August 14, 2015
Peoria, Illinois

PROCEEDINGS OF A SPECIAL MEETING OF THE BOARD OF TRUSTEES OF THE
FIREMEN'S PENSION FUND OF PEORIA, ILLINOIS

A Special Meeting of the Board of Trustees of the Firemen's Pension Fund of Peoria, Illinois, was held this date at City Hall, Room 404, 419 Fulton Street, Peoria, Illinois, at 9:30 A.M. with proper notice having been given, for the purpose of conducting regular Firemen's Pension Fund business.

ROLL CALL

Roll Call of the following members: Ball, Nichting, Phillips, Troglio, President Nieukirk – 5.

Others present: Attorney Jim Dobrovolny; Chief Deputy City Clerk Stefanie Rice; Risk/Safety Manager Ed Hopkins; Fire Captain/Fire Inspector Daniel McGann.

INVOCATION

A moment of silence was held in remembrance of those Firefighters who have served our community.

REGULAR BUSINESS

ITEM NO. 1  PUBLIC HEARING to Discuss and Consider an APPLICATION for DISABILITY – OCCUPATIONAL DISEASE for FIRE CAPTAIN/FIRE INSPECTOR DANIEL MCGANN to become Effective August 18, 2015, (last day paid by the City would be August 17, 2015) based on 70.83% of $100,936.92 (including 8% longevity). Pension to be paid for the remaining 13 days of August, in the amount of $2,581.80, and $5,958.08 for every month thereafter; and to receive and file the letter requesting that health insurance premiums be deducted from his pension benefit check at the appropriate time.

CLERK'S NOTE: Title was changed to reflect correct effective date and correct monthly salary.

Captain McGann signed an Affidavit waiving his right for a ten-day Notice of Public Hearing.

Attorney Dobrovolny as Hearing Officer advised Captain McGann of the process and procedure to be used for the Hearing and what his rights were regarding the presentation of evidence and of appeal. Evidence was presented and heard on Captain McGann's Application. Attorney Dobrovolny introduced the following into evidence:

Board Exhibit No. 1  Firefighter's Application for Disability Occupational Disease with Attachments
Board Exhibit No. 2  Job Description for a Firefighter for the Peoria Fire Department
Board Exhibit No. 3  Independent Medical Evaluation of Dr. Ethiraj from HSHS Medical Group dated July 31, 2015
Board Exhibit No. 4  Independent Medical Evaluation by Dr. Fletcher from Safeworks Illinois dated July 23, 2015
Board Exhibit No. 5 Independent Medical Evaluation by Dr. John J. Koehler dated July 23, 2015

Captain McGann said he had no objections to the Exhibits presented going onto the record.

Captain McGann waived his opening statement stating that the documents provided the necessary explanation. Captain McGann testified on his own behalf. Board members asked questions of Mr. McGann regarding his testimony. There were no other witnesses presented or heard. A transcript of the open portion of the hearing will be placed in Captain McGann’s file together with all Exhibits at the Hearing.

It was determined that further discussions should be held in closed session.

ITEM NO. 2 Request for a Motion to go into EXECUTIVE SESSION to discuss 2(c)4 Evidence of testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined, provided that the body prepares and make available for public inspection a written decision setting forth its determinative reasoning.

Trustee NIchting moved to go into Executive Session to discuss 2(c)4 Evidence of testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning; seconded by Trustee Phillips.

Approved by roll call vote.

Yeas: Ball, NIchting, Phillips, Troglio, President Nieukirk – 5;

Nays: None.

The Board adjourned into Executive Session at 10:09 A.M.

RECONVENING OF THE BOARD OF TRUSTEES

The Board Meeting reconvened at 10:50 P.M.

Roll Call showed the following Board Members Present: Ball, NIchting, Phillips, Troglio, President Nieukirk – 5. Absent: None.

Others present: Attorney Jim Dobrovolny; Chief Deputy City Clerk Stefanie Rice; Risk/Safety Manager Ed Hopkins; Fire Captain/Fire Inspector Daniel McGann.

Trustee Troglio moved to approve a finding of Occupational Disease Disability of Fire Captain/Fire Inspector Dan McGann; seconded by Trustee Phillips.

In response to Trustee NIchting's question regarding Captain McGann's reoccurring issues with his lung condition in relationship to his performance as an inspector, Attorney Dobrovolny cited Lindemulder vs. Board of Trustees of Naperville Firefighters Pension Fund; 408 Ill.Ap. 3rd, 494, wherein the issue was whether the Plaintiff proved that his employment exacerbated his COPD. He said this case set the standard for whether the Plaintiff's work exacerbated his condition.
In this case, Trustee Nichting indicated he felt Captain McGann's working environment during inspections exacerbated his condition.

Motion to approve the Application for Occupational Disease Disability of Daniel McGann was approved by roll call vote.
Yeas: Ball, Nichting, Phillips, Troglio, President Nieukirk – 5;
Nays: None.

Trustee Troglio moved to approve the Application for Disability – Occupation Disease for Fire Captain/Fire Inspector Daniel McGann to become effective August 18, 2015, (last day paid by the City would be August 17, 2015) based on 70.83% of $100,936.92 (including 8% longevity). Pension to be paid for the remaining 13 days of August, in the amount of $2,581.80, and $5,958.08 for every month thereafter; and to receive and file the letter requesting that health insurance premiums be deducted from his pension benefit check at the appropriate time; seconded by Trustee Phillips.

Approved by roll call vote.
Yeas: Ball, Nichting, Phillips, Troglio, President Nieukirk – 5;
Nays: None.

Attorney Dobrovolny advised Captain McGann that a temporary order was entered and would not be finalized until a written order was entered. He advised that after entry of the written order he would have the right to an Administrative Review within 35 days of entry of that order to be reviewed in the Circuit Court of Peoria County, if he disagreed with the order.

CITIZENS’ OPPORTUNITY TO ADDRESS THE BOARD OF TRUSTEES

It was determined there were no citizens to address the Board of Trustees.

ADJOURNMENT

Trustee Phillips moved to adjourn the Regular Firemen's Pension Board Meeting; seconded by Trustee Nichting.

Approved by viva voce vote.

The meeting adjourned at 10:59 A.M.

Beth Ball, MMC, City Clerk
Trustee and Board Secretary,
Firemen's Pension Fund of Peoria, Illinois