

**CITY OF EAST PROVIDENCE
POLICE AND FIRE RETIREMENT SYSTEM
JOURNAL**

A special meeting of the Fire and Police Retirement System Board of Trustees was held on Tuesday, the 9th of May 2023 in Conference Room A at City Hall at 9:00 am

Trustees:

- Lt. Jeffrey Wyrostek, Chairman, Fire Representative – present
- Capt. James Nelson, Vice Chairman, Police Representative – present
- John C. Neale, Retiree Representative - present
- John F. Wallace, Civilian Representative - present
- Frank Fogarty, Councilman, City Council Representative – present
- Roberto L. DaSilva, Mayor – present – arrived at 9:07 am
- Malcolm Moore, Director of Finance, Administrator – present

Other Attendees:

- Michael J. Marcello, City Solicitor
- Kim Brown, Pension Clerk

Open Session Called to Order at 9:03 am by Chairman Wyrostek

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√		√
Nay							
Abstain							
Absent						√	

Discussion / Recommendation / Action / Vote of RI Firefighter Cancer Statute

The Solicitor presented the Board with a memo regarding the cancer statute. The statute conclusively presumes all cancer to be occupational. The second prong is that the firefighter is required to prove they are disabled and cannot work. The State requires no matter what that the person certifies they cannot work as a firefighter even if they are retired. There are several examples from the State where all were denied in the memo. The Solicitor needs the Board to decide the process they want to go through to convert or issue a disability claim. He recommends that the Board adopts a policy. Trustee Neale asked about current employees and who determines if they are disabled. Trustee Nelson asked about retired members and if they were working full time at a chemical plant because that could affect their health. The Solicitor realizes all of these things and is looking for guidance those all can be asked. Trustee DaSilva asked if there was a policy. Trustee Nelson asked about how it's calculated again. The Board has been consistent with calculations. When a regular pension is converted to a disability pension the base salary at retirement is recalculated by taking 66 2/3% of the base salary and adding a 3% compounded COLA each year to current. Trustee DaSilva would like a solid policy that drives how the Board handles things going forward. Written and voted on by the Board so if the Board changes there will be consistency. Trustee Wyrostek referred the Board to page 2 (a) reading the underlined sections. He thinks anyone can make an argument there is a comma there "and" he understands it to be a separate thought and it does not state a retired member has to be able to perform any duties. What is the intent of the law? The Solicitor did not disagree, the State is taking a conservative opinion and it hasn't been challenged, they look forward to the challenge. Trustee Nelson stated the same question, they don't have to prove they can't work they are already retired. The Solicitor again stated that he does not disagree. It is up to the Board to set their policy. Trustee DaSilva wondered if it would be beneficial to the Board to put a RFP/RFQ out for a pension attorney to draft policy for the Board and City ordinance. He asked for a discussion item to be put on the next agenda. Trustee Wyrostek wanted to make sure labor was included in those meetings. Trustee DaSilva

reminded everyone that it's the Boards number one responsibility to keep the pension healthy for years to come. Trustee Nelson would like to have a cap for the attorney fees. The Solicitor has one person who is waiting and he would like to answer him. What he would like to do is modify they form from the State and send it to the individual with the Boards approval. Trustee Wallace wanted to know how it affected the pension. The Solicitor reminded the Board that up or down financially the Board needs to be consistent. Trustee DaSilva wants one form for everything. The Solicitor will modify the form to reflect the City not the State and will include a letter. Once modified the State form will be used to move this process forward.

A motion was made to send the form to the firefighter who requested a disability pension by Trustee DaSilva and 2nd by Trustee Moore

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√	√	√
Nay							
Abstain							
Absent							

Vote to go into Executive Session

The Fire and Police Retirement System of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a)(1)

A motion to go into and call Executive Session to order at 9:25 am was made by Trustee Neale and 2nd by Trustee Wallace Trustee DaSilva recused himself and signed a Statement of Conflict

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√		√
Nay							
Abstain							
Absent						√	

A motion was made to seal the minutes, adjourn executive session at 9:57 am and read out the votes by Trustee Moore and 2nd by Trustee Nelson

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√		√
Nay							
Abstain							
Absent						√	

Reconvene in Open Session

Reading of the votes from Executive Session

A motion was made to have Kim Brown read the votes from executive session by Trustee Nelson and 2nd by Trustee Wallace

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√		√
Nay							
Abstain							
Absent						√	

The clerk stated that there was a unanimous vote made by all present to have the Solicitor ask for clarification from one of the doctors regarding their IME report for Det. Cpl. Medeiros. If no clarification is forth coming the two doctors will have to confer and recommend a third doctor for an additional IME exam to be done.

Adjournment

A motion was made to adjourn the meeting at 9:59 a.m. by Trustee Fogarty and 2nd by Trustee Wallace

VOTE	JEFF WYROSTEK	JAMES NELSON	JOHN NEALE	JOHN WALLACE	COUNCILMAN FOGARTY	MAYOR DaSILVA	MALCOLM MOORE
Aye	√	√	√	√	√		√
Nay							
Abstain							
Absent						√	