

NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND



Thursday, February 24, 2022

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

Agenda and Reports

Thursday, February 24, 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. Approval of Executive Board Meeting Minutes – January 27, 2022 – Appendix I
 - Motion to approve minutes of Executive Board Meeting – January 27, 2022
3. Correspondence
4. Finance Report- (Robert Calise)
5. Chairman's Report
6. Committee Reports
 - a. Nominating (McNamara)
 - b. By-Laws (Kazmark)
 - c. Legislative (Cavallo)
 - d. Coverage
 - e. Professionals/Management Oversight (Tucci)
 - Introduction of Resolution No.: ML-2022-19: Appointment of Trinity & Farsiou, LLC as Defense Counsel for Multi-Line
 - Motion to approve Resolution No.: ML-2022-19: Appointment of Trinity & Farsiou, LLC as Defense Counsel for Multi-Line

- Introduction of Resolution No.: WC-2022-13: Appointment of Malamut & Associates, LLC as Defense Counsel for Workers Compensation
 - Motion to approve Resolution No.: WC-2022-13: Appointment of Malamut & Associates as Defense Counsel for Workers Compensation

- f. Budget/Finance (McNamara)
- g. Safety/Risk Management (Cavallo)
- h. New Member & Development (Kazmark)

7. Risk Manager's Report, (John Serapiglia, Polaris Galaxy)
8. WC Loss Control Consultant's Report (Tim Weir, PMA)
9. TPA Report (Jennifer Signs, PMA)
 - Motion to approve all Professionals' Reports
10. Bill List (Robert Calise)
 - Motion to approve Bill List
11. Old Business – WC Fund/ML Fund
12. New Business – WC Fund/ML Fund
13. 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)
14. *Closed Session – (Eric Nemeth, Esq., Eric J. Nemeth, PC) – Closed Session Matters in Appendix II*
 - Motion to approve minutes of Closed Session from January 27, 2022 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.

15. Adjournment.

APPENDIX I

Minutes from Executive Board Meeting of January 27, 2022

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
January 27, 2022

Call to Order: A meeting of the New Jersey Intergovernmental Insurance Fund was called to Order on Thursday, January 27, 2022, at 10:04 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)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Captain Walter Laurencio (City of Union City)

Alex Lazorisak (Warren County)

Donna M. Vieiro (City of Asbury Park)

Executive Board Alternates, Commissioners and Commissioner Alternates

Sukaina Barlas (Township of Cedar Grove)

Matthew Cavallo (Township of Verona)

Steven Neale (Township of Verona)

NJIIF Professionals, Risk Managers and Others

Ezio Altamura (GJEM-Otterstedt Agency)

David Balken (Balken Risk)

Lou Beckerman (Acrisure)

Christopher Brid (PMA Safety & Loss Control)

Robert Calise (CMFO)

John Daly (Scirocco Group)

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)

Michael Kronyak (Financial Consultant)

Angelo Lobosco (Lobosco Insurance)

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)

Jack Zisa (Regional Risk Managers)

Chairman Tucci advised that Steven Neale, alternate, will be voting in the absence of Commissioner McNamara.

2. Adjournment of December 16, 2021 Executive Board Meeting. It was moved by Kazmark, seconded by Laurencio, to adjourn the December 16, 2021 Executive Board Meeting.

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

3. Approval of the Minutes of the Executive Board Meeting of December 16, 2021 and the Minutes of the NJIIF's January 5, 2022 Reorganization Meeting. It was moved by Konopada, seconded by Laurencio that the Minutes of the December 16, 2021 Executive Board Meeting and the January 5, 2022 Reorganization Meeting of the New Jersey Intergovernmental Insurance Fund be accepted as presented.

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

4. Correspondence: None

5. Finance Report: CFO Calise advised that the monthly Multi Line and Workers Compensation Fund financials through 1/15/22, including assessments and claims payments, are in the meeting packets, including the latest investment report as of 12/31/21. Calise also advised that he is seeking an amendment to the meeting bill list in order for the NJIIF to consider paying a vendor (Tracepoint) who provided cyber breach services to the Borough of Mantoloking. Co-Administrator Nemeth recommended that the NJIIF provide this financial support as a member benefit through the ML Fund's risk services budget line. It was moved by Vieiro, seconded by Lazorisak, to amend the January Bill List to include the invoice from Tracepoint.

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

7. Chairman's Report: Chairman Tucci thanked Financial Consultant Michael Kronyak for his efforts in supporting development of the 2022 member assessments. Chairman Tucci also recognized and thanked Maria Makos for her many years of service to the NJIIF.

8. Committee Reports

- a. Nominating Committee (McNamara) – No report.
- b. By-Law Committee (Kazmark) – No report.
- c. Legislative Committee (Cavallo) – No report.
- d. Coverage Committee –See Agenda Item 16, Closed Session, below
- e. Professionals/Management Oversight Committee (Tucci). Chairman Tucci introduced Resolution ML-2022-18 Appointment of D2 Cybersecurity, as Cyber Consultant for the NJIIF. Several members relayed positive experiences using D2 Cybersecurity for cyber training.

It was moved by Konopada, seconded by Vieiro, to approve Resolution ML-2022-18 Appointment of D2 Cybersecurity, as Cyber Consultant for the NJIIF for 2022.

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

- f. Budget/Finance Committee (McNamara). No report.
- g. Safety/Risk Management Committee. (Cavallo). GC/Co-Administrator Nemeth introduced Resolution WC-ML-2022-8 Adoption of Risk Management Plan (resolution had been tabled at the time of the NJIIF’s 1/5/22 Reorganizational Meeting).

It was moved by Lazorisak, seconded by Laurencio, to approve Resolution WC-ML-2022-8 Adoption of 2022 Risk Management Plan.

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

- h. Member & Development Committee (Kazmark) No report.
9. Risk Manager’s Report – (Polaris Galaxy). Serapiglia announced that Maria Makos has left Polaris Galaxy; he recognized her for her hard work and wished her well with her future endeavors. It was reported that in addition to Serapiglia, Justin Gallo, along with Gloria Carter and George Garcia, would be completing the NJIIF team.

Justin Gallo reported that all assessments have been released to the Members and that Member invoicing is ongoing. Additionally, he remarked that the Property Liability insurance policy is up in July and he is working on obtaining the Members’ updated applications.

10. Loss Control Consultant Report –(PMA) Tim Weir reported that PMA has had several onsite meetings with members regarding training and loss control support. He also advised that the OSHA annual summaries are due soon, and need to be posted even if there are no injuries reported. He also referred members to the information available in PMA’s “Safety Seen” newsletter, and mentioned that his office would be simplifying the registration process for PMA’s web courses. He also emphasized the importance of Safety Committee meetings.

11. TPA Report – (PMA) Jennifer Signs provided an update on aggregate WC claims received through 1/1/22, including the number of reported COVID cases. She advised that claims generally continue to be timely reported. Signs also advised that the NJIIF has a total of 310 reported COVID cases (125 in 2021 and 185 in 2020), with 59 related claim petitions filed to date. Signs reminded everyone to report workers compensation claims using PMA’s online reporting system; she emphasized that this is the quickest way to report claims and generate a claim number.

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

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

12. Bill List-WC Fund/ML Fund. It was moved by Vieiro seconded by Laurencio to approve the January Bill List (copies provided in the meeting package) as amended to include the invoice for Tracepoint.

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

13. Old Business – None.

14. New Business – None

15. Public Comment - Chairman Tucci opened the Public Comment Section of the Meeting.

No public comment.

16. Closed Session - It was moved by Lazorisak, seconded by Neale, that the Board move into Closed Session.

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

The Open Session portion of the January 27, 2022 Executive Board Meeting was suspended at 10:37 a.m.

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
January 27, 2022

Call to Order: The Closed Session of the January 22, 2022 Meeting of the New Jersey Intergovernmental Insurance Fund was called to order at 10:42 a.m. via Zoom conference.

17. Roll Call:

Executive Board Members

Chairman: Thomas Tucci (Township of Cedar Grove)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Captain Walter Laurencio (City of Union City)

Alex Lazorisak (Warren County)

Heather McNamara (Township of Wayne)

Donna M. Vieiro (City of Asbury Park)

Minutes of Closed Session December 16, 2021. It was moved by Vieiro seconded by Laurencio that the Minutes of Closed Session from the Fund's meeting of December 16, 2021 be accepted as presented.

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

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

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

**Commissioner McNamara left the meeting.

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

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| Roll Call: | |
| Aye | Tucci, Kazmark, Konopada, Laurencio, Lazorisak, 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 Kazmark, seconded by Laurencio, that the Board return to Open Session.

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

(Closed Session ended and members returned via Zoom to Open Session at 11:43 a.m.)

It was moved by Lazorisak, seconded by Kazmark, to approve all actions presented in Closed Session of the January 27, 2022 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.

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

18. Adjournment – There being no further business to discuss, it was moved by Konopada, seconded by Laurencio, to adjourn the January 27, 2022 Executive Board Meeting.

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

The NJIIF's January 27, 2022 Meeting was adjourned at 11:47 a.m.

APPENDIX II

Closed Session Matters

Closed Session Motion

For the February 24, 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. Gagliano adv. City of Asbury Park (W002763666) -----RSA
2. Sahanas adv. Borough of Wanaque (W002751582)-----RSA
3. Farano adv. Warren County (W001993905) -----RSA
4. Tickle adv. Warren County (W002792749)-----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Williams adv. City of Asbury Park (W002719941)-----Recovery
2. Young adv. Township of Maplewood (W003357514)-----Case Update

Multi-Line Fund Claim Matters

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

1. Bowens v City of Asbury Park (1857) -----RSA
2. Martinez, G. v City of Asbury Park (2064)-----RSA
3. Slappy v. City of Asbury Park (2066)-----Case Closure
4. Pinto v. City of Bayonne (1861) -----Case Closure
5. Farina v. City of Union City (1637) -----Case Closure
6. Solis v. Warren County (1900)-----Case Closure
7. Novack v. Township of Wayne (1485)-----Case Closure
8. Roman v. Township of Wayne (1162) -----Case Closure
9. B.D. v. Borough of Woodland Park (1247) -----Case Closure

Coverage Recommendations for New Claims/Litigation:

1. Mackolin v. City of Asbury Park
2. Linder v. City of Bayonne
3. Monroe v. City of Bayonne
4. Castro v. City of Union City
5. Machado v. City of Union City
6. Martinez v. City of Union City
7. Mejia/Nunez v. City of Union City
8. Garthwaite v. Township of Verona
9. Bellucci v. Warren County