



# **STAMFORD FIREFIGHTERS PENSION FUND**

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**City of Stamford, CT**

**Chairman Michael Golden  
James R. Fountain  
Michael Gold  
Michael Gallas  
Gerald J. Kutz**

## **Meeting purpose: Regular Meeting (Continuation of the July 6, 2020 meeting)**

### **July 15, 2020 1200**

A Regular meeting of the Stamford Firefighters Pension Fund was held continued at 0800 on Wednesday July 15<sup>th</sup> via Zoom video conference due to the Covid 19 Pandemic.

Present at the meeting were: Chairman Michael Golden, Trustee James Fountain, Trustee Michael Gold, Trustee Michael Gallas and Trustee Gerald Kutz. Absent: None. Guests included: Union alternates Deputy Chief Matthew Palmer and Firefighter Riis Lane, Union President David Davis, Actuary Rebecca Sielman, Human Resources Director Alfred Cava, City Corporate Council Kathryn Emmett, and various members of the public and interested parties. To include but not limited to: Jeff Stella, Michael Passero, Gabe Jiram, Jeff Curtis, Angela Carella and Paul Anderson.

The meeting was called to order at 0802 by Chairman Golden.

Chairman Golden introduced himself and asked everyone on the teleconference to introduce themselves and their role as it relates to the Stamford Firefighters Pension Fund.

### **Public Comment**

None

### **Pension Trust Agreement**

Chairman Golden asked Trustee Kutz to bring the board and others on the call up-to-date on the unions where we are relative the an amendment proposed by the city regarding the "In Service" pensions of the chief officers of the Stamford Fire Department.

Rebecca Sielman reviewed the costs for the Chiefs to retire and begin collecting their pension. She presented a letter sent to Alfred Cava on March 23, 2019.

Much was discussed surrounding the letter and projects. Trustee Kutz stated that this information was only about Chief Roach and Asst. Chief Robles, and did not represent any financial impact of the fund going forward.

Kathryn Emmett commented that the amendment that was proposed, needs to be changed to reflect consistencies with the current Collective Bargaining Agreement. The city also plans to amend the

amendment to include a provision that the chief be in the role for 4 years prior to receiving their pensions.

Past Trustee Mathew Palmer objected to the discussion regarding the proposed amendment. He stated that we should be focused on process, not discussing an amendment. He feels that the city and the union need to discuss the amendment and need to come to an agreement prior to action by the pension board.

Attorney Gabe Jiram provided the board from the City's perspective that the amendment is not a mandatory subject of negotiation due to the chiefs not being part of the bargaining unit. The union disagrees, but Past Trustee Palmer commented that legal opinions have varied on all the topics regarding these issues. He believes this was not an appropriate discussion for this board.

Trustee Kutz asked the attorneys on the call if any discussion had taken place between the union and the city on this issue? He stated that the board couldn't have been more clear that they were not going to entertain the amendment without proper negotiation/discussion between the union and the city.

Attorney Emmett commented that the city gave the union some documents on the chief employment status, to meet their request. Other than that, no discussion occurred. She stated that the city's position is that this is not a mandatory subject of negotiation, thus no negotiation will occur.

Trustee Kutz read a section of the pension trust agreement that states that to change the agreement, the board needs at least one vote from the city and at least one vote from the union.

Emmett commented that they did not have the document that Kutz was reading from.

Chairman Golden commented that we need to ask our attorney to provide everyone with the proper documents and that this is a critical to-do.

Trustee Kutz then went on the state that after our request in April for a discussion, the fact that it hasn't happened is ridiculous. He then went on to state that our tax status is in jeopardy if the chiefs' pensions continue or no amendment is passed. He stated that he was very dismayed because the city has not met with the union over this issue. He stated that whether it is mandatory or not, the city and the union needs to meet.

Chairman Golden had two questions about the 9 month extensions of the chiefs and the issue of a chief waiting for four years before collecting a pension. Emmet discussed the extensions and that there was a stipulation put into the pension prior to 4 years.

Trustee Gallas asked if the police pension trust was modified to include the allowance for "In-Service" pensions. Emmett commented that the city decided to bring the amendments to the fire pension board first. Trustee Gallas also commented that the chiefs do get an exceptional benefit, because their pension benefit is based on Chief Rate of pay. As a clarification Emmett commented, the chief are not allowed to participate in the defined contribution plan.

Trustee Fountain commented that we should get the union and the city to talk. Emmett commented that the city and the union can speak but the city feels that this issue is not a mandatory subject of negotiations.

Trustee Gold asked do unanimity of legal opinion on the fact that we need an amendment to provide "In-Service" pensions? Emmett commented that we do not have a yes or no on that issue. Gold commented that the amendment as proposed does not say anything about "In-Service" pension.

Past Trustee Palmer commented that Lori Underberger, Pension Board Council, is the expert in this matter and should be viewed as the determining authority.

Trustee Gold asked if the "In-Service" were approved by the trustees in the April meeting. Trustee Kutz commented and wants to be very clear that the pensions of the two chiefs were approved as "regular" pensions. We as a board expected them to separate as of May 1, 2020. Trustee Fountain commented that his recollection was different. Past Trustee Palmer clarified that the communication prior to the vote was via text message. The assistant chief asked to proceed irrespective of the proposed amendment was adopted or not, his intention was to retire.

Chairman Golden took exception to the word "duped". Trustee Kutz made it clear that the "In-Service" pension was not common knowledge. He retracted the word duped and said he felt deceived.

Trustee Gold asked if the proposed amendment would allow the chiefs to receive an "In-Service" pension? Emmett said that the answer is yes.

Chairman Golden asked if it is the recommendation of the union reps to the board to ask our attorney to rule on whether this topic is a mandatory subject of negotiation. Past Trustee Palmer, stated that our attorney is really not a labor attorney, and thus tough for her to answer.

Trustee Kutz stated that the pension benefits need to be agreed to by the city and the union. Emmett restated that the city feels it is not a mandatory subject to negotiation. Emmett stated that this is a complicated issue. Trustee Kutz restated, that the board asked the city to meet with the union and reach an agreement.

Chairman Golden asked President Davis and Alfred Cava from HR to meet and agree on an amendment for our next meeting. He asked and received agreement from each individual.

Trustee Fountain commented that whether it is "Mandatory" or not is a moot point if the trust agreement requires one union and one city vote.

Trustee Kutz stated that we do have "In-Service" pensions going on and we need to take action to end them.

Chairman Golden stated that we should not take punitive action against the chief and assistant with all the open questions. And, we should allow the city the time to meet and report back to our next meeting.

Trustee Kutz stated that the parties (the Union and the City) should be aware that we will be taking action at the next meeting if they cannot come to some sort of agreement. He stated that this is not anything to do with the chiefs personally. The chiefs are entitled to their pensions if they separate and retire. The issue is "In-Service". He stressed that the city and the union needs to work together and get this done.

Chairman Golden asked an open question on how do other towns handle this same situation. Past Trustee Palmer gave some information regard other towns.

Chairman Golden summarized the actions that will take place.

### **Pension Board Priorities**

Chairman Golden introduced a discussion on Pension Board priorities as we move forward. He wanted to have a white board discussion on different topics.

- Managing Investments
- Process
- Communication with union members
- Communication with retirees
- Board professional development
- Administrative efficiencies
- Record retention

Past Trustee Palmer commented that we have many documents under the Pension Trust Agreement. And should be considered a high priority.

Trustee Fountain commented that besides our obvious investment responsibilities, the Pension Trust Document is of critical importance.

### **Other Business**

#### **Robert Berlingo**

Chairman Golden, asked the Chief, the Mayor and the President of Local 786 to please reach out and purchase some sort of plaque and a nice letter for past chairman Berlingo.

#### **Web Site**

Chairman commented that he wants to get the web site and online records cleaned up and maintained. He doesn't understand why even the current members are not listed correctly. Trustee Fountain stated that he will work with the city representatives to get everything posted.

Trustee Kutz commented that he had a conversation with Barbara Murphy regarding the minutes. He stated that he will work with the parties to get the proper minutes posted, if we can find the records.

Going forward, we need to go direct to the city web master and get the documents posted in an expeditious manner.

Trustee Kutz commented that we may have to discuss many things in Executive Session with regards to the investment managers to maintain their intellectual capital as private information.

### **Meeting Packet on Google Drive Link**

Chairman Golden, asked if his practice of sending out the documents ahead of the meeting with a Google Drive Link. The consensus was that the practice was really good. A discussion took place regarding record retention and how to set it up.

### **Next Meeting**

The next **Regular** meeting will be scheduled for **Monday August 3<sup>rd</sup>, 2020 at 1200** via teleconference. The agenda will be determined as more information is discovered about the pandemic. An announcement will follow with information regarding the meeting. The following items may be on the agenda:

- Investment Policy
- Pension Trust Agreement
- Pension Statements
- Comptroller Role
- Beirne Wealth Consulting will bring 2 fund managers for their annual review

### **Adjournment**

A **MOTION** was made by Chairman Golden and seconded by Trustee Gallas at 1025 to adjourn the meeting. Motion **PASSED** Unanimously.