

***** DRAFT MINUTES *****
CITY OF MIDDLETOWN
MINUTES OF THE RETIREMENT BOARD
SPECIAL MEETING
December 11, 2014 3:00 pm

The Special Meeting of the Retirement Board of the City of Middletown
was held in room 208 of the Municipal Building on Thursday, December 11, 2014 at 3:00pm.

Board Members Present: Mayor Drew, Jim Reynolds, Carl Erlacher, Hope Kasper, Sandra Russo-Driska, Chris Bourne
City Employees/Public/Others Present: Chris Lavoie, Andy Houlding (Atty. for Lavoie), Captain Patrick Howard, Brig Smith (General Counsel), Tony Gennaro (Pres. Middletown Police Local 1361), Bruce Barth (Atty. for Pension Board), Michael McAuliffe (Workers Comp Atty.), Shawn Beals (Hartford Courant)

Board Members Absent: Steve Gomes, Joe Serra

- Meeting was called to order at approximately 3:00 pm
- No public comments on the agenda
- **Executive Session Item** – pursuant to C.G.S. 1-200(6)(A) to discuss duty disability retirement request for Christopher Lavoie
 - Chris Bourne motioned to go into Executive Session and was seconded by Sandra
 - All in favor
 - Discussion about who will stay for Executive Session
 - Carl motions to invite Atty. Houlding, Tony Gennaro, Brig Smith and Atty. Barth and was seconded by Sandra
 - All in favor
 - Carl motioned to go out of Executive Session and was seconded by Hope
 - All in favor
 - Chris motioned to approve the disability pension and was seconded by Hope
 - In Favor – Chris, Hope, Sandra
 - Opposed – Mayor, Carl (stated for the record – because IME performed by Dr. Yannopoulos may not be impartial leaving one IME), Jim (stated for the record – because IME reports do not clearly state that Officer Lavoie cannot perform duties of the position)
 - Chris motions to pull previous motion and motions for a third IME with the Board selecting the doctor and was seconded by Hope
 - In Favor – Chris, Hope, Sandra, Carl, Jim
 - Opposed – Mayor
 - Discussion about the need/appropriateness for obtaining a third IME; uncertainty of whether the IME by Dr. Yannopoulos is impartial because of information included in medical records; how to proceed with selection of a doctor for the third IME
 - Mayor states for the record that this is highly unprecedented, that two legitimate IMEs were presented that did not meet standard of the Ordinance; suggests that Board defers to Atty. Barth for recommendation of how to proceed
 - Atty. Barth states that Board does have authority to pick IME; getting recommendations from City and Claimant is not best way to proceed
 - Discussion continues about what information will be included in records sent for third IME, and what doctor to obtain

- Sandra motions to allow only medical content of Officer's records to be considered for evaluation and was seconded by Hope
- Atty. Barth suggests that the motion be changed to "provide only medical documentation" Sandra agrees and was seconded by Hope
- Mayor proposes before voting on Sandra's motion that the cleanest and safest way to proceed is to defer final consideration (on disability pension) until Mr. Lavoie's case is completely and fully adjudicated by workers compensation
- Sandra moves question, Jim asks if all in favor of stopping (discussion) and moving motion
- All in favor
- Vote on Sandra's previous motion (seconded by Hope) to allow only medical content of Officer's records to be considered for evaluation
- In favor - Hope, Sandra, Chris, Carl, Jim
- Opposed - Mayor

- Chris motions that if Atty. Smith (City) & Atty. Houlding (Claimant) come to agreement (about IME physician) seven (7) days from (meeting date) Board will accept the agreement, if not Sandra's recommendation (during discussion) of Center for Orthopedics in Manchester will be used, seconded by Hope
- In Favor - Sandra, Chris, Hope, Carl, Jim
- Opposed - Mayor

- **Adjournment**
 - Chris motioned to adjourn and was seconded by Hope
 - All in favor

Respectfully submitted:

Carl R. Erlacher, Finance Director
Tracks MZ 42-46