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COMMISSIONERS:

- Acting Chairman Steven Giacomi
- Commissioner Christopher Corbett
- Commissioner Michael LeBlanc
- Commissioner Bryan McEntee

ALSO PRESENT:

- Paula Anthony, Esquire
- Karen Lang
- Cindy van Deursen
- Heather Cianciola Boyd
- Gregory McCarty
- J. Paul Vance, Jr., Esquire

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[On the record at 4:30 p.m.]

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ACTING CHAIRMAN GIACOMI: We can begin  
this month's meeting of the City of Waterbury  
Retirement Board.

6 If everyone will please stand for the  
7 Pledge of Allegiance and a moment of silence.

8 [Pledge of Allegiance and Moment of  
9 Silence]

10 Before we begin, if the commissioners will  
11 introduce ourselves. I'll start, Chairperson  
12 Lisa Martin is not in. I'm vice chair,  
13 Alderman Steven Giacomi.

14 COMMISSIONER CORBETT: Chris Corbett.

15 COMMISSIONER MCENTEE: Bryan McEntee.

16 COMMISSIONER LeBLANC: Michael LeBlanc.

17 ACTING CHAIRMAN GIACOMI: At this moment  
18 in time, any member of the public who wishes to  
19 speak, now would be the time. Is there any  
20 member of the public that wishes to speak?

21 MR. VANCE: I would like to.

22 ACTING CHAIRMAN GIACOMI: If you could  
23 please state your name for the record.

24 MR. VANCE: J. Paul Vance, Jr., 41  
25 Anna Avenue, Waterbury, Connecticut. Law

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1 office is out of Bristol and Hartford.

2 I represent Greg McCarty who is a  
3 Waterbury police officer who was first before  
4 your board in February of 2013 for  
5 consideration of his application of a  
6 service-related disability retirement. Since  
7 we last appeared at the board, Greg has had a  
8 lot going on in his life. He has a new

9 daughter. On the record, we congratulate him.  
10 And he's undergone a full hip replacement.

11 When his application was initially denied,  
12 he attempted to return to work and he was not  
13 allowed to because of his physical  
14 restrictions. He is now applying for a pension  
15 based on the injury he suffered while  
16 responding to a call when a woman was suffering  
17 from a stroke. I've provided for your office  
18 and anyone else here that wants to see it his  
19 full medical file, all of which are related to  
20 his application and you can see it's quite a  
21 litany.

22 By way of a little bit more back  
23 information, I had attached an affidavit from  
24 the former chief Mike Gugliotti to a letter  
25 that I had sent to the board. I know you

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1 received it and placed it on file in September.  
2 Chief Gugliotti indicated that he encouraged  
3 Mr. McCarty to apply for the disability pension  
4 after becoming aware of the severity of his  
5 injuries. Even as recently as today, and Greg  
6 still treats with Dr. Nelson, he cannot lift a  
7 gallon of milk with his injured arm. You have  
8 the full medical record and we've also provided  
9 a summary of his medical file, but I want to  
10 walk you through a couple points that I think  
11 are important.

12           There have been three doctors, Dr. Olson  
13 who is the treating physician from Waterbury  
14 Orthopedic, a second opinion doctor, Dr.  
15 Caputo, of Orthopedic Associates of Hartford  
16 and an IME through the pension and benefits  
17 office, Dr. David Burstein of Farmington Valley  
18 Orthopedics. All orthopedic doctors have  
19 permanently and totally disabled him from his  
20 position with the Waterbury Police Department.  
21 The second IME doctor was Dr. Michael Aron of  
22 Hartford Orthopedic and his quote in his  
23 opinion was he's "Unsure whether or not he  
24 would be able to perform the job of a police  
25 officer." And indicated that McCarty would

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1       likely need a future surgery. He sent him as  
2 you remember to a functional capacity  
3 evaluation for clarification of his opinion.  
4 The physical therapist that performed the  
5 functional capacity exam in the fall of 2012  
6 indicated that "Mr. McCarty suffered from pain  
7 and weakness in his left elbow and wrist" and  
8 indicated that he had a medium work capacity,  
9 gave normal scores for his right hip despite  
10 the fact that Mr. McCarty had an abnormal gait.  
11 The normal hip, as she called it, was  
12 subsequently replaced some five months later.  
13       So I submit for your consideration, and I  
14 think the test lacks a little bit of

15 credibility. The test also did not measure his  
16 arms individually. His right arm has not been  
17 injured, it's his left arm that has. The  
18 doctor indicated after receiving the functional  
19 capacity evaluation that Mr. McCarty would not  
20 be disabled from being a sergeant with the  
21 police department. But if you look in his  
22 report, he indicates that Mr. McCarty would not  
23 be able to apprehend a suspect. So  
24 essentially, that doctor has said that he could  
25 serve as a police officer, he just couldn't

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1 arrest anyone. And I'm not sure if in the job  
2 specifications that would really fly and I  
3 don't know that the Waterbury Police Department  
4 would benefit from having police officers who  
5 are not able to arrest people.

6 Over the course of his career, he did not  
7 abuse sick time, he did not gain the system,  
8 the records speak for themselves. His  
9 disability has robbed him of the ability to  
10 work in his chosen career. He has not filed  
11 for Unemployment. In fact, as I said at the  
12 beginning of my presentation, when he was  
13 initially denied the application for a  
14 service-related disability pension, he  
15 attempted to go back to work because he has a  
16 wife and two daughters to support and he  
17 enjoyed his job. He simply can't do his job

18 with one arm as a sergeant, and that's why at  
19 least three doctors and his own functional  
20 capacity evaluation, the last thing we'll talk  
21 about, at Access Rehab Waterbury Hospital, also  
22 in the fall of 2012, the conclusion was that  
23 Greg has a medium work capacity for his right  
24 side which was not injured but only a sedentary  
25 capacity for his left side.

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1 Greg would be happy to go back to work  
2 tomorrow as a full-time sergeant, but it would  
3 have to be in a light-duty position and that  
4 doesn't exist, a permanent light-duty position.  
5 So I would ask that Greg be granted a  
6 service-related disability pension so that he  
7 can move on with his life.

8 And I'll have any questions, and  
9 Mr. McCarty is here if you have any questions  
10 for him about his medical condition, about his  
11 treatment, how it's ongoing. So essentially  
12 I'm sitting next to a man that can't run --  
13 well, maybe better today than last time he was  
14 here because he has his titanium hip. And he  
15 can't lift a gallon of milk.

16 I don't think it would be in his interest  
17 or in the city's interest to have him work as a  
18 Waterbury police officer or a sergeant.

19 ACTING CHAIRMAN GIACOMI: Does anyone have  
20 any questions for Attorney Vance or of

21 Mr. McCarty, otherwise during the discussion of  
22 this if we need to ask some questions, I guess  
23 we can as well but if you'd like to now?

24 Thank you, Attorney Vance.

25 Is there any other member of the public

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1 who wishes to speak?

2 Hearing none, we will move on now to our  
3 first item on the agenda, which would be  
4 Executive Session. Attorney Vance, do we have  
5 anything from you or your client?

6 MR. VANCE: There was an old waiver that  
7 was filled out, we'd be happy to fill one out  
8 now.

9 ACTING CHAIRMAN GIACOMI: They want to do  
10 it on the record.

11 MS. LANG: We have a waiver.

12 MR. VANCE: We'd be happy to fill out  
13 another one. Thank you.

14 ACTING CHAIRMAN GIACOMI: Do you want us  
15 to wait a minute while you sign it? Do you  
16 have any questions? All right.

17 Just being in receipt of this waiver, we  
18 will now actually discuss this matter in open  
19 session. So the first item on our agenda is  
20 the discussion of the disability application  
21 and pension application for Greg McCarty.

22 The chair would entertain a motion from  
23 one of the commissioners in order to facilitate



24 discussion.

25 COMMISSIONER CORBETT: I'll make a motion

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1 that we approve the work-related disability for  
2 Mr. Gregory McCarty.

3 ACTING CHAIRMAN GIACOMI: Is there a  
4 second?

5 COMMISSIONER MCENTEE: Second.

6 ACTING CHAIRMAN GIACOMI: Motion having  
7 been made and seconded to approve the  
8 work-related disability pension. Is there any  
9 discussion?

10 COMMISSIONER CORBETT: Based upon the  
11 terms of the relative Collective Bargaining  
12 Agreement and the Retirement System Ordinance  
13 and upon the analysis provided by Disability  
14 Management Services who reviewed all the  
15 medical records.

16 I move to approve the disability pension  
17 in the work-related amount of \$3,030.46. This  
18 is subject to the verification of the pension  
19 calculation by the benefits office and  
20 commenced June 1, 2012.

21 ACTING CHAIRMAN GIACOMI: Add that to the  
22 motion. And is there any discussion of the  
23 motion?

24 COMMISSIONER CORBETT: Under discussion,  
25 Upon review of all available medical records

1 and Mr. McCarty's job description, it appears  
2 that he's totally and permanently disabled from  
3 being a police officer for the City of  
4 Waterbury. Based on representations of the  
5 City, it also appears that there is no other  
6 position available for him at a base pay rate  
7 at least 75 percent or greater. And given the  
8 fact that he's disabled from his own occupation  
9 and based upon a work-related disability, the  
10 formula that applies under the Ordinance is the  
11 one that provides for the greater of 50 percent  
12 of base pay or his regular service pension with  
13 50 percent of base pay providing greater  
14 benefit than the regular service pension.

15 ACTING CHAIRMAN GIACOMI: Any other  
16 discussion, questions for Attorney Vance  
17 Mr. McCarty? Any comments, discussions from  
18 any of the other commissioners?

19 Hearing none, all those in favor, signify  
20 by saying Aye.

21 [Aye by all present; none opposed]

22 ACTING CHAIRMAN GIACOMI: Motion carries.  
23 You're all set, Attorney Vance and Mr. McCarty.

24 MR. MCCARTY: Thank you very much.

25 ACTING CHAIRMAN GIACOMI: All right.

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2 disability pensions, but I do not see any. We  
3 just took care of the only one that was on our  
4 agenda, so we'll move on to number three  
5 survivorship pensions.

6 The chair would entertain a motion with  
7 regard to any survivorship pension applications  
8 before us.

9 COMMISSIONER MCENTEE: I make a motion  
10 that we approve the following survivorship  
11 pensions:

12 Marion Capizzi: Annual pension  
13 \$16,744.60, monthly pension \$1,395.38.  
14 Effective date 12/29/13, Blue Collar 1991-1996.

15 Lois Kozloski: Annual pension \$17,865.40,  
16 monthly pension \$1,488.78. Effective date  
17 11/28/2013, Blue Collar 1991-1996.

18 ACTING CHAIRMAN GIACOMI: Is there a  
19 second?

20 COMMISSIONER CORBETT: Second.

21 ACTING CHAIRMAN GIACOMI: Any discussion?

22 Hearing none, all those in favor, signify  
23 by saying Aye.

24 [Aye expressed by all present; none  
25 opposed]

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1 ACTING CHAIRMAN GIACOMI: Motion carries.

2 Item number four, terminated vested  
3 pensions. The chair would entertain a motion  
4 with regards to terminated vested pensions

5 allocation.

6 COMMISSIONER CORBETT: I make a motion  
7 that we approve the following terminated vested  
8 pensions:

9 Nancy DiLorenzo: Annual amount  
10 \$21,178.65, monthly amount \$1,764.89.  
11 Effective May 1, 2017 from white collar  
12 2011-2013.

13 Domenic Lucci: Annual amount \$18,240.64,  
14 monthly amount \$1,520.05. Effective August 1,  
15 2015, Blue collar 2011-2014.

16 ACTING CHAIRMAN GIACOMI: Is there a  
17 second?

18 COMMISSIONER MCENTEE: Second.

19 ACTING CHAIRMAN GIACOMI: Any discussion?  
20 Hearing none, all those in favor, signify  
21 by saying Aye.

22 [Aye expressed by all present; none  
23 opposed]

24 ACTING CHAIRMAN GIACOMI: The next item on  
25 the agenda is contribution refunds and the

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1 chair would entertain a motion with regards to  
2 any contribution withdrawals or transfer  
3 requests.

4 COMMISSIONER CORBETT: I make a motion  
5 that we approve the following contribution  
6 withdrawals:

7 Nicholas DiBona: Police, \$856.17 pre-tax,  
Page 12

8 interest \$42.81, total \$898.98. Amount payable  
9 to the individual \$719.18. Federal income tax  
10 withheld \$179.80.

11 Viola Leonardo: white Collar, pre-tax  
12 amount \$6,008.74, interest \$235.85, total  
13 \$6,244.59. Amount payable to the individual  
14 \$4,995.67. Federal income tax withheld  
15 \$1,248.92.

16 John N. Russell: Beneficiary of Freida D.  
17 Russell. white Collar, pre-tax \$10,994.25,  
18 total \$10,994.25. Amount payable to the  
19 individual \$8,795.40. Federal income tax  
20 withheld \$2,198.85.

21 Delilah Trent: white Collar, pre-tax  
22 amount \$25,030.75, interest \$10,351.82, total  
23 \$35,382.57, and that is the amount payable to  
24 the individual.

25 ACTING CHAIRMAN GIACOMI: Is there a

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1 second?

2 COMMISSIONER LeBLANC: Second.

3 ACTING CHAIRMAN GIACOMI: Any discussion?  
4 Hearing none, all those in favor, signify by  
5 saying Aye.

6 [Aye expressed by all present; none  
7 opposed]

8 ACTING CHAIRMAN GIACOMI: Motion carries.  
9 Next item, number six, new business. The only  
10 item under new business is a report from

11 Mr. LeBlanc, our finance director, about  
12 changes in plan assets of the pension funds.

13 Mr. LeBlanc, how are we doing?

14 COMMISSIONER LeBLANC: We're actually  
15 doing very well six months into the fiscal  
16 year. The net investment income reported on  
17 the statement of changes in net plan assets is  
18 \$39.8 million, which would indicate that we're  
19 at a return of approximately 10 percent overall  
20 for a 12-month period six months in. Hopefully  
21 things will stay stable and our wish is to  
22 improve a little bit even though we're beyond  
23 where we are over the next six months.  
24 Certainly with the expectations of again this  
25 year of hopefully exceeding the investment

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1 return assumption which is now eight and a  
2 quarter percent for this plan.

3 Benefits paid and other activity on the  
4 deduction side for our activity is consistent  
5 year to date with last year. So overall, the  
6 debt increase again as of 12/31, six months in  
7 is \$35.3 million so the assets held under the  
8 trust with the overall trust portfolio value at  
9 \$433 million, again, as of December 31, 2013.

10 Following last month's meeting, there were  
11 some reallocation of funds in accordance with  
12 the asset allocation model that was adopted and  
13 the investment advisers from Wells Fargo, Joe

14 and Tom Bivona, are planning to be at our  
15 February meeting to provide the quarterly  
16 analysis for again the quarter just ending  
17 12/31.

18 ACTING CHAIRMAN GIACOMI: Any questions  
19 for Mr. LeBlanc? Any comments?

20 I'm glad to see the fund is doing so well  
21 and hope it keeps up.

22 Moving on, secretary's report. The chair  
23 will entertain a motion, you should have gotten  
24 your minutes from e-mail from the December 12,  
25 2013 meeting. Unless there's any changes or

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1 additions to the minutes, the chair will  
2 entertain a motion to approve the minutes from  
3 the last meeting.

4 COMMISSIONER CORBETT: I make a motion to  
5 approve the minutes from the last meeting.

6 ACTING CHAIRMAN GIACOMI: Is there a  
7 second?

8 COMMISSIONER MCENTEE: Second.

9 ACTING CHAIRMAN GIACOMI: Any discussion?

10 Hearing none, all those in favor, signify  
11 by saying Aye.

12 [Aye expressed by all present; none  
13 opposed]

14 ACTING CHAIRMAN GIACOMI: Motion carries.

15 The next item is there's a bill from A+  
16 Reporting, so the chair would entertain a

17 motion with regards to the bill from A+.

18 COMMISSIONER MCENTEE: I make a motion to  
19 approve the invoice from A+ Reporting Services  
20 for the December meeting in the amount of \$145.

21 ACTING CHAIRMAN GIACOMI: Is there a  
22 second?

23 COMMISSIONER CORBETT: Second.

24 ACTING CHAIRMAN GIACOMI: Any discussion?  
25 Hearing none, all those in favor, signify

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1 by saying Aye.

2 [Aye expressed by all present; none  
3 opposed]

4 ACTING CHAIRMAN GIACOMI: Motion carries.  
5 Old business? Any report? No?

6 Broke my old record. The chair would  
7 entertain a motion to adjourn.

8 COMMISSIONER CORBETT: Motion to adjourn.

9 COMMISSIONER LeBLANC: Second.

10 ACTING CHAIRMAN GIACOMI: Discussion?  
11 Hearing none, all those in favor, signify by  
12 saying Aye.

13 [Aye expressed by all present; none  
14 opposed]

15 ACTING CHAIRMAN GIACOMI: Motion carries.  
16 Meeting adjourned.

17 [Meeting adjourned at 4:50 p.m.]

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1 STATE OF CONNECTICUT :  
2 : SS MERIDEN  
3 COUNTY OF NEW HAVEN :

4 I, Elisa Sczurek, LSR, a Notary Public for the  
5 State of Connecticut, do hereby certify that the above  
6 pages are a stenographic recording of Meeting Minutes of  
7 the Retirement Board, City of Waterbury, held at 235 Grand  
8 Street, Cass Gilbert Conference Room Waterbury, CT, by me  
9 on Thursday, January 9, 2014, commencing at 4:30 p.m.

10 Dated New Haven, Connecticut, on this 15th day  
11 of January 2014.

12 \_\_\_\_\_  
13 Notary Public

14 My commission expires: December 31, 2016.  
15 License No. 233

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