

NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND



Thursday, March 28, 2019
Township of Wayne – Health Department Room #2
10:30 AM
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>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>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>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>COMING FROM THE SOUTH</p> <p>Take the Garden State Parkway North to ext 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>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>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>

Thursday, March 28, 2019
TOWNSHIP OF WAYNE – HEALTH DEPARTMENT ROOM #2
10:30 AM
AGENDA

Meeting Called to Order – Open Public Meetings Act Read

Pledge of Allegiance

Roll Call of Executive Committee and Professionals

1. Approval of Minutes – February 28, 2019 – Appendix I
2. Correspondence
3. Finance Report- (Robert Calise)
4. Committee Reports
 - A. Nominating – Tucci
 - B. By-Laws – McNamara-Kreitz
 - 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
5. Chairman’s Report
6. Risk Manager’s Report, (John Serapiglia and Maria Makos, Polaris Galaxy)
7. Safety Loss Control Consultant’s Report (Tim Weir, PMA)
8. TPA Report (Christina Grabowski, PMA)
9. Bill List (Robert Calise)
10. Old Business – WC Fund/ML Fund
11. New Business – WC Fund/ML Fund
12. Public Comment

13. Closed Session – (Eric Nemeth, Esq., Eric J. Nemeth, PC) – Closed Session Motion in Appendix II

14. Adjournment.

APPENDIX I

THE NEW JERSEY INTERGOVERNMENTAL INSURANCE FUND
MINUTES OF PUBLIC MEETING
February 28, 2019

Call To Order: A meeting of the New Jersey Intergovernmental Insurance Fund was called to Order on Thursday, February 28, 2019, 2019 at 10:35 a.m. in Wayne Township, N.J. Chairman Kronyak read the Open Public Meetings Act Statement and announced that notices were placed in newspaper and posted as required.

Pledge of Allegiance: Kronyak opened the meeting with the Pledge of Allegiance.

Roll Call

Commissioners Present: Matthew Cavallo (Township of Verona), Michael Kronyak (Borough of Hasbrouck Heights), Avril Limage (Township of Old Bridge), Heather McNamara-Kreitz (Township of Wayne), Lt. Walter Laurencio (City of Union City); Thomas Tucci (Township of Cedar Grove), Sonia Viveiros (Township of Maplewood).

Others Present: Ezio Altamura (GJEM-Otterstedt Agency); Lou Beckerman (Acrisure LLC); Neal Bellet (Alternate Commissioner, Township of Wayne); Chris Brid (PMA-Safety and Loss Control); Robert Calise (CMFO); John Daly (Scirocco Group); Michael DelBalso (Township of Wayne); Nancy DiMartino (Eric J. Nemeth, P.C./Recording Secretary); Tom Fitzpatrick (Fairview Insurance Associates); Kristine Gould (Township of Verona); Christina Grabowski (PMA-TPA); Maria Makos (Polaris Galaxy, Risk Manager); Eric J. Nemeth Esq. (Eric J. Nemeth, P.C.-General Counsel/Co-Administrator); John A. Serapiglia (Polaris Galaxy-Risk Manager/Co-Administrator); Justin Wilkinson, (PMA-TPA); and Jack Zisa (Regional Risk Managers).

1. Approval of Minutes of Executive Board Meeting of January 24, 2019. It was moved by Tucci, seconded by Limage, that the Minutes of the January 24, 2019 Meeting of The New Jersey Intergovernmental Insurance Fund be accepted as presented.

Roll Call:
Aye: Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: Cavallo

2. Correspondence: None.
3. Finance Report: CMFO Calise summarized the monthly Multi Line and Workers Compensation Fund financials for 2019 to-date, including assessments and claims payments, copies of which materials are provided in the meeting binder. Also included in the meeting materials are the ML & WC January 2019 Bill Lists. Calise reported that all but 3 Members are current with payment of their assessments.

It was moved by McNamara-Kreitz, seconded by Cavallo, to accept the WC and ML Financial Reports as presented.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

4. Committee Reports

- a) Nominating Committee (Tucci) – No report
 - b) By-Law Committee (McNamara-Kreitz) – No report
 - c) Legislative Committee (Cavallo) – No report.
 - d) Coverage Committee (Tucci) – (See Closed Session Motion)
 - e) Professionals Committee (Tucci) – No Report.
 - f) Finance Committee (Kronyak) – Chairman Kronyak indicated the Committee anticipates receiving the 6/30/18 audit report within the next few weeks.
 - g) Safety/Loss Control Committee. No Report.
 - h) New Member & Development Committee (Kronyak) – Risk Manager/Co-Administrator Serapiglia indicated that there are no new member requests at this time.
 - i) Risk Management Committee (Viveiros) – Viveiros reported that the Risk Management Committee is focusing on cyber security as a priority in 2019, including employee training. Makos indicated that our coverage with Safety National offers several training options.
5. Chairman’s Report – Chairman Kronyak announced the 2019 Committee Assignments and invited all members to provide suggestions on matters for the various committees to consider.
6. Risk Manager’s Report – (Serapiglia). Serapiglia announced that the policies for 2019 will be available in March. Serapiglia also mentioned that Safety National has a new pooling program for JIFs around the country which is still in the very early stages.
7. Loss Control Consultant Report – Chris Brid/PMA advised that new training programs are available for 2019, including “OSHA for Supervisors and Managers”. Brid also announced the Townships of Verona and Old Bridge are the winners of the NJIIF Snow Plow competition. Brid also reminded the members that the NJIIF offers anti-harassment and sensitivity training which starts at the supervisor/department head level, coordinated through GC/Eric Nemeth’s office, followed by rank and file training conducted by PMA
8. TPA Report – Christina Grabowski provided an update on aggregate WC claims received through 2/1/19. She reported that claims generally continue to be timely reported and lost time frequency continues to improve, with 84% of claims reported within 3 days. Grabowski

advised that nine Members had no claim reports claims in February. Grabowski also reported that the Medical Bill Review Program has achieved a 52% savings. Grabowski explained that this number is a little lower than the NJIIF's average of 65% because it is early in the year.

It was moved by Tucci, seconded by Laurencio to approve all Professionals' Reports.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

9. Bill List-WC Fund/ML Fund. Justin Wilkinson/PMA explained the background for the repayment to the City of Bayonne that is included in the WC Fund February Bill List. In short, it is due to older claims for the City of Bayonne that originated prior to their membership in the NJIIF, where the City paid for workers compensation claims above their deductible limit.

It was moved by Limage, seconded by Tucci, to approve the February Bill List.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

10. Old Business – None
11. New Business – GC/Co-Administrator Nemeth summarized a recent Supreme Court decision which could affect the NJIIF's Workers Compensation exposure going forward. In the Kocanowski v Bridgewater matter, the New Jersey Supreme Court reversed ruled that a volunteer is eligible to receive full workers compensation benefits, even if they are unemployed. A copy of this case was forwarded to the NJIIF's actuary for consideration. Serapiglia and Makos mentioned that the NJIIF used to have a supplemental insurance policy to provide full disability benefits for volunteers and will look into what is available today.
12. Public Comment - Chairman Kronyak requested a motion to open the Public Comment Section of the meeting.

It was moved by Limage, seconded by McNamara-Kreitz, to open the meeting for public comment.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

Ezio Altamura suggested that the NJIIF send out bulletins to its Members containing information they need to know in the event of a cyber security issue. There ensued a

discussion by the Members of their recent experience with a variety of Cyber issues. Altamura also asked the Board to consider relaxing the qualifications for members to achieve safety awards.

It was moved by Tucci, seconded by McNamara-Kreitz, to close the public comment session.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

13. Closed Session: It was moved by Tucci, seconded by McNamara-Kreitz, that pursuant to the form of Closed Session Motion presented in the meeting agenda packet (the “Closed Session Motion”), the Board should move into Closed Session to discuss matters as outlined in the Closed Session Motion.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

It was moved by McNamara-Kreitz seconded by Tucci, that the Minutes of Closed Session from the Fund’s meeting of January 24, 2019 be accepted as presented.

Roll Call:
Aye: Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: Cavallo

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

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

Nemeth and DiMartino depart Closed Session.

Other Matters: It was moved by Tucci, seconded by Viveiros, to approve Resolution 2019-ML-014 for Defense/Indemnification of Nemeth in the matter of OAE/Arsenault v. Nemeth:

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

It was moved by Tucci, seconded by McNamara-Kreitz, to defend the City of Bayonne in the matter Styles v. City of Bayonne and to approve the retention of Anthony Seijas of Cleary Jacobbe Alfieri Jacobs, LLC to provide oversight of defense counsel's handling of the Styles v. City of Bayonne matter.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

Nemeth and DiMartino are invited back into Closed Session.

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

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

It was moved by Cavallo, seconded by Tucci, to approve all actions presented in Closed Session, including but not limited to requests for settlement authority for the WC and ML Fund matters listed in the Closed Session Motion, approval of Resolution 2019-ML-014 and the coverage positions recommended in Closed Session.

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

14. Adjournment - There being no further business to discuss, motion by Tucci, seconded by McNamara-Kreitz, to adjourn the NJIIF's February 28, 2019 Meeting.

Roll Call:
Aye: Cavallo, Kronyak, Limage, McNamara-Kreitz, Laurencio, Tucci, Viveiros
Nay: None
Abstain: None

The February 28, 2019 Meeting was adjourned at 12:20 pm.

APPENDIX II

Closed Session Motion

For the March 28, 2019 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. Connolly adv. Township of Old Bridge (W002013338)-----RSA
2. Montagna adv. Township of Old Bridge (W002034940)-----RSA
3. Riggi adv. Borough of Roselle Park (W002008362)-----RSA
4. Cabassa adv. Union City Parking (W001649394)-----RSA

Case Update Reports for WC Fund Subrogation/Restitution Claims:

1. Hollo adv. City of Asbury Park (W002246240)-----Case Update
2. Townsend adv. City of Asbury Park (W002282262)-----Case Update
3. Gonzalez-Cabrera adv. Borough of Hasbrouck Heights (W002219513)--Case Update
4. Yarussi adv. Township of Maplewood (W001899924)-----Case Closure

Multi-Line Fund Claim Matters

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

1. Bishop v. City of Bayonne (1275)-----Case Closure
2. Sullivan v. City of Bayonne and Larino (1431)-----RSA
3. Saccone v. Borough of Mantoloking (1351)-----RSA
4. Perlmutter v. Township of Maplewood (1514)-----Case Closure
5. Galgano v. Township of Old Bridge (1595)-----Case Closure
6. Diaz v. City of Union City (1644)-----RSA
7. Lopez v. City of Union City (1310)-----Case Closure
8. Travecedo v. City of Union City (1532)-----Case Closure
9. Bermudez v Township of Wayne (1559)-----Case Closure
10. Mella v. Borough of Woodland Park (1552)-----Case Closure

Coverage Recommendations for New Claims/Litigation:

1. Madlinger v. City of Asbury Park
2. Mignoli (III) and (IV) v. City of Asbury Park
3. Mignoli (V) v. City of Asbury Park
4. Mignoli (VI) v. City of Asbury Park
5. Mignoli (VII) v. City of Asbury Park
6. Mignoli (VIII) v. City of Asbury Park

7. Fortune v. City of Bayonne
8. Bozzi v. Township of Cedar Grove
9. PSE&G v. Borough of Roseland
10. Amadasu v. City of Union City
11. Calle-Sanchez v. City of Union City
12. Mansilla v. City of Union City
13. Medina v. City of Union City
14. Price v. City of Union City and 111 35th Street LLC
15. Flores v. Township of Verona
16. Kensington Senior Development v. Township of Verona
17. Hummer v. County of Warren
18. Toretta adv. County of Warren