

**DRAFT  
POLICEMEN AND FIREMEN'S PENSION FUND BOARD**

**MINUTES**

**JUNE 23, 2009**

**PLACE:** Hall of Records  
200 Orange Street  
New Haven, Connecticut 06510

**PRESENT:** James Kottage, Fire Union Representative, and Chairman  
Richard Epstein, Police Commissioner  
Theodore Brooks, Police Commissioner  
Wendy Mongillo, Fire Commissioner  
Frank Lombardi, Police Commissioner

**ABSENT:** Mayor John DeStefano, Jr.  
Mark Pietrosimone, Clerk

**ALSO PRESENT:** Jerome Sagnella, Payroll/Pension Administrator  
Carol Chiappone, Benefits Auditor  
Carolyn Kone, Brenner, Saltzman and Wallman

Chairman Kottage convened the meeting at 8:05 a.m.

**1. ADMINISTRATIVE MATTERS**

**A) EXECUTIVE SESSION – DISCUSSION OF STRATEGY CONCERNING  
PENDING CLAIM AND PENDING LITIGATION – GERALD FANFARELLI**

Comm. Brooks made a motion to enter into executive session; Rep. Lombardi seconded and the vote was unanimous; Chairman Kottage asked that Jerome Sagnella and Att. Carolyn Kone remain in the meeting.

Comm. Brooks made a motion to come out of executive session; Rep. Lombardi seconded and the vote was unanimous.

Comm. Brooks made a motion set forth an appeal concerning item 1(a). Rep. Lombardi seconded and the vote was unanimous.

**B) EXECUTIVE SESSION – DISCUSSION OF STRATEGY CONCERNING  
PENDING LITIGATION – SYNTAX BRILLIAN LITIGATION**

Comm. Brooks made a motion to enter into executive session; Rep. Lombardi seconded and the vote was unanimous; Chairman Kottage

asked that Jerome Sagnella and Att. Carolyn Kone remain in the meeting.

Comm. Brooks made a motion to come out of executive session; Comm. Mongillo seconded and the vote was unanimous.

Rep. Lombardi made a motion for Coughlin, Stoia, and Gellar, the Board's attorney authorizing \$10,000,000 against the individual settlement in the Syntax Brilliant case. Comm. Mongillo seconded and the vote was unanimous.

**C) INDEMNIFICATION AND PAYMENT OF DEFENSE COSTS OF TRUSTEES**

Atty. Kone stated that she had a meeting with Anthony Zona, Local 530 Representative, Patrick Eagan, Local 825 President, Emmet Hibson, Director of Organizational Development, Craig Manemeit, Director of Labor Relations, and Jerome Sagnella, Pension Administrator. At that meeting, a tentative resolution was reached. The resolution was that the trustees, like other City Board members and City employees will be indemnified for and held harmless by the City against claims of negligence and civil rights violations under the provisions of Conn. Gen. Stat. § 7-101a. The provision of a defense for these types of claims will also be made under § 7-101 with the Office of the Corporation Counsel providing counsel for the trustees, unless there is a conflict of interest, in which case, the City will provide outside counsel for the trustees. Defense and indemnification of claims of breach of fiduciary duty will be paid for from the pension funds. Mr. Eagan stated that there should be some provision limiting attorney's fees for breach of fiduciary claims. Mr. Hibson said that he would have to run this resolution by certain people in the City. Attorney Kone explained that this resolution would be set forth in a memo of understanding between the Unions and the City which she would draft and then provide to Mr. Hibson.

Commissioner Lombardi pointed out that under Section 7-101a, the City does not have to provide legal counsel at the inception of the case. He stated that the Trustees should have legal counsel from the beginning of the case. Atty. Kone stated that she would draft the memorandum of understanding to provide for counsel from the beginning of the case.

Commissioner Mongillo suggested that the memorandum of understanding should provide for coverage for the trustees for acts that predate the effective date of the memorandum. Atty. Kone said she would include those provisions in the memorandum.

Atty. Kone stated that she will draft language for the memorandum of understanding and circulate it to each Board member and they can e-mail any changes they may have.

The meeting adjourned at 8:40 a.m. on a motion made by Comm. Brooks and seconded by Comm. Mongillo.

ATTEST:

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Mark Pietrosimone, Clerk

