

NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND



Thursday, January 27, 2022

**Meeting via Zoom Video Conference
10:00am - Open Session
Closed Session Immediately Following**

Agenda and Reports

Thursday, January 27, 2022

**Zoom Video Conference
10:00 AM – Open Session
Closed Session Immediately Following
Return to Open Session Upon Completion of Closed Session**

AGENDA

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

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.

Pledge of Allegiance

1. Roll Call of Executive Committee and Professionals for Open Session
2. Adjournment of December 16, 2021 Executive Board Meeting Open Session
 - Motion to Adjourn December 16, 2021 Executive Board Meeting
3. Approval of Executive Board Meeting Minutes – December 16, 2021 – Appendix I
 - Motion to approve minutes of Executive Board Meeting – December 16, 2021
4. Approval of Executive Board Meeting Minutes – January 5th, 2022 Reorganization Meeting – Appendix I
 - Motion to approve minutes of Executive Board Meeting – January 5th, 2022 Reorganization Meeting
5. Correspondence
6. Finance Report- (Robert Calise)
7. Chairman’s Report
8. Committee Reports
 - a. Nominating (McNamara)

- b. By-Laws (Kazmark)
 - c. Legislative (Cavallo)
 - d. Coverage
 - e. Professionals/Management Oversight (Tucci)
 - f. Budget/Finance (McNamara)
 - g. Safety/Risk Management (Cavallo)
 - Introduction of Resolution No.: WC-ML-2022-8: Adoption of Risk Management Plan
 - Motion to approve Resolution No.: WC-ML-2022-8: Adoption of Risk Management Plan
 - h. New Member & Development (Kazmark)
9. Risk Manager's Report, (John Serapiglia, Polaris Galaxy)
10. WC Loss Control Consultant's Report (Tim Weir, PMA)
11. TPA Report (Jennifer Signs, PMA)
 - Motion to approve all Professionals' Reports
12. Bill List (Robert Calise)
 - Motion to approve Bill List
13. Old Business – WC Fund/ML Fund
14. New Business – WC Fund/ML Fund
15. Public Comment

IN ORDER TO DISCUSS MATTERS INVOLVING LITIGATION OR POTENTIAL LITIGATION OR CONTRACT MATTERS, AND IN ORDER TO MAINTAIN THE ATTORNEY-CLIENT PRIVILEGE, THE NJIIF EXECUTIVE BOARD IS AUTHORIZED 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.

- Motion to move into Closed Session (Closed Session to be convened immediately following the suspension of Open Session, via separate Zoom video conference link)
16. *Closed Session – (Eric Nemeth, Esq., Eric J. Nemeth, PC) – Closed Session Matters in Appendix II*

- Motion to approve minutes of Closed Session from December 16, 2021 Executive Board Meeting
- Motion to accept Workers Compensation claims recommendations and General Counsel's report as presented.
- Motion to accept Multi-Line claims recommendations and General Counsel's report as presented.
- Motion to return to Open Session.
- Motion to approve all actions recommended in Closed Session.

17. Adjournment.

APPENDIX I

Minutes from Executive Board Meeting of December 16, 2021

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
December 16, 2021

Call to Order: A meeting of the New Jersey Intergovernmental Insurance Fund was called to Order on Thursday, December 16, 2021, at 10:01 a.m. via Zoom (video and telephonic) conference. Chairman Tucci read the Open Public Meetings Act Statement and announced that notices were placed in designated newspapers and posted as required.

Pledge of Allegiance: Chairman Tucci opened the meeting with the Pledge of Allegiance.

1. Roll Call:

Executive Board Members

Chairman: Thomas Tucci (Township of Cedar Grove)

Matthew Cavallo (Township of Verona)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Executive Board Alternates, Commissioners and Commissioner Alternates

Sukaina Barlas (Township of Cedar Grove)

Donna M. Vieiro (City of Asbury Park)

NJIIF Professionals, Risk Managers and Others

Ezio Altamura (GJEM-Otterstedt Agency)

Lou Beckerman (Acrisure)

Christopher Brid (PMA Safety & Loss Control)

Robert Calise (CMFO)

Nancy DiMartino (Eric J. Nemeth, P.C./Recording Secretary)

Justin Gallo (Polaris Galaxy/Risk Manager)

Kristine Gould (Township of Verona)

Rija Khan, Esq. (Eric J. Nemeth, P.C.-General Counsel/Co-Administrator)

Michael Kronyak (Financial Consultant)

Angelo Lobosco (Lobosco Insurance)

Maria Makos (Polaris Galaxy/Risk Manager)

Steven Neale (Township of Verona)

Eric J. Nemeth Esq. (Eric J. Nemeth, P.C.-General Counsel/Co-Administrator)

John Serapiglia (Polaris Galaxy/Risk Manager/Co-Administrator)

Jennifer Signs (PMA TPA)

Tim Weir (PMA Safety & Loss Control)

Justin Wilkinson (PMA TPA)

2. Approval of the Minutes of the Executive Board Meeting of November 22, 2021. It was moved by Konopada, seconded by Kazmark that the Minutes of the November 22, 2021 Meeting of the New Jersey Intergovernmental Insurance Fund be accepted as presented.

Roll Call:	
Aye:	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

3. Correspondence: Nemeth advised that email was exchanged with NJ DOBI advising that we will be providing copies of the 12/31/20 audit reports following adoption by the Executive Board.

4. Finance Report: CFO Calise advised that the monthly Multi Line and Workers Compensation Fund financials through 12/13/21, including assessments and claims payments, are in the meeting packets, including the latest investment report for 2021. Calise reported that the NJIIF has the funds available to make an initial deposit for the proposed document management services contract that will be further discussed by the Professionals Committee under Resolution WC/ML-2021-14, on today's meeting agenda.

5. Chairman's Report: Chairman Tucci discussed COVID-19 return to work guidelines and also recent Hurricane Ida claims; GC/Co-Administrator Nemeth explained that the NJIIF is pursuing a response from the NJIIF's property carrier as to whether they will treat all of the Hurricane Ida claims as one loss, and therefore one deductible, for the NJIIF.

6. Committee Reports
 - a. Nominating Committee (McNamara) – No report.
 - b. By-Law Committee (Kazmark) – No report.
 - c. Legislative Committee (Cavallo) – No report.
 - d. Coverage Committee (Tucci) –See Agenda Item 14, Closed Session, below
 - e. Professionals/Management Oversight Committee (Tucci). Chairman Tucci introduced Resolution WC/ML-2021-14 Appointment of Vendor for Document Management Services (The Tab Group). GC/Co-Administrator Nemeth explained that if approved, the Tab Group would be contracted to scan all historic litigation and administration files in order to eliminate ongoing and increasing warehouse storage costs. The documents will be saved as PDF documents on an external drive. He also advised that under the contract, the NJIIF would make a 10% deposit in 2021 and pay the balance over 2022 and 2023.

It was moved by Kazmark, seconded by Konopada, to approve WC/ML-2021-14 Appointment of Vendor for Document Management Services.

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

- f. Budget/Finance Committee (McNamara). Financial Consultant Kronyak provided an overview of both the WC and ML Fund Budgets for 2022, which include an increase of 5.62% for the WC Fund and 6.14% for the ML Fund, with a weighted average of 5.893% for the two Funds combined.

It was moved by Cavallo, seconded by Kazmark To open the public hearing for the adoption of the 2022 WC Fund Budget.

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

There being no public comment, it was moved by Konopada, seconded by Cavallo, to close the public hearing for the adoption of the 2022 WC Fund Budget.

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

It was moved by Vieiro, seconded by Kazmark, to adopt the 2022 WC Fund Budget

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

It was moved by Cavallo, seconded by Konopada to open the public hearing for the adoption of the 2022 ML Fund Budget.

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

Ezio Altamura inquired whether the increase in the overall budgets for both WC and ML would be spread evenly amongst Member assessments; Kronyak and Nemeth advised that the increases would vary.

There being no further public comment, it was moved by Cavallo, seconded by Vieiro, to close the public hearing for the adoption of the 2022 ML Fund Budget.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

It was moved by Cavallo, seconded by Vieiro, to adopt the 2022 ML Fund Budget

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

- g. Safety/Risk Management Committee. (Cavallo). No Report.
 - h. Member & Development Committee (Kazmark) –Risk Manager M. Makos advised that with regard to potential new members, she is finalizing the quote for the Borough of Highland Park and following up with the City of Englewood.
7. Risk Manager’s Report – (Polaris Galaxy). (See Member Development Report)
 8. Loss Control Consultant Report –(PMA) Tim Weir reported that PMA has had onsite meetings with multiple members regarding training and loss control support. He also referred members to the information available in PMA’s “Safety Seen” newsletter, and mentioned the latest edition includes safety regarding holiday trees and sober driving.
 9. TPA Report – (PMA) Jennifer Signs provided an update on aggregate WC claims received through 12/1/21, including the number of reported COVID cases. She advised that claims generally continue to be timely reported and that several Members have not had any reported claims thus far in 2021. Signs also reported that the NJIIF has a total of 247 reported COVID cases (63 so far in 2021 and 184 in 2020), with 57 related claim petitions filed to date. Signs also reminded everyone to report workers compensation claims using PMA’s online reporting system; she emphasized that this is the quickest way to report and claim and generate a claim number.

It was moved by Vieiro, seconded by Kazmark to approve all meeting Professionals’ Reports.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

10. Bill List-WC Fund/ML Fund. It was moved by Konopada seconded by Cavallo to approve the December Bill List (copies provided in the meeting package).

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

11. Old Business – None.
12. New Business – None
13. Public Comment - Chairman Tucci opened the Public Comment Section of the Meeting.

No public comment.

14. Closed Session - It was moved by Konopada, seconded by Kazmark, that the Board move into Closed Session.

Roll Call:	
Aye	Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay:	None
Abstain:	None

The Open Session portion of the December 16, 2021 Executive Board Meeting was suspended at 10:39 a.m.

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
December 16, 2021

Call to Order: The Closed Session of the December 16, 2021 Meeting of the New Jersey Intergovernmental Insurance Fund was called to order at 10:42 a.m. via Zoom conference.

15. Roll Call:

Executive Board Members

Chairman: Thomas Tucci (Township of Cedar Grove)

Matthew Cavallo (Township of Verona)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Executive Board Alternates, Commissioners and Commissioner Alternates

Sukaina Barlas (Township of Cedar Grove)

Donna M. Vieiro (City of Asbury Park)

NJIIF Professionals, Risk Managers and Others

Ezio Altamura (GJEM-Otterstedt Agency)

Lou Beckerman (Acrisure)

Christopher Brid (PMA Safety & Loss Control)

Nancy DiMartino (Eric J. Nemeth, P.C./Recording Secretary)

Justin Gallo (Polaris Galaxy/Risk Manager)

Rija Khan, Esq. (Eric J. Nemeth, P.C.-General Counsel/Co-Administrator)

Maria Makos (Polaris Galaxy/Risk Manager/Co-Administrator)

Steven Neale (Township of Verona)

Eric J. Nemeth Esq. (Eric J. Nemeth, P.C.-General Counsel/Co-Administrator)

John Serapiglia (Polaris Galaxy/Risk Manager/Co-Administrator)

Jennifer Signs (PMA TPA)

Justin Wilkinson (PMA TPA)

Minutes of Closed Session November 22, 2021. It was moved by Konopada seconded by Kazmark that the Minutes of Closed Session from the Fund's meeting of November 22, 2021 be accepted as presented.

Roll Call:
Aye: Tucci, Cavallo, Kazmark, Konopada
Nay: None
Abstain: Vieiro

It was moved by Cavallo, seconded by Konopada, that the WC Fund Claims recommendations and Fund Counsel's Report be accepted as presented.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity

It was moved by Kazmark, seconded by Konopada, that the ML Fund Claims recommendations and Fund Counsel's Report be accepted as presented.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity. Tucci abstains as to the two new Cedar Grove claims.

It was moved by Vieiro, seconded by Kazmark, that the Board return to Open Session.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

(Closed Session ended and members returned via Zoom to Open Session at 11:19 a.m.)

It was moved by Konopada, seconded by Kazmark, to approve all actions presented in Closed Session of the December 16, 2021 Executive Board Meeting, including but not limited to requests for settlement authority, if any, for the WC and ML Fund matters listed in the Closed Session Motion and the coverage positions recommended in Closed Session.

Roll Call:
Aye Tucci, Cavallo, Kazmark, Konopada, Vieiro
Nay: None
Abstain: *Each Executive Board Member abstains as to claims against its Member entity.

Chairman Tucci wished everyone a happy holiday season.

16. Adjournment – The Zoom connection was lost prior to formal meeting adjournment at 11:22 a.m.

APPENDIX I

Minutes from Executive Board Meeting of January 5, 2022 –
Reorganization Meeting

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
January 5, 2022

Call To Order: A meeting of the New Jersey Intergovernmental Insurance Fund was called to Order on Wednesday, January 5, 2022 at 10:03 a.m. via Zoom (video and telephonic) conference. Eric J. Nemeth Esq., General Counsel/Co-Administrator of the NJIIF read the Open Public Meetings Act Statement and announced that notices were placed in newspapers and posted as required.

Pledge of Allegiance: Nemeth opened the meeting with the Pledge of Allegiance. He welcomed everyone to the 31st annual reorganizational meeting of the NJiiF.

1. Roll Call

Commissioners Present:

Matthew Cavallo (Township of Verona)
Mayor Keith Kazmark (Borough of Woodland Park)
Beverly Konopada (Borough of Mantoloking)
Captain Walter Laurencio (City of Union City)
Alex Lazorisak (Warren County)
Thomas Tucci (Township of Cedar Grove)
Donna Vieiro (City of Asbury Park)

Others Present:

Ezio Altamura (GJEM/Otterstedt)
Dave Balken (Balken Risk)
Sukaina Barlas (Township of Cedar Grove)
Lou Beckerman (Acrisure LLC)
Neal Bellet (Township of Wayne)
Chris Brid (PMA Safety & Loss Control)
Robert Calise (CMFO)
Nancy DiMartino (Recording Secretary)
Justin Gallo (Polaris - Risk Manager)
Rija Khan, Esq. (Eric J. Nemeth, P.C.)
Angelo Lobosco (Lobosco Insurance)
Maria Makos (Polaris - Risk Manager)
Steven Neale (Township of Verona)
Eric J. Nemeth Esq. (Eric J. Nemeth, P.C.–GC/Co-Administrator)
Jennifer Signs (PMA-TPA)
Justin Wilkinson (PMA-TPA)
Jack Zisa (Regional Risk Managers)

2. Report of Nominating Committee; Election – Executive Committee, Alternates, Chairman and Secretary: Following the roll call of Commissioners and Professionals in attendance, Nemeth requested the Report of the Nominating Committee. Nominating Committee Member Laurencio reported the following recommendations of the Committee for the slate of candidates and officers to serve on the Executive Board in 2022:

Executive Board

Chairman – Thomas Tucci (Township of Cedar Grove)
 Secretary – Heather McNamara (Township of Wayne)
 Commissioner – Keith Kazmark (Borough of Woodland Park)
 Commissioner – Beverly Konopada (Borough of Mantoloking)
 Commissioner – Walter Laurencio (City of Union City)
 Commissioner – Alex Lazorisak (Warren County)
 Commissioner – Donna Vieiro (City of Asbury Park)

Designated Alternates

Sukaina Barlas (Township of Cedar Grove)
 Matthew Cavallo (Township of Verona)
 Maureen Chumacas (Borough of Roseland)
 Steven Neale (Township of Verona)
 Sherry Samsudeen (Township of Old Bridge)
 Nick Saros (Borough of Teterboro)

Election of Executive Board, Alternates and Officers: Nemeth opened the floor to proposals for alternate slate of candidates to the Executive Board. There being no other recommendations, Nemeth closed the floor to nominations and requested a vote to approve the slate of candidates recommended by the Nominating Committee.

It was moved by Cavallo, seconded by Konopada, that the slate of candidates and officials recommended by the Nominating Committee be approved as presented.

Roll Call:
Aye: Cavallo, Laurencio, Lazorisak, Kazmark, Konopada, Tucci, Vieiro
Nay: None
Abstain: None

Following the vote, Chairman Tucci thanked the Nominating Committee and the Commissioners for their service and show of support.

3. 2022 NJIIF Resolutions – Multi-Line Fund: It was moved by Kazmark, seconded by Vieiro, that Resolutions ML-2022-1 through ML-2022-16 be approved as provided.

Roll Call:
Aye: Tucci, Cavallo, Laurencio, Lazorisak, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

4. 2022 NJIIF Resolutions – Workers Compensation. It was moved by Lazorisak, seconded by Konopada, that Resolutions WC-2022-1 through WC-2022-12 be approved as presented.

Roll Call:
Aye: Tucci, Cavallo, Laurencio, Lazorisak, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

5. 2022 NJIIF Resolutions – Joint Multi-Line and Workers Compensation Funds: It was moved by Vieiro, seconded by Kazmark, that Resolutions WC-ML-2022-1 through WC-ML-2022-10 be approved as presented (with the exception of WC-ML-2022-8, regarding the adoption of the Risk Management Plan, which was recommended to be tabled).

Roll Call:
Aye: Tucci, Cavallo, Laurencio, Lazorisak, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

6. Chairman’s Report: Chairman Tucci thanked everyone for their hard work in 2021 and stated that he looks forward to the continued growth of the NJIIF in 2022.
7. Old Business: None
8. New Business: None.
9. Adjournment: There being no further business, it was moved by Kazmark, seconded by Laurencio, to adjourn the NJIIF’s January 5, 2022 Meeting.

Roll Call
Aye: Tucci, Cavallo, Laurencio, Lazorisak, Kazmark, Konopada, Vieiro
Nay: None
Abstain: None

The January 5, 2022 Meeting was adjourned at 10:18 a.m.

APPENDIX II

Closed Session Matters

Closed Session Motion

For the January 27, 2022 Meeting of the New Jersey Intergovernmental Insurance Fund

Following are the matters to be discussed in Closed Session:

Workers Compensation Fund Claim Matters

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

1. Kearns adv. Borough of Wanaque -----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Botti adv. City of Union City (W002162967)-----Recovery
2. Galinus adv. Borough of Wanaque (W002751599) -----Recovery
3. Gaston adv. City of Union City (W003350567)-----Case Update

Multi-Line Fund Claim Matters

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

1. Holland v. City of Asbury Park (1822)-----Case Closure
2. Laraque v. City of Asbury Park (2004)-----Case Closure
3. Carr v. City of Bayonne (1956)-----RSA
4. Gatson v. City of Bayonne (1456) -----Case Closure
5. P.J. Leonard v. City of Bayonne (1545)-----RSA
6. Yao v. City of Bayonne (1819)-----Case Closure
7. Concar v. Township of Old Bridge (1939)-----Case Closure
8. Ribaudo, West v. Borough of Roseland (1827) -----Case Closure
9. Maffucci v. Town of Verona (1606)-----Case Closure
10. Phillip Howard v. Warren County (1820)-----Case Closure
11. C.K. A Minor v. Township of Wayne (1012) -----Case Closure
12. C.R a Minor v. Township of Wayne (1011) -----Case Closure

Coverage Recommendations for New Claims/Litigation:

1. Aspell v. City of Asbury Park
2. Shueib v. City of Asbury Park
3. Vitale v. City of Asbury Park
4. Archibald v. City of Bayonne
5. Gunshefski v. City of Bayonne
6. Keyes v. City of Bayonne
7. O’Toole v. Township of Cedar Grove
8. AADARI v. Borough of Hasbrouck Heights
9. Cagio v. Borough of Hasbrouck Heights
10. Jeffrey, Patrick Andrew, Estate of v. Township of Maplewood
11. Jane Doe v. Borough of Roseland
12. Kordja v. Borough of Totowa

13. 2-8 18th Street UC LLC v. City of Union City
14. 721 22nd Street UC LLC v. City of Union City
15. Palisade Vista LLC v. City of Union City
16. Studio 45 Discotheque v. City of Union City
17. Asian Hate Crimes Task Force v. Township of Verona
18. Brown v. Township of Wayne
19. Maarif Foundation USA v. Township of Wayne
20. Tomkevich v. Township of Wayne