

FRANKLIN REGIONAL RETIREMENT SYSTEM
BOARD MEETING
EXECUTIVE SESSION
June 30, 2009

At 9:26 AM:

On a motion by P. Mokrzecki and a second by H. Sanderson, the Board voted by roll call vote to move into Executive Session: Mokrzecki – aye, Stokarski – aye, Sanderson – aye, Gendron – aye, Hanks – aye.

Present: Board Chair Sandra Hanks with Board members Herbert Sanderson, David Gendron, Mary Stokarski, and Paul Mokrzecki. Also present were Executive Director Dale Kowacki, Assistant Director Susan Bobe, Attorney Michael Sacco, legal counsel to the Board, Jimmy Buccaroni, member and ADR applicant, Diane Byrnes, Attorney for the Applicant, Elizabeth Buccaroni, spouse of applicant, Town of Orange Chief of Police Brian Spear.

Jimmy Buccaroni – Accidental Disability Application

Jimmy Buccaroni submitted an application for Accidental Disability Retirement with all of the supporting documents on 9/30/2008, claiming a knee injury that has left him permanently disabled. After collecting the medical records from the physicians and medical facilities noted in the application, the package was sent to Attorney Michael Sacco for his review.

In a summary of the case, dated November 24, 2008, Mr. Sacco recommended convening a medical panel to further examine Mr. Buccaroni and at the time did not see the necessity of holding an evidentiary hearing.

The medical panel returned the certificate stating that **Mr. Buccaroni was incapable of performing the essential duties of his job** as described in the current job description, however, they also determined that **the incapacity is not likely to be permanent**, and further, that **said incapacity was not such that might be that natural and proximate result of the personal injury sustained or hazard undergone on account of which retirement is claimed.**

Based on the medical panel certificate, Mr. Sacco determined that the Board must deny Mr. Buccaroni's application for disability retirement. Mr. Buccaroni requested a hearing prior to the Board's vote on this matter. Originally scheduled for May 12, 2009, the applicant and the attorney for the employer, Town of Orange, requested additional time to gather further medical data and was thus put on the agenda for June 30th.

Mr. Sacco explained that the applicant, Mr. Jimmy Buccaroni is asking the Board to request a second PERAC medical panel review in light of the results of an Independent Medical Examination conducted on June 3, 2009.

Mr. Buccaroni and his attorney were given the opportunity to present their reasons for requesting a second PERAC medical panel review prior to the Board vote on the application.

Having heard from the applicant and having been advised by Attorney Sacco of their options

On a motion by H. Sanderson and a second by D. Gendron, the board voted unanimously to deny the applicant's request to petition PERAC for a new medical panel and further, on advice of counsel, the board voted unanimously to deny the application for accidental disability based on the findings of the PERAC medical panel.

Mr. Buccaroni was advised of his right to appeal the decision to the Division of Administrative Law Appeals.

At 10:11 AM the applicant, his spouse, attorney and Chief Spear left the meeting.

On a motion by P. Mokrzecki and a second by H. Sanderson, the Board voted by roll call vote to come out of Executive Session: Mokrzecki – aye, Stokarski – aye, Sanderson – aye, Gendron – aye, Hanks – aye.

Respectfully submitted,

Dale Kowacki, Executive Director

These minutes were approved on July 28, 2009 and released on April 20, 2010

Sandra A. Hanks, Chair

Herbert L. Sanderson Jr., Vice-Chair

David R. Gendron, Board Member

Mary A. Stokarski, Board Member

Paul J. Mokrzecki, Board Member