

NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND



Thursday, September 24, 2020

**Township of Wayne – Health Department Room #2
(Executive Board and Professionals Only)**

Remote Audio Call-In (all others)

10:00 AM – Open Session

11:00 AM – Closed Session

Agenda and Reports

OPEN PUBLIC MEETINGS ACT

NOTICE OF THIS MEETING WAS GIVEN BY (1) SENDING SUFFICIENT NOTICE HEREWITH TO STAR-LEDGER, (2) POSTING ON THE NJIIF WEBSITE, (3) FILING ADVANCE WRITTEN NOTICE OF THIS MEETING WITH THE CLERK/ADMINISTRATOR OF EACH MEMBER MUNICIPALITY AND (4) POSTING A COPY OF THE MEETING NOTICE ON THE PUBLIC BULLETIN BOARD OF ALL MEMBER MUNICIPALITIES.

DIRECTIONS

**Wayne Township Municipal Complex – Health Department Room #2
475 Valley Road, Wayne, NJ 07470
973-694-1800**

<p style="text-align: center;">COMING FOR THE EAST</p> <p>Take Route 80 west to exit 53, which is Route 23 North or take Route 46 West to Route 23 North Proceed on Rt. 23 North and turn right onto Alps Road Proceed to the second traffic light and turn right onto Nellis Drive Just before the next traffic light turn left into the Municipal Complex</p>	<p style="text-align: center;">COMING FROM THE WEST</p> <p>Take Route 80 East to Route 46 East Take the Riverview Drive – Wayne/Totowa exit and bear right onto Riverview Drive North Proceed to the eighth traffic light and turn right onto Valley Road At the second traffic light, turn left onto Nellis Drive and then immediate right into the Municipal Complex</p>
<p style="text-align: center;">COMING FROM THE NORTH</p> <p>Take Route 23 South to the Alps Road exit Proceed on Alps Road exit under the highway and turn right onto Alps Road Proceed to the second traffic light and turn right onto Nellis Drive Just before the next traffic light turn left into the Municipal Complex</p>	<p style="text-align: center;">COMING FROM THE SOUTH</p> <p>Take the Garden State Parkway North to exit 153B onto Route 3 West Proceed on Rt. 3 West which merges into Rt. 46 West Take the Riverview Dr., Wayne/Totowa exit On the exit ramp, turn left at the light onto Minnisink Road then turn right at the light onto Riverview Drive Proceed to the seventh traffic light and turn right onto Valley Road Proceed on Valley Road to the second traffic light and make a left onto Nellis Drive and immediate right into the Municipal Complex</p>
<p style="text-align: center;">COMING FROM ROUE 287</p> <p>Take Route 287, take the Wayne/Route 23 South exit Take Route 23 South to the Alps Road exit Proceed on Alps Road exit under the highway and turn right onto Alps Road Proceed to the second traffic light and turn right onto Nellis Drive Just before the next traffic light turn left into the Municipal Complex</p>	<p style="text-align: center;">COMING FROM THE PATERSON AREA</p> <p>Take Preakness Avenue and proceed West into Wayne Continue straight on Preakness Avenue through the Valley Road intersection into the Municipal Complex</p>

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Township of Wayne – Health Department Room #2
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Remote Audio Call-In (all others)
10:00 AM – Open Session
11:00 AM – Closed Session

AGENDA

Meeting Called to Order – 10:00am – Open Public Meetings Act Read

Open Session to be held via telephone call-in for those other than the 7 voting members of the NJIIF Executive Board and the NJIIF professionals..

Meeting Called to Order – Open Public Meetings Act Read

Pledge of Allegiance

1. Roll Call of Executive Committee and Professionals for Open Session
2. Approval of Executive Board Meeting Minutes – August 27, 2020 – Appendix I
3. Correspondence
4. Finance Report- (Robert Calise)
5. Committee Reports
 - A. Nominating – Tucci
 - B. By-Laws – McNamara
 - C. Legislative – Cavallo
 - D. Coverage – Tucci
 - E. Professional – Tucci
 - F. Finance – Kronyak
 - G. Safety/Loss Control – Cavallo
 - H. New Member & Development – Kronyak
 - I. Risk Management – Viveiros
 - PPE Cost Allocation
6. Chairman’s Report

7. Risk Manager's Report, (John Serapiglia and Maria Makos, Polaris Galaxy)
8. WC Loss Control Consultant's Report (Tim Weir, PMA)
9. TPA Report (Jennifer Signs, PMA)
10. Bill List (Robert Calise)
11. Old Business – WC Fund/ML Fund
12. New Business – WC Fund/ML Fund
13. Public Comment
14. Closed Session – (Eric Nemeth, Esq., Eric J. Nemeth, PC) – Closed Session Motion in Appendix II

Closed Session to be convened at 11:00am via separate call-in for those not attending the meeting in person.

15. Roll Call of Attendees for Closed Session
16. Adjournment.

APPENDIX I

***Privileged & Confidential
Attorney Work Product
Attorney-Client Communication***

General Counsel Report and
Minutes of Closed Session
Of the New Jersey Intergovernmental Insurance Fund
**Workers Compensation Fund
September 24, 2020**

During Closed Session of the NJIIF's August 27, 2020, Executive Board meeting, the following Workers Compensation Fund matters were presented, and the votes set forth below were cast:

1. Minutes of Closed Session July 23, 2020

It was moved by Alves-Viveiros seconded by Cavallo that the Minutes of Closed Session from the Fund's meeting of July 23, 2020 be accepted as presented.

Roll Call:
Aye: Alves-Viveiros, Cavallo, Kronyak, McNamara, Vieiro
Nay: None
Abstain: None

2. Workers Compensation Section

Request for Settlement Authority (RSA)

- Jones adv. Morristown Parking Authority (W001069520)-----\$33,000

Subrogation

Recovery

- *Farino, Manuel (City of Union City; Claim No. W001301304; DOL: 10/8/14).* Farino, a bus driver, was operating a senior citizen bus for the City when it was struck by a motor vehicle operated by Mr. Sean G. Graham. Farino suffered injuries to his shoulder and head. The amount of the WC benefits paid by the NJIIF on behalf of Farino is \$13,580, with a pending petition for permanency. Farino's attorney filed suit and it was discovered that the third party, Sean Graham, was uninsured. Subsequently, Farino's attorney pursued a UM action against both Farino's carrier (Plymouth Rock Insurance) and the NJIIF, both of whom had \$15,000 UM limits. The NJIIF and Plymouth Rock both contributed (\$7,500) to the settlement. The NJIIF thereafter recovered \$8,448 of its lien.

Pending Matters

- *Christie, Carl (City of Asbury Park; Claim No.: W002589198; DOL 8/20/18).* Officer Christie injured his right hand and knee while chasing a domestic violence suspect, later identified as Mr. Leon Kelley. The amount of WC benefits paid to date by the NJIIF on behalf of Christie is \$105,905, with a pending petition for permanency. Christie did not respond to the NJIIF’s letter requesting his intention to pursue a civil claim. General Counsel sent a demand letter to Kelley; however, he did not respond, therefore we filed a subrogation suit in Monmouth County Superior Court seeking recovery of the NJIIF’s lien.
- *Taveras, Edward (City of Bayonne; Claim No.: W002834440; DOL 8/3/19).* Taveras, a police officer, suffered injuries to his eye while attempting to arrest a combative subject, later identified as Roderiques Devon Tilley. The amount of WC benefits paid to date by the NJIIF on behalf of Taveras is \$1,393, with a pending petition for permanency. A 10-day letter was sent to Taveras. We await his reply.
- *Doctors, Herbert (Township of Old Bridge; Claim No.: W002822362; DOL 7/12/19).* Doctors, a police officer, was driving his police car when another vehicle, operated by Ms. Anna Defede, failed to stop at a stop sign and struck Doctors’ vehicle. Doctors hit his head on the visor and required 12 stitches. The amount of WC benefits paid to date by the NJIIF on behalf of Doctors is \$5,567, with a pending petition for permanency. A 10-day letter was sent to Doctors. We await his reply.
- *Bass, Geoffrey (City of Union City; Claim No.: W002829585; DOL 8/1/19).* Officer Bass was responding to a call on his motorcycle with lights and sirens activated when he was struck by a vehicle operated by Joseph Chasmer. Bass sustained injuries to his right shoulder and suffered 5 fractured ribs. The amount of WC benefits paid to date by the NJIIF on behalf of Bass is \$86,371, with a pending petition for permanency. A 10-day letter was sent to Bass. We await his reply.

Case Closures

- *Hromy, Jonathan (City of Bayonne; Claim No.: W002834387; DOL 8/3/19).* Hromy, a police officer, suffered injuries to right arm and knee while attempting to arrest a combative subject, later identified as Roderiques Devon Tilley. The amount of WC benefits paid to date by the NJIIF on behalf of Hromy is \$1,144. No WC petition has been filed. A 10-day letter was sent to Hromy. Given the modest amount of the NJIIF’s lien, it is recommended that the subrogation case be closed.

It was moved by Tucci seconded by McNamara that the WC Claims recommendations and General Counsel’s Report be accepted as presented.

Roll Call:
Aye: Alves-Viveiros, Cavallo, Kronyak, Limage, McNamara, Tucci
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity

Privileged & Confidential
Attorney Work Product
Attorney-Client Communication

Minutes of Closed Session
Of the New Jersey Intergovernmental Insurance Fund

Multi-Line Section
September 24, 2020

During Closed Session of the NJIIF's August 27, 2020 Executive Board meeting, the following ML Fund matters which are the subject of litigation or potential litigation or contract negotiations were presented, and the votes set forth below were cast:

1.) UPDATE TO EXISTING LITIGATION MATTERS

City of Asbury Park

- Bercovicz v. City of Asbury Park (1474) Plaintiff is seeking to have his settlement reopened so his retirement can be delayed. Bercovicz' retirement was a covenant in the settlement agreement. The NJIIF is being asked to consider that request.

Motion *not to reopen* the settlement made by Tucci, seconded by Kronyak:

Roll Call:
Aye: Alves-Viveiros, Cavallo, Kronyak, Limage, McNamara, Tucci
Nay:
Abstain: *Each Executive Board Member abstains as to claims against its Member entity

- Testa v. City of Asbury Park (1932). Plaintiff's attorney provided a stipulation of dismissal with prejudice as to the City which was filed with the court on June 15, 2020.

City of Bayonne

- Serrano, Estate of Caleb Joseph (1626). The time in which claimant can bring a claim against the City run. this file will be closed.

Township of Maplewood

- Bremner v. Township of Maplewood (1528). On 12/23/16, Plaintiff's attorney provided the Township with a stipulation of dismissal without prejudice. The case settled as to all co-defendants on May 14, 2018 and the Court subsequently closed its file. We will do the same.

Borough of Roselle Park

- Krukowski v. Borough of Roselle Park (1715). Following approval from the NJIIF Executive Board, this case has settled for \$42,500, with a \$40,500 contribution from the

NJIIF and a \$2,000 contribution from co-defendant D'Onofrio Landscaping. A settlement agreement and release have been obtained and a stipulation of dismissal was filed with the Court on November 7, 2019.

City of Union City

- Lemus, Estate of Sean Levi Emmanuel v. City of Union City (1842). Following approval by the Executive Board, this matter settled for \$65,000. An order of dismissal with prejudice was filed with the Court on March 17, 2020.
- Price v. City of Union City Zoning Board of Adjustment and 541 42nd Street LLC (1615). Pursuant to the Court's August 16, 2017 Order, the matter was remanded to the Zoning Board for further proceedings and issuance of a compliant form of resolution. No subsequent claims were thereafter brought to the NJIIF's attention. Following the City's payment of its deductible, this file will be closed.
- Suarez v. City of Union City (1653). Plaintiff's attorney provided a stipulation of dismissal without prejudice which was filed on January 18, 2018. On March 28, 2018 the court administratively terminated the case. This file will be closed.

Township of Wayne

- Ezra, Estate of Kirra v. Township of Wayne (1657). The time in which claimant can bring a claim against the Township has run. This file will be closed.

2) NEW LITIGATION /COVERAGE MATTERS

City of Asbury Park

- Ezdell v. City of Asbury Park. It is recommended that coverage be denied for this claim.
- Rivera v. City of Asbury Park (2075). It is recommended that coverage, generally subject to the anticipated terms of the NJIIF's 2020 POL Policy, be provided to the City.
- Stevens v. City of Asbury Park (2080). It is recommended that coverage, generally subject to the anticipated terms of the NJIIF's 2020 POL/EPLI Policy, be provided to the City.

City of Bayonne

- Lyga v. City of Bayonne (2079). It is recommended that coverage, generally subject to the anticipated terms of the NJIIF's 2020 POL/EPLI Policy, be provided to the City.
- Ozuna v. City of Bayonne (2074). Coverage, subject to the terms of the NJIIF's 2019 GL Policy, will be provided to the City.
- WTFK Bayonne/SB Hoboken v. City of Bayonne (2078). It is recommended that coverage, generally subject to the anticipated terms of the NJIIF's 2020 POL Policy, be provided to the City.

Township of Old Bridge

- Zampini, Estate of Frank v. Township of Old Bridge (2076). It is recommended that coverage, generally subject to the terms of the NJIIF’s 2019 PPL Policy, be provided to the Township.

City of Union City

- Bergbauer v. City of Union City (2083-B). Coverage, subject to the terms of the NJIIF’s 2017 AL Policy, will be provided to the City.
- Botti v. City of Union City (2083-A). Coverage, subject to the terms of the NJIIF’s 2017 AL Policy, will be provided to the City.
- Fair v. City of Union City (2077). It is recommended that coverage, generally subject to the anticipated terms of the NJIIF’s 2020 PPL Policy, be provided to the City.
- Perez v. City of Union City (2082). Coverage, subject to the terms of the NJIIF’s 2019 GL Policy, will be provided to the City.

Borough of Woodland Park

- Huizing v. Borough of Woodland Park (2081). Coverage, subject to the terms of the NJIIF’s 2019 GL Policy, will be provided to the Borough.

It was moved by Tucci seconded by Limage that the ML Claims recommendations and General Counsel's Report be accepted as presented.

Roll Call:
Aye:* Alves-Viveiros, Cavallo, Kronyak, Limage, McNamara, Tucci
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity Also Commissioner Cavallo abstains as to the Basslan v Wayne matter.

There being no further business for Closed Session it was moved by Tucci seconded by McNamara that the Board return to Open Session.

Roll Call:
Aye:* Alves-Viveiros, Cavallo, Kronyak, Limage, McNamara, Tucci
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity

APPENDIX II

Closed Session Motion

For the September 24, 2020 Meeting of the New Jersey Intergovernmental Insurance Fund

In order to discuss matters involving litigation or potential litigation or contract matters, and in order to maintain the attorney-client privilege, motion is made by _____, seconded by _____ for the NJIIF Executive Board to move into Closed Session pursuant to Section 12(b)(7) of the NJ open Public Meetings Act (N.J.S.A. 10:4-6, et seq). Minutes shall be taken during this Closed Session and once the need for confidentiality no longer exists with regard to each matter, the applicable minutes will be made available to the public. The specific purpose of closed session is to discuss the following matters:

Workers Compensation Fund Claim Matters

Case Update Reports, Coverage Recommendations and Requests for Settlement Authority (RSA):

1. Mooney adv. West Milford (W001069524)-----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Itjen adv. Township of Wayne (W001301304)-----Recovery
2. Houlis adv. City of Asbury Park (W002850458)-----Case Update
3. Lynch adv. City of Bayonne (W002568316)-----Case Update
4. Daken adv. Borough of Riverdale (W002850879)-----Case Update

Multi-Line Fund Claim Matters

Case Update Reports or Requests for Settlement Authority (RSA):

1. Wallace v. City of Asbury Park (1967) -----Case Closure
2. Sellers v. City of Bayonne (1470) -----Case Closure
3. Nash, Estate of William v. Township of Old Bridge (1613)-----Case Closure
4. Bhado & Bhado v. City of Union City ZBA (1791)-----Case Closure
5. Mendez, Gladis v. City of Union City (1825)-----RSA
6. Peralta, Estate of Arlene v. City of Union City (1445)-----Case Closure
7. Kiernan v. Township of Verona (1833)-----RSA
8. Varela v. Township of Verona (1843)-----RSA
9. Charles v. Township of Wayne (1280)-----Case Closure
10. Lee, Estate of Amanda v. Township of Wayne (1401)-----Case Closure
11. Murino v. Township of Wayne (1536) -----Case Closure
12. Skoullou v. Township of Wayne (1380)-----Case Closure

Coverage Recommendations for New Claims/Litigation:

1. Paxton v. City of Asbury Park
2. Mario Barberi Trust v. City of Bayonne
3. Alvarez v. NJIIF/City of Union City

4. Patel v. Township of Old Bridge
5. Martinez, Cleo v. City of Union City
6. Tadros v. City of Union City
7. Willow Ridge Apartments LLC v. City of Union City
8. Livingston v. Warren County