

Allentown

*435 Hamilton Street
Allentown, Pa. 18101*



Minutes

Tuesday, September 14, 2021

9:00 AM

Council Chambers

Allentown Fire Pension Board

ROLL CALL

The special meeting of the Board of Managers for the Allentown Paid Firemen's Pension Fund Association was called to order by Mr. O'Neill on the abovementioned date at 9:10 a.m. Attendance was taken, and a quorum was present.

Board members present:

Seth O'Neill, Treasurer

John Stribula, Fire Representative

Mayor O'Connell, President

Jeff Glazier, Controller as Secretary

Efrain Agosto, Fire Chief

Tim Bruce, Fire Representative

Others Present:

Jeremy Warmkessel, IAFF President

Mark Kresge, Sr.

Fran Fuhwirth, City Solicitor

APPROVAL OF MINUTES

The minutes of the 8-17-21 meeting will be considered for approval at the 11-16-21 meeting.

PENSION REQUESTS

None

PENSIONS APPROVED BY WRITTEN VOTE

None

MILITARY BUY BACK

None

PURCHASE OF SERVICE CREDIT

None

PENSION REVISIONS

None

OLD BUSINESS

None

NEW BUSINESS

Kresge pension designation as a disability. Disability designation will have no bearing on calculation.

Mr. Warmkessel outlined the events leading to Mr. Kresge's disability and noted that a disability designation does not affect the amount of his pension payment and asked that the Board accept his treating physicians' recommendation that he cannot come back to the fire department.

Atty. Fruhwirth stated that asking for the Board's approval without going through the adjudicating steps seems to be contrary to what the ordinance (145.20) says.

After discussion, Mr. Stribula moved that the pension board pursuant to section 145.20 select Dr. Gregor Hawk to make a determination whether the disability request is valid and the second Dr. can be any Board certified physician from Lehigh Valley Internal Medicine on Hamilton St. to serve as the board's selected physicians in this matter. Mr. Bruce seconded the motion.

Mayor O'Connell asked whether it made more sense for the second physician to be an orthopedic specialist.

Mr. Glazier offered an amendment to Mr. Stribula's motion that the board would ask IMX for a panel of orthopedic physicians. The board will choose which one it wants to examine Mr. Kresge and that will be the second physician. Seconded by Mr. O'Neill.

A short recess was taken.

Upon return there was discussion about how to expedite the process. A roll call vote on the amendment was taken. Mr. Glazier voted in the affirmative. Messers, O'Connell, O'Neill, Agosto, Stribula and Bruce voted in the negative. The amendment to the motion failed.

Mr. Stribula offered an amendment that substituted the words, "Dr. Richard Battista orthopedic surgeon who performed surgery on his (Kresge's) elbow and hand" for the words, "any Board certified physician from Lehigh Valley Internal Medicine on Hamilton St.". Seconded by Mr. Bruce.

A roll call vote was taken on the amendment and all present voted in favor. The amendment to the motion passed.

A roll call vote was taken on the motion as amended and all present voted in favor. The motion as amended passed.

Discussion on the when the next meeting would be held. It depends on when appointment with Dr. Battista can be scheduled.

Mr. Kresge, Sr. departed during a brief recess.

Process for returning pension contributions when an employee separates prior to vesting or pensioning.

Mr. Warmkessel asked for clarification on the process and timeline for returning pension contributions. Mr. Glazier stated the Administration's process should be formalized. Once Administration sends him the request to return pension contributions and the dollar amount to be returned, a proxy is then sent out to the board. A majority of the board generally responds within three days and then payroll is advised.

Mr. Warmkessel asked if it was the Administration's function to notify the board secretary and then a proxy would be put out. Mr. Glazier responded in the affirmative.

Mr. Warmkessel asked what happens if proxies are not returned. Atty. Fruhwirth states that proxies are a Sunshine Act violation because votes must take place in public. Mr. Glazier stated that the board only meets quarterly and that proxies are listed on the next meeting agenda. Atty. Fruhwirth stated the proxy process needs more discussion.

Mr. Warmkessel said he understands the board process and he will work with Administration. Mr. O'Neill stated he and the Mayor will follow up with HR on the process. Referring back to Mr. Warmkessel's question about what happens if proxies are not returned, Mayor O'Connell asked if it was possible that proxies not returned after a certain number of days be counted as a "yes" vote. Mr. Glazier said that was something to discuss with counsel.

Mr. Warmkessel noted that the Administration's pension calculation process was subject to a grievance and that hopefully going forward things will be better.

Pension Ordinance rewrite to conform with latest CBA agreement.

Mr. Warmkessel noted the CBA was completed in December 2020 and it included a vesting schedule matching the police and that City pension ordinance has not yet been updated to conform with the CBA. He asked what the delay is and wants it resolved before it becomes an issue for the pension board.

Atty. Fruhwirth stated she will try to determine the disconnect and try to get it resolved.

Mr. O'Neill stated that he and the Mayor will also work on it.

Mr. Warmkessel reminded the board that Mr. Kutz will be leaving October 15 and the City needed to put both Mr. Kutz's contributions and the City's contributions (for Mr. Kutz's administrative leave time without pay) back into the pension fund. He requested those calculations for his review so that we know that our pension fund has been made whole. Also, the calculations would provide back up if there were ever any questions from the Auditor General.

Discussion ensued as to the date for the next meeting. Consensus was that when the Drs' reports were received a meeting would be promptly scheduled.

ADJOURNMENT

A motion to adjourn was made by Mayor O'Connell and seconded by Mr. Bruce.