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1	PENSION BOARD FOR THE BOROUGH OF DUNMORE
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3	HELD:
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5	Tuesday, June 11th, 2024
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7	TIME:
8	6:00 P.M.
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10	LOCATION:
11	DUNMORE COMMUNITY CENTER 1414 Monroe Avenue
12	Dunmore, Pennsylvania
13	PENSION BOARDS MEMBERS:
14	
15	JANET BRIER - absent
16	MAX CONWAY, MAYOR
17	WILLIAM BONAVOGLIA
18	GREG WOLFF
19	MARK BURTON
20	GREG KAMLA
21	LAWRENCE DURKIN, ESQ., SOLICITOR
22	
23	
24	
25	MARIA McCOOL, RPR OFFICIAL COURT REPORTER

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2June, 2024, Dunmore Pension Board meeting to order. We'll start with a roll call.4MAYOR CONWAY: Max Conway, here.5MR. COLO: Ralph Colo.6MR. WOLFF: Greg Wolff.7MR. BONAVOGLIA: Bill Bonavoglia.8MR. BURTON: Mark Burton.9MR. KAMLA: Greg Kamla.10ATTY. DURKIN: And Larry Durkin.11First issue is the approval of the minutes from the March meeting which I e-mailed to you,13Greg. And I've looked through them. Maria transcribed them. They look accurate to me.15So I don't have a printout for you but if we could have a motion to approve those minutes?17MR. WOLFF: I'll make a motion.18ATTY. DURKIN: On the question? A' in favor?21ALL MEMBERS: Aye.22ATTY. DURKIN: Okay. Old Business	П	
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	25	MR. WOLFF: Just the

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1	ATTY. DURKIN: The request that we
2	had.
3	MR. WOLFF: Yeah.
4	ATTY. DURKIN: Yeah, I think we'll
5	do that under new. New Business, Ralph, do you
6	want to do the summary of investment?
7	MR. COLO: Yes. Sure. The year's
8	been off to a very good start for the plan
9	through the end of May. The return net of fees
10	is 4.47 percent. The last 12 months the plan
11	is up 13.06 percent, and real dollars a little
12	bit over 2 million dollars since last May.
13	We're doing this with about 50
14	percent of the assets in equities. So we've
15	really kind of dialed back the risk of the plan
16	currently. There's about 14 and a half percent
17	in cash. The reason there's so much in cash is
18	we're earning 5.35 percent on our cash at this
19	present time.
20	So we thought it would be prudent to
21	where we're able to get that type of interest
22	rate to take a little bit of risk off the
23	table. We still, of course, have our equity
24	exposure. And we're still within our
25	investment policy guidelines.

4 1 But we are a little fearful that the market has gotten a little extended at this 2 3 present time. We do think that there will be a 4 pullback. And we would like to implement that 5 cash at some point in the near future. But when we're earning again, over 5 percent on our 6 7 cash, we feel very comfortable where we're at. 8 You know, again, our thoughts, you 9 know, we do anticipate a 5 to 7 percent 10 pullback in this market between now and the 11 beginning of the fall. Hopefully that doesn't 12 happen but it very well may. 13 If it does, our allocation is more 14 than appropriate with the equity, fixed income 15 and alternative exposure that the plan 16 currently has. Is there any questions that 17 anybody has? 18 MR. WOLFF: Excellent job as usual. 19 MR. COLO: Thank you. 20 ATTY. DURKIN: Okay. So in terms 21 of -- we do have an application for pension. 22 I'll summarize it and maybe Greg can add to it. 23 MR. WOLFF: Would you like me to 24 read the letter? 25 ATTY. DURKIN: Yeah.

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1	MR. WOLFF: Mr. Tom Cummings who was
2	in different roles within the Borough through
3	the years had called me a few months ago and
4	said requested his pension. I said first
5	step would be to give me a formal request. So
6	as June 7th I received a letter from Mr.
7	Cummings.
8	"Dear Mr. Wolff, last March we had a
9	brief telephone conversation regarding my
10	Dunmore Borough Non-Uniform Pension benefits.
11	I recall that the date of our conversation and
12	the March Pension Board meeting had a tight
13	overlap and did not afford the time for
14	delivery of formal request.
15	I note that I meet or exceed the
16	eligibility provision of age and years of
17	service as a W2 employee of the General
18	Government Unit. Please accept this
19	correspondence as a formal request to activate
20	and commence receipt of my pension benefits
21	calculated from the last date of my employment
22	with the Borough of Dunmore. Thank you for
23	your attention in this matter, Sincerely yours,
24	Thomas P. Cummings, Jr."
25	ATTY. DURKIN: Okay. So we got the

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1	letter dated June 7th, which I took and I think
2	Greg takes it as a request for it to be
3	considered by the Board, you know, at this
4	meeting. I've spoken to Greg about it. And
5	was Tom aware that we were going to proceed
6	tonight on his
7	MR. WOLFF: That, I'm not sure.
8	ATTY. DURKIN: There are a couple
9	issues that I see with this. Starting with the
10	ordinance for the Non-Uniform Pension, the
11	ordinance is from the most recent one is
12	from 1995. It says eligibility for a
13	participation.
14	It says, "Each full-time permanent
15	non-uniform employee now or hereafter employed
16	by the Borough of Dunmore will be eligible to
17	participate and shall participate in the
18	Non-Uniform Pension Fund."
19	It goes onto identify the criteria
20	for a full pension at 15 years and 55 age
21	55. It goes on in the later in the
22	ordinance defined a full year as 1,000 hours of
23	work. In Section 4 it provides that,
24	"Participants will pay into the Non-Uniform
25	Pension Fund monthly in an amount equal to 3

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1	percent of his or her gross monthly
2	compensation."
3	So there are a number of
4	requirements in the ordinance to be eligible
5	for a Non-Uniform Pension, starting with being
6	an employee. So we went to and I asked Greg
7	to pull what records we had on Tom's work with
8	the Borough where he was the Borough Solicitor.
9	The earliest document we have is
10	from March 11th of 2004 where he confirmed with
11	Joe Loftus, then the Borough Manager, he had
12	provided a written agreement for his legal
13	services and also a copy of the ordinance
14	regarding the Solicitor's role.
15	It says, you will note that I
16	reduced my regularly hourly rate by 33 percent
17	from regular legal service and that I have not
18	set forth additional rates that may be charged
19	in extreme or unusual circumstances.
20	He then included an agreement for
21	management of legal services, basically a fee
22	agreement. In Section 3 of that agreement it
23	says, "The contract entered between the parties
24	shall be for a period of two years. And based
25	on mutual agreement the same may be renewed for

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1	successive two-year terms based on monthly
2	payment of \$3,000. Any additional billing in a
3	given month shall be at a rate of \$110 per
4	hour."
5	So that is what we could find in
6	terms of a baseline what is, you know, his
7	relationship with the Borough. In my opinion,
8	that is not an employment agreement. That is a
9	retainer agreement or a legal fee agreement,
10	which is, you know, typical for a lawyer.
11	We have a number of paychecks that
12	Tom received while he was working with the
13	Borough where he certain deductions were
14	taken, you know, from his monthly stipend. Of
15	note, that did not include pension
16	contributions so on any of them.
17	So that's significant because there
18	is a requirement of pension contributions in
19	order to be in addition to being an employee
20	and in addition to working at least a thousand
21	hours a year. You have to make contributions
22	in order to qualify for a pension.
23	So we went a little further and we
24	pulled the annual reports that were filed by
25	the Borough from 2014 to 2020 with the Auditor

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1	General's Office which certified our state aid,
2	you know, the money we receive from
3	Pennsylvania for state aid which details out
4	all the people who are participating in the
5	plan.
6	And we have them from 2014, '15,
7	'16, '20 and '19. And Tom's not on any of
8	them. So there is no record of him being in
9	the pension plan at any time that I'm aware of
10	during his service as Solicitor for the
11	Borough. So that's what we could identify so
12	far.
13	He's asking for a Non-Uniform
14	Pension. I believe he last worked for the
15	Borough in 2020 in January of 2020. And
16	based on what I see, I don't see sufficient
17	evidence to meet the criteria for a Non-Uniform
18	Pension with the Borough.
19	So that's my summary of, you know,
20	the information that we could find. I think
21	that there is a couple ways you could proceed.
22	Frankly, I would have preferred if he were here
23	to ask him to provide you know, maybe I'm
24	missing something. So you could vote on it
25	since the request has been made.

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25 ATTY. DURKIN: Tell me what I'm	24	any documentation he may have to
	25	ATTY. DURKIN: Tell me what I'm

11 1 missing, like, tell me if I'm missing something. Tell me what I'm missing. You know 2 3 I am certainly fine giving him everything that 4 I just explained to you. You know, I think that would be the better course and then you 5 could do one of two things. 6 You could either call a special 7 8 meeting or you could wait until September. 9 It's not hard to get a meeting together. 10 Ralph, you wouldn't have to be here for that 11 But that's the course that I would one. 12 recommend is, you know, if you're going to do 13 anything, authorize me to send him a letter to 14 address these issues. And if there is any 15 other concerns you have, I would be happy to 16 address it. 17 MR. WOLFF: Would there be a 18 timeframe for him to respond? 19 ATTY. DURKIN: Well, before the 20 September meeting. If you want action taken sooner, we could do a special meeting. 21 But 22 it's not meant to -- there would be time -- if 23 you vote, there would be a time -- there's a 24 time issue. 25 MR. WOLFF: In the letter, would

12 1 there --ATTY. DURKIN: I'd ask him in the 2 3 next 30 days or so just to tell me if there is 4 any additional information he has that we're 5 missing. MAYOR CONWAY: Was his only role as 6 Solicitor? 7 8 ATTY. DURKIN: I don't know the 9 answer to that because I think there were times 10 where he --11 MR. WOLFF: He was -- I don't know if he was ever appointed --12 13 MR. BONAVOGLIA: Borough Manager, 14 right? 15 MR. WOLFF: Correct, different 16 versions he was the Borough Manager if it was 17 just in an acing position while he was filling 18 a vacancy, that I'm not sure about. But at 19 some point he did act as the Borough Manager. But if that was appointed or --20 21 MR. BONAVOGLIA: It's a short term. 22 MR. WOLFF: Just as acting, that I'm 23 not sure of what exactly that role was. 24 MAYOR CONWAY: But it wasn't full 25 time, permanent which is what the ordinance

1says, pretty black and white.2ATTY. DURKIN: Yeah, and full time3is defined as 1,000 hours per year, which is4about 26 pay periods times 40 is that how5many pay 26 pay periods.6MR. WOLFF: Yeah, and there is7roughly 2,040 hour work week. I think it's82080. So that's about half.9ATTY. DURKIN: So my recommendation10would be to do a motion to table it and have11him, you know, table the request and authorize12me to write to him and request additional13information.		
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	25	all I got.

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1	MR. WOLFF: That's it.	
2	ATTY. DURKIN: Motion to adjourn.	
3	MR. BURTON: Motion.	
4	MR. KAMLA: Second.	
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1	<u>CERTIFICATE</u>
2	
3	I hereby certify that the proceedings and
4	evidence are contained fully and accurately in the
5	notes taken by me of the above-cause and that this copy
6	is a correct transcript of the same to the best of my
7	ability.
8	
9	Maria Mc Cool
10	Maria McCool, RPR
11	Official Court Reporter
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21	(The foregoing certificate of this transcript does not
22	apply to any reproduction of the same by any means
23	unless under the direct control and/or supervision of
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