November 23<sup>rd</sup> 2021

**MOTION SECONDED:** Trustee Cannon

**MOTION CARRIED:** By unanimous vote

**D. PROPOSED ORDINANCE BY BOARD OF ALDERS**

**MOTION:** Made by Trustee Cousin to authorize Carolyn Kone to send letter stating P&F trustees join in the response on November 18<sup>th</sup>, 2020 by the CERF Board

**MOTION SECONDED:** by Trustee Ribeiro

**MOTION CARRIED:** by unanimous vote

#### **E. INCOME WAIVER CAP POLICY PROPOSAL**

**MOTION:** Made by Trustee Cousin to approve the policy that has been shared by Attorney Kone that would go into effect after this meeting concludes.

**MOTION SECONDED:** by Trustee McDermott

**DISCUSSION:** Trustee Ribeiro asks Trustee Cousin to amend motion to include pending review of the application.

**MOTION:** Trustee Cousin has no objections, so he makes that motion.

**MOTION SECONDED:** by Trustee McDermott to the amended motion.

**MOTION CARRIED:** by unanimous vote

#### **F. UPDATE ON PAYMENT OF ADMINISTRATIVE EXPENSES (TABLED)**

**MOTION:** Made by Trustee Cousin to take of the table

**MOTION SECONDED:** by Trustee McDermott

**AYES:** Trustee Cousin, Trustee McDermott, Trustee Elicker

**NAYS:** Trustee Cannon

**MOTION CARRIED:** by majority vote

Attorney Kone discusses the proposal for complying with the requirements of section 202. Trustee Cannon believes it is the duty to make the correction to follow the original procedure, not make a change. Carolyn Kone states that is what the policy proposal is doing. Trustee Cannon does not believe it should be paid by the ADEC. Michael Gormany added that it is common practice for expenses to be factored into the ADEC. Adding a page in the budget that estimates the expenses may satisfy that criteria. Does not see it as meaning it has to be a line item.

**MOTION:** Made by Trustee Cannon to table

**MOTION SECONDED:** By Trustee McDermott

**AYES:** Trustee Cannon, Trustee McDermott, Trustee Elicker

**NAYS:** Trustee Cousin

**MOTION CARRIED:** By majority vote.

#### **G. IRONSIDE LIMITED PARTNER CONSENT (TABLED)**

**MOTION:** Trustee Cousin to remove from the table

**DISCUSSION:** Trustee McDermott asked Dave Moran if this was an urgent matter. Dave Moran said he does not think it is urgent enough and it can be tabled until December.

**MOTION SECONDED:** by Trustee McDermott, and then withdrawn.

#### **ITEM 4: AGE ANNUITY RETIREMENT (INFORMATION ONLY):**

Age Annuity Retirement applicants qualify for an age annuity retirement which does not require trustee review, discretion, or vote. Annuity pensions are administratively accepted and processed.

**A. Dawud Amin (Fire)**  
**Hired: 10/13/1999**  
**Years of Service: 21.02**

**Retired: 10/19/2020**

**ITEM 5: AGE ANNUITY RETIREMENT AND SERVICE-CONNECTED DISABILITY:**

These applicants are already receiving an age annuity retirement for which they qualified and did not require trustee review, discretion, or vote. They had also submitted service-connected disability applications which have been pending receipt of medical records from Yale Occupational. Service-Connected Disability and Non-Service-Connected Disability retirement applications require trustee review of medical records, discretion, deliberation, and vote.

**Felipe Cordero (Fire)**  
**Hired: 12/6/1995**                      **Retired: 6/16/2020**  
**Years of service: 28.53 (includes a 4-year sick buyback)**

**MOTION:** Made by Trustee Cannon to approve  
**MOTION SECONDED:** By Trustee McDermott  
**MOTION CARRIED:** By unanimous vote

**ITEM 6: DEATH AFTER RETIREMENT – INFORMATION ONLY**

- A. WILLIAM CALLAHAN (DATE OF DEATH: 10/17/2020)**
- B. RALPH JULIANELLE (DATE OF DEATH: 10/12/2020)**
- C. ROBERT MARTINO (DATE OF DEATH: 9/27/2020)**

*Trustee Mayor Elicker requests a moment of silence for those in Item 6*

**ITEM 7: PAYMENT OF THE BILLS: (See Attached Itemization)**

**MOTION:** Made by Trustee Cannon to approve the payment of the bills.  
**MOTION SECONDED:** by Trustee McDermott  
**MOTION CARRIED:** by unanimous vote.

**ITEM 8: OLD BUSINESS:**

- A. REQUEST TO WAIVE THE DISABILITY EARNINGS ADJUSTMENT OF ARTICLE 14, SECTION 1, (S) (1) (2) (3) OF THE ELM CITY LOCAL POLICE UNION CONTRACT – JASON BANDY (TABLED):**

The Pension Board shall have the sole discretion to waive the provisions of (S), (1), (2) and (3) of the Elm City Local police union contractual pension provisions, upon certification by the Chief that the disability was service-connected and occurred while the employee was affecting an arrest, while participating in departmental training, while responding to calls for Police Service or while handling calls for Police Service

of a hazardous nature. In such case, the disability pension shall not be subject to such cap on earnings nor to any cost of living increase.

**Jason Bandy (Police)**

**Hired: 05/20/2008**

**Retired: 08/28/2020**

**MOTION:** Made by Trustee McDermott to take off table and approve

**MOTION SECONDED:** By Trustee Cannon

**DISCUSSION:** Trustee Elicker asks Attorney Kone that her assessment is that the board is not able to evaluate any applications based on the standing of an employee, only evaluating the employee based on whether or not they have retired early with a service-related disability certified by the Chief. Carolyn Kone states yes, based on her review of the legislative history.

**MOTION CARRIED:** By unanimous vote.

**B. REQUEST TO WAIVE THE DISABILITY EARNINGS ADJUSTMENT OF ARTICLE 32.9 (D) (1) (2) (3) OF THE LOCAL 825 UNION CONTRACT – VENSON TAYLOR (TABLED):**

The Pension Board shall have the sole discretion to waive the provisions of (D) (1), (2) & (3) of the Local 825 Fire Union contractual pension provisions, upon certification by the Chief that the disability was service-connected and occurred while the retiree was rendering "Fire Duties as defined in the By-Laws of the Connecticut State Firemen's Association. In such case the Disability Pension shall not be subject to such cap on earnings nor to any Cost of Living increase.

**Venson Taylor (Fire)**

**Hired: 05/21/2008**

**Retired: 09/28/2018**

**MOTION:** Made by Trustee Cannon to take off table and approve

**MOTION SECONDED:** By Trustee McDermott

**MOTION CARRIED:** By unanimous vote.

**ITEM 9: NEW BUSINESS:**

**A.** Attorney Kone talks about Capital One and Capital Two: the general partner sold all interest to Princeton Capital Corp. Princeton Capital Corp are having an annual meeting for our votes for four proposed directors, selection of an accounting firm, on the ability to adjourn, and they recommended approval and Carolyn asks to allow her to vote for those four directors and the accounting firm in accordance with the recommendation. Dave Moran adds he thinks we should go along with.

**MOTION:** Made by Trustee Cousin to authorize Carolyn to vote as recommended

**MOTION SECONDED:** By Trustee McDermott

**MOTION CARRIED:** By unanimous vote.

**ITEM 10: ADJOURNMENT:**

**MOTION:** Made by Trustee Cannon to adjourn

**MOTION SECONDED:** By Trustee Cousin

**MOTION CARRIED:** By unanimous vote.

*The meeting adjourned at 9:15 A.M.*

**NEXT REGULAR MEETING:**

**Wednesday, December 30<sup>th</sup>, 2020**

**8:00 AM**

**ITEM 7: ITEMIZED BILLS FOR PAYMENT:**

**A). LEGAL EXPENSES:**

<b>BRENNER, SALTZMAN &amp; WALLMAN LLP- OCTOBER 2020 PROFESSIONAL SERVICES (STATEMENT #64404)</b>	<b>\$6,229.68</b>
<b>Total Legal Expenses</b>	<b>\$6,229.68</b>

**B). INVESTMENT EXPENSES:**

<b>CHANNING CAPITAL MANAGEMENT- 3<sup>rd</sup> QUARTER 2020 MANAGEMENT FEES</b>	<b>\$17,392.62</b>
<b>Total Investment Expenses</b>	<b>\$17,392.62</b>
<b>Total Expenses</b>	<b>\$23,622.30</b>

**ATTEST:**



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**Michael Gormany, Acting Controller, P&F Fund Secretary**

## POLICY OF THE BOARD OF TRUSTEES OF THE POLICEMEN AND FIREMEN'S PENSION FUND REGARDING INCOME CAP WAIVERS

### BACKGROUND

Both the Police and Firefighters' collective bargaining agreements provide the Board of Trustees of the Policemen and Firemen's Pension Fund (the "Board") with discretion to waive the income cap provisions in the pension plan for retirees who (i) retire with service connected disability pension funds, (ii) have fewer than 13 years of service, and (iii) are under the age of 65, upon certification from the Chief of the retiree's department that the retiree's service-connected injuries meet the criteria for a waiver from the income cap requirements set forth in the Pension Plan (the "Certification"). See Article XV, Section 1(S)4 of the Bargaining Agreement with New Haven Police Union Elm City Local, CACP and Article 32.9(D)4 of the Bargaining Agreement with New Have Fire Union, Local 825. The criteria for the waiver of the income cap for a retiree who was a firefighter are set forth in Exhibit A to this Policy, and the criteria for the waiver of the income cap for a retiree who was a police officer are set forth in Exhibit B to this Policy.

In the past, the Board has exercised its discretion upon receiving a Certification from the Chiefs of the Police and Fire Departments, as the case may be, that a retiree meets the criteria in Exhibit A or Exhibit B, as applicable. The Board wishes to adopt a policy to set forth a more formal procedure for it a review of requests for waivers of the income cap and is authorized to adopt reasonable rules and regulations for the administration of the Policemen and Firemen's Pension Fund under the provisions of the pension plan.

### PROPOSED PROCEDURE

#### Application

A retiree who wishes to have the Board waive the income cap (the "Applicant") will be required to complete an application form (the "Application"). The Application will require the Applicant to describe in detail why s/he believes his or her service connected disability meets the requirements in Exhibit A or Exhibit B, as applicable, and to state his or her years of service and age (the "Application"). The Application will also include a medical release to be signed by the Applicant that will allow the Pension Division to provide the Chief of the Department in which the Applicant worked (the "Chief") with the Applicant's medical records. The Application will require the Applicant to provide a copy of the Application to the Chief and to request in writing that the Chief certify that the Applicant meets the applicable criteria for a waiver of the income cap as set forth in Exhibit A or Exhibit B, as applicable.

Upon receipt of the Application, the Pension Division will forward the Applicant's medical records to the Chief with a letter requesting that if the Chief certifies that the Applicant has met the applicable criteria for an income cap waiver, the Chief shall make the Certification in writing and provide a detailed explanation for the Certification.

The Board's Exercise of Discretion

Upon receipt of the Certification, the Applicant's request for a waiver of the income cap will be placed on the agenda for the next Board meeting. At the meeting, the Board will review the Application, the Applicant's medical records and the Certification (in Executive Session if medical information will be discussed). The Board will then exercise its discretion to determine if the Applicant's service connected disability or disabilities meet the criteria for a waiver of the income cap, as set forth in Exhibit A or Exhibit B, as applicable. If the Application is approved, the income cap waiver will be effective as the first day of the month following the Board's meeting.

EFFECTIVE DATE OF POLICY

This Policy shall apply to all decisions on requests for income cap waivers made after the date of adoption of this policy.

Duly adopted at a meeting of the Board of Trustees of the Policemen and Firemen's Pension Fund on this 25th day of November, 2020.



Michael Gormany  
Clerk



## EXHIBIT A

### Article 32.9(D)4 of the Collective Bargaining Agreement with New Haven Fire Union Local 825

4. The Pension Board shall have the sole discretion to waive the provisions of (d) (1), (2) and (3) above upon certification by the Chief that the disability was service-connected and occurred while the retiree was rendering "Fire Duties as defined in the By-Laws of the Connecticut State Firemen's Association. In such case the Disability Pension shall not be subject to such cap on earnings nor to any Cost of Living increase.

### Connecticut State Firefighters Association, Inc. Bylaws Article VIII, Section 1

The term fire duties include duties performed while at fires, while answering alarms of fires, while directly returning from fires, while at fire drills or parades, while going directly to or returning directly from fire drills or parades, while at tests or trials of any of the apparatus or equipment normally used by the Fire Department, while going directly to or directly returning from such test or trials, while instructing or being instructed in fire duties, while answering or returning from ambulance calls, where the ambulance service is part of the fire service, while answering or returning from fire department emergency calls and any other fire duty, ordered to be performed by a Superior or Commanding Officer in the Fire Department: also any duty in connection with requirements in construction and maintenance of apparatus and appliances, operation and upkeep of the fire alarm telegraph, engagement in fire protection activities and investigation.

**EXHIBIT B**

**Section 1(S)4 of the Bargaining Agreement with  
New Haven Police Union Elm City Local, CACP**

4. The Pension Board shall have the sole discretion to waive the provisions of (S), (1), (2) and (3) above, upon certification by the Chief that the disability was service-connected and occurred while the employee was affecting an arrest, while participating in departmental training, while responding to calls for Police Service or while handling calls for Police Service of a hazardous nature. In such case, the disability pension shall not be subject to such cap on earnings nor to any cost of living increase.