

**MINUTES OF THE SPECIAL MEETING OF THE
PUBLIC SAFETY RETIREMENT BOARD
OF THE TOWN OF CHINO VALLEY**

THURSDAY, APRIL 17, 2025

2:00 PM

PUBLIC WORKS CONFERENCE ROOM | 1982 VOSS DRIVE | CHINO VALLEY, ARIZONA 86323

1. CALL TO ORDER

Chair Armstrong called the meeting to order at 2:05 p.m.

2. ROLL CALL

Present: Chair Tom Armstrong, Board Member Jon Szymanski, Board Member Dean Keller,
Board Member Cheryl Romley (left at 3:04 p.m.), Board Member Deana Winn

Absent:

Staff Present: Human Resources Director Laura Kyriakakis,

Others Present: Attorney Nicholas Cornelius, Officer Joseph Pelano

3. APPROVAL OF MINUTES

a. Consideration and possible action to approve the October 29, 2024, special meeting minutes.

Staff briefly reviewed the minutes with the Board.

MOVED by Board Member Cheryl Romley, seconded by Board Member Dean Keller to approve the October 29, 2024, special meeting minutes.

AYE: Chair Tom Armstrong, Board Member Jon Szymanski, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn

NAY: None

5 - 0 Passed – Unanimously

4. NEW BUSINESS

a. Presentation from Nicholas Cornelius, Esq regarding his CV, bio, experience, and services he can provide the Board as acting attorney.

Nicholas Cornelius, Esq, presented the following:

- Provided the Board with his resume, bio, conflicts waiver letter, and fee agreement.
- Gave a brief overview of his professional experience and the various municipality boards he has represented.

The Board and Mr. Cornelius discussed the following:

- Board Member Romley inquired what kind of conflict Mr. Cornelius thought there might be.
 - Mr. Cornelius stated that it was general simply because he had represented agencies such as CAFMA which may have relations with the Town of Chino Valley. Further discussed potential conflicts of interest and how they would be managed.
 - Board Member Romley inquired if Chino Valley would have to get a different attorney if there were a conflict of interest.
 - Mr. Cornelius stated that it would depend, but he's only representing the retirement board, which makes it much more unlikely. Further discussed the only instance he has seen that caused a conflict of interest.
- b. Discussion and possible action to engage services with Nicholas Cornelius, Esq and execute fee agreement.

MOVED by Board Member Cheryl Romley, seconded by Board Member Deana Winn to engage services with Nicholas Cornelius, Esq and execute fee agreement.

AYE: Chair Tom Armstrong, Board Member Szymanski, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn

NAY: None

5 - 0 Passed – Unanimously

5. EXECUTIVE SESSION

MOVED by Board Member Jon Szymanski, seconded by Board Member Dean Keller to enter Executive Session at 2:21 p.m.

AYE: Chair Tom Armstrong, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn, Board Member Jon Szymanski

NAY: None

5 - 0 Passed – Unanimously

- a. An executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(3); ~~for personnel matters pursuant to A.R.S. § 38-431.03(A)(1)~~ and pursuant to A.R.S. § 38-431.03(A)(2) for discussion and consideration of records exempt by law from public inspection with regard to:
- Nicholas Cornelius, Esq. experience and services as PSRB acting attorney.
 - Robert Sanchez - Date of Hire August 8, 2024, PSPRS effective plan enrollment December 24, 2024.
 - Charlene McClendon - Date of Hire July 1, 2024, PSPRS effective plan enrollment March 12, 2025.
 - Disability application for Joseph Pelano, originally dated December 2, 2024, and corrected to February 24, 2025.

- Disability application for David Herrera, dated February 20, 2025.

6. NEW BUSINESS RESUMED

The Board resumed the public portion of the meeting at 3:16 p.m.

- a. Consideration and possible action to accept Robert Sanchez into the Public Safety Retirement System, effective plan enrollment December 24, 2024.

There was no public discussion on this item.

MOVED by Board Member Deana Winn, seconded by Board Member Jon Szymanski to accept Robert Sanchez into the Public Safety Retirement System.

AYE: Chair Tom Armstrong, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn, Board Member Jon Szymanski

NAY: None

5 - 0 Passed – Unanimously

- b. Consideration and possible action to accept Charlene McClendon into the Public Safety Retirement System, effective plan enrollment March 12, 2025.

There was no public discussion on this item.

MOVED by Board Member Jon Szymanski, seconded by Board Member Deana Winn to accept Charlene McClendon into the Public Safety Retirement System.

AYE: Chair Tom Armstrong, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn, Board Member Jon Szymanski

NAY: None

5 - 0 Passed – Unanimously

- c. Consideration and possible action to accept Disability Application for Joseph Pelano and order an Independent Medical Evaluation.

The Board and Officer Pelano discussed the following:

- Staff inquired whether the injury was work-related or not.
 - Officer Pelano stated that he is being told that it is work-related because he's never done anything else that would cause these types of injuries, like mountain biking, horseback riding, etc.
- Staff inquired when Officer Pelano was told that it was work-related.

- Officer Pelano stated that it was when he went to the Mayo Clinic in December 2023. Further discussed providers and therapies that were sought out and diagnoses that were given.
- Staff inquired when Officer Pelano returned to work with no restrictions.
 - Officer Pelano estimated it was April 29, 2024.
- Staff inquired about the status of Officer Pelano's worker's compensation claim.
 - Officer Pelano stated it was in process but not accepted.
- Chair Armstrong inquired if the Board had copies of various doctor's reports.
 - Staff stated that Officer Pelano's attorney provided reports.
 - Officer Pelano offered to provide whatever the Board needed.
 - Staff stated they appreciated the offer, but it was not the normal process as documents should come directly from providers.
- Mr. Cornelius inquired if the suggested Botox injections had been administered.
 - Officer Pelano stated they had not as the course of action was to go through physical therapy along with some other therapeutics. Botox injections require general anesthesia. However, he had started consultations.
- Mr. Cornelius inquired about the MRI done in December 2024 which showed a torn tendon and if anything was being done about it.
 - Officer Pelano stated that he had been going to physical therapy and was told that they were trying to figure out if it was in his hip socket or his spine. He would be doing another MRI, but the treatment should be just physical therapy.
 - Mr. Cornelius clarified that all his Physical Therapy was from before the MRI.
 - Officer Pelano stated that he started Physical Therapy at a new location after the MRI.
- Mr. Cornelius inquired if Officer Pelano was currently working with any restrictions.
 - Officer Pelano stated that he took some things off his belt to lighten the weight. He stated that he requested to have his shift altered to swing to keep him out of the colder temperatures and to accommodate the side effects of his prescriptions.
 - Staff stated they were meeting those accommodations.
- Mr. Cornelius discussed the complications of the case being that Officer Pelano was able to fulfill his primary functions. Further discussed the process of the Board and what actions they could take.
- Staff pointed out that Officer Pelano made a correction to the application regarding the date of the incident on February 24th, which would effectively be the new application date (the original date was December 2nd).
 - Officer Pelano stated that fact was not disclosed to him before making the correction.
 - Mr. Cornelius clarified that the date was not a disabling event, but rather when Officer Pelano received the diagnosis.
 - Officer Pelano stated that statement was correct.
- Staff inquired if the Board felt the application was complete.
 - Mr. Cornelius stated that it looked complete, but he felt there was a question about whether it was within one year of the originating issue as the chart note did not include a diagnosis.
- Staff inquired about setting another meeting to give the Board and staff more time to review the notes.
 - Mr. Cornelius stated that it might be appropriate to table it for 30 days to review the notes and ask the applicant to give them information regarding his Physical Therapy since December. Further discussed information in the applicant and what decisions need to be made by the Board.

- Officer Pelano further discussed his diagnosis and doctors who had evaluated him and given him his diagnoses.
- Mr. Cornelius outlined the differences between accidental disability and an ordinary injury.
- Mr. Cornelius inquired about the basis of Officer Pelano's worker's compensation claim not being accepted and inquired if he had ever been required to participate in an IME.
 - Officer Pelano stated that he did.
- The Board and Mr. Cornelius further discussed accidental injury and the parameters of such as stated in A.R.S. § 38-842(1) and A.R.S. § 38-844(B) and whether Officer Pelano's case qualified as an accidental injury.
- Officer Pelano inquired if a doctor could attend a meeting to explain the conditions and injuries he had.
 - Mr. Cornelius stated that if the Board wanted that he recommended accepting the application so that they could hire someone to conduct an IME and present that information to the Board. Accepting the application would not necessarily mean that a referral would arise but stated that the Board should still get more information to make sure whether the Board can accept or not accept the application.
- Officer Pelano referred to earlier conversation regarding him working without restriction and stated that if he were not on the prescriptions he was taking he did not believe he would be able to work without restriction. He stated that he was working with chronic pain. Further discussed the steps he has taken to seek care.

MOVED by Board Member Dean Keller, seconded by Board Member Deana Winn to table Officer Pelano's application for 30 days.

AYE: Chair Tom Armstrong, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn, Board Member Jon Szymanski

NAY: None

5 - 0 Passed - Unanimously

- The Board inquired what Officer Pelano wanted to do such as retire or stop being a police officer.
 - Officer Pelano stated that he did not want to stop being a police officer, but the job was hard enough to do without being in constant pain. He had been told multiple times by specialists that if he continued, he could possibly get worse. He stated that he would like to medically retire as he did not see any other choice.
 - Staff inquired how long he had been an officer.
 - Officer Pelano stated it had been about 22 years, with nearly half being in Arizona.
- d. Consideration and possible action to accept Disability Application for David Herrera and order an Independent Medical Evaluation.

The Board and staff discussed the following:

- Mr. Cornelius stated that the application looked substantive and recommended that there was a basis to accept the application and recommend an IME.

MOVED by Board Member Deana Winn, seconded by Board Member Jon Szymanski to accept the disability application for David Herrera and order an Independent Medical Evaluation.

AYE: Chair Tom Armstrong, Board Member Dean Keller, Board Member Cheryl Romley, Board Member Deana Winn, Board Member Jon Szymanski

NAY: None

5 - 0 Passed – Unanimously

7. ADJOURNMENT

Chair Armstrong adjourned the meeting at 4:00 p.m.

Submitted: April 29, 2025

By: Sara Burchill, Deputy Town Clerk

Approved: May 29, 2025