

**Employees' Retirement Board
Of Rhode Island
Monthly Meeting Minutes
Date of Meeting: March 9, 2005**

The Monthly Meeting of the Retirement Board was called to order at 9:10 a.m., Wednesday, March 9, 2005 in the 8th Floor Conference Room, 40 Fountain Street, Providence, RI.

I. Roll Call of Members

The following members were present at roll call: Ponzi A. Angelone; Daniel L. Beardsley; Michael R. Boyce; John P. Maguire; Louis M. Prata; Linda C. Riendeau; General Treasurer Paul J. Tavares and Jerome F. Williams, designee for the Director of Administration.

Also in attendance: Frank J. Karpinski, ERSRI Executive Director and David Barricelli, Board Counsel.

Recognizing a quorum, Treasurer Tavares called the meeting to order.

Rosemary Booth-Gallogly arrived at 9:20 a.m.

II. Approval of Minutes

On a motion by Louis M. Prata and seconded by Jerome F. Williams, it was

VOTED: To approve the minutes of the February 9, 2005 meeting of the Employees' Retirement Board of Rhode Island.

Attorney Barricelli requested to amend the executive session minutes of February 9, 2005 to include a change that Mr. McClure be changed to Fritz McClure.

On a motion by Daniel L. Beardsley and seconded by Jerome F. Williams, it was

VOTED: To approve the amendment of the executive session minutes of the February 9, 2005 meeting of the Employees' Retirement Board of Rhode Island.

III. Chairman's Report

None this month.

IV. Executive Director's Report

Director Karpinski informed the Board that effective March 2, 2005, Mr. Roger Boccanfuso has resigned as one of two (2) of the active State Employee Board members. Consistent with RIGL §36-8-5, the Retirement System must hold an election within 70 days from the date of resignation. Director Karpinski said a mailing to all active state employee members is currently in progress notifying them of the upcoming election. Nomination papers for potential candidates will be due on March 25, 2005. On March 30th a meeting will be convened of the Election Sub-Committee to review the schedule of events and determine the ballot order of those candidates who return the required 100 valid signatures. These names will then be submitted to the Board of Elections. Director Karpinski said that by April 15th state employees will have received ballots. The counting of ballots will take place at the Board of Elections on May 10, 2005 and candidates are welcomed to attend. Finally, at the June 8, 2005 Retirement Board meeting, the elected candidate will be sworn in as the second active state employee member.

Director Karpinski informed the Board that a Procurement Sub-Committee meeting is scheduled for March 23, 2005 to select 3 candidates for the actuarial audit. He said three finalists will be selected to be interviewed by the full Board at the April 13, 2005 Board meeting.

Lastly, Director Karpinski made the Board aware that a new telephone system was installed at the Retirement Office. He provided the Board a list of the direct telephone extensions for the Retirement System staff.

Mr. Maguire asked Director Karpinski about the number of pending applications on the 120+ day column in the pension application report. Director Karpinski informed Mr. Maguire that both applications in the 120+ day column were disability cases.

The Treasurer then asked the Board to act on the other agenda items since the stenographer had not yet arrived for the hearings. There being no objections, the Board moved the order of the agenda.

V. Committee Reports

Disability Sub-Committee: The Disability Sub-Committee recommended the following actions on disability applications as the result of its March 4, 2005 meeting for approval by the full Board:

Name	Membership Group	Type	Action
1. Dale Gerritsen	State	Ordinary	Table
2. Deborah Guindon	State	Ordinary	Approve
3. Phyllis Iannone	Municipal	Ordinary	Approve
4. William Tallo	State	Ordinary	Approve
5. Vaughn Ballard	Municipal	Accidental	Approve
6. Mary Owusu Scott	State	Accidental	Approve
7. Richard Souza	Municipal	Accidental	Approve
8. Evonne Swenson	State	Accidental	Approve
9. Grant Verkler	State	Accidental	Approve
10. Steven Bifulco	Municipal	Accidental	Deny
11. Samuel Green	Municipal	Accidental	Approve
12. Laurie Pike	State	Accidental	Approve
13. Richard Morgenstein	State	Accidental	Approve
14. Sandra Tiernan	State	Accidental	Approve
15. Marsha Monteliberto	State	Accidental	Table

Mr. Williams requested that item 14 be voted on separately.

On a motion by Michael R. Boyce and seconded by Louis M. Prata it was unanimously

VOTED: To approve the recommendation of the Disability Sub-Committee meeting on Friday, March 4, 2005 on items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15.

On a motion by Michael R. Boyce and seconded by Linda C. Riendeau, a vote was taken to consider the approval of the Disability Sub-Committee on Item 14. There being 8 members present, 7 voted in the affirmative and Mr. Williams voted nay. Consistent with Rhode Island General Laws §36-8-6, *Votes of Board – Record of proceedings*, there not being 8 votes in the affirmative, the motion failed.

On a motion by Michael R. Boyce and seconded by Daniel L. Beardsley, it was unanimously

VOTED: To table item number 14.

Treasurer Tavares then noted that Rosemary Booth Gallogly had joined the Board meeting. Thus, were nine (9) members present allowing for the possibility of a vote (with eight (8) affirmatives) on Item 14.

On a motion by John P. Maguire and seconded by Louis M. Prata it was unanimously

VOTED: To reconsider item 14 of the Disability Sub-Committee meeting on Friday, March 4, 2005.

On a motion by Michael R. Boyce and seconded by Linda C. Riendeau it was

VOTED: To approve the recommendation of the Disability Sub-Committee meeting on Friday, March 4, 2005 on item14.

Jerome F. Williams voted nay.

Mr. Boyce asked if there was any further information on the matter of Stephen Costa. Treasurer Tavares informed the Board that no further information had been received in reference to the Stephen Costa matter.

VI. Legal Counsel Report

Attorney Barricelli referred Board members to the legal report in the book. There being no questions of Attorney Barricelli, on a motion by Jerome F. Williams and seconded by Daniel L. Beardsley, it was unanimously

VOTED: To approve the Legal Counsel report

While waiting for a stenographer for the "Administrative Decisions" portion of the meeting, a motion for a five (5) minute recess was taken.

Motion to recess was made by Louis M. Prata and seconded by Linda C. Riendeau.

VOTED: To recess for five (5) minutes

VII. Administrative Decisions

Disability Appeals:

Alan Barth vs. ERSRI

Attorney Barricelli provided the Board with a synopsis of the Disability Sub-Committee decision on Mr. Barth's application for Accidental Disability. Consistent with RIGL §38-2-2, medical information relating to a member is not open to the public. Thus, medical reports pertaining to Mr. Barth were sent under separate cover marked "confidential" to each of the Board members. Attorney Barricelli requested that the medical documentation be returned to ERSRI after the Board meeting.

Attorney Barricelli then informed the Board that Attorney Robert M. Ferrieri was representing Mr. Barth.

There being a stenographer present, the parties presented their issues.

On a motion by Jerome F. Williams and seconded by Daniel L. Beardsley, it was unanimously

VOTED: To reaffirm the Disability Sub-Committee's denial of the disability application for Mr. Alan Barth.

Hearing Officer Decisions:

James Quirk vs. ERSRI

Attorney Barricelli provided the Board with a synopsis of the Hearing Officer's decision on Mr. Quirk's application for Accidental Disability. He also indicated that the Hearing Officer's decision was included in the members' meeting books. As indicated in the prior hearing, medical reports pertaining to Mr. Quirk were sent under separate cover marked "confidential" to each of the Board members. Attorney Barricelli again requested that the medical documentation be returned to ERSRI after the Board meeting.

Attorney Barricelli then informed the Board that Attorney James E. Kelleher was representing Mr. Quirk.

There being a stenographer present, the parties presented their issues.

After discussion on the matter, Daniel L. Beardsley motioned to uphold the hearing officer's decision affirming the Retirement System's denial of Mr. Quirk's application for an accidental disability. Rosemary Booth-Gallogly seconded the motion. The Treasurer requested a roll call vote. The following members voted in favor of the motion: Ponzi A. Angelone, Daniel L. Beardsley, Rosemary Booth-Gallogly, General Treasurer Paul J. Tavares and Jerome F. Williams. There being 9 votes cast, 5 votes in the affirmative and 4 votes in opposition, consistent with Rhode Island General Laws §36-8-6, there not being 8 votes in the affirmative, the motion failed.

Attorney Barricelli apprised Attorney Kelleher of the Rhode Island General Laws §36-8-6 regarding the requirement of securing eight (8) votes. He pointed out that the Separation of Powers proceedings has exacerbated the matter of securing eight (8) votes as several members of the Board, by Statute, are legislative appointments who were not present. However, Attorney Barricelli pointed out that the Board, by statute, is still duly constituted as 15 members. He then recommended a motion to table the matter.

On a motion by John P. Maguire and seconded by Louis M. Prata, it was unanimously

VOTED: To table the matter of James Quirk vs. ERSRI.

Attorney Barricelli told the Board that since the motion was unanimous, any member will have the right to take the matter off the table.

VIII. Approval of February pensions as presented by ERSRI

On a motion by Linda C. Riendeau and seconded by Michael R. Boyce, it was unanimously

VOTED: To approve the February pensions as presented by ERSRI.

IX. New Business

None this month.

X. Adjournment

There being no other business to come before the Board, on a motion by Linda C. Riendeau and seconded by Ponzi A. Angelone, the meeting was adjourned at 10:25 a.m.

Respectfully submitted,

Frank J. Karpinski

Executive Director