

**CITY OF PHILADELPHIA
BOARD OF PENSIONS AND RETIREMENT
Meeting of January 27, 2011
(Re-convened to January 28, 2011 due to snowstorm)**

MINUTES

On January 27, 2011, there being a quorum present, a vote was taken and approved to re-convene the meeting to January 28, 2011 at 9:00 a.m. due to the inclement weather.

On January 28, 2011, Paula Weiss called the Regular Meeting of the Board of Pensions and Retirement to order at 9:12 a.m. in the Board's Conference Room.

Present: Paula Weiss
Harvey Rice
Brian Albert
Celia O'Leary
Carol Stukes
Anne Kelly King
Ronald Stagliano
John Reilly
William Rubin
Hilary Cornell

Also Attending: Francis Bielli, Mark Murphy, Shamika Taliaferro – Board of Pensions
James Leonard, Joshua Stein, Ben Hinerfeld – Law Department
Andrew Thomas – Fire Department
Veronica M. Pankey – City Employee
Wayne Pollock – Citizen
Catherine Lucey – Philadelphia Daily News
Jasminka Arnautore, Jaeson Dubrovay, Joe Larucci - AKSIA

Paula Weiss stated that the first order of business was the consideration of the Minutes of December 14, 2010.

William Rubin made a motion to approve the minutes of December 14, 2010. Ronald Stagliano seconded the motion.

The motion to approve the Minutes of December 14, 2010 carried unanimously 8-0.

CONSIDERATION OF (128) PENSION APPLICATIONS AND (152) WITHDRAWAL APPLICATIONS

John Reilly made a motion to approve. William Rubin seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SERVICE-CONNECTED DISABILITY BENEFITS**Case of Christopher M. Russell, Application for Service-Connected Disability Benefits – Plan “A”**

This is an application by Christopher M. Russell, former Firefighter for Service-Connected Disability Benefits in Plan “A”.

Mr. Russell sustained an injury to his shoulder on August 4, 2009 while working when he was lifting a 350 lb. patient.

John Reilly made a motion to approve. Hilary Cornell seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Krisdeann Jackson, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Krisdeann Jackson, former Police Officer for Service-Connected Disability Benefits in Plan “B”.

Mr. Jackson sustained an injury to his ankle on September 15, 2008 while working. He slipped and fell while responding to a robbery on foot pursuit.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Madeleine Mazie, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Madeleine Mazie, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Mazie sustained the injury while ascending a flight of steps to answer a radio call; she twisted her ankle on the steps and twisted her torso. The nature of Ms. Mazie disability is limited mobility due to back injuries. Her date of injury is October 14, 2007.

Hilary Cornell made a motion to approve. Brian Albert seconded the motion.

The motion to deny carried 4-0-4.

Case of David Medina (Vargas), Application for Service-Connected Disability Benefits – Plan “B”

This is an application by David Medina, former Police Officer for Service-Connected Disability Benefits in Plan “B”.

Mr. Medina sustained his injury while working when he was controlling the crowds at a baseball game. He fell using his bike as a shield and suffered damage to his right wrist. The date of injury is October 30, 2008.

Ronald Stagliano made a motion to approve. Carol Stukes seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Dorrine Pratt, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Dorrine Pratt, former Police Officer for Service-Connected Disability Benefits in Plan “B”.

Ms. Pratt sustained her injury while working when she was involved in an auto accident on January 26, 2006. She injured her back, neck, right shoulder, and right hand.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Lisa Ritchie, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Lisa Ritchie, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Ritchie sustained injuries to her elbow on March 21, 2006 while working, when the vehicle that she was riding in, as a passenger, responded to an emergency assist call and was involved in a motor vehicle accident.

Ronald Stagliano made a motion to approve. John Reilly seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Vinnette M. Taylor, Application for Service-Connected Disability Benefits – Plan “B”

This is an application by Vinnette M. Taylor, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Ms. Taylor sustained the injury when she ran into a fire hydrant while attempting to avoid an oncoming vehicle which had suddenly swerved into her lane. Ms. Taylor suffered injuries to her neck, back, and left upper extremity. Her date of injury is July 10, 2007.

Hilary Cornell made a motion to deny. Celia O’Leary seconded the motion.

The vote tied 4-4. The Chair voted to deny making the vote 5-4.

The motion to deny carried 5-4.

Case of Jane Joyce, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Jane Joyce, former Recreation Leader II, Recreation Department, for Service-Connected Disability Benefits in Plan “J”.

Ms. Joyce sustained injuries to her knees over the course of her tour of duty while constantly bending to pick up items. Her date of injury is June 26, 1986.

Mr. Rubin stated there is a memo attached from Susan Slawson, Recreation Commissioner, in which she gives her medical opinion. As far as he knows she is not a medical doctor nor does she have any medical standing in the community. He is requesting that in the future these types of statements are not attached because he feels it is prejudicial, unless the memo is reworded to state that it is her opinion.

Mr. Bielli replied that he thought it is a document that the Board, as a whole, could take for what it’s worth. He doesn’t think he should make a subjective decision about what to eliminate from the file. He would prefer to keep those types of correspondence in there and let the Board make the decisions on the findings that come back.

Mr. Leonard agreed and said they cannot prohibit a Commissioner from putting something in a report. In terms of the evidentiary value, the Board, as a finder of fact can give it the weight they deem valuable.

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The motion to approve carried 5-3.

Case of Neil O. Murray, Application for Service-Connected Disability Benefits – Plan “J”

This is an application by Neil O. Murray, former Correctional Sergeant, Prisons Department, for Service-Connected Disability Benefits in Plan “J”.

Mr. Murray sustained the injury during his tour of duty when he slipped on a wet spot on the floor near the facility’s gym. The nature of Mr. Murray’s disability is limited mobility due to injury to lower back, pain in knees, left hip and left foot. His date of injury is April 17, 2007.

Hilary Cornell made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried 4-0-4.

Mr. Stagliano commented on some of the write ups for service-connected disability benefits. He stated that the write ups include the amount the benefit would be if the application is approved. However, this amount is incorrect if the applicant is receiving worker’s compensation because the benefit is offset by the worker’s compensation. He suggested some clarification on the write ups to reflect this.

Ms. Weiss suggested adding that the benefit is subject to an offset of workers compensation, if the applicant is receiving it.

APPLICATION FOR ORDINARY DEATH BENEFITS

Case of John Curry, Deceased, Application for Ordinary Death Benefits – Plan J

This is an appeal by Brett and Conor Curry, daughter and son of John Curry, to receive Ordinary Death benefits in plan J. At the October 21, 2010 meeting the Board awarded Ordinary Death benefits to their step-mother, Maria Leibowitz Curry. Brett and Conor ask the Board to reconsider its decision about the distribution of the Ordinary Death Benefits.

In their letter, the Curry’s state that they believe they should be the beneficiaries of a monthly pension. Since their father died as an active employee, if their appeal is approved, they will be beneficiaries of the Ordinary Death benefits. Conor would have a choice of a lifetime benefit of approximately \$1,554.00 monthly or an estimated \$48,000.00 one time lump sum. Brett would have a choice of a lifetime benefit of approximately \$1,551.00 monthly or an estimated \$48,000.00 one time lump sum.

The lump sum DROP proceeds of \$68,152.71 are to be divided equally between Conor and Brett Curry per the Change of Beneficiary Designation for DROP form dated June 24, 2010. Their stepmother Maria did not appeal the disposition of the DROP proceeds in her letter of September 29, 2010.

Mr. Rubin explained that when the Board received the legal opinion that House Bill 1828 eliminated the two year marriage requirement and the Board sent a letter informing DROP participants that they could name their spouse, then sent another letter saying they could not, it

created confusion. He believed Mr. Curry, in good faith, choose to name his wife and that is why the Board decided last month to give the benefit to his spouse.

William Rubin made a motion to deny. Brian Albert seconded the motion.

The motion to deny carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Lawrence Sloan, Deceased, Application for Survivorship Benefits – Plan “J”

This is an application by Linda T. Sloan, for survivorship benefits in Plan “J”.

Lawrence Sloan, Municipal Guard for the Free Library, died on November 28, 2010. Submitted is a copy of his death certificate.

Lawrence Sloan retired effective April 4, 1990. At the time of his retirement, Mr. Sloan elected Survivorship Option #4. He named several different pension beneficiaries at different times. The last he named was Linda T. Sloan on July 11, 2000. He was not entitled to life insurance.

Lawrence Sloan divorced Marie Sloan on 8/15/1973. Linda T. Sloan divorced John Foreaker on March 28, 1978. Copies of their divorce decrees are submitted.

In her sworn statement, Ms. Sloan states that she met Lawrence Sloan in November 1976. They moved in together in June of 1977 and lived together in common-law status until his death. Their daughter Jennifer was born May 14, 1978. Attached is a copy of her birth certificate.

In addition Ms. Sloan submitted the following documents:

- The Tax Form(s) 1040A for the followings years: 1978, 1979 & 1980 in both names.
- Refund Statement from IRS in both names.
- US Treasury Check dated April 27, 1979 in both names

Also submitted are statements from the following friends and relatives: Michael Bowman, Michael LeDonne, John Jewoher, Amelio LeDonne and Rita Harrigan.

If approved, Ms. Sloan will receive a lifetime, monthly benefit of \$305.21.

Carol Stukes made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

APPLICATION FOR SURVIVORSHIP BENEFITS

Case of Nathaniel Hodges, Deceased, Application for Survivorship Benefits – Plan “J”

This is an application by Rebecca Boyd-Hodges for survivorship benefits in Plan J.

Nathaniel Hodges, a Roofer with the Department of Recreation, retired on February 20, 1995. Mr. Hodges died on September 28, 2010. Submitted is a copy of the death certificate.

At the time of his retirement, Mr. Hodges took survivorship option 4 and named Rebecca Boyd-Hodges as the beneficiary of his pension and life insurance, relationship – wife. Attached are copies of the pension and life insurance beneficiary forms.

Rebecca Boyd-Hodges is applying to have the Board of Pensions recognize her 8 year relationship with Mr. Hodges as a common law marriage. The couple was married on July 28, 1994. Attached is a copy of the marriage certificate.

In her notarized statement, Mrs. Boyd-Hodges states that she and Mr. Hodges met on July 4, 1986. In the fall of 1988, after two years of dating, he moved into her home at 3950 N. 7th Street. After his retirement in 1995, they relocated to North Carolina, where they lived until his death. She does not mention any children born from this union.

Mr. Hodges had been previously married to Gwendolyn Hodges. She died on August 1, 1988. Mrs. Boyd-Hodges had been previously married to Wilbur Cooper. He died on January 25, 1986. Attached are copies of the death certificates.

Attached are the following documents proving they shared the same residence from 1988-1992:

1. Death Certificate for Mr. Hodges' aunt, Emma L. Ceya. She died January 2, 1991 and he was the informant. His mailing address was listed as 3950 N. 7th Street.
2. Mr. Hodges' 1988 Form 1040 where his address is listed as 3950 N. 7th Street
 - a. Philadelphia Federal Credit Union 1099-INT form attached listing his address as the same
3. Mr. Hodges' 1989 Form 1040 where his address is listed as 3950 N. 7th Street
 - a. City of Philadelphia W-2 attached listing his address as the same
4. Mr. Hodges' 1990 Form 1040A where his address is listed as 3950 N. 7th Street
 - a. PFCU 1099-INT attached listing his address as the same
5. Check copies from 1990 showing Mr. Hodges' address as 3950 N. 7th Street
6. Canceled check from 1991 and check copies from 1990 showing Mr. Hodges' address as 3950 N. 7th Street
7. City of Philadelphia pay stubs from November 22, 1991 and January 31, 1992 showing Mr. Hodges' address as 3950 N. 7th Street
8. City of Philadelphia pay stubs from June 5, 1992 showing Mr. Hodges' address as 3950 N. 7th Street

Also submitted are statements from the following friends and relatives: Erik Boyd, Barbara Edwards, Sheila Pierce, Barbara Hargrove, Marcia Philpot Murphy, Andrea James and Andrea Kearney

If approved, Ms. Boyd-Hodges would be eligible to receive a \$479.54 monthly survivorship benefit.

Brian Albert stated the problem is that it does not meet the two year marriage requirement. Ms. Weiss added that the couple has to hold themselves out to the community as husband and wife.

Ms. Stukes commented that the write-up should clarify that the applicant is trying to establish a common-law marriage and she believed the requirements for that were met.

William Rubin made a motion to approve. Carol Stukes seconded the motion.

The vote tied 4-4. The Chair voted to deny making the vote 4-5. Motion fails and is Denied.

APPLICATION FOR SURVIVORSHIP BENEFITS ON BEHALF OF A MINOR

Case of Cheryl M. Banks, Deceased, Application for Survivorship Benefits on Behalf of a Minor Child – Plan “J”

This is an application by Jamillah White to receive Survivorship benefits on behalf of a minor child in Plan J.

Cheryl M. Banks, a Clerk Typist for the Police Department, was hired on July 9, 1990, retired on August 26, 2006 and died on November 9, 2006. She chose survivorship option 4 at retirement. On her “Designation of Beneficiary for Pension Benefits” form dated September 11, 2006 she designated Fareed Banks, relationship son, as her survivor.

At the time of her retirement, Cheryl Banks supplied her divorce decree from John Banks. Her death certificate also lists her marital status as “divorced.”

Jamillah White was awarded sole physical and legal custody of Fareed Banks in a court order dated December 8, 2010.

In her notarized statement, Ms. White states that Fareed has resided with her since October 2006, since her aunt (Cheryl Banks) was unable to care for Fareed due to her own illness. In her second notarized statement, Ms. White states that Ms. Banks had no other minor children at the time of her death.

If approved, Jamillah White will receive a monthly benefit of approximately \$488.32 on behalf of her cousin, Fareed Banks, until he turns eighteen on June 18, 2011 when the benefit will be terminated.

Carol Stukes made a motion to send to a hearing panel. Brian Albert seconded the motion.

The motion to send to a hearing panel carried unanimously 8-0.

REQUEST TO CHANGE SURVIVORSHIP OPTION

Case of Francis Schneider, Request to Change Survivorship Option – Plan “D”

Francis Schneider signed his DROP paperwork on August 18, 2010 and elected a DROP entry date of August 23, 2010.

At the time of his DROP entry he elected survivorship option #3 naming his wife Carline Schneider. In a letter dated October 19, 2010 Michael Fanning Esq., on behalf of Mr. Schneider, states that Mr. Schneider would like to change his survivorship option to option # 1. The letter states that, since August 23, 2010, Mr. Schneider has made several attempts to change his option.

Mr. Schneider is appealing the administrative denial of his request to change his option, stating that his selection of option # 3 was a misunderstanding and the selection of option # 3 will cause him great hardship. Mr. Schneider and his wife were married on December 23, 2008.

If approved, Mr. Schneider will receive \$6367.71 per month under option # 1 instead of \$5544.37 under option # 3.

Brian Albert made a motion to deny. Hilary Cornell seconded the motion.

The motion to deny carried 7-0-1.

OLD BUSINESS

Case of Michael Brinkley, Application for Service-Connected Disability Benefits – Plan “B”

The case was **denied** at the January 21, 2010 Board Meeting. A hearing [SAMMONS] was held on December 8, 2010.

The Hearing Panel votes are as follows:

Ms. Celia O’Leary:	Recommend approval. Dr. McCoy testified that the right knee injury alone, which was solely due to the on-duty accident, was sufficient to disable Mr. Brinkley.
Ms. Carol Stukes:	Recommend approval. Injury is due solely.

Mr. Brian Albert: Recommend approval.
Injury to right knee is due to the work related injury and is disabling for the employee.

This is the history of the case:

This is an application by Michael Brinkley, former Police Officer, Police Department for Service-Connected Disability benefits in Plan “B”.

Mr. Brinkley sustained the injury while working when his police vehicle hit another car. He was pursuing a traffic violator when his car hit another car that pulled in front of him. The nature of Mr. Brinkley’s disability is constant back, left and right knee, arm and neck pain. His date of injury is October 26, 2006.

A deposition from Dr. Paul Sedacca, taken on September 15, 2010 and Dr. Michael McCoy, taken October 25, 2010 were reviewed by the Board.

Ronald Stagliano made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

Case of Herbert Spellman, Application for Service-Connected Disability Benefits – Plan “B”

This case was denied at the December 17, 2009 Board Meeting. A Hearing Panel was held on December 8, 2010.

The Hearing Panel votes are as follows:

Ms. Carol Stukes: Recommend approval.
I agree with Dr. Salkind.

Mr. Brian Albert: Recommend denial.
Degenerative changes of his cervical and lumbar spine –
Not due solely

Ms. Celia O’Leary: Recommend denial.

This is an application by Herbert Spellman, former Police Officer, Police Department, for Service-Connected Disability Benefits in Plan “B”.

Mr. Spellman sustained the injury while working in his police vehicle, when it was hit in the rear. The nature of Mr. Spellman’s disability is limited mobility due to neck, ankle and back pain. His date of injury is June 19, 2006.

Mr. Stagliano pointed out that both Drs. Anderson and Salkind said this injury is due solely to his accident. Dr. Korevaar also agrees that he is injured. Dr. Berman's report states there is nothing wrong with him, which is curious, compared with the other doctors.

Ms. Stukes stated that she sat on the hearing panel and Mr. Spellman never had an accident or an injury a day in his life. The pain he was in was visible. Ms. Stukes stated that her opinion is based on Dr. Salkind's report. This was a man that gave service to the City of Philadelphia and it was clear at the hearing that there is something medically and physically wrong with him.

Ms. Cornell said she did not sit on the hearing panel and Dr. Salkind's report was not included in the packet.

Ms. Stukes replied that the report was at the hearing panel and part of the Notes of Testimony. The lawyer was also questioned and the gentleman on Dr. Salkind's report.

Ronald Stagliano made a motion to approve. Carol Stukes seconded the motion.

The vote tied 4-4. The Chair voted to deny making the vote 4-5. Motion fails and is denied.

Case of Luis J. Rivera, Application for Service-Connected Disability Benefits – Plan “Y”

This case was **denied** at the April 22, 2010 Board Meeting. A Hearing Panel was held on November 17, 2010.

The Hearing Panel votes are as follows:

- | | |
|-------------------|--|
| Mr. Brian Albert: | Recommend denial.
Degenerative changes of the lumbar and cervical area are the cause of disability and not due solely to the work related injury. |
| Mr. John Reilly: | Recommend approval.
Grant the petitioner, Luis Rivera, his request for a service-connected disability pension. |
| Ms. Carol Stukes: | Recommend approval.
All the injuries were job related and this injury aggravated the prior injury and has resulted in the employee's surgery and a metal plate being put into his neck. |

The history of the case is as follows:

This is an application by Luis J. Rivera, former Correctional Officer, Prison Department, for Service-Connected Disability Benefits in Plan “Y”.

Mr. Rivera sustained the injury while working in the Detention Center tunnels supervising a cleaning detail, he stood up and struck his head on a pipe. The nature of Mr. Rivera's disability

is limited mobility due to pain, stiffness, and nerve damage in his neck. His date of injury is November 26, 2007.

John Reilly made a motion to approve. William Rubin seconded the motion.

The motion to approve carried 5-3.

Case of James McGovern, Application to Retain Option 4 – Plan J

This case was **denied** at the August 5, 2010 Board Meeting. A Hearing Panel was held on December 15, 2010.

The Hearing Panel votes are as follows:

Mr. William Rubin:	Recommend approval.
Mr. Harvey Rice, Esq.	Recommend approval.
Ms. Paula Weiss	Recommend approval.

This is the history of the case:

This is an application by James Mc Govern, to retain survivorship option 4.

Mr. Mc Govern entered DROP effective January 11, 2010. He submitted his marriage certificate indicating that he was married September 20, 2008. At that time he chose survivorship option 4.

At the time Mr. Mc Govern chose survivorship option 4, he was told that House Bill No. 1828 became law effective September 18, 2009. Section 1131 of the Bill authorized an active member of a municipal pension system to designate the member's spouse as beneficiary of the member's pension, regardless of the date of the marriage.

The provisions of Section 1131 would have supplanted the two (2) year marriage requirement for the selection of option 4 in §22-306 of the Philadelphia Public Employees Retirement Code.

On June 4, 2010, Mr. Mc Govern received a letter from the Board of Pensions and Retirement stating that Section 1131 is not applicable to the City of Philadelphia. Section 1131 applies only to local governments which did not have deferred retirement option plan (DROP) in existence as of the effective date of the legislation, September 18, 2009. Because the City of Philadelphia's DROP program was in existence before the date, the provisions of Section 1131 are not applicable. Accordingly, the two (2) year marriage requirement for the selection of a spouse as beneficiary under option 4 in Section 22-306 of the Philadelphia Public Employees Retirement Code remains in effect.

Because Section 1131 is not applicable to the City of Philadelphia, Mr. Mc Govern does not meet the two (2) year marriage requirement of §22-306 of the Philadelphia Public Employees Retirement Code in order to select his spouse as survivor under option 4.

Mr. McGovern came into the Board of Pensions and Retirement on June 10, 2010 and spoke with Stacey M. White. At that time he was given figures for Option 2 and Option 3 and he stated he would like to appeal this decision.

On June 14, 2010, Executive Director, Francis X. Bielli, Esq. received a letter from Mr. McGovern requesting to retain Option 4.

William Rubin made a motion to approve. Brian Albert seconded the motion.

The motion to approve carried unanimously 8-0.

Ms. Stukes asked for the status and the reason why the case for Carol Evangelista was not on the agenda as it was tabled for 30 days in December and clear that her injury is due solely. She asked when it would go back on the agenda.

Mr. Stein replied that the Law Department is still looking into it. There have been a few cases along these lines and they are trying to determine how the settlement and release, which were signed with Workers' Compensation, affects their service-connected disability benefit and their ability to collect workers compensation. They would rather get it right and make sure everyone gets what they're supposed to if the application is approved. He said it will be ready by the next meeting.

NEW BUSINESS

Executive Director's Report - Mr. Bielli stated that the letter to the Civil Service Commission, which the Board requested, regarding ordinary disability and worker's compensation was sent to Doris Smith. Once he receives a response he will let the Board know.

The 1099's were completed and sent to the mail room. They will be mailed this week.

Other Business

The Board discussed the minimum widow's benefit as Mr. Stagliano commented that he has been receiving phone calls regarding the taxation of the benefit which is received by 159 people.

Mr. Stein told the Board that the draft for City Council would be ready soon for the Board's consideration and would change two sections of the Code to distinguish the two types of minimum benefit. It would create a form of minimum benefit which is a continuation of the service-connected disability benefit and thus would not be subject to taxation.

Mr. Stagliano asked if the IRS would agree.

Mr. Stein replied that it is a separate issue. The Law Department is currently trying to get a private letter ruling on the issue but doesn't know how long that will take so this is the best course of action. If it is taxable, it will be taxable to the recipient. As long as it goes through the proper procedure it shouldn't affect the Board's tax status with the IRS.

Mr. Bielli advised Mr. Stagliano that something could be put in writing to explain the reason for the change or the phone calls could be directed to the Board of Pensions. Mr. Stagliano said that was unnecessary.

Mr. Stagliano stated that for a lot of people receiving the minimum benefit the only other thing they are getting is social security so it's not creating a taxable event for them anyway. If they have another source of income then it may because their taxable income is going up.

Selection of Board Vice-Chair

Mr. Rubin stated that the Board Rules call for a selection of a Vice-Chair for the Board in January. He nominated Ronald Stagliano.

William Rubin made a motion to nominate and elect Ronald Stagliano for Vice-Chair of the Board for the year 2011. John Reilly seconded the motion.

The motion to nominate and elect Ronald Stagliano as Vice-Chair of the Board carried 7-0.

Mr. Stagliano said he considers it an honor to sit on the Board and he enjoys working with the board members, the membership, the Special Pension Commission and all of the committees. He believes the Board does a good job for all of the people that they represent. He would be happy to accept the assignment.

Ms. Weiss and the Board congratulated Mr. Stagliano and thanked Mr. Rubin for serving the past few years.

FYI

Litigation Summary – Mr. Stein stated that the Alfonso Clayton case and the Horner-Klein case withdrew their appeals. The Deveaux appeal was dismissed by the Court. Mr. Stein also listed that cases that remain pending in Common Pleas Court.

William Rubin made a motion to adjourn. John Reilly seconded the motion. The meeting adjourned at 9:40 a.m.