

RETIREMENT BOARD MEETING MINUTES

Meeting of the Luzerne County Retirement Board, **January 19, 2023 4:00 PM** in the Council Meeting Room, Luzerne County, Wilkes-Barre, PA. (**Zoom Meeting ID: 941 3547 3065, Ph #: 929-436-2866**)

Members: Kendra Radle, John Evanchick Jr, Brian Thornton, Brian Swetz, Chris Dalessandro

Call to Order: Rick Hummer

Pledge of Allegiance

Open Nominations for Chairman of the Board for the Luzerne County Employees' Ret. System.

MOTION: Radle 2nd: Swetz

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Motion for Kendra Radle to be Chairman of the Board for the Luzerne County Employees Ret. System

MOTION: Thornton 2nd: Swetz

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Are there any other nominations?

Close Nominations for Chairman

MOTION: Radle 2nd: Thornton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Chairman opens nominations for Vice-Chairman of the Board for the Luz. County Emps. Ret. Sys.

MOTION: Radle 2nd: Swetz

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Motion for Brian Thornton to be Vice-Chairman of the Luzerne County Employees Ret. System.

MOTION: Evanchick 2nd: Swetz

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Are they any other Nominations?

Close Nominations for Vice-Chairman

MOTION: Swetz 2nd: Thronton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Next Meeting: April 18, July 19, October 18, and December 6, all at 4 pm in the County Council Meeting Room, Luzerne County Courthouse with Zoom Availability.

Solicitor's Report: Donald Karpowich, Esq.

MOTION for Executive Session for personnel, refund and pending litigation at 4:15pm: Radle 2nd: Swetz
ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Returned from executive session at 4:35pm

Public Comment:

Walter Griffith, County Controller: First we should be putting in any salary increases in to budget before year end and secondly agenda number 8 for Randy Robertson for \$191 per year, I understand the pension laws and I know this board doesn't have the ability to stop someone who is 60 and above to get a pension however I think it is very disingenuous for a county manager who was only here for 4 months and didn't do a very stellar job, to even have the moral fortitude to even put in for a pension for the county to be obligated to pay him for the next 20-25 years. I understand its not a lot of money, it's the principle and I think they need to change that law and fix that and I think the people who apply for a job at the county should have enough moral fortitude to say you know what I didn't do my job the best I could and it takes a lot of guts to even apply for a pension. I should just take my contributions with interest and shake every ones hand and thank them for the opportunity, but that didn't happen here. What we had that happened here, was we had someone say I am entitled and I am going to get my money and I don't know if he has done it in other places, maybe that's the MO and goes to different places and gets a pension, maybe he has a bunch of checks coming, who knows, but that is the issue I have with that. The other issue I have I see looking through documents I see that the county retirement board is not using an attorney for the Joanne Van Saun case which is a problem for me. I looked through the minutes and I didn't see any place where this board voted to not use the solicitor that you people are paying 15-20 thousand dollars as a lump sum to do that. Mr. Karpowich has represented this board for years in many cases and has represented us very well. I am surprised that you elected to go outside and get another attorney without boards approval because I don't see in the minutes, if I am mistaken on that, pleas correct me. I don't see in the minutes were this board voted to hire an outside attorney to represent the Retirement Board on that case. I think it is a travesty for us to do that when we have a solicitor on the board and has proven that he can do the work number 1, and number 2 the added expense, if it strictly going to come out of the general fund, well then they can justify it on their side but if you are going to reimburse the county for the money that they are spending, I certainly think that should have been a decision by this board to say that we are to go outside this board and get the advise of another attorney and get the advise of the county retirement board solicitor to say that he can't represent us well enough to get an outside attorney. I didn't see that in the minutes or the agendas. We have already paid that solicitor about \$3000 for a months work. I can't imagine what that bill is going to be like by the time we settle that case, if we ever settle that case. I thank you and the attorney happens to be from Philadelphia, which is not to far from the firm we hired to do the investigation in Philadelphia "Troutman Pepper" but we can draw our own conclusions thank you.

Thornton: I just want to comment if I could, I don't believe this board did vote to hire outside council, as far as I know.

Radle: This board did not. Any other members of the Public which wish to speak by Zoom?

Beth Hartman, Hanover Township: I am calling about item number 8, which is Randy Robertson and his pension. Its my understanding, currently we have an investigation going on in this county on what happened on Election day and the speech you made to the board of elections and only certain people could speak. So the DA is investigating, I don't believe this should be voted on, I belive this should be removed from the agenda until that has been taken care of. Number Two, also on the website for the Retirement Board, you go to the main page, it still lists Romilda on the board but I am

looking on the agenda tonight and there are different board members so the website is incorrect, it was 277/Retirement and it lists who is on there and I would also like to comment real quick on what Walter was just talking about with out current solicitor. If our current solicitor can't represent us in issues regarding retirement what are we paying this gentleman for? Lets eliminate that job and hire an outside company to do that because it makes no sense to me to pay somebody and now we have to go somewhere else for assistance so I would like some answers on that.

Radle: Thanks Mrs. Hartman. This is Kendra Radle can you hear me. For the record, what happened our attorney is competent and can handle the case but what happened was that the Retirement Board was sued but the County was served. It was submitted to County Insurance and the Insurance company hired an attorney. We are looking into how that happened and that will be sorted out but that's where we are right now. It didn't make it to Attorney Karpowich or the Retirement Board. Thank you.

Hummer: The other issue, we will out a help desk ticket in to get fixed for the Retirement Board website because they would have to change it on their side.

Radle: Any other members of the public.

Hartman: I think the others are here for support because there was no Zoom information until this morning so of course my public trying to advertise that this was going on and this was on the agenda I was no Zoom info to give to people until first thing this morning so that is why there isn't more people on the call.

Radle: Ok thanks Mrs. Hartman.

Mr. Hummer's Report:

1. Request a motion to approve and dispense with the reading of the minutes from the meeting of December 7, 2022.

MOTION: Swetz 2nd: Evanchick

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

2. Request a motion to approve the following disbursement for Mail Fees for December '22 to Luzerne County Budget & Finance in the amount of \$36.33.

MOTION: Radle 2nd: Thornton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

3. Request a motion to approve the following disbursement for Advertisement Fees to The Citizens' Voice in the amount of \$1.05.

MOTION: Evanchick 2nd: Radle

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

4. Request a motion to approve the following disbursement for Office Supplies to One Point in the amount of \$353.37.

MOTION: Radle 2nd: Thornton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

- 5. Request a motion to approve the following disbursement for Payroll and 1099R Programs to Luzerne County Budget & Finance (reimbursement for Real Business Solutions) in the amount of \$682.00.

MOTION: Evanchick 2nd: Thornton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

- 6. Request a motion to approve the following disbursement for Retirement Dept. Salary Reimbursement for 4th Qtr. to Luzerne County Budget & Finance in the amount of \$29,692.70.

MOTION: Radle 2nd: Thornton

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

- 7. Approve/deny review and increase in salary for Pension Coordinator, Rick Hummer.

MOTION to approve a 2% increase: Radle 2nd: Swetz

ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

Thornton: Madam Chair, if I could jump in here please, before we move on item number 8, which is all in composing all items onto next page. I would like to pull out and table the name of Christopher Maloney under Refund of Contributions without interest.

Karpowich: Lets do them separately because you will want to pull another out.

Hummer: We have motion to separate Randy Robertson under Retirement and a second by Radle.

Radle we will make that number 9.

Hummer: That would be agenda number no. 9 for Robertson. On roll call:

**Radle: Y, Evanchick Y, Thornton Y, Swetz N, Dalessandro N
Motion carries 3-2**

- 8. Request a motion to approve the Refunds of Employee Contributions with Interest, Retirements, Vestments and Deaths for the month of January 2023 making Randy Robertson agenda item no. 9:

Refunds of Employee Contributions with Interest

Sarah Acker	\$5,362.62
Danielle Bogan	\$3,198.09
Keith Burton	\$4,983.22
Paul Cole	\$14,613.05
Dawn Dombroski	\$49,068.00
Alberto Gutierrez	\$2,650.63
Jason Jenkins	\$601.53
Phaedra Joseph	\$2,054.03
Robert Kytte	\$64,818.98

Evelyn Larrison	\$498.85
Bianilda Lemus	\$32,779.01
Donald Mason	\$804.53
Kelly Napersky	\$3,609.08
William Spare	\$3,998.64
Judah Springer	\$4,348.18
Victoria Tansley	\$7,585.90
Francesca Varvaglione	\$1,334.07
Kerri Walsh	\$23,629.00

Refund of Contributions without Interest

Christopher Maloney	\$13,234.04 (<i>Tabled</i>)
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Retirements

Mary Ann Benick	\$2,621.06/mth
Cheryl Kellar	\$1,055.44/mth
Lawrence MacDonald	\$133.45/mth
Damian Matysczak	\$2,210.01/mth
Marlilee McDonough	\$3,033.07/mth
Roseanne Miceli	\$2,118.91/mth
Keith Moss	\$525.74/mth
Robin Ritsick	\$2,875.32/mth

Vestments

Gina Gebhardt
Employment Dates: 01/02/2012 – 10/07/2022
Superannuation Date: 12/17/2035

Amy Groner
Employment Dates: 11/28/2011 – 11/17/2022
Superannuation Date: 07/13/2038

James Haddock
Employment Dates: 10/07/2013 – 11/30/2022
Superannuation Date: 06/06/2023

Lori Holdredge
Employment Dates: 05/05/2004 – 11/17/2022
Superannuation Date: 01/10/2039

Donna Keyes
Employment Dates: 06/20/2016 – 08/19/2022
Superannuation Date: 12/18/2026

Jennifer Kraynak
Employment Dates: 06/08/2015 – 11/17/2022
Superannuation Date: 11/12/2043

Lindsay Price
Employment Dates: 12/30/2014 – 11/17/2022
Superannuation Date: 06/18/2042

Brian Steve
Employment Dates: 03/22/2002 – 11/17/2022
Superannuation Date: 04/06/2032

Gina Weidow
Employment Dates: 07/02/2002 – 09/08/2022
Superannuation Date: 10/31/2034

Deaths

Rita Herman
Beneficiary Joseph Herman \$49,221.36

Archie Salvo
Beneficiary Delores Salvo \$1,141.20/mth

MOTION for all item with tabling of Christopher Maloney: Radle 2nd: Thornton
ROLL CALL: RADLE Y but abstain from Gebhardt for personal relationship, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y

9. Due to amendment, Motion to approve/deny Randy Roberston Retirement of \$191.68/mth.

MOTION: Radle 2nd: Evanchick

Discussion: Thornton: I asked for this to be separated out surrounding that individual compared to everyone else on the list. There is an ongoing wide spread investigation into the County Election of the past November. Mr. Robertson is a subject of that investigation. He hired Mrs. Beth McBride a few months before that election. He supervised her. He hired her, a person, who had zero election process oversight experience nor leadership experience in her very young career. On election day, he issued directives and strategies that failed miserably. His strategies disenfranchised voters and lead to disastrous outcomes. In the weeks following the election, Robertson failed to discipline, suspend or terminate anyone who was responsible for the Election collapse. He bears responsibility for the national embarrassment and black eye on Luzerne County. He played a part in all of this. Then he quit. His final official action, which he delivered from this table, he spoke, his parting comments included, from this desk, where he bore no personal responsibility for any of this, yet blamed everyone else, including County Council, for his missteps and short comings. Could this investigation reveal, by the way, could be over by the end of January or a couple of weeks into February, according to the District Office. Could this investigation indicate malfeasance, dereliction of duty or worse yet, an intentional duty to throw an election. Who knows? But based on all of these unknowns and based on that he is a part of the ongoing investigation and the fact that we are pledging tax payer dollars here tonight, to a life long pension, for Mr. Roberston, I think it behooves us suggest that we table this motion for now.

Motion by Thornton to Table No. 9.
Roll Call on Tabling:

Hummer: Is there a second to table:

Radle: *Motion fails due to lack of second.* I would like to make a comment to on the original motion to accept and approve it. Retirement, the law as we are told, indicates that he is entitled to that pension, County Council in giving him a contract said nothing other than what it was. It did not say he was not entitled, we did not give him a probational period, a waiting period, to contribute to our Retirement Plan, in hindsight, should have council have done that, yes. But the Council also hired this man knowing that he, majority of Council, hired this man knowing that he jumps from place to place, that he was not staying anywhere permanently, almost the entire part of his resume. We made the, not Retirement Board, but County Council made the decision to hire him knowing he track record and knowing that he was leaving a lot of different places, municipalities, libraries. I will steal Mr. Griffith's term, a golden parachute, and that his track record was. The Council choose to hire him regardless of this and told he was entitled to his pension. So that is why I made the motion to approve, do I like no, do I really think we should have hired him in the first place, also no, but with this position that he is entitled to it.

Evanchick: I just have an issue about this, four or five years ago, we spoke as, the Retirement Board spoke, that the County does have a legislative committee. I believe they did look into changing, lobbying our legislature into changing some things there, I believe Mr. Hoss was on the committee then. I don't remember what the results of that were, you can ask him. But maybe this is an issue for the County Council to revisit with their legislative committee going forward to see if something could be changed legislative because to my knowledge that is the way it has to be done, far as the 60 year old thing. That is all I have.

Radle: Moving forward the County Manager contract is seperate piece from all the other employees so we can always look at that moving forward. If we were to hire another manager pertaining to retirement. Ok we have a motion.

**ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON N, SWETZ Y, DALESSANDRO Y
Motion carries 4-1**

Other Business: NA

Morgan Stanley, Richard Hazzouri

Other Business:

Pension Coordinator Rick Hummer indicated they are still having troubles with the SQL Report for the upload of the payroll data into the Retirement Module since October and that if it lasts longer this could hold up audit.

Motion to Adjourn

**MOTION: Evanchick 2nd: Thronton
ROLL CALL: RADLE Y, EVANCHICK Y, THORNTON Y, SWETZ Y, DALESSANDRO Y**