

**TOWN OF LONGBOAT KEY CONSOLIDATED RETIREMENT SYSTEM
BOARD OF TRUSTEES QUARTERLY MEETING**

SPECIAL MEETING MINUTES: MARCH 3, 2017

1. CALL TO ORDER

Chairman Steve Branham called a special meeting of the Board of Trustees for the Town of Longboat Key Consolidated Retirement System to order at 1:00 PM in the Town Commission Chamber located at 501 Bay Isles Road, Longboat Key, Florida.

Those persons present included:

TRUSTEES

Steve Branham, Chair
Sandi Henley
Chief Peter Cumming
Joe Fabrizio
Frank Cona
Thomas Batchelor
Andrew Sawyer

OTHERS

Ron Cohen, Rice, Pugatch, Robinson, Storfer and Cohen
Amanda Kish, Resource Centers
Sue Smith, Finance Director
Dennis Silverio & Tonya Oliver, Counsel
Court Reporter

TRUSTEES ABSENT AND EXCUSED:

Randy Thompson

All present recited the Pledge of Allegiance.

2. PUBLIC COMMENTS

No members of the public were present to comment.

3. INFORMAL DISABILITY HEARING: DENNIS SILVERIO

The Chairman stated the opening remarks for the informal hearing of Dennis Silverio.

Mr. Cohen explained the parameters for a informal disability hearing. He explained to the trustees they will need to decide if the disability is total and permanent. Mr. Cohen defined totally and permanently as a member who is unable to render useful and efficient service as a Police Officer and is likely to remain disabled.

Mr. Cohen instructed that hearsay evidence was admissible, even if otherwise not admissible in court, but standing alone it should form the basis of an ultimate finding. He stated that Board has the right to question the evidence that is presented before them. He informed the Board that they do not have to make a decision on granting a disability if they cannot come to a conclusion based on the evidence that is before them. Mr. Cohen stated that if the Board does not come to a conclusion today then there will be a formal hearing

Mr. Cohen stated that the claimant and his counsel will have 15 minutes to present. The claimant and his counsel do not have to use the 15 minutes all at once. Mr. Cohen stated that the Board can ask the claimant and the counsel questions throughout the 15 minutes.

Mrs. Oliver stated to the Board that Mr. Silverio was a former Police Officer for the Town of Longboat Key. He is 54 years old and was born on July 26, 1966. Mr. Silverio was hired as Police Officer for the Town of Longboat Key on May 24, 1999. On February 18, 2016 Mr. Silverio was on duty in a marked unit when a small black sports car rear-ended him at 15 miles an hour. Mr. Silverio was transported to the hospital. Mr. Silverio has

had a prior back surgery before the accident and recovered. He returned to being a full duty Police Officer. Mrs. Oliver stated that after the accident Mr. Silverio was and still is having difficulty with his C-2 and C-3. She stated that Mr. Silverio is unable to perform the duties as a Police Officer due to the difficulties in his back. He is here today to present that he is totally and permanently disabled and this occurred while he was in the line of duty.

The court reporter administered the Oath for Dennis Sliver and his counsel Mrs. Tonya Oliver.

The Board asked Mr. Silverio if he is collecting any kind of compensation since he left the Police Department. Mr. Silverio informed the Board that he was collecting short term disability, which only last for 90 days. The Board asked Mr. Silverio if the Town offered him a position that would accommodate his current situation. He was offered a dispatcher position, but this was a civilian position. He stated that he did not return after his accident because the town terminated him. Mr. Silverio was questioned about the first initial visit to the doctor and when the back pain occurred. Mr. Silverio stated that he went to the doctor and informed him of severe tingling in the fingers and weakness in his right arm. He stated to the Board that daily living is hard. The Board asked Mr. Silverio what some of his daily activities were. He stated that "he walks to the bus stop to pick up his daughter and mows the lawn because he has a riding mower." He stated that he "cannot sit for long or bend down to pick anything up". Mr. Silverio stated that he "loved to fish, dive and boating, he is unable to do any of these things". The Board asked Mr. Silverio if he has tried a work Harding program or any medications to help with his pain.

Mr. Cohen informed the Board what a pre-existing condition is. The Board referenced the IME that was presented before them. The IME stated that the doctor was unable to find that Mr. Silverio's condition was linked to the accident and did not find him totally and permanently disabled. Mrs. Oliver stated that if you review the medical records and the MRI's they show significant damage. Therefore Mr. Silverio would not be able to perform his duties as an Police Officer.

Mr. Cohen stated that if the Board moves forward with the disability process. They must decide if Mr. Silverio disability was in the line of duty or not in the line of duty. He gave the Board a few examples of how a line of duty disability could occur as well as non-duty disability. He stated that there is a lot of evidence for the Board to take into consideration. He stated that if the Board cannot come to a decision today then there will be a formal hearing.

Mr. Cumming stated that Mr. Silverio stated that he made a full recovery from the first surgery. He stated that he felt the statement was inclusive of what he saw at work. He felt that Mr. Silverio would frequently complain about back pain. Mr. Cumming stated that he did not feel that this information would affect his ability to vote.

Mr. Cohen, the Board's attorney reviewed the standards for approval. The Board must find the disability total and permanent. Mr. Cohen explained the motions that the Board makes should include the specific findings. A motion to deny the disability should state the reasons for denial.

A motion was made to find Mr. Silverio totally unable to render useful and efficient service as a Police Officer. The Board passed the motion 7-0.

A motion was made to find Mr. Silverio permanently unable to render useful and efficient service and likely will never return as a Police Officer. The Board passed the motion 6-1.

A motion was made to find that the disability occurred in the line of duty as a Police Officer. The Board denied the motion 4-2.

A motion was made to find that the disability occurred not in the line of duty. The Board passed the motion 6-1.

Mr. Silverio was granted a non-duty disability by Longboat Key Consolidated Retirement System.

Mr. Cohen stated that the claimant can appeal the non-duty disability. The Board has 90 days after the appeal to respond. Mr. Cohen stated that if the claimant appeals and it does go to a formal hearing the Board would be required to get special counsel.

Ms. Oliver questioned if Mr. Silverio was to accept the non-duty disability benefit would he be able to appeal for a Duty disability. Mr. Cohen stated that he would need to look into this further before he could give an accurate answer.

Frank Cona made a motion to process the disability benefit upon review of the Boards attorney. The motion was seconded by Sandi Henley and approved by the Trustees 7-0.

3. Approval of Minutes

The Board reviewed the Minutes from the August 11, 2016 and the November 17, 2016.

Joe Fabrizio made a motion to approve Minutes for the Quarterly meeting of August 11 and November 17 2016 as presented. The motion was seconded by Frank Cona and approved by the Trustees 7-0.

4. NEW BUSINESS

Sandi Henley made a motion to approve the plan's audit and the fee not to exceed \$20,000. The motion was seconded by Frank Cona and approved by the Trustees 7-0.

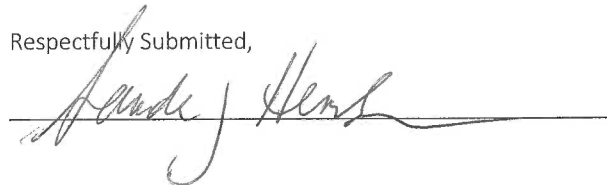
Quarterly Meeting Date:

The meeting will take place on May 9, 2017 at 9:00 AM

5. ADJOURNMENT

There being no further business, Chairman Branham adjourned the meeting at 3:30 PM.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Sandi Henley", is written over a horizontal line.