

## **Taylor Police & Fire Retirement Board October 26, 2011 Closed Door Meeting Minutes**

A Special Meeting of the Taylor Police & Fire Retirement Board of Trustees was held at the Taylor Fire Department, 23345 Goddard Road, Taylor Michigan, on Wednesday, October 26, 2011.

**Present:** Acting Chair Nicolas Hill, Trustee Gerry Taylor & Trustee Dan Bzura

**Also Present:** Ron McNamee, Jack Timmony of VanOverbeke, Michaud & Timmony, P.C., Legal Counsel, Dean Philo, Steve Hitchcock (attorney representing the City of Taylor in the Costella litigation) & Linda Mills Kemp, Retirement Plan Administrator.

Acting Chair Nicolas Hill called the meeting to order at 5:39 P.M.

It was noted at this meeting that the Mayor has indicated verbally to Trustee Taylor that he will not approve the letter of understanding submitted by the Fire Fighters Union to allow Mr. McNamee, a retiree, to remain as a Trustee on the Board; therefore, Mr. McNamee will no longer be serving as a Trustee on the Board. There are now two vacancies on this Board as a result (a Fire Department-elected employee representative, and the City Treasurer, *ex officio*).

### **Motion by Taylor, supported by Bzura.**

Resolved: To go to into closed session for the purposes of reviewing and discussing matters subject to the attorney-client privilege, and to discuss settlement strategy relating to pending litigation. All 3 Trustees and Mr. McNamee entered the closed session with Mr. Timmony and Mrs. Mills Kemp (as Mr. McNamee is a named defendant in the case it was determined his attendance was appropriate). The remaining attendees were excused from the meeting.

Roll call vote: Hill	yes
Bzura	yes
Taylor	yes

*Unanimously approved.*

10.101-11

### **The Board entered a closed session at 5:45 p.m.**

During closed door session, Mr. Timmony presented the Board with the most current information on the Costella litigation including a 25 page transcript from the October 13, 2011 court proceedings for discussion.

The Board and Mr. Timmony engaged in lengthy discussion regarding Mr. Costella's claim that severance pay should be included in his FAC and the Board's decision overturn their previous decision to include severance as part of Mr. Costella's FAC.

Mr. Timmony advised the Board that Judge Murphy had extended an offer to assist or facilitate a resolution to this case; discussion then took place related to that offer. Mr.

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Timmony also asked the Board if they were interested in engaging in settlement discussions or if they would like to allow the Judge to rule. The Board unanimously agreed to allow the Judge to rule.

**Motion by Taylor, supported by Bzura.**

Resolved: To go to back into open session at 6:10 p.m.

*Unanimously approved.*

10.102-11