

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND  
OPEN MINUTES  
MEETING OF NOVEMBER 9, 2022  
ZOOM VIRTUAL MEETING  
9:30 AM**

Meeting called to order by Chairman Rutkowski. The Open Public Meeting Notice was read into the record by Chairman Rutkowski.

Pledge of Allegiance.

**ROLL CALL OF EXECUTIVE COMMITTEE:**

<b>Chairman:</b>	NJUA	Bernie Rutkowski	Present
<b>Secretary:</b>	PMM	Thomas Merchel	Present
<b>Executive Committee:</b>	Burlco	Meghan Jack	Present
	Sub Metro	Joe Catenaro	Present
	Monmouth	Thomas Nolan	Present
	Camden	Joe Wolk	Present
	South Bergen	Greg Franz	Present
	Trico	Robert Law	Present
<b>Alternates:</b>			
	#1 Bergen	Paul Tomasko	Present
	#2 Ocean	Veronica Laureigh	Absent
	#3 Central	William Northgrave	Absent
	#4 Sub-Muni	Megan Champney Kweselait	Present
	#5 Morris	Brian McNeilly	Present

**APPOINTED OFFICIALS PRESENT:**

Executive Director/ Administrator	<b>PERMA Risk Management Services</b>	Stephen Sacco	Present
Attorney	<b>Dorsey &amp; Semrau</b>	Susan Sharpe, Esq.	Present
Treasurer		Charles S. Cuccia	Present
Underwriting Managers	<b>The Danskin Agency Conner Strong &amp; Buckelew</b>	Chuck Casagrande Mike Avalone	Present Present
Claims Administrator	<b>King Moench &amp; Collins</b>	Peter King, Esq.	Present
Environmental Engineering Services	<b>First Environment</b>	Rich Erickson	Present
Actuary	<b>AON</b>	Chas Kullman	Present
Auditor	<b>Nisivoccia, L.L.P.</b>	Francis "Bud" Jones	Present

**OTHERS PRESENT:**

Adam Brewer, Pequannock  
 Jim Maley, Maley Givens  
 Jonathon Tavares, Conner Strong & Buckelew  
 John Casagrande, The Danskin Agency  
 Paul Miola, AJ Gallagher

Paul Forlenza, AJ Gallagher  
 Kamini Patel, AJ Gallagher  
 Ezio Altamura, RMC  
 Frank Covelli, RMC  
 Lindsay Travali, Acrisure  
 David Grubb, PERMA  
 Joseph Hrubash, PERMA  
 Brad Stokes, PERMA  
 Pauline Kontomanolis, PERMA  
 Sandra Cantwell, PERMA

**APPROVAL OF MINUTES:**            October 19, 2022

**MOTION TO APPROVE OPEN MINUTES OF OCTOBER 19, 2022**

**MOTION:**                    Commissioner Merchel  
**SECOND:**                    Commissioner Wolk  
**VOTE:**                        Unanimous

**CORRESPONDENCE:** Mr. Sacco said the Mahwah PFOS decision letter is included in the agenda to highlight a very important outcome, and asked panel attorney Jim Maley to give an overview. Mr. Maley explained that there was an attempt to build a class action suit after the town had sent out a notification letter of contamination levels in the water, as required by the DEP. The claim was for alleged expenses incurred by individuals from taking precautions. A dismissal was filed in May; however the hearing was delayed and subsequently another similar case was filed by the same plaintiff attorneys against Ridgewood. When the judge delivered his response to the Mahwah filing, he granted the motion for dismissal with a very detailed and thorough reasoning on why their argument was not – and could not - be successful. Given the depth of the judge’s decision, the case in Ridgewood was voluntarily dismissed by the lawyers. In response to Commissioner Merchel, Mr. Maley said there was no damages that could be cited and there is no science concerning any actual medical issues. In response to Commissioner Law, Mr. Maley said the decision will be transcribed and will be an important point of reference for future cases. Although there is always an opportunity for the plaintiff to amend, the judge gave a very clear explanation of why the facts will not support their case, even if they attempt to amend.  
 Mr. Sacco thanked Mr. Maley for a job well done.

**TREASURER**

Mr. Cuccia presented his report: Resolution No. 27-22 confirming the Dividend Bills List and Resolution No. 28-22 approving the November Bills List as follows:

**RESOLUTION 27-22 - DIVIDEND BILLS LIST**

<b>FUND YEAR</b>	<b>AMOUNT</b>
2022	\$3,300,000.00
<b>Total</b>	<b>\$3,300,000.00</b>

**RESOLUTION 28-22 - NOVEMBER BILLS LIST**

<b>FUND YEAR</b>	<b>AMOUNT</b>
2022	\$136,936.25
<b>Total</b>	<b>\$136,936.25</b>

**MOTION TO CONFIRM DIVIDEND BILL LIST AND APPROVE PAYMENT OF BILLS - RESOLUTION NOS. 27-22 AND 28-22**

**MOTION:** Commissioner Merchel  
**SECOND:** Commissioner Law  
**ROLL CALL VOTE:** Unanimous

**EXECUTIVE DIRECTOR/ADMINISTRATOR:**

**Appointment of Excess Carrier:** Mr. Sacco thanked the Mr. Mike Avalone and Mr. Chuck Casagrande for their work to secure the excess carrier for 2023, which received verbal confirmation just this morning. This year the process required additional effort on the underwriter's behalf as the current carrier had turnover in their staff and time was needed to educate them on our program. Our current carrier, Ascot Specialty Insurance Company, has agreed to keep our rates flat for the new year and the underwriters do not expect to get a better offer. However, in the event there are other considerations, Mr. Sacco asked for a motion to authorize the Finance committee to negotiate and finalize the contract. This is a precedence used in the MEL when needed.

**MOTION TO AUTHORIZE THE BUDGET/FINANCE COMMITTEE TO ENTER INTO THE REQUIRED AGREEMENTS FOR 2023 FOR REINSURANCE AND/OR EXCESS LIABILITY COVERAGE FOR THE NEW JERSEY ENVIRONMENTAL JOINT INSURANCE FUND.**

**MOTION:** Commissioner Merchel  
**SECOND:** Commissioner Nolan  
**ROLL CALL VOTE:** Unanimous

In response to Mr. Sacco, Mr. Casagrande said although the process was not easy this year, the expected agreement was upheld by the carrier. Mr. Avalone said fortunately they had the documentation to support the prior discussions. In response to Mr. Sacco, Mr. Avalone said they anticipate they will move forward with Ascot. Every year they speak to around 20 carriers to assess the market and in the last couple years, PFOS / PFOA has been a growing discussion point. Ascot has been very competitive. Mr. Sacco added that the Fund had budgeted for this number and therefore would not need to be adjusted.

**MOTION TO ADOPT RESOLUTION #29-22 AWARDDING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT WITH ASCOT SPECIALTY INSURANCE COMPANY, THROUGH AN INTERMEDIARY, R-T SPECIALTY IN HAMILTON, FOR REINSURANCE AND/ OR EXCESS LIABILITY COVERAGE**

**MOTION:** Commissioner Nolan  
**SECOND:** Commissioner Catenaro  
**ROLL CALL VOTE:** Unanimous

**Nominating Committee:** The Nominating Committee will be meeting prior to the January 5, 2023 reorganization meeting. Their recommend slate will be presented at that time.

**2022 Commissioner Compensation:** The attendance record for 2023 is included in the agenda, along with a voucher for Commissioners to complete and submit to the Fund office. .

**Next Meeting:** The next meeting of the EJIF is the 2023 Fund Reorganizational meeting scheduled for Thursday, January 5, 2023 at 10:50 am at the Forsgate County Club.

**Due Diligence:** Mr. Sacco said the Financial Fast Track shows the Fund surplus as of September 30<sup>th</sup> down \$1.3 million, however the fund balance over all fund years combined is \$19.2 million.

**ATTORNEY:**

No report.

**UNDERWRITING MANAGERS:**

No further statements to the report as included in the agenda.

**ENVIRONMENTAL ENGINEER:**

Mr. Erickson said the first of the stormwater videos is on the MSI page on the MEL website and he would welcome any comments or feedback. The DEP is in final review of the next video on public outreach and training.

**ACTUARY**

No report.

**OLD BUSINESS:**

Mr. Frank Covelli thanked the team and the Executive Committee for the support given to Mahwah and appreciation for the work done on behalf of Mahwah and for setting the tone for the future.

**NEW BUSINESS:**

None.

**MEETING OPENED TO PUBLIC FOR COMMENT:**

No public comments were made.

**MOTION TO ENTER INTO CLOSED SESSION:**

**MOTION:** Commissioner Franz  
**SECOND:** Commissioner Law  
**VOTE:** Unanimous

**MOTION TO RETURN TO OPEN SESSION:**

**MOTION:** Commissioner Nolan  
**SECOND:** Commissioner Merchel  
**VOTE:** Unanimous

**MOTION TO APPROVE THE PARs AS SUBMITTED:**

**MOTION:** Commissioner Nolan  
**SECOND:** Commissioner Tomasko  
**ROLL CALL VOTE:** Unanimous

**MOTION TO ADJOURN MEETING**

**MOTION:** Chairman Wolk  
**SECOND:** Commissioner Law  
**VOTE:** Unanimous

Meeting Adjourned: 10:09 AM

Sandy Cantwell, Assisting Secretary  
For Tom Merchel, Secretary

# NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK DIVIDEND BILLS LIST

Resolution No. 27-22

October 2022

**WHEREAS**, the Treasurer has certified that funding is available to pay the following bills:

**BE IT RESOLVED** that the New Jersey Municipal Environmental Risk Management Fund's Executive Board, hereby authorizes the Fund treasurer to issue warrants in payment of the following claims; and

**FURTHER**, that this authorization shall be made a permanent part of the records of the Fund.

**FUND YEAR 1998**

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001816			
001816	BERGEN COUNTY MUNICIPAL JOINT	DIVIDEND 2022	426,031.00
			<b>426,031.00</b>
001817			
001817	CAMDEN COUNTY MUNICIPAL JOINT	DIVIDEND 2022	286,961.00
			<b>286,961.00</b>
001818			
001818	BURLINGTON COUNTY MUNICIPAL	DIVIDEND 2022	50,962.00
			<b>50,962.00</b>
001819			
001819	MORRIS COUNTY MUNICIPAL JOINT	DIVIDEND 2022	416,676.00
			<b>416,676.00</b>
001820			
001820	SOUTH BERGEN JOINT INSURANCE	DIVIDEND 2022	268,404.00
			<b>268,404.00</b>
001821			
001821	PROFESSIONAL MANAGEMENT MUNICIPAL	DIVIDEND 2022	119,996.00
			<b>119,996.00</b>
001822			
001822	OCEAN COUNTY MUNICIPAL JOINT	DIVIDEND 2022	436,076.00
			<b>436,076.00</b>
001823			
001823	SUBURBAN METRO JOINT INSURANCE	DIVIDEND 2022	152,475.00
			<b>152,475.00</b>
001824			
001824	MONMOUTH COUNTY MUNICIPAL	DIVIDEND 2022	246,930.00
			<b>246,930.00</b>
001825			
001825	SUBURBAN MUNICIPAL JOINT	DIVIDEND 2022	130,698.00
			<b>130,698.00</b>
001826			
001826	CENTRAL JERSEY JOINT INSURANCE	DIVIDEND 2022	383,303.00
			<b>383,303.00</b>
001827			
001827	NEW JERSEY UTILITY AUTHORITIES	DIVIDEND 2022	302,533.00
			<b>302,533.00</b>
001828			
001828	GLOUCESTER, SALEM, CUMBERLAND COUNTIES	DIVIDEND 2022	78,955.00
			<b>78,955.00</b>
		<b>Total Payments FY 1998</b>	<b>3,300,000.00</b>

**TOTAL PAYMENTS ALL FUND YEARS 3,300,000.00**

Chairperson: \_\_\_\_\_ Attest: \_\_\_\_\_

I hereby certify the availability of sufficient unencumbered funds in the proper accounts to fully pay the above claims.

Treasurer \_\_\_\_\_

Dated: \_\_\_\_\_

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK  
MANAGEMENT FUND  
BILLS LIST**

Resolution No. 28-22

November 2022

**WHEREAS**, the Treasurer has certified that funding is available to pay the following bills:

**BE IT RESOLVED** that the New Jersey Municipal Environmental Risk Management Fund's Executive Board, hereby authorizes the Fund treasurer to issue warrants in payment of the following claims; and

**FURTHER**, that this authorization shall be made a permanent part of the records of the Fund.

**FUND**  
**YEAR 2022**

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
001796			
001796	AON RISK CONSULTANTS, INC.	VOID	-15,625.00
			<b>-15,625.00</b>
001834			
001834	AON RISK CONSULTANTS, INC.	VOID	-15,625.00
			<b>-15,625.00</b>
001838			
001838	PERMA RISK MANAGEMENT SERVICES	POSTAGE (SWEEP LETTER CERTIFIED) 9/22	3,096.72
001838	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR FEE 11/22	27,953.75
			<b>31,050.47</b>
001839			
001839	AON RISK SERVICES CENTRAL - PREMIUM	ACTUARIAL SERVICES 10/1/22-12/31/22	15,625.00
			<b>15,625.00</b>
001840			
001840	DORSEY & SEMRAU	ATTORNEY FEE 11/22	7,571.33
			<b>7,571.33</b>
001841			
001841	CHARLES CUCCIA	TREASURER FEE 11/22	1,775.42
			<b>1,775.42</b>
001842			
001842	PRINCETON PUBLIC AFFAIRS GROUP	GOVERNMENTAL AFFAIRS REP. 10/22	3,750.00
			<b>3,750.00</b>
001843			
001843	DANSKIN INSURANCE AGENCY	UNDERWRITING MANAGER FEE 11/22	22,140.50
			<b>22,140.50</b>
001844			
001844	NJ ADVANCE MEDIA	ACCT #XNJEN0555599 - BDGT MTG - 10.7.22	54.45
			<b>54.45</b>
001845			
001845	MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND	REIMBURSE MEL FOR 9.7.22 MEETING COSTS	969.76
001845	MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND	REIMBURSE MEL FOR 10.19.22 MEETING COSTS	775.37
			<b>1,745.13</b>
001846			
001846	BOROUGH OF BARRINGTON	REIM. FOR TESTING & CONSTRUCTION 11/22	500.00
			<b>500.00</b>
001847			
001847	FIRST ENVIRONMENT, INC.	PROFESSIONAL SERVICES FOR PE 9.31.22	52,021.33

001847	FIRST ENVIRONMENT, INC.	FORECLOSED PROPERTY FOR PE 9.31.22	250.00
			<b>52,271.33</b>
001848	THE CANNING GROUP LLC	QPA SERVICES 10/1/22-10/31/22	416.67
			<b>416.67</b>
001849	ACCESS	ACCT #736 - ARC. AND STOR. - 9.30.22	35.95
			<b>35.95</b>
001850	AON RISK SERVICES CENTRAL - PREMIUM	ACTUARIAL SERVICES 4/1/22-6/30/22	15,625.00
			<b>15,625.00</b>
001851	AON RISK SERVICES CENTRAL - PREMIUM	ACTUARIAL SERVICES 7/1/22-9/30/22	15,625.00
			<b>15,625.00</b>
		<b>Total Payments FY 2022</b>	<b>136,936.25</b>
		<b>TOTAL PAYMENTS ALL FUND</b>	
		<b>YEARS</b>	<b>136,936.25</b>

Chairperson: \_\_\_\_\_ Attest: \_\_\_\_\_

I hereby certify the availability of sufficient unencumbered funds in the proper accounts to fully pay the above claims.

Treasurer \_\_\_\_\_ Dated: \_\_\_\_\_



**RESOLUTION NO. 29-22**

**RESOLUTION OF THE NEW JERSEY ENVIRONMENTAL JOINT INSURANCE FUND  
AWARDING AN EXTRAORDINARY UNSPECIFIABLE SERVICES CONTRACT WITH  
ASCOT SPECIALTY INSURANCE COMPANY, THROUGH AN INTERMEDIARY, R-T  
SPECIALTY IN HAMILTON, FOR REINSURANCE AND/ OR EXCESS LIABILITY  
COVERAGE**

**WHEREAS**, there is a need for reinsurance and/ or excess liability coverage for the New Jersey Environmental Joint Insurance Fund (FUND); and

**WHEREAS**, the Fund has sought and received proposals as required disclosure proposals; in accord with N.J.S.A. 19:44A-20.4 et. Seq. A memorandum outlining such proposals is on file with the Executive Director of the Fund; and

**WHEREAS**, the Fund is recommending award to Ascot Specialty Insurance Company, through an intermediary, R-T Specialty in Hamilton, for Reinsurance and/or Excess liability Coverage in the amount of \$ \_\_\_\_\_; and

**WHEREAS**, the services qualify as an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service N.J.S.A. 40A:11-5(a)(ii) and N.J.A.C. 5:34-2.3(b); and

**WHEREAS**, the certification of an Extraordinary Unspecifiable Service as demanded by to N.J.A.C. 5:34-2.1 et. Seq., has been complied with and attached to resolution; and

**WHEREAS**, Ascot Specialty Insurance Company, through an intermediary, R-T Specialty in Hamilton has completed and submitted a Business Entity Disclosure Certification and a Political Contribution Disclosure form which certifies that Ascot Specialty Insurance Company, through an intermediary, R-T Specialty in Hamilton has not made any reportable contributions to a political or candidate committee to the Fund in the previous one year, and that the contract will prohibit Ascot Specialty Insurance Company, through an intermediary, R-T Specialty in Hamilton from making any reportable contributions through the term of the contract, and

**WHEREAS**, the purchasing agent has concurred with the legality of the purchase in accord with the New Jersey Local Publics Contract Law (N.J.S..40A:11-1 et. Seq); and

**WHEREAS**, the Treasurer has certified that funds are available, subject to approval by the board of commissioners in the 2023 budget in the amount of \$ \_\_\_\_\_ from:

Line Item:       EJIF Operating Account/Excess Aggregate Insurance

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey Environmental Joint Insurance Fund authorizes the Executive Director to enter into a contract with Ascot Specialty Insurance Company, through an intermediary, R-T Specialty in Hamilton for the 2023 budget year for Reinsurance and/ or Excess Liability Coverage in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Secretary**

**Date:** \_\_\_\_\_