

NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND



Thursday, December 15, 2022

**Via Zoom, and in Person for
Executive Board and Professionals
Park Avenue Club
184 Park Avenue, Florham Park, NJ
12:00pm - Open Session
Closed Session Immediately Following**

Agenda

Thursday, December 15, 2022

**Zoom Video Conference and in Person
Park Avenue Club
184 Park Avenue, Florham Park, NJ
12:00pm - Open Session
Closed Session Immediately Following**

AGENDA

Meeting Called to Order – *12:00pm* – 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 – November 10, 2022
 - Motion to approve minutes of Executive Board Meeting – November 10, 2022
3. Correspondence
4. Finance Report- (Robert Calise)
5. Chairman’s Report
6. Committee Reports
 - a. Nominating (McNamara)
 - b. By-Laws (Kazmark)
 - c. Legislative (Vieiro)
 - d. Coverage (Konopada)
 - e. Professionals/Management Oversight (Tucci)
 - f. Budget/Finance (McNamara)

- Adoption of the NJIIF's 2023 Merged Budget
 - Motion to open the public hearing for adoption of the 2023 Merged Fund Budget
 - Motion to close the public hearing for adoption of the 2023 Merged Fund Budget
 - Motion to adopt the public hearing for adoption of the 2023 Merged Fund Budget
 - Introduction of Resolution WC-2022-15, Payment of legal fees on behalf of the City of Asbury Park in the Star Insurance Company matter (In Re Jason Fazio)
 - Motion to approve Resolution WC-2022-15, Payment of legal fees on behalf of the City of Asbury Park in the Star Insurance Company matter (In Re Jason Fazio)
 - g. Safety/Risk Management (Lazorisak)
 - 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)*

- Motion to approve minutes of Closed Session from November 10, 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

Minutes from Executive Board Meeting of November 10, 2022

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
November 10, 2022

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

Secretary: Heather McNamara (Township of Wayne)

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)

Bailey Barnette (Township of Maplewood)

Denise Callery (City of Asbury Park)

Joseph D'Arco (Township of Verona)

NJIIF Professionals, Risk Managers and Others

Ezio Altamura (GJEM-Otterstedt Agency)

Lou Beckerman (Acricusre)

David Balken (Balken Risk)

Robert Calise (CMFO)

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 Polaris Galaxy/Risk Manager Consultant)

Angelo Lobosco (Lobosco Insurance Group)

John Matthews (PMA Safety & Loss Control)

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

John Serapiglia (Polaris Galaxy/Risk Manager)

Jennifer Signs (PMA TPA)

Tim Weir (PMA Safety & Loss Control)

2. Approval of the Minutes of the Executive Board Meeting of October 27, 2022. It was moved by McNamara, seconded by Kazmark, that the Minutes of the October 27, 2022 Executive Board Meeting of the New Jersey Intergovernmental Insurance Fund be accepted as presented.

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

3. Correspondence: None.
4. Finance Report: CFO Calise reported that the monthly Multi Line and Workers Compensation Fund financials through 11/5/22, including assessments and claims payments, are in the meeting packets, including the latest investment report as of 11/5/22. Calise advised that all member assessments, save one, are paid in full for 2022.
5. Chairman’s Report: Chairman Tucci thanked the Finance Committee along with CFO Calise, Financial Consultant M. Kronyak and GC/Co-Admin Nemeth for their hard work on the budgets, and also thanked, Risk Manager J. Gallo as well as the New Member Development Committee for their hard work.
6. Committee Reports
 - a. Nominating Committee (McNamara) – No report.
 - b. By-Law Committee (Kazmark) – No report.
 - c. Legislative Committee (Vieiro) – No Report
 - d. Coverage Committee (Konopada) –See Agenda Item 14, Closed Session, below
 - e. Professionals/Management Oversight Committee (Tucci). No Report.
 - f. Budget/Finance Committee (McNamara).

It was moved by McNamara, seconded by Kazmark, to introduce the 2023 WC Fund Budget.

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

It was moved by McNamara, seconded by Konopada, to introduce the 2023 ML Fund Budget.

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

GC/Co-Admin Nemeth provided a brief history of the NJIIF and why it has maintained separate Funds for Workers Compensation and Multi-Line insurance, and the rationale for merging the Funds. Chairman Tucci advised that based upon his research, the NJIIF is one of the only JIFs that operates 2 separate Funds for WC and ML liabilities.

It was moved by McNamara, seconded by Vieiro, to approve Resolution ML-WC-2022-14: Merger of Workers Compensation And Multi-Line Funds.

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

It was moved by Konopada, seconded by Vieiro, to introduce the ML/WC 2023 Merged Fund Budgets.

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

Financial Consultant Kronymak provided an overview of the 2023 budgets (WC, ML and the merged budgets) and J Gallo provided a line-by-line breakdown of the lines of insurance and premiums.

- g. Safety/Risk Management Committee (Lazorisak). No report.
 - h. Member & Development Committee (Kazmark) Commissioner Kazmark reported that the Member Development Committee has had conference calls regarding consideration of the Borough of Paramus and three or four other potential new members.
7. Risk Manager's Report – (Polaris Galaxy). J. Gallo reported that all excess insurance submissions are complete and he is expecting responsive quotes by late November. Gallo further advised that the NJIIF is moving ahead with scheduled property appraisals.
 8. Loss Control Consultant Report –(PMA) Tim Weir advised that his team continues to keep contact with the members in order to provide assistance when needed.

9. TPA Report – (PMA) Jennifer Signs provided an update on aggregate WC claims received through 11/1/22, including the number of reported COVID cases. She advised that total incurred losses for 2022 are substantially lower than the 5 year average. She reported that claims generally continue to be timely reported. Signs further reported that the NJIIF has a total of 394 reported COVID cases with 92 related claim petitions filed to date.

It was moved by Konopada seconded by Laurencio to approve all Professionals’ Reports.

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

10. Bill List-WC Fund/ML Fund. It was moved by Kazmark, seconded by McNamara to approve the November Bill List.

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

11. Old Business – No report.
12. New Business – GC/Co-Admin Nemeth expressed condolences to the Township of Maplewood on the untimely passing of Chief DeVaul on behalf of the NJIIF.
13. Public Comment - Chairman Tucci opened the Public Comment Section of the Meeting. There being no public comment, Chairman Tucci requested a Motion to go into Closed Session.
14. Closed Session - It was moved by Lazorisak, seconded by Kazmark, that the Board move into Closed Session.

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

The Open Session portion of the November 10, 2022 Executive Board Meeting was suspended at 10:31 a.m.

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
November 10, 2022

Call to Order: Closed Session of the November 10, 2022 Meeting of the New Jersey Intergovernmental Insurance Fund was called to order at 10:34 a.m. via Zoom conference.

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)

Beverly Konopada (Borough of Mantoloking)

Captain Walter Laurencio (City of Union City)

Alex Lazorisak (Warren County)

Donna M. Vieiro (City of Asbury Park)

Minutes of Closed Session October 27, 2022. It was moved by McNamara seconded by Konopada that the Minutes of Closed Session from the Fund's meeting of October 27, 2022 be accepted as presented.

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

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

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

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

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

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

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

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

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

(The Closed Session call was ended and members returned to Open Session conference number at 11:02 a.m.)

It was moved by Konopada, seconded by Vieiro, to approve all actions presented in Closed Session of the November 10, 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, McNamara, Kazmark, Konopada, Laurencio, Lazorisak, Vieiro
Nay:	None
Abstain:	Each Executive Board Member abstains as to claims against its Member entity.

15. Adjournment – There being no further business to discuss, it was moved by Kazmark, seconded by McNamara, to adjourn the November 10, 2022 Executive Board Meeting.

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

The NJIIF's November 10, 2022 Meeting was adjourned at 11:05 a.m.

Closed Session Matters

Closed Session Motion

For the December 15, 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. Donovan adv. City of Bayonne (W003138843)-----RSA
2. Colon adv. City of Union City (W003168647) -----RSA
3. Cario adv. Township of Wayne (W003599197) -----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Morales adv. City of Bayonne (W003583194) -----Case Update
2. Prudhomme adv. Township of Old Bridge (W003584176)-----Case Update
3. Walsh adv. Township of Old Bridge (W003584281)-----Case Update
4. Lopez adv. City of Union City (W003581546)-----Case Update

Multi-Line Fund Claim Matters

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

1. Manzo, Estate of James v City of Asbury Park (1987) -----Case Closure
2. Leonard v. City of Bayonne (1545)-----Case Closure
3. Mario Barberi Trust v. City of Bayonne (2085) -----Case Closure
4. Percella v. City of Bayonne (1281) -- -----RSA
5. Percella v. City of Bayonne (1726) -- -----RSA
6. Frischberg v. Township of Old Bridge (2129)- -----Case Closure
7. Espino v. City of Union City (1801) -----Case Closure
8. Martinez v. City of Union City (2086)-----RSA
9. Pressley v. City of Union City (1817) -----Case Closure

Coverage Recommendations for New Claims/Litigation:

1. JLD Investment Group LLC v. City of Asbury Park
2. Romulus, Martin adv. City of Asbury Park
3. MCR 54 RT 440 LOT 6 LLC v. City of Bayonne
4. Giaimis v. Township of Maplewood
5. NJ Housing & Mortgage Finance Agency v. Township of Old Bridge
6. Delgado v. City of Union City
7. Gonzalez, Ramon v. City of Union City
8. Boatman v. Warren County
9. Krishnamurthy v. Township of Wayne