



# The Fourword

Volume 38, Number 2

February 2010

## *Property Tax Credit Disabled Law Enforcement Officers or Rescue Workers Baltimore County Council Bill 109-08*

On November 3<sup>rd</sup>, 2008 the members of the Baltimore County Council unanimously approved a property tax credit for those officers who sustained work related injuries that forced them to retire on a medical disability.

This bill became possible for consideration after the enabling legislation, Senate Bill 481 passed unanimously in the State Senate and the House of Delegates during the 2008 regular session of the Maryland General Assembly.

### *Application Process*

Baltimore County public safety retirees who are disabled because of a line of duty injury and are currently residing in Baltimore County are eligible for a property tax exemption starting July 1, 2009. Applicants may email:

[KFarren@BaltimoreCountyMD.gov](mailto:KFarren@BaltimoreCountyMD.gov)

with their name, address, and telephone number to determine eligibility. Eligible applicants will be mailed the necessary paperwork. You may also call Ms. Kathy Farren at 410-887-2872 to request the necessary paperwork.

## *Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act*

The *Healthcare Enhancement for Local Public Safety (HELPS) Retirees Act*, which was enacted in Section 845 of H.R. 4/PL 109-280, the *Pension Protection Act*, provision provides a modest tax benefit to retired public safety officers to pay for health care by allowing the use, on a pretax basis, of up to \$3,000 annually from their pension funds (including defined benefit plans and defined contribution plans) to pay for premiums on health care and long-term care insurance. The law went into effect on 1 January 2007.

IRS Tax form 1040 Instructions can be found on our website [www.foplodge4.org](http://www.foplodge4.org) on the legislative page.

Federal legislation and resulting IRS regulations effect individuals differently. Each member is encouraged to work with their individual tax professional to determine how the HELPS Retiree Act may apply to them.



Representing the Professional Police Officers of Baltimore County





**MEETING MINUTES**

**January 2010  
recorded by  
Dave Folderauer**

The January 2010 General Business Meeting was held on January 25, 2010 at FOP Lodge 4. President Weston called the meeting to order at 7:30 p.m. Chaplain Merkle led the invocation. President Weston led the Pledge of Allegiance.

**ROLL CALL OF OFFICERS**

First Vice President Comegna was on vacation. Brother Lagna was sick. Brother Scally was working. All other elected officers and board members were present. Legal advisor Mike Marshall was also in attendance.

**APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING**

A motion was made by Brother Zito to amend the minutes of the December 2009 General Membership Meeting to reflect that he was on vacation. A second was made by Brother King. There was no discussion. The amended minutes for the December 2009 General Membership meeting were approved.

**REPORTS OF OFFICERS**

~ **PRESIDENT WESTON** ~

- December 29 Met with Chief Johnson.
- December 31 Delivered New Year's Eve deli trays to the precincts.
- January 5 Attended the Retired Officers Association meeting.

- January 6 Address the In-Service training class.
- January 7 Attended and fundraiser for Delegate Adrienne Jones, and conducted contractual negotiations with the County Administration.
- January 8 Attended a Super-bowl 5k race meeting.
- January 12 Attended the Pension Board of Trustees meeting, a county council work session and met with Councilman John Olszewski, Sr.
- January 13 Addressed the In-Service training class, and met with attorneys from the Department of Justice.
- January 14 Attended the Police Assistance and Relief Fund meeting, and conducted contractual negotiations with the County Administration.
- January 15 Attended the Health Care Review Committee with the County Administration.
- January 18 Attended the FOP Lodge #4 Executive Board of Directors meeting.
- January 19 Addressed the In-Service training class.
- January 20 Met Councilman Joe Bartenfelder, and attended a Health Care Review Committee meeting.
- January 21 Met with a county council candidate for the 2010 elections, and attended the bi-monthly meeting between Chief Johnson, the bureau chiefs and the FOP Board of Directors.
- January 22 Attended the promotion ceremony.
- January 23 Attended the Maryland State FOP quarterly meeting.
- January 25 Met with a repre-

**LODGE 4 OFFICE**

9304 Harford Road  
Baltimore, Maryland 21234  
Phone (410) 668-0004  
FAX (410) 668-8126  
Toll Free (888) 313-3501  
www.foplodge4.org

**ELECTED OFFICERS**

Cole B. Weston  
**President**  
(443) 956-2679

|   |   |
|---|---|
| Steven G. Comegna<br><b>1<sup>st</sup> Vice President</b><br><i>PC3 - Traffic</i><br>(410) 409-0293 | David M. Rose<br><b>2<sup>nd</sup> Vice President</b><br><i>F.O.P Lodge 4</i><br>(443) 956-2643 |
|---|---|

|  |  |
|--|--|
| David J. Folderauer, Sr.<br><b>Lodge Secretary</b><br><i>PC 11</i><br>(410) 382-2075 | Robert W. Caskey<br><b>Treasurer</b><br><i>CID-Robbery</i><br>(443) 956-2615 |
|--|--|

|  |  |
|--|--|
| W. Donald Patterson<br><b>State Trustee</b><br><i>Materials &amp; Facilities</i> | Richard J. Bergin<br><b>Sergeant at Arms</b><br><i>VNS - CDVIT</i> |
|--|--|

|   |  |
|---|--|
| Paul A. Merkle<br><b>Chaplain</b><br><i>Retired</i> | L. Timothy Caslin<br><b>Past President</b><br><i>Retired</i> |
|---|--|

**EXECUTIVE BOARD of DIRECTORS**

|   |  |
|---|--|
| Kenneth F. Schubert<br><b>Chairman</b><br><i>Employment</i><br>(410) 416-2800 | Mike DiCara<br><b>Vice Chairman</b><br><i>PC 6</i> |
|---|--|

|   |                                       |
|---|---------------------------------------|
| Thomas G. Scally<br><i>CID - Arson</i>            | Louis J. Lagna<br><i>Retired</i>      |
| Donna Patterson<br><i>Planning &amp; Research</i> | Patrick Zito<br><i>PC 7 - Traffic</i> |
| James P. Rommel, Jr.<br><i>K9</i>                 | Ryan Massey<br><i>Homicide</i>        |
| Joe Caskey<br><i>Homicide</i>                     | Tony DiCara<br><i>PC 12</i>           |

**LODGE STAFF**

Larry Sibley—Office Manager  
Juanita Bouthner—Administrative Assistant  
Regina Ecker—Administrative Assistant

**LEGAL ADVISORS**

Schlachman, Belsky & Weiner, P.A.  
Phone (410) 685-2022  
IAS Cases      Michael Marshall

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*The Fourword* is the official monthly publication of Baltimore County Fraternal Order of Police Lodge 4.

Kathryn Greenbeck  
**Fourword Editor**

## The Fourword

### Association of Baltimore County Retired Police 2010 Meetings

\*\*\*\*\*

March 2

May 4

September 7

November 2

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All meetings are held  
at Parkville Heritage  
Gardens at 7:30 p.m.

representative from RBC Wealth Management concerning the FOP Lodge #4 account, and attended the General Membership meeting.

#### ~ 1<sup>st</sup> V. P. COMEGNA ~

- January 5 Our annual campaign finance report was electronically transmitted to the State Board of Elections Office of Campaign Finance. A copy of the report was also mailed to that office.
- January 7 Attended a negotiations session with the County Administration.
- January 14 Attended a negotiations session with the County Administration.
- January 18 Worked at the Lodge office, and attended a meeting of the Political Action Committee. Attended the Executive Board of Directors Meeting.
- January 20 Attended a meeting of the Health Care Review Committee.

#### ~ 2<sup>nd</sup> V. P. ROSE ~

- December 31 Delivered New Year's Eve deli platters to Precincts 8, 11, and 12.
- January 5 Attended the Retired Officers Association meeting.
- January 7 Attended a negotiations meeting with the County Administration.
- January 13 Met with Major Evans, Major Burriss and Director Jordan Watts about the Police Department's discipline policies, attended a meeting with attorneys from the Department of Justice about several cases pending with the County Administration.
- January 14 Attended a negotiations session with the County Administration.
- January 18 Attended the Executive Board of Directors meeting.
- January 20 Attended a Patrol Shift Committee meeting at Precinct 2.
- January 21 Attended the Executive board of Directors meeting with Chief Johnson.
- January 23 Attended the Maryland State FOP meeting.
- January 25 Met with our account manager from RBC, attended the general business meeting.

#### ~ SECRETARY FOLDERAUER ~

- December 31 Delivered New Year's Eve deli platters to precincts.
- January 7 Attended a negotiations session with the County Administration.
- January 14 Attended a negotiations session with the County Administration.

- January 18 Attended a meeting of the Political Action Committee. Attended the Executive Board of Directors Meeting.
- January 25 Attended the General Membership Meeting.

#### ~ TREASURER CASKEY ~

- January 18 Attended the Executive Board of Directors meeting.
- January 25 Attended a meeting to meet the new account manager for our investments through RBC. Attended the General Membership meeting and reported on the financial status of the lodge.

#### STATE TRUSTEE

~ Don Patterson ~

The next State FOP meeting will be held in Ocean City, MD on April 17, 2010.

#### EXECUTIVE BOARD OF DIRECTORS REPORT

~ Kenny Schubert ~

- An Executive Board of Directors meeting was held on January 18, 2010. The meeting was called to order at 5:00 p.m. All Board members were present. Motions that were made, after receiving a proper second, were discussed, voted upon, and appear in this issue under the appropriate committee reports.

#### REPORTS OF COMMITTEES

##### BULLROAST COMMITTEE

~ Kenny Schubert ~

- The FOP Lodge 4 Bullroast will be held on March 28, 2010 at the Tall Cedars Hall. Call Lodge 4 for tickets.

**Bereavements**

**Retired Brother  
Walter T. Shaneybrook, Sr.**  
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**Retired Brother  
Peter J. Pittelli**  
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**Retired Brother  
Robert M. Silseth**  
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**Paul P. Eichelberger  
Father-in-Law of Brother Ken  
Nacke**  
\*\*\*\*\*

**William R. Ayers  
Father of Brother William R.  
Ayers, III**  
\*\*\*\*\*

**David W. Santoni  
Brother of Retired Brother  
Daniel D. Santoni, Sr.**  
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**Elizabeth Jean "Betty"  
Holthaus  
Wife of Retired Brother John  
J. "Jim" Holthaus**  
\*\*\*\*\*

**James W. Wilhelm  
Father of Brother Patrick M.  
Wilhelm**  
\*\*\*\*\*

**Wanda Nelson  
Mother-in-Law of Retired  
Brother Dennis C. Trigillo, Sr.  
Aunt of Retired Brother John  
J. Selway**

**GRIEVANCE COMMITTEE  
~Dave Rose~**

- On January 8, 2010 the payroll section for the Baltimore County Police Department sent out a correspondence stating that the personal vehicle mileage reimbursement rate would be \$0.50 per mile. This is a reduction from the \$0.55 per mile that went into effect on January 1, 2009. A class action grievance was filed on January 12, 2010 for a violation of Article

11 Section 11.1 of the Memorandum of Understanding. The article states "Any adjustment in the mileage allowance rate shall be effective on the first day of July following any adjustment by the Internal Revenue Service."

- A similar grievance was filed last year at this time and was denied at Step #3 by the Labor Commissioner. Attempts to resolve the matter through the negotiations process have been unsuccessful.

**HEALTHCARE COMMITTEE  
~Steve Comegna~**

- The Health Care Review Committee met on Friday, January 15, 2010. F.O.P. Lodge # 4 was represented by President Weston, First Vice-President Comegna and Sister Greenbeck. The Baltimore County Government wishes to create a Request For Proposals (RFP) for all of the Health Care Benefits (Health, Pharmacy, Dental and Vision) and Supplemental Life Insurance Benefits.
- Several of the current contracts with vendors are set to expire. Labor's portion of the committee and our consultant will be meeting to discuss the pros and cons of this RFP. Labor's portion of the committee will have voting representation in the review and selection process. If there are any changes they are estimated to take effect on January 1, 2011.

**LEGAL ADVISORY  
COMMITTEE  
~Dave Rose~**

- The Employee Relations Act case, which was scheduled for

summary judgment on February 5, 2010, was postponed due to a death in the family of the assigned judge.

- The retiree subsidy case, which was scheduled for summary judgment on February 11, 2010, was postponed due to inclement weather.
- Matt Ackley met with the county physician for a disability rating on January 14, 2010.
- The Blake case is scheduled for trial in Federal Court on April 20, 2010.

**LEGISLATIVE COMMITTEE  
~Rick Bergin~**

- On January 13, 2010, the Maryland General Assembly convened in Annapolis for its 427<sup>th</sup> session and will adjourn on April 12, 2010. As of 1/26/10, there are approximately 25 bills in the House and Senate that could have an effect on law enforcement/public safety personnel in the state of Maryland.
- See "Legislative Update" on page 7 for details.

**NEGOTIATIONS  
COMMITTEE  
~Cole Weston~**

**PENSION COMMITTEE  
~ Cole Weston ~**

- The Pension Board of Trustees met on January 12, 2010 and approved eighteen (18) service/drop/vested/death in service retirements, and one (1) over sixty work extension.

**POLITICAL ACTION  
COMMITTEE  
~Steve Comegna~**

- The Political Action Committee met on Monday January 18, 2010. The following motions

# **URGENT NOTICE**

The United States Department of Justice is investigating whether Baltimore County's use of the Authorization for Release of Medical Information form and/or requiring certain medical examinations and inquiries is unlawful and in violation of the Americans with Disabilities Act.

Anyone who, between August 2004 and the present, has been:

Required to sign a Baltimore County Authorization for Release of Medical Information form or any other form of medical records release, or

Ordered to undergo a "Fitness for Duty Examination", "Independent Medical Evaluation", "Workability Examination" or

Required to be examined by Dr. Oroszlan, is urged to contact the Fraternal Order of Police immediately.

Please contact Dave Rose @ 410-668-0004 for additional information.



# Bull, Oyster & Shrimp Roast



**Sunday**

**March 28, 2010**

**1 p.m. to 6 p.m.**

**Tall Cedars Hall  
Parkville, MD**

**\*Music\*  
\*Wheels\*  
\*Raffles\*  
\*Open Bar\***

**\*\*\*\*\*  
Food by  
Atlantic  
Catering  
\*\*\*\*\***

**\$32.00 per person**

**(Reservations are being accepted)**

**For Tickets & Information**

**Contact Lodge 4 at (410) 668-0004**



- were presented to the Executive Board of Directors:
- To purchase a table of ten (10) tickets to a fundraiser being held by State Senate Candidate Al Redmer, Jr. (State Senate District # 7) on Saturday February 20, 2010. The table cost was \$400.00.
  - To purchase one (1) V.I.P. ticket and one (1) Guest ticket to a fundraiser being held by Baltimore County Councilman John Olszewski, Sr. (Baltimore County Council District # 7) on Wednesday February 24, 2010. The total PAC expenditure was \$1500.00.
  - These motions were presented to the Executive Board on Monday January 18, 2010. Each motion received a proper second. They were discussed and

voted upon. The Executive Board of Directors approved these expenditures.

- These motions were presented to the General Membership on Monday January 25, 2010. Each motion was made, received a proper second and was voted upon. The General Membership approved these expenditures.

#### **GOOD OF THE ORDER**

- President Weston thanked Rick Bergin, Dave Bennett, Dave Folderauer, Lou Lagna, Dave Rose, Tom Scally, and Joe Caskey for assisting with the delivery of the News Years Eve deli trays to the precincts, communications center, and central records.
- President Weston reminded the membership that the three re-

cently appointed Circuit Court Judges, Judge Sherrie Bailey, Judge Ann Brobst, and Judge John Nagle will be on the election ballot this fall. Members who have cases and interaction with them are encouraged to provide feed back to the lodge to assist with the endorsement process.

- During the month of January, the Lodge sent two (2) flower arrangements and ten (10) sympathy cards to bereaving members. Seven (7) donations were made in lieu of flowers (at family members' request) in the name of a member or loved one. Eight (8) "Thank You" cards were received.
- The meeting was adjourned at 8:04 pm.



## *Legislative Update*

The State F.O.P. Legislative Committee is made up of numerous members from F.O.P. lodges across the state of Maryland. The committee meets in Annapolis every Monday during the legislative session to discuss the bills at hand. The bills are monitored by a lobbyist hired by the State F.O.P. Every bill that has any effect on F.O.P. members is presented and discussed by the committee at the weekly meeting. The committee takes action on each bill by:

- Support with testimony.
- Support without testimony.
- Oppose with testimony.
- Oppose without testimony.
- Hold (monitor until further information is obtained).
- No Position (usually taken when a bill has minor effect on F.O.P. members or when the bill has no effect on the F.O.P.)

Members of the committee and lodge presidents are frequently called upon to testify at hearings.

The Maryland State F.O.P. Legislative Committee will have to spend as much time and effort monitoring and attempting to defeat “bad” bills as they will trying to get “good” bills passed.

Some issues / bills of interest are as follows:

- **Hometown Heroes Bill**-tax exemption for public safety retirees (re-submitted from last year to make the first \$20,000.00 of retirement tax free—**Support**)
- **Collective Bargaining**-involves Cecil County, Baltimore City w/ Binding Arbitration and Maryland Transportation Authority. (**Support**)
- **Criminal Procedure Search Warrant – Deployment of SWAT Team—Senate Bill 30**. A judge may issue search warrant to deploy a SWAT team with probable cause to believe a felony is being committed. Reviewed and signed by State’s Attorney. (**Oppose**)
- **Law Enforcement Unsubstantiated Complaints House Bill 120** . Evidence of a formal complaint against a law officers, enforcement officer is not admissible in an admissibility administrative or judicial proceeding if the complaint resulted in the exoneration of the officer. (**Support**)
- **Criminal Procedure-Use of tracking device, Search warrant House Bill 172**. Requires search warrant before employing a tracking device to monitor a vehicle. (**Oppose**)
- **Criminal Procedure-Search Warrant App. Copy Filed with State's Attorney Senate Bill 014**. Requiring a copy of an application for a search warrant to be filed with the State's Attorney, designated in writing by the State's Attorney, prior to the execution of the search warrant. (**Oppose**).



The March

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
March 22, 2010  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road

The April

**FOP Lodge 4  
GENERAL  
BUSINESS  
MEETING**

will be held on

**Monday,  
April 26, 2010  
7:30 p.m.**

at  
FOP Lodge 4  
9304 Harford Road