

**NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND**



**Thursday, July 28, 2022**

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

**Agenda and Reports**

**Thursday, July 28, 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 – June 23, 2022 – Appendix I
  - Motion to approve minutes of Executive Board Meeting – June 23, 2022
3. Correspondence
4. Finance Report- (Robert Calise)
5. Chairman’s Report
6. Committee Reports
  - Nominating (McNamara)
  - By-Laws (Kazmark)
  - Legislative (Vieiro)
  - Coverage (Konopada)
  - Professionals/Management Oversight (Tucci)
    - Introduction of Resolution No. ML-2022-23 Addition of Chiesa Shahinian & Giantomasi P.C., Decotiis, FitzPatrick, Cole & Giblin LLP, Genova Burns LLC and Trif & Modugno as ML Panel Defense Counsel

- Motion to approve Resolution No. ML-2022-23 Addition of Chiesa Shahinian & Giantomasi P.C., Decotiis, FitzPatrick, Cole & Giblin LLP, Genova Burns LLC and Trif & Modugno as ML Panel Defense Counsel
  - Introduction of Resolution No.: WC-2022-14 Appointment Of Select Actuarial Consultants As WC Fund Actuarial Consultant
    - Motion to approve Resolution No.: WC-2022-14 Appointment Of Select Actuarial Consultants As WC Fund Actuarial Consultant
  - Budget/Finance (McNamara)
  - Safety/Risk Management (Lazorisak)
  - 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 June 23, 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 June 23, 2022

**THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND**  
**MINUTES OF PUBLIC MEETING**  
**June 23, 2022**

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Call to Order: A meeting of the New Jersey Intergovernmental Insurance Fund was called to order on Thursday, June 23, 2022, at 10:02 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)

Secretary: Heather McNamara (Township of Wayne)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Donna M. Vieiro (City of Asbury Park)

Executive Board Alternates, Commissioners and Commissioner Alternates

Sukaina Barlas (Township of Cedar Grove)

Bailey Barnett (Township of Maplewood)

Denise Callery (City of Asbury Park)

Joseph D'Arco (Township of Verona)

Katelyn Haroldson (Township of Mine Hill)

Steven Neale (Township of Verona)

NJIIF Professionals, Risk Managers and Others

Ezio Altamura (GJEM-Otterstedt Agency)

David Balken (Balken Risk)

John Daly (Scirocco Group)

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

Zach Edelman (Fairview Insurance)

Justin Gallo (Polaris Galaxy/Risk Manager)

George Garcia (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)

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)

Danielle Voda (Fairview Insurance)

Justin Wilkinson (PMA TPA)

2. Approval of the Minutes of the Executive Board Meeting of May 26, 2022. It was moved by Konopada, seconded by Tucci that the Minutes of the May 26, 2022 Executive Board Meeting of the New Jersey Intergovernmental Insurance Fund be accepted as presented.

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

3. Correspondence: None.
4. Finance Report: CFO Calise provided the Finance Reports for May (as it was tabled at the May meeting) and June, through June 19, 2022, including assessments and claims payments. Copies of all reports are in the meeting packets.
5. Chairman's Report: Chairman Tucci thanked Justin Gallo for all of his hard work in obtaining the Property/Cyber/Boiler & Machinery renewal proposals. Chairman Tucci then asked CFO Calise to update the Board on rising interest rates. As part of the Chairman's Report, GC/Co-Administrator Nemeth provided an update on the NJIIF's response to DOBI. Nemeth advised that a proposal for a consulting actuary to review the Fund's WC losses was obtained and that a status report would be provided at the July meeting.
6. Committee Reports
  - a. Nominating Committee (McNamara) – No report.
  - b. By-Law Committee (Kazmark) – No report.
  - c. Legislative Committee (Vieiro) – Commissioner Vieiro reported on (1) proposed legislation which would require Police Officers to be certified every three years; and (2) a new law that was enacted allowing individuals that rent pedi-cabs to drink alcohol while riding.
  - d. Coverage Committee (Konopada) –See Agenda Item 14, Closed Session, below
  - e. Professionals/Management Oversight Committee (Tucci). Chairman Tucci introduced Resolution ML-2022-20, Amendment to the ML Fund Panel Counsel Contract, to create a carve out for panel defense firms to undertake land use litigation involving NJIIF Members under limited circumstances.

It was moved by Vieiro, seconded by Konopada, to adopt Resolution ML-2022-20, Amendment to the ML Fund Panel Counsel Contract.

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

- f. Budget/Finance Committee (McNamara). Chairman Tucci introduced Resolution No.: ML-2022-21 Authority to Bind Property, Boiler & Machinery and Cyber Liability Coverage for the period 7/1/22-7/1/23, and Resolution No.: ML-2022-22 Authority to Increase Crime Policy Limits to \$1.5MM.

It was moved by Konopada, seconded by Kazmark, to adopt Resolution No.: ML-2022-21 Authority to Bind Property, Boiler & Machinery and Cyber Liability Coverage for the period 7/1/22-7/1/23.

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

It was moved by Vieiro, seconded by Kazmark, to adopt Resolution No.: ML-2022-22 Authority to Increase Crime Policy Limits to \$1.5MM.

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

- g. Safety/Risk Management Committee (Lazorisak). No report.
- h. Member & Development Committee (Kazmark) No Report.
7. Risk Manager's Report – (Polaris Galaxy). J. Gallo advised that invoices for the ML Fund are being sent out. He also reported that with adoption of Resolution No.: ML-2022-21 Authority to Bind Property, Boiler & Machinery and Cyber Liability Coverage, he would be binding that coverage.
8. Loss Control Consultant Report –(PMA) In the absence of Time Weir and John Matthews, Justin Wilkinson provided an update and advised that PMA has visited at least 8 members for training and also encouraged members to hold safety committee meetings. Wilkinson also advised that they are working with the DCA in order to provide CEU credits for PMA's online and recorded training sessions.
9. TPA Report – (PMA) Jennifer Signs provided an update on aggregate WC claims received through 6/1/22, 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 372 reported COVID cases with 85 related claim petitions filed to date.



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

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

10. Bill List-WC Fund/ML Fund. It was moved by Vieiro seconded by Kazmark to approve the June Bill List.

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

11. Old Business – No report.
12. New Business – No report.
13. Public Comment - Chairman Tucci opened the Public Comment Section of the Meeting. Ezio Altamura (GJEM-Otterstedt Agency) commented on the state of the Property coverage market and suggested that the NJIIF may want to bring in an appraisal company in order to reevaluate property values. Chairman Tucci thanked E. Altamura for his comments.

There being no other comments, Chairman Tucci requested a Motion to go into Closed Session.

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

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

The Open Session portion of the June 23, 2022 Executive Board Meeting was suspended at 10:41 a.m.

**THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND**  
**MINUTES OF PUBLIC MEETING**  
**June 23, 2022**

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Call to Order: The Closed Session of the June 23, 2022 Meeting of the New Jersey Intergovernmental Insurance Fund was called to order at 10:45 a.m. via Zoom conference.

15. Roll Call:

Executive Board Members

Chairman: Thomas Tucci (Township of Cedar Grove)

Secretary: Heather McNamara (Township of Wayne)

Mayor Keith Kazmark (Borough of Woodland Park)

Beverley Konopada (Borough of Mantoloking)

Donna M. Vieiro (City of Asbury Park)

Minutes of Closed Session May 26, 2022. It was moved by Konopada seconded by Tucci that the Minutes of Closed Session from the Fund's meeting of May 26, 2022 be accepted as presented.

Roll Call:
Aye: Tucci, Konopada, McNamara,
Nay: None
Abstain: Kazmark (only to those matters presented before joining the meeting after the WC report), Vieiro

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

Roll Call:
Aye: Tucci, Kazmark, Konopada, McNamara, Vieiro
Nay: None
Abstain: Also, each Executive Board Member abstains as to claims against its Member entity.

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

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

It was moved by McNamara, seconded by Konopada, that the Board return to Open Session.

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

(Closed Session ended and members returned via Zoom to Open Session at 11:44 a.m.)

It was moved by Konopada, seconded by Vieiro, to approve all actions presented in Closed Session of the June 23, 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.

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

16. Adjournment – There being no further business to discuss, it was moved by Kazmark, seconded by McNamara, to adjourn the June 23, 2022 Executive Board Meeting.

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

The NJIIF's June 23, 2022, 2022 Meeting was adjourned at 11:46 a.m.

# APPENDIX II

## Closed Session Matters

**Closed Session Motion**

**For the July 28, 2022 Meeting of the New Jersey Intergovernmental Insurance Fund**

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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. Diaz adv. City of Union City (W002811097) -----RSA
2. Mastrofilippo adv. City of Union City (W002776446) -----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Beischer adv. Township of Maplewood (W00343297)-----Case Update
2. Lewin adv. Township of Maplewood (W003432933) -----Case Update
3. Varona adv. City of Union City (W002743495)-----Case Update

**Multi-Line Fund Claim Matters**

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

1. Damaskinos v City of Asbury Park (1974) -----RSA
2. AADARI v. City of Bayonne (2011)-----Case Closure
3. Gari v. City of Bayonne (2195) -----Case Closure
4. Napolitano v. City of Bayonne (1759) -----Case Closure
5. Keim v. Township of Maplewood (2047) -----Case Closure
6. Galan v. Borough of Roselle Park (1917)-----Case Closure
7. Verdun v. Borough of Roselle Park (1396)-----Case Closure
8. Medina v. City of Union City (1560)-----Case Closure
9. Sanchez v. Union City (1332) -----Case Closure
10. Bartalone v. Town of Verona (1389)-----Case Closure
11. Metzger v. Warren County (1779)-----Case Closure
12. Gish v. Township of Wayne (2104) -----RSA

Coverage Recommendations for New Claims/Litigation:

1. Leon v. City of Asbury Park
2. Barrett v. Hanna v. City of Bayonne
3. Jedziniak v. City of Bayonne
4. Jersey City v. City of Bayonne
5. Jiang, Jack, Estate of v. City of Bayonne
6. Landi v. City of Bayonne
7. Zheng, Estate of v. City of Bayonne
8. Sarantopolous v. Borough of Hasbrouck Heights
9. Nduaguba v. Township of Maplewood
10. Whitacker v. Township of Maplewood
11. LoPresti v. Township of Old Bridge

12. Mann v. City of Union City
13. Mansilla v. City of Union City
14. My Smile Dental v. City of Union City
15. Happle v. Township of Wayne
16. Ohlendorf v. Township of Wayne