

City of Boynton Beach Municipal Firefighters Pension Trust Fund

MINUTES

July 22, 2020

2:00 PM

Mr. Jon Raybuck, Board Secretary called to Order a remote meeting of the Board of Trustees of the City of Boynton Beach Municipal Firefighters' Pension Trust Fund, on July 22, 2020 at 2:03 PM.

TRUSTEES PRESENT:

Mr. Jon Raybuck – Secretary; Ms. Desirae Watler – Trustee; Mr. Robert Taylor, Mr. Stan Cale – Trustee and Mr. Conner Flechaus – Trustee. Mr. Ray Carter, EX-OFFICO Non-Voting Member.

ABSENT:

None

OTHERS PRESENT:

Ms. Mindy Chmielarz, Counsel for Mr. Christopher Wiley; Mr. Adam Levinson, Board Attorney – Klausner, Kaufman, Jensen and Levinson; Mr. Dave Williams, Plan Administrator, Mr. Michael Williams, Administrative Plan Assistant and Mr. Christopher Wiley.

It should be noted that there was a quorum for the Board to have an official meeting.

Mr. Taylor made a motion to move to the following items on the Agenda. Mr. Cale seconded the motion, and the Motion passed 5-0.

NEW BUSINESS

Mr. Levinson provided the Official Oath of Office to Mr. Conner Flechaus.

OLD BUSINESS

Mr. Levinson felt prior to moving forward with the meeting Agenda, the Board Composition should be decided.

Board Chairman: Motion by Mr. Taylor to appoint Mr. Raybuck as the Board Chairman, this motion was seconded by Mr. Cale. All members voted, and the Motion passed 5-0.

Board Secretary: Motion by Mr. Raybuck to appoint Mr. Cale as the Board Secretary, this motion was seconded by Ms. Watler. All members voted, and the Motion passed 5-0.

INFORMAL DISABILITY HEARING CONTINUATION – CHRISTOPHER WILEY:

Mr. Levinson outlined the purpose of the meeting today, being an informal hearing to review the matter of the disability claim of Mr. Wiley. Mr. Levinson cited that the claimant must meet the following standards to be approved for disability. 1. Service Related, 2. Total and 3. Permanent. Mr. Levinson advised that this is a public meeting, but as medical records were being discussed, he wanted to ensure the privacy of Mr. Wiley. Mr. Levinson stated the Trustees received the entire file of Mr. Wiley to review independently.

At this juncture, Mr. Levinson deferred to Ms. Mindy Chmielarz to address the Board. Ms. Chmielarz cited city ordinance 18.182 and tied that to the findings of Dr. Jeffrey Worth, the doctor who completed the independent medical evaluation of Mr. Wiley.

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Ms. Chmielarz advised that Dr. Worth's findings is the answer to Mr. Levinson's statement that the disability meet the standards of 1. Service Related, 2. Total and 3. Permanent.

Mr. Raybuck asked Mr. Levinson if Dr. Worth¹ received the entire file of Mr. Wiley. Mr. Levinson gave assurances that he did, and reviewing the other medical records is part of the IME process.

Mr. Wiley described his efforts to return to duty. He also provided details of a functional capacity examination. During the discussion the Board also noted that the City of Boynton Beach did not have a position available for Mr. Wiley and he was terminated on May 15, 2020 as a result of his injury and not being able to perform the duties of a firefighter.

Due the greater weight of the evidence presented (medical records and live testimony of Mr. Wiley), Mr. Taylor made a motion to grant the service disability effective May 15, 2020. Based on the totality of medical records provided to include the IME conducted by Dr. Jeffrey Worth, Mr. Wiley is unable to perform the duties of a Firefighter, his condition is total and permanent. As the city does not have a position for Mr. Wiley, he is unable to provide useful and efficient service. The motion was seconded by Mr. Raybuck. All Trustees voted and the Motion passed 5-0.

Mr. Levinson advised all parties (to include Ms. Chmielarz) the Board's ability to review this disability and to offset under the city ordinance income from worker's compensation and Social Security.

Mr. Levinson will draft the Final order for the next meeting. Mr. D. Williams will transition Mr. Wiley without delay.

PUBLIC DISCUSSION:

Mr. Williams was joined by the Board of Trustees in welcoming Trustee Conner Flechaus. Mr. Williams also congratulated Mr. Raybuck and Mr. Cale for their new appointments. Job Well Done!

CONSENT AGENDA

Warrant (Invoices) Ratifications / Approvals

Mr. Taylor made the motion to approve the warrants 285-308, which was seconded by Mr. Cale. All Trustees voted and the Motion passed 5-0.

Review of May 6, 2020 Meeting Minutes

Mr. Taylor made the motion to approve the May 6, 2020 Meeting Minutes, which was seconded by Mr. Cale. All Trustees voted and the Motion passed 5-0.

Review of June 16, 2020 Special Meeting Minutes

Mr. Flechaus made the motion to approve the June 16, 2020 Meeting Minutes, which was seconded by Mr. Cale. All Trustees voted and the Motion passed 5-0.

OPEN DISCUSSION:

Within the Agenda packet was a letter from the Actuary that outlined an adjustment to disability recipient Mrs. Rani DeMarco. The offset was due to the member being granted Social Security Disability. Mr. Williams provided this to the member and set up the adjustment accordingly.

¹ The Board's IME Doctor

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Mr. Raybuck asked if there were any further issues. Mr. Williams reflected that he had no further communications with the member. Mr. Levinson said his office was contacted by Mr. Sicking who represented the member. Mr. Sicking did not agree with the offset. Mr. Levinson advised the Board that they were following the ordinance and will continue to do so.

Mr. Raybuck brought up the importance education and noted that the FPPTA has virtual training available. <https://fppta.org/>

ADJOURN:

Meeting adjourned at 3:46 P.M.

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FOR THE BOARD