

**MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE
EMPLOYEES' RETIREMENT SYSTEM HELD IN THE CONFERENCE ROOM AT CITY
HALL ON WEDNESDAY, JANUARY 22, 2003, AT 1:30 PM**

I. ROLL CALL:

A. Employees' Retirement Board:

The Vice Chairman called the meeting to order at 1:51 PM.

Trustees present were Vice Chairman John Charest, Finance Director Chuck Powers, Theresa White and Robert Lepa (arriving after roll call); Mayor Rodney Romano (Chairman) was absent. Also present were Board Attorney Robert Sugarman and Deputy City Clerk Valerie Hurley, City Clerk's Office.

II. ADDITIONS/DELETIONS/REORDERING:

A. Employees' Retirement Board:

Consensus was to waive the rules to add New Business item A.5. – discuss Excess Benefit Plan and – Consent Agenda item A.4. – fee advice from Salem Trust for quarter ending December 31, 2002.

B. Pertained to Police Retirement Board:

C. Employees' and Police Retirement Boards:

Consensus was to waive the rules to add Unfinished Business item C.1. - resolution requiring DROP accounts to be disbursed upon termination of employment with the City.

III. UNFINISHED BUSINESS:

A. Employees' Retirement Board:

1. Discuss overpayment of pension benefits to Estate of Mary Lou Scott

Board Attorney Robert Sugarman said no response had been received from the bank and the next alternative was to sue the bank.

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to direct the Board Attorney to sue the bank in order to recover the funds.

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

B. Pertained to Police Retirement Board:

C. Employees' and Police Retirement Boards:

1. Reconsider letter regarding notice to DROP participants of fixed rate account availability

The Board Attorney explained the revised letter excluded the wording indicating the fixed rate was subject to change.

CONSENSUS was to approve the revised letter regarding the notice to DROP participants of the availability of a fixed rate for DROP accounts and to allow DROP participants to choose the fixed rate retroactive to July 1, 2002, by January 31, 2003.

IV. NEW BUSINESS:

A. Employees' Retirement Board:

1. From Richard T. McMahon, Utilities Department, requesting entrance into Deferred Retirement Option Plan (DROP), effective January 22, 2003

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to grant the request of Richard T. McMahon, Utilities Department, for regular retirement based on the Rule of 75, and entrance into the Deferred Retirement Option Plan (DROP), effective January 22, 2003.

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

2. From Reginald Hunter, Public Works Department, requesting regular retirement based on the Rule of 75, effective March 20, 2003

Action: Motion made by Mr. Powers and seconded by Ms. White to grant, with regret, the request of Reginald Hunter, Public Works Department, for regular retirement based on the Rule of 75, effective March 20, 2003.

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

3. From Katherine Keister, Utilities Department, requesting regular retirement based on the Rule of 20-years and Out, effective March 29, 2003

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to grant, with regret, the request of Katherine Keister, Utilities Department, for regular retirement based on the Rule of 20-years and Out, effective March 29, 2003.

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

4. Approve regular retirement of the Early Retirement Program participants

Action: Motion made by Mr. Powers and seconded by Ms. White to grant, with regret, the request of the following Early Retirement Program participants, with the respective effective dates:

Dirk Bane	Public Works	3/29/03
Ed Breese	Community Development	3/29/03
James Clark	Public Works	1/4/03
Michael Cox	Utilities	3/29/03
Priscilla Fernandez	Personnel	3/29/03
Jaclyn Fleming	Golf	1/4/03
Richard Hann	Public Works	1/4/03
William Henderson	Public Works	2/1/03
Randall Hicks	Utilities	1/4/03
Linda Hupe	Utilities	3/29/03
Dana Ives	Building and Zoning	1/4/03
Christine Liberman	Utilities	3/29/03
Lyn Ludtke	Finance	3/29/03
Frances Martinez	Utilities	3/29/03
Clara Mayo	Police	1/4/03
William Moody	Utilities	3/29/03
Brenda Nedzweckas	Utilities	1/4/03
Wendy Newmyer	City Manager	3/29/03
Gary Newton	Utilities	2/1/03
Valentine Schaasfma	Utilities	3/29/03
Ray Smith	Building and Zoning	2/1/03
Sharon Swiger	Finance	3/29/03
Richard Tammany	Pool and Beach	1/4/03
Ronald Vroman	Utilities	1/4/03
Sylvester Watson	Public Works	3/1/03

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

5. (Added) Consider Excess Benefit Plan

Mr. Powers said the allowed pension benefit was limited per Section 415 of the Internal Revenue Code. The limit did not apply to members of the Police Retirement System or the Firefighters' Retirement System.

The Board Attorney recommended setting up an Excess Benefit Plan, which would pay the difference between the benefit earned by the employee and the maximum benefit payable by the Retirement System. The plan could be administered by the Employees' Retirement System Board of Trustees, but would operate separately from the Employees' Retirement System. The Excess Benefit Plan would have no cost, other than nominal start up and administrative costs, because the amount the City contributes annually to the Employees' Retirement System would be reduced by the amount contributed to the Excess Benefit Plan.

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to direct the Board Attorney to draft an Excess Benefit Plan.

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

B. Pertained to Police Retirement Board:

C. Employees' and Police Retirement Boards:

- 1. Consider letter dated January 6, 2003, from Robert A. Sugarman, Esq., Sugarman & Susskind, regarding deferring retainer increase**

CONSENSUS was to acknowledge the 5% retainer increase would take effect in July.

- 2. Authorize payment of invoice from Gabriel, Roeder, Smith & Company, dated December 31, 2002, in amount of \$5,850.00 for impact statement for Early Retirement Incentive Plan**

Mr. Powers said the City should pay this invoice.

CONSENSUS was to forward the invoice to the Finance Department for payment by the City.

V. CONSENT AGENDA:

A. Employees' Retirement Board:

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to approve the Consent Agenda (A), in its entirety, as follows:

1. **Authorize payment of invoice from Sugarman & Susskind, dated January 16, 2003, in amount of \$900.00 for retainer fee for month of January 2003**
2. **Authorize payment of invoice from Gabriel, Roeder, Smith & Company, dated November 30, 2002, in amount of \$1,538.00 for portion of October 1, 2002, Actuarial Valuation Report cost**
3. **Authorize payment of invoice from FedEx, dated December 17, 2002, in the amount of \$70.62 for packages to Boca Book Binding**
4. **(Added) Receive fee advice from Salem Trust, dated January 16, 2003, in amount of \$2,213.86 for custodian services for quarter ending December 31, 2002**

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

B. Pertained to Police Retirement Board:

C. Employees' and Police Retirement Boards:

Action: Motion made by Mr. Powers and seconded by Mr. Lepa to approve the Consent Agenda (C), in its entirety, as follows:

1. **Ratify refunds of pension contributions for January 2003 as reported by Finance Department, as follows:**

Checks Disbursed 10/31/02:

Brian Funk, Public Works – Parks Department, 1 Month/13 Days, \$144.66, separated from service September 25, 2002.

Checks Disbursed 12/15/02:

Manuel Palacios, Building & Zoning, 1 Year/8 Months/26 Days, \$3,941.18, separated from service October 18, 2002.

Damon Martin, Public Works – Streets Department, 1 Month/30 Days, \$265.86, separated from service October 11, 2002.

Checks Disbursed 12/26/02:

Hevia Collado, Building & Zoning, 1 Year/2 Months/26 Days, \$1,993.66, separated from service December 20, 2002.

Checks Disbursed 01/09/03:

Cynthia Whilby, Public Works – Parks Department, 1 Year/8 Months/13 Days, \$1,984.42, separated from service January 5, 2003.

2. Authorize payment of FPPTA 2003 membership dues in the amount of \$350.00

Vote: Voice vote showed: AYES: Messrs. Charest, Powers, and Lepa and Ms. White. NAYS: None.

VI. ADJOURNMENT:

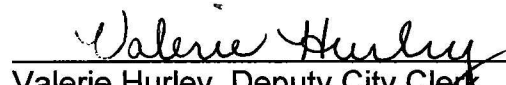
A. Employees' Retirement Board:

The meeting adjourned at 2:22 PM.

MINUTES APPROVED: 02-26-03



Mayor Rodney G. Romano, Chair
Employees' Retirement Board



Valerie Hurley, Deputy City Clerk
Employees' Retirement Board

Minutes transcribed by:
Valerie Hurley, City Clerk's Office

A tape recording of this meeting will be available in the Office of the City Clerk for two years after approval of these minutes.