

## MARBLEHEAD CONTRIBUTORY RETIREMENT BOARD MEETING

03/20/2018 at 3:30 PM

Present (constituting a quorum): Chairman, Robert Peck, Jr., Alison Nieto, Charles Gessner, Paul Jalbert and Jason Gilliland

Administrator: Linda Gifford

Others in attendance: Attorney Michael Sacco

Active and inactive members as of January 1, 2018 (178 inactive)	615
New members since first of year	9
Refunds, rollovers, transfers & 10 year inactive since first of year	-40
Death of active members since first of year	0
New retirees since first of year	-3
<b>Current active and inactive members (178 inactive)</b>	<b>581</b>
<b>Current retirees and survivors</b>	<b>356</b>
<b>Current membership</b>	<b>937</b>

**PRIT Balance as of February 28, 2018:** \$100,474,156.

### **Approval of previous month's expenses, cash reconciliation, bank statements, investments and trial balance.**

#### **Approval of the following new members:**

1. Dana Laing	Tree/Tree Climber	02/12/2018
2. Leah Femia	School/Tutor	02/26/2018
3. Nicole Dello	School/Tutor	02/27/2018
4. Christopher Dellazoppa	Highway/HEO	03/05/2018
5. Allison Tripp	School/Paraprofessional	03/05/2018

#### **Approval of the following refunds and rollovers:**

1. Fausto Cabrera	Housing Auth./Maintenance	02/28/2018
2. Robert Blanchette	Highway/Mechanic	03/15/2018
3. Melissa Amberik	School/Tutor	03/15/2018
4. Peter Campbell	School/Custodian	03/15/2018
5. Stacey Kapetanopoulos	School/SPED Paraprofessional	03/15/2018
6. Susan McGurrian	School/Tutor	03/15/2018
7. Michael Joyce	School/Tutor	03/15/2018

#### **Approval of the following transfers:**

1. Gillian Perron	School/Tutor	03/15/2018
2. Julie Forry	School/Tutor	03/15/2018
3. Devin Kostinden	School/Aide	03/15/2018
4. Alina Kratik	School/Aide	03/15/2018
5. David McCarthy	School/Tutor	03/15/2018
6. Paul Whalen	School/Tutor	03/15/2018
7. Jacqueline Barthelmes	School/Aide	03/15/2018
8. Sarah Cummings	School/SPED Aide	03/15/2018
9. Candice Duncan	School/Aide	03/15/2018

#### **Approval of the following retirements, new beneficiaries & "C" Pop-ups:**

1. Patricia Cerrutti	Selectmen/Admin. Clerk	02/23/2018
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#### **Changes on retirement (deaths):**

#### **Changes on active members (deaths):**

**Disability Applications Pending:**

J. Popeo – Medical Panel visits canceled, no notice of new appointment dates or times.

R. DiGiammarino – Evidentiary hearing Tuesday, March 20, 2018 at 3:30 pm.

R. Kolsky – Received Accidental Disability and Ordinary Disability Retirement Application. Gathering appropriate medical records, physician's statement and employer's statement.

**DALA Appeals Pending:**

David Perry's ADR was denied by the Board at their October 9, 2014 meeting. Attorney Sacco provided DALA decision and summary of findings on 10/19/2016. Notice of Objection filed with CRAB same day. The Memo of Law in support of objections was provided to CRAB by Sacco Law 11/21/2016. Adam Troupe, Mr. Perry's Counsel, filed the Appellee response to objections with CRAB.

**Regular Business:** Meeting called to order at 3:35 PM, Mary Alley Building, 7 Widger Road, Lower Level Conference Room, Marblehead, MA.

**Minutes:**

Motion made and seconded to approve the minutes of the February 26, 2018 meeting. **Peck, Nieto and Gilliland in favor, Jalbert and Gessner abstained.**

**Annual Statement:**

The Annual Statement was distributed to the Board for review, final sign-off will occur at the April meeting.

**Ordinary Disability Application – Rick DiGiammarino**

An evidentiary hearing was held to gather facts relative to the Ordinary Disability Application of retired firefighter, Rick DiGiammarino. Attorney Michael Sacco directed the session. Board member, Chief Jason Gilliland, recused himself and left the room. Attorney Sacco stated that the hearing is for fact finding and is non-adversarial. The Board will solicit testimony from the applicant. At the conclusion of the hearing the Board may forward application to a medical panel, table or deny the application. Mr. DiGiammarino has requested a joint regional medical panel examination. Mr. DiGiammarino is a 53 year old veteran, fire fighter for the Fire department from 1995 – 2017. Mr. DiGiammarino was sworn in by Attorney Sacco.

Mr. DiGiammarino testified to the following: to the best of his recollection he has had many injuries over the years as a firefighter but cannot recall any neck injury on the job. The first time his neck bothered him was 2000 culminating in neck surgery in 2004. From 2004 through 2013 there were no neck issues but while raking leaves in 2013 he felt terrible pain and ended up having emergency surgery to remove a degenerated disc followed by physical therapy. He returned to work in April 2014.

His neck continued to cause discomfort but nothing he couldn't work through until in 2017 he noticed that wearing his firefighter's helmet caused terrible pain. Mr. DiGiammarino had a second neck surgery on June 20, 2017 he underwent anterior C5-6 discectomy/osteophytectomy and decompression of nerve roots, interbody fusion, application of anterior cervical plate at C5-6 and removal of the plate at C6-7. On July 12, 2017 DiGiammarino started a PT course. DiGiammarino underwent a Functional Capacity Evaluation (FCE) on September 13, 2017 and Dr. Hartfield opined that his condition has improved such that he is fit to resume his regular duties as a firefighter and cleared him to return to work. Prior to resuming his duties Chief Gilliland arranged an additional FCE with the town's contracted health service office. FF DiGiammarino performed satisfactorily on the second FCE and was again determined to be fit to return to work.

When asked why he chose to retire Mr. DiGiammarino stated he was concerned that he wouldn't be able to function and he didn't want to put himself or his colleagues in a potentially dangerous situation.

Although he passed both FCE's according to him "those FCE's are terrible, anyone could pass them. I suffered symptoms of my neck but didn't disclose to the tester. Gear isn't required during testing."

Chief Gilliland returned to the room and responded to Attorney Sacco's questions regarding FF DiGiammarino's return to work and the second FCE, noting that to safeguard everyone he sent FF DiGiammarino. Chief Gilliland noted that firefighters take their gear when they are subjected to testing and he thought they were required to wear it.

Motion made and seconded to table discussion and postpone vote on medical panel pending more detailed results and requirements of Functional Capacity Testing. **All in favor.**

Motion made and seconded to adjourn at 5:08 PM. **All in favor.**

**Next regular meeting:**

Date: Thursday, April 26, 2018

Time: 4:00 PM

Place: Mary Alley Municipal Building, 7 Widger Road, Marblehead, MA, Lower Level Conference Room

**Board Member Signatures:**

Charles H. Gessner, Selectmen Appointee:

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Alison Nieto, Ex-Officio:

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Paul E Jalbert, Elected Member:

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Jason R. Gilliland, Elected Member:

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Robert F. Peck, Jr., Chairman/5<sup>th</sup> Member:

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