

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
OPEN MINUTES
MEETING OF JANUARY 2, 2013
JAMESBURG, NEW JERSEY
10:50 AM**

SINE DIE MEETING

Meeting called to order by Richard Brook. The Open Public Meeting Notice was read into the record.

ROLL CALL OF EXECUTIVE COMMITTEE:

Chairman:	Burlco	Richard Brook	Present
Secretary:	Monmouth	Thomas Nolan	Present
Executive Committee:	Camden	Joe Wolk	Present
	NJUA	Jerry Cevetello	Present
	South Bergen	Peggy Thomas	Present
	Ocean	Paul Shives	Present
	Morris	Frank Wilpert	Present
	Trico	John Salvatore	Absent
Alternates:			
	#1 Central	Robert Landolfi	Present
	#2 Bergen	Ken Gabbert	Present
	#3 Suburban Essex	Joe Catenaro	Present
	#4 Sub Muni	Jim Gildea	Present
	#5 PMM	Scott Carew	Absent

APPOINTED OFFICIALS PRESENT:

Executive Director/ Administrator	Perma Risk Management Services	James Kickham	Present
Attorney		Fred Semrau	Present
Treasurer		Charles S. Cuccia	Present
Underwriting Managers	The Danskin Agency Conner Strong & Buckelew	Cindy Lisa Chuck Casagrande Mike Avalone Joe Hrubash	Present Present Present Present
Claims Administrator	Peter King, Esquire		Present
Environmental Engineering Services	The BSG/PMK Group	Richard Erickson	Present
Actuary	AON	Chaz Kullman	Present
Auditor	Nisivoccia, L.L.P.	Francis "Bud" Jones	Absent

OTHERS PRESENT:

David Grubb, PERMA
Steve Sacco, PERMA
Cate Kiernan, PERMA
Mary Lou Doner, PERMA
Nancy Ghani, PERMA
Jason Thorpe, PERMA
Joeen Ciannella, PERMA
John Rheinhardt, Wharton
William Dunn Sr., Mt. Holly MUA
Richard Hirsch, Longport
Paul Miola, Arthur J Gallagher
Donna Setzer, Qual-Lynx
Christopher Botta, CB Claims
David McHale, JA Montgomery
Kevin Hagan, PPAG

APPROVAL OF MINUTES: October 17, 2012

MOTION TO APPROVE OPEN MINUTES OF OCTOBER 17, 2012

MOTION:	Commissioner Wolk
SECOND:	Commissioner Thomas
VOTE:	10 ayes, 0 nays, 1 abstention Chairman Brook

CORRESPONDENCE :

None

OLD BUSINESS:

None.

ADJOURN SINE DIE MEETING:

MOTION:	Commissioner Thomas
SECOND:	Commissioner Gildea
VOTE:	Unanimous

Mr. Kickham referred to the recommended slate from the nominating committee.

Jerry Cevetello indicated that the nominating committee had recommended the following slate:

Mr. Kickham asked for any other nominations. Hearing none, he asked for a motion to confirm the report of the nominating committee.

MOTION TO APPROVE THE RECOMMENDATIONS OF THE NOMINATING COMMITTEE FOR THE ABOVE MENTIONED SLATE AND CONFIRM ELECTIONS

Chairman:	Monmouth	Thomas Nolan
Secretary:	Camden	Joe Wolk
Executive Committee:	NJUA	Jerry Cevetello
	South Bergen	Peggy Thomas
	Ocean	Paul Shives
	Morris	Frank Wilpert
	Burlco	Richard Brook
	Central	Robert Landolfi
Alternates:		
	#1 Bergen	Ken Gabbert
	#2 Sub Essex JIF	Joe Catenero
	#3 Sub-Muni	Jim Gildea
	#4 PMM	Scott Carew
	#5 Trico	TBD

MOTION: Commissioner Cevetello
SECOND: Commissioner Wolk
VOTE: Unanimous

Mr. Kickham, Executive Director asked for a roll call of the full 2013 Board of Commissioners:

ROLL CALL OF 2013 COMMISSIONERS:

Monmouth	Thomas Nolan	Present
Camden	Joe Wolk	Present
NJUA	Jerry Cevetello	Present
South Bergen	Peggy Thomas	Present
Ocean	Paul Shives	Present
Morris	Frank Wilpert	Present
Burlco	Richard Brook	Present
Central	Robert Landolfi	Present
Bergen	Ken Gabbert	Present
Sub Essex JIF	Joe Catenero	Present
Sub-Muni	Jim Gildea	Present
PMM	Scott Carew	Absent
Trico	TBD	Absent

The Fund Attorney administered oath of office for Chairman, Secretary, Executive Committee and all Board Members.

Oaths of Office made a part of the Minutes

RESOLUTION 1-13 CERTIFYING THE ELECTION OF THOMAS NOLAN AS CHAIRMAN AND JOSEPH WOLK AS SECRETARY FOR FUND YEAR 2013: Resolution presented to confirm elections of Chairman and Secretary of the Fund.

RESOLUTION 2-13 FUND PROFESSIONAL APPOINTMENT AND PROFESSIONAL SERVICE AGREEMENTS: Resolution presented to confirm appointments of Fund Professionals approval of Professional Service Agreements.

Executive Director -	PERMA, Inc.
Actuary	Aon
Attorney	Fred Semrau, Esq
Claims Agent	Peter King, Esq – <u>month to month basis until RFP results are reviewed and a contract awarded</u>
Treasurer	Charles Cuccia
Asset Manager	Wells Capital Management
Auditor	Francis (Bud) Jones of Nisivoccia LLP
Underwriting Managers	Danskin Insurance Agency, Inc. and Conner Strong & Buckelew
Environmental Engineering	BSG Group

MOTION TO APPROVE APPOINTMENT AND ORGANIZATIONS RESOLUTIONS 1-13 AND 2-13, AS OUTLINED

MOTION:	Commissioner Landolfi
SECOND:	Commissioner Catenaro
ROLL CALL VOTE:	Unanimous

Chairperson asked that Resolutions 3-13 through 10-13 be adopted on a consent agenda.

Resolution 3-13 - Establishing a Funds Records Program
Resolution 4-13 - Establishing a Fiscal Management Plan
Resolution 5-13 - Establishing Public Meeting Procedures
Resolution 6-13 - Purchase of Excess Insurance
Resolution 7-13 - Risk Management Plan
Resolution 8-13 - Establishing a Defense Panel
Resolution 9-13- Establishing Meeting Compensation for Board Members
Resolution 10-13-Establishing Standing Committees

For the record, Mr. Sacco noted the following:

Within Resolution 4-13, Commissioner Thomas will be the additional signatory. He also advised that within Resolution 5-13, the June meeting will be held on Thursday, June 6, 2013 due to a conflict with the Prima Convention.

**MOTION TO ADOPT RESOLUTIONS NO. 3-13 THROUGH 10-13 AS AMMENDED
ABOVE WITH THE CHANGES NOTED**

MOTION: Commissioner Gabbert
SECOND: Commissioner Gildea
ROLL CALL VOTE: Unanimous

2013 STANDING COMMITTEES - Four standing committees should be established for the 2013 Fund year. The four (4) committees are Coverage committee, Rules & Contracts committee, Budget & Finance committee and Nominating committee. The charters for each committee are attached to the Resolution which is found in the agenda packet. Appointments should be made to each committee for the 2013 Fund year.

2013 STANDING COMMITTEES

COVERAGE COMMITTEE

Tom Nolan
Richard Brook

RULES & CONTRACTS COMMITTEE

Jerry Cevetello
Richard Brook
Joseph Wolk

BUDGET & FINANCE COMMITTEE

Tom Nolan
Peggy Thomas
Richard Brook
Paul Shives

NOMINATING COMMITTEE

Jerome Cevetello
Richard Brook
Joe Catenaro

TREASURER

Mr. Cuccia began by thanking the Board for reappointment. He then presented his report and Resolution No. 29-12 confirming the December Bill List, Resolution No. 11-13 approving the January Bill List as follows:

RESOLUTION 29-12 -DECEMBER BILL LIST

FUND YEAR	AMOUNT
2012	\$ 85,391.92
Total	\$ 85,391.92

RESOLUTION 11-13 - JANUARY BILL LIST

FUND YEAR	AMOUNT
2012	\$ 5,278.75
2013	\$ 53,493.68
Total	\$ 58,772.43

MOTION TO APPROVE PAYMENT OF BILLS - RESOLUTION NO. 29-12 AND 11-13

MOTION: Commissioner Wilpert
SECOND: Commissioner Shives
ROLL CALL VOTE: Unanimous

EXECUTIVE DIRECTOR/ADMINISTRATOR:

Mr. Kickham began his report by thanking the Committee for re-appointment on behalf of Perma.

REORGANIZATIONAL RESOLUTIONS - Included in the Agenda Packet are the Resolutions necessary to undertake the 2013 Reorganization of the Fund.

FUND PROFESSIONALS & PROFESSIONAL SERVICE AGREEMENTS – At the January 2012 meeting, the EJIF board awarded professional service agreements in accordance with a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et. Seq. for fund years 2012, 2013 and 2014. Contract Addendums will be forwarded to each Fund Professional which will outline adjustments to compensation for Fund year 2013. At the October 17, 2012 meeting, the Board of Fund Commissioners adopted the 2013 Budget which included a 2% increase for professional compensation for 2013. However, in light of the need for an additional RFP to be issued for the TPA position, the TPA contract will be on a month to month basis. In addition, the Environmental Engineer contract will not see an increase for 2013. Also, the Asset Management position has been moved to Wells Capital Management.

RULES AND CONTRACTS COMMITTEE- Mr. Kickham indicated that the committee will be convened in January to issue a RFP for TPA services. A discussion on the reforming of that position will take place at that meeting. In addition, Mr. Kickham advised that there will be a recommendation made to have the Contract review committee study the scope of services and contract amount for the position of Environmental Engineer. The Environmental Engineer contract will not see an increase for 2013 and compensation could be readjusted after the committee has made its recommendations to the full Board.

FINANCIAL FAST TRACK – Mr. Kickham informed the Committee of the Fund’s current statutory surplus position. He added that it does not reflect any reinsurance recoveries.

ATTORNEY:

Mr. Semrau thanked the committee for his re-appointment. He then introduced an attorney from his firm, Ms. Annette Thomas. Mr. Semrau gave a brief overview of Ms. Thomas' background and also advised that she has been working on the Newark Bay case on behalf of the Fund.

UNDERWRITING MANAGERS:

Mr. Casagrande began his report by thanking the Board for reappointment on behalf of himself, Mr. Avalone, and Mr. Hrubash. He then reviewed the Fund's Reinsurance renewal.

The Reinsurance renewal has been bound as follows:

COVERAGE: Follow Form Excess Pollution Liability – Claims Made Coverage

COMPANY: LIU Inc., A, XV Best Rated

LIMIT OF LIABILITY: \$5,000,000 Pollution Incident Limit
\$5,000,000 Aggregate Limit

TERMS & CONDITIONS: As expiring

POLICY FORM: As expiring

ATTACHMENT POINT: \$2,400,000 Aggregate of All Losses Incurred by the Fund for Fund Year 2013

RATE: 10.25

POPULATION: 3,511,790

PREMIUM: \$359,958

TERRORISM PREMIUM: \$ 3,560

NJ PLIGA SURCHARGE \$ 3,240

TOTAL PREMIUM: \$366,758

Mr. Casagrande indicated that the rate is up by approximately 2%

UST BULLETIN

The E-JIF issues an annual bulletin reminding members that EJIF will no longer cover 20+ year old unregulated underground tanks by January 1, 2014. Mr. Casagrande reminded the Board that 2013 will be the last year that the Fund will cover these tanks. The bulletin will be mailed to members in the beginning of March.

SUPERSTORM SANDY

Lastly, Mr. Casagrande thanked Mr. Chris Gulics of PMK for his work on potential claims caused by Tropical Storm Sandy. He advised that Mr. Gulics visited several members that felt their towns would be polluted due to the storm surge. Mr. Casagrande informed the Board that the Underwriting Managers continue to field calls and continue to work with the members.

ENVIRONMENTAL ENGINEERING:

Mr. Erickson began by thanking the Board for re-appointment.

SUPERSTORM SANDY- Mr. Erickson informed the Board that several members had questions with regard to debris management. He advised that BSG has been able to work with the DEP and the membership to obtain storage area permits.

2012 INSPECTION SERIES – Mr. Erickson advised that the 2012 inspection series has been completed. He added that a large amount of data was generated and was submitted to the Underwriting Managers and Perma. Mr. Erickson advised that he can be contacted for copies of the data.

UST SEMINAR – Mr. Erickson indicated that BSG held a seminar on underground storage tanks. Everyone that attended was once again reminded that the unregulated tanks are no longer covered after 1/1/14. He also reminded all that was in attendance of the underground piping associated with aboveground storage tanks policy that was implemented in 2012.

ACTUARY

No report other than thanking the committee for his reappointment.

OLD BUSINESS:

Chairman Nolan advised that Commissioner Salvatore has retired and clock will be sent to him on behalf of the Statewide Funds.

NEW BUSINESS:

Mr. Hagan advised the Board that a flurry of legislation has been introduced in the wake of Super storm Sandy. One Bill, which is sponsored by the Chair of the Assembly Environmental Committee, clarifies that certain types of sewage and sewer sludge that are expelled from the public sewer system or public sewer treatment plant, are not hazardous substances for the purpose of the Sewage Spill Act and Control Act. He advised that his firm will continue to work to ensure that the breadth of this legislation includes the Fund's needs as it moves forward. He added that there has not been movement other than introduction thus far.

Mr. Kickham informed the Board that he has been researching weather immunity, which would be immunity from "Acts of God." He advised that the real weather immunity only applies to streets and roads. He added that they are trying to expand that immunity when it comes to super storms.

PUBLIC COMMENT:

None.

CLOSED SESSION:

MOTION FOR EXECUTIVE SESSION TO DISCUSS CLAIMS/POTENTIAL LITIGATION

MOTION:	Commissioner Catenaro
SECOND:	Commissioner Landolfi
VOTE:	Unanimous

MOTION TO ADJOURN MEETING

MOTION:	Commissioner Wolk
SECOND:	Commissioner Brook
VOTE:	Unanimous

Meeting Adjourned: 11:16 AM

Next Meeting:

**March 2013
Forsgate CC – Jamesburg**

Respectfully submitted,

Prepared by Jason D. Thorpe, Assistant Secretary

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

**Resolution No. 29-12
DECEMBER 2012**

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 2012

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amou</u>
003137			
003137	PERMA RISK MANAGEMENT SERVICES	POSTAGE FEE 11/2012	2.25
003137	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR FEE 12/2012	18,657.00
			18,659.25
003138			
003138	CHARLES CUCCIA	TREASURER FEE 12/2012	1,488.58
			1,488.58
003139			
003139	PRINCETON PUBLIC AFFIARS GROUP	PROFESSIONAL SERVICES - 11/6/12-12/4/12	4,500.00
			4,500.00
003140			
003140	DANSKIN INSURANCE AGENCY INC	UNDERWRITING MANAGER FEE 12/2012	15,936.47
			15,936.47
003141			
003141	PAUL J. SHIVES	2012 MEETING EXPENSE	750.00
			750.00
003142			
003142	ROBERT M. LANDOLFI	2012 MEETING EXPENSE	300.00
			300.00
003143			
003143	RICHARD A. BROOK	2012 MEETING EXPENSE	600.00
			600.00
003144			
003144	THE STAR LEDGER	ACCT NO. XNJEN0555599 - 11/12/2012	13.92
			13.92
003145			
003145	MUNICIPAL EXCESS LIABILITY JIF	REIMBURSE 10/17/12 MEETING EXPENSE	831.67
			831.67
003146			
003146	PEGGY E THOMAS	2012 MEETING EXPENSE	750.00

				750.00
003147				
003147	MOUNT OLIVE TOWNSHIP	2012 MEETING EXPENSE	450.00	
			450.00	
003148				
003148	ALLSTATE INFORMATION MANAGEMNT	DEPT: 736 - ACT & STOR 10/31/2012	15.49	
			15.49	
003149				
003149	JAMES H. GILDEA	2012 MEETING EXPENSE	750.00	
			750.00	
003150				
003150	JOSEPH E. WOLK	2012 MEETING EXPENSE	750.00	
			750.00	
003151				
003151	JEROME CEVETELLO	2012 MEETING EXPENSE	750.00	
			750.00	
003152				
003152	SAFEGUARD	EJIF CLAIMS ADMIN CHECKS - 10/23/12	72.79	
			72.79	
003153				
003153	THOMAS F. NOLAN	2012 MEETING EXPENSE	750.00	
			750.00	
003154				
003154	JOHN S. SALVATORE	2012 MEETING EXPENSE	750.00	
			750.00	
003155				
003155	JOSEPH CATENARO	2012 MEETING EXPENSE	750.00	
			750.00	
003156				
003156	BIRDSALL SERVICES GROUP, INC.	PROFESSIONAL SERVICES - 10/31/2012	36,523.75	
			36,523.75	

Total Payments FY 2012

85,391.92

TOTAL PAYMENTS ALL FUND YEARS \$ 85,391.92

RESOLUTION NO. 1-13

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as the "FUND")

**CERTIFYING THE ELECTION OF
CHAIRMAN AND SECRETARY FOR FUND YEAR 2013**

BE IT RESOLVED, by the Governing Body of the Fund that the following persons have been elected as Chairman and Secretary:

THOMAS NOLAN, CHAIRMAN

JOSEPH WOLK, SECRETARY

BE IT FURTHER RESOLVED, that the Chairman and Secretary shall serve for the year 2013 and until their successors shall be elected and qualified.

ADOPTED: *this day before the Governing Body,*

Chairman

date

Secretary

date

RESOLUTION NO. 2-13

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND,
Hereinafter referred to as the "FUND")

**APPOINTING CERTAIN PROFESSIONALS AND SERVICE ORGANIZATIONS
FOR FUND YEAR 2013**

WHEREAS, the FUND is duly constituted as a Municipal Joint Insurance Fund, as permitted under the laws promulgated by the State of New Jersey, (N.J.S.A. 40A-36, et. seq.); and

WHEREAS, The FUND finds it necessary and appropriate to obtain certain professional services and other extraordinary and other unspecifiable services, as defined in the Local Public Contracts Law, (N.J.S.A. 40A-12 et. seq.) for the 2013 and 2014 Fund Years.

WHEREAS, the FUND held a bid opening on September 23, 2011 in accordance with a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et. Seq.; and

WHEREAS, the FUND awarded contracts for a three year period for the 2012, 2013 and 2014 Fund years at its January 4, 2012 re-organization meeting;

NOW THEREFORE, BE IT RESOLVED that the contracts for the following professionals were appointed for the three year term (2012 – 2014 *unless otherwise specified*):

NOW, THEREFORE BE IT RESOLVED, by the FUND's Governing Body that:

- I.** PERMA Risk Management Services is hereby appointed as **Administrator**, Mr. James J. Kickham is appointed as **Executive Director** and **David Grubb and Stephen Sacco as Deputy Executive Director** and as agent for process of service.
- II.** Fred Semrau, Esq. is hereby appointed as **Fund Attorney** and shall receive a retainer for administrative services, legal research and legal opinions.
- III.** Peter King, Esquire is appointed to serve as the FUND's **Claims Administrator** on a month to month basis until the results of a RFP are reviewed and a contract awarded.
- IV.** Mr. Charles S. Cuccia is hereby appointed as **Fund Treasurer**.
- V.** Wells Capital Management is hereby appointed as **Asset Manager** to the FUND. – For accounts over \$20 Million the fee will be 15 basis points on the first \$75 Million and 10 basis points on the balances with the minimum annual fee of \$75,000.
- VI.** Mr. Francis (Bud) Jones of Nisivoccia LLP is hereby appointed as **Fund Auditor**.

VII. The Danskin Insurance Agency, Inc. and Conner Strong & Buckelew are hereby appointed as **Underwriting Managers** for the FUND.

VIII. AON Worldwide Actuarial Services, Inc, is hereby appointed as **Actuary** for the FUND.

IX. BSG Group is hereby appointed to provide **Environmental Engineering/Services** to the FUND with no increase for the 2013 Fund Year. In addition, the Contracts review committee will be meeting to redefine the scope of services of the Environmental Engineer and to set the compensation level to be compatible with the professional services.

BE IT FURTHER RESOLVED, that The Board of Fund Commissioners had determined to award these contracts for the 2012, 2013 and 2014 Fund Years; and

BE IT FURTHER RESOLVED that the professional service fee compensation for the professionals shall increase 2% from the 2012 fund year for the period of January 1, 2013 through December 31, 2013; unless otherwise noted.

ADOPTED: *this day by the Governing Body,*

Chairman

Dated

Secretary

Dated



RESOLUTION NO. 3-13

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(Hereinafter the "FUND")**

ESTABLISHING A FUND RECORDS PROGRAM FOR FUND YEAR 2013

WHEREAS: The FUND must establish a formal record retention program for the 2013 Fund Year.

NOW, THEREFORE BE IT RESOLVED, by the FUND's Governing Body that:

- I. Joe Wolk, Fund Secretary,** is hereby designated as custodian of the FUND records, which shall be kept at the office of the Fund Administrator, located at 9 Campus Drive, Suite 16, Parsippany, NJ.
- II. Jason Thorpe, Assistant Account Manager** for PERMA Risk Management Services is hereby designated as **Assistant Fund Secretary.**
- III.** The records of the FUND shall be retained in accordance with the municipal records retention schedule as promulgated by the New Jersey Division of Archives and Records Management, and/or otherwise specified by the New Jersey Department of Insurance and Community Affairs.
- IV.** Each fund professional and service organization shall have the duty and obligation to maintain such records as are entrusted to him/her and to relinquish such records to the Fund Secretary upon termination of services or otherwise upon request.

Records and files not required to support current operations, but which must otherwise be retained, shall be stored in the record retention facility, located at Route 80, Business Archives, 24 Beckwith Avenue, Paterson, New Jersey. The FUND's Executive Director shall coordinate the archive process and will make sure all records are properly indexed and accessible.

ADOPTED: *this day before the Governing Body*

Chairman

date

Secretary

date

RESOLUTION NO: 4 - 13

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as "THE FUND")
ESTABLISHING A FISCAL MANAGEMENT PLAN
FOR THE 2013 FUND YEAR

WHEREAS, THE FUND is duly constituted as a Municipal Joint Insurance Fund, as permitted under the laws promulgated by the State of New Jersey, (N.J.S.A. 40A-36, et.seq.); and

WHEREAS, THE FUND is subject to the requirements contained within the Local Fiscal Affairs Law (N.J.S.A. 40A-5, et.seq.) ; and

NOW, THEREFORE BE IT RESOLVED, THE FUND's Governing Body hereby appoints the following professionals for the 2013 Fund Year:

I. All funds for Administrative Expenses, Reinsurance, Dividends and Miscellaneous Expenses, shall be withdrawn from the Official named Depository (ies) by check, which shall bear the signatures of at least two (2) of the following persons, duly authorized pursuant to this Resolution:

Thomas Nolan	CHAIRMAN
Joseph Wolk	SECRETARY
Charles Cuccia	TREASURER
Peggy Thomas	COMMISSIONER

II. All funds for Claims payments shall be withdrawn from the Official Depository(ies) by check, which shall bear the signatures of at least two (2) of the following persons, duly authorized pursuant to this Resolution.

Peter King

John H. Dorsey

Fred Semrau

III. The Cash and Investment Policy attached herewith, shall be adopted.

IV. The rate of interest assessed by the Fund, for delinquent assessments shall be ten (10) percent per annum, from the due date for any such assessment.

V. Certifying and Approval Officer for all FUND expenses shall be the FUND's Executive Director and/or the Account Manager so designated by the Executive Director.

ADOPTED: *this day before the Governing Body:*

Chairman

date

Secretary

date

RESOLUTION NO: 5-13

**NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter the “FUND”)**

ESTABLISHING PUBLIC MEETING PROCEDURES FOR FUND YEAR 2013

WHEREAS, the FUND must establish meeting procedures for Fund Year 2013, and

NOW, THEREFORE BE IT RESOLVED BY the Funds Governing Body

I. That the FUND shall hold public meetings during the year 2013 at 10:50 AM on Wednesday March 6, 2013; and Thursday, June 6, 2013 at 10:50 AM at the Forsgate CC, on Wednesday, September 4, 2013 at 10:50 AM, Wednesday, October 16, 2013 at 10:50 AM and on November 20, 2013 at noon at the Sheraton Hotel, Atlantic City, NJ; and Thursday, January 2, 2014. Unless noted, locations will be at Forsgate Country Club.

II. The following is hereby designated the official newspaper (s) of the FUND:

The Star Ledger, Newark, NJ; and In addition, the EJIF’s webpage is designated for official notices – www.NJEJIF.org.

III. The FUND Secretary or designated assistant shall provide notice of any and all meetings, including special or emergency meetings, to each official newspaper and shall issue all official notices required to be published in at least one of the official newspapers.

ADOPTED this day;

Chairman

date

Secretary

date



RESOLUTION NO. 6-13

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as the "FUND")

**RESOLUTION FOR THE PURCHASE OF EXCESS INSURANCE FOR FUND YEAR
2013**

WHEREAS, the NJ Municipal Environmental Risk Management Fund, hereafter, the FUND, at its December 4, 1996 meeting authorized the purchase of excess insurance; and this being completed;

NOW, THEREFORE BE IT RESOLVED that the FUND ratifies and confirms the purchase from Liberty International Underwriters, Inc. The following coverage, to be effective January 1, 2013 through December 31, 2013:

The Aggregate Excess Liability coverage of \$5 million excess of the \$2,400,000 (attachment point) annual aggregate at a rate of .1025 cents per capita for Fund Year 2013 based on a population of 3,511,790.

ADOPTED: this day before the Governing Body

Chairman

date

Secretary

date

RESOLUTION 7-13

NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
2013 RISK MANAGEMENT PLAN

BE IT RESOLVED by the Fund's Board of Commissioners that the 2013 Plan of Risk Management shall be:

Introduction

In 1984, the commercial insurance marketplace excluded all environmental risk from general liability insurance policies underwritten for public entities and other local units, and since then there has been no coverage available for these exposures. As a result of the liability insurance crisis beginning the following year, New Jersey Public entities developed joint insurance funds and in 1988 formed the Municipal Excess Liability Joint Insurance Fund (MEL) to provide excess casualty coverage for the newly created pools. At that time, the pools were not large enough to address the environmental liability issue and environmental coverage remained a void. However, by 1991, the MEL had grown to over 200 communities and adopted a long-range plan that proposed the establishment of a specialized pool to provide environmental coverage. A study committee was formed in 1992 and enabling legislation was signed into law in October 1993.

The New Jersey Municipal Environmental Risk Management Fund, hereinafter referred to as the "FUND" was established by property/casualty joint insurance funds which seek to provide their member public entities and utility authorities with environmental coverages in six (6) areas:

Section I - Third Party Liability

Section II - First Party Liability

Section III - Public Officials Liability

Section IV - De Minimus Abandoned Toxic Waste Sites Buy-Out

Section V - Legal Services

Section VI - Storage Tank Systems

One of the primary objectives of the FUND is the containment of costs through sound environmental control practices, as well as effectively administered claims adjustment practices. To achieve these objectives, the FUND has engaged an environmental engineering company to work closely with member public entities in the establishment of an effective loss control program. The FUND has also arranged with an experienced claims-servicing company and a panel of environmental defense attorneys to provide claims adjustment services. It is the goal of the FUND to expand the range of coverages and services based on experience and evolving needs of member local units.

Disclaimer: The following description is a general discussion of the coverage and limits provided by the FUND. However, the actual terms and conditions are defined in the policy and coverage documents and all issues related to coverage shall be decided based on that document.

SECTION I - THIRD PARTY LIABILITY

A. Background:

The activities of public entities may result in an actual or alleged “environmental impairment” which causes bodily injury or damage to property of others. The extent of the coverage under Section I is to provide protection to the local unit for claims triggered by a “environmental impairment” for which the local unit is alleged to be responsible.

B. Scope of Coverage:

To pay on behalf of the Local Unit losses due to liability for bodily injury and/or property damage caused by Environmental Impairment from the following sources:

1. Emergency activities of the Fire Department, Hazmat Team, or OEM of the insured
2. Potable water supply services
3. Storm water & waste water systems
4. Herbicide/Pesticide application
5. Recycling Center Operations (after inspected and approved); Foreclosed Property (after inspected and approved); DPW yards, upon inspection and approval by FUND engineers and the UW managers;
6. Compost Facilities (after inspected and approved);
7. Salt Storage Facilities (after inspected and approved)
8. Limited Products Liability

C. Environmental Impairment:

The FUND intends to cover, under Section I, only those events where the pollutants enter the environment in a sudden escape from their containment vessel.

D. Exclusions: (Partial Listing - Refer to Policy for all Exclusions)

The FUND will not pay nor defend any loss from an environmental impairment caused by, due, based upon, arising out of or directly related to any one or more of the following:

- 1) Loss related to any incident or event occurring or existing prior to the retroactive date.

- 2) The willful violation of statute or ordinance committed by or with the knowledge or consent of any department head, supervisor, elected or appointed public official of the local unit.
- 3) Violation of any criminal statute of any State or Federal Government by the local unit's employees, agents, contractors or licensees.
- 4) Loss from any underground or above ground storage tank owned or operated by the municipality. (See Section VI)
- 5) Loss from an environmental impairment whose source is any, landfill or dump, owned, leased or operated by the local unit.
- 6) Fines, penalties or punitive damages, treble or other multiple damages imposed.
- 7) The cost to clean up the environment including the cost to curtail the pollutant except as provided under supplemental payments.
- 8) Loss insured under other coverage sections or any prior policies issued to the local unit.
- 9) Loss from lead, any lead based product, or substance.
- 10) Loss from asbestos, any asbestos based product or substance.
- 11) Loss from chlorine, any chlorine product or substance.

E. Supplemental Payments:

Included within the limits of liability and subject to the deductible:

- 1) The cost to defend the local unit from suits arising from a covered environmental impairment by a FUND approved and selected attorney.
- 2) The cost of an emergency response to contain or clean up an environmental impairment, but only for those costs actually expended within the first one-hundred twenty (120) hours after discovery of the event.

F. Limit of Liability:

\$1,000,000 per loss per local unit
\$1,000,000 annual aggregate per local unit
Subject to Annual Per JIF Aggregate of Ten (10) Times Population

SECTION II - FIRST PARTY LIABILITY

A. Background:

Public property is subject to being polluted by third parties such as an illegal toxic dumping in a park. The intent of the coverage, under Section II, is to provide protection to the public entity for the costs of remediation triggered by an “environmental impairment” caused by an unrelated third party on any public lands of the local unit.

B. Scope of Coverage:

1) Emergency Remediation of pollutants deposited by third parties
 \$ 50,000 per loss per local unit
 \$ 100,000 annual aggregate per local unit

2) Haz-mat response sites.

Note: Local unit will be required to make application to the NJ Spill Fund for reimbursement. Reimbursement, if any, to be paid back to the FUND.

SECTION III - PUBLIC OFFICIALS LIABILITY

A. Background:

The acts or omission by public officials that may result in claims by third parties of bodily injury or property damage related to environmental conditions are excluded under conventional Public Officials (POL) coverage. It is the intent of this coverage under Section III to provide protection to the officials of the local unit for such claims.

B. Scope of Coverage:

Pay on behalf of the local unit and its public officials.

C. Supplemental Payments:

Included within the limits of liability and subject to the deductible is the cost to defend the local unit from suits arising from a covered environmental impairment by a FUND approved and selected attorney.

D. Limit of Liability:

\$1,000,000 per loss per local unit
\$1,000,000 annual aggregate per local unit

Subject to Annual Per JIF Aggregate of Ten (10) Times Population

SECTION IV - DE MINIMUS ABANDONED TOXIC WASTE SITES BUY - OUT PLAN

A. Background:

Public entities, through their various departments and refuse collection responsibilities, have in the past contributed waste to hazardous waste landfills. Through actions by the EPA and/or DEP, efforts are being made to remediate all hazardous waste sites and to assign associated costs to potentially responsible parties (PRPs) who likely contributed to the problem. In many cases it is unclear who was truly responsible for the hazardous waste that was sent. Public entities have been identified as general contributors with potentially “deep pockets” and therefore, under CERCLA guidelines of strict joint and several liability, could be forced to contribute a significant amount to the clean-up. However, contributors who have not been specifically identified as major contributors have often been in a position, particularly when mediated as a group, to negotiate an equitable settlement with the EPA, DEP and major PRP’s to indemnify them from further liability. The intent of the FUND, under Section IV, is to provide a means for insureds who are deemed minor contributors (De Minimus) to an abandoned toxic waste site to negotiate reasonable settlements. To a significant extent, this is part of a defense strategy.

B. Scope of Coverage:

The FUND, under Section IV, will pay on behalf of the insured(s) for the negotiated settlement amount, up to policy limits, to fund remedial efforts and a settlement agreement that will indemnify the insured(s) from future liability at a Federal or State Abandoned Toxic Waste Site. Legal defense shall be included subject to the policy limits.

C. Abandoned Toxic Waste Site & Minor PRP Designation

The FUND intends to cover only those events where the local unit is clearly identified as a de minimus (PRP) contributor of the specified hazardous waste at a Federal or State Abandoned Toxic Waste Site where the local unit was not aware, nor given actual or constructive notice that the environmental impairment existed prior to the inception date of coverage, nor that any elected or appointed official of the local unit knew or could have reasonably foreseen that such environmental

impairment conditions could have been expected to give rise to a claim. Further, the total amount of loss will be limited to the amounts cumulatively budgeted for this purpose.

D. Exclusions: (Partial Listing - Refer to Policy for all Exclusions)

The FUND will neither pay nor defend any loss from an abandoned toxic waste site buy-out agreement caused by, due to, based upon, arising out of or directly related to any one or more of the following:

- 1) The willful violation of statute or ordinance committed by or with the knowledge or consent of any department head, supervisor, elected or appointed public official of the local unit.
- 2) Violation of any criminal statute of any State or Federal Government.
- 3) Fines, penalties or punitive damages, treble or other multiple damages imposed.
- 4) An insured who is identified as a major contributor of hazardous waste to the named site.
- 5) Any owned sites.

E. Conditions:

- 1) Legal services will be provided solely by the approved FUND attorney(s).
- 2) The local unit must agree to participate in any group settlement proceedings deemed appropriate by the FUND attorney(s).
- 3) The FUND must agree to the negotiated settlement.
- 4) The local unit and the FUND must be indemnified from further liability at site as a result of payment.

F. Limit of Liability:

\$50,000 per local unit, subject to JIF Aggregate

SECTION V - LEGAL SERVICES

A. Background:

Public entities may be faced with future environmental litigation arising from past and present operations including those for the disposal of trash, sludge and other pollutants. While the FUND provides coverage for claims arising from an environmental impairment occurring on owned property after inception and for storage tank systems, no coverage, under Sections I & VI, is offered for the past pollution event or for off premise environmental liability. However, the intent of the FUND, under Section V, is to provide the public entity with legal representation for these claims with the indemnity risk is self-insured by the Public entities.

B. Scope of Coverage:

The FUND will provide legal representation to the local unit arising from an environmental impairment occurrence on premises the local unit does not own and on premises the local unit owns, operates or leases but not covered elsewhere in this policy.

C. Environmental Impairment Occurrence

An occurrence which gives rise to a claim caused by the release or disposal of a pollutant into the environment either suddenly or non-suddenly.

D. Exclusions: (Partial Listing - Refer to Policy for all Exclusions)

The policy will not pay for any of the following:

- 1) Claims arising from any listed CERCLA, RCRA or Abandoned Toxic Waste Sites prior to the inception of this FUND or the membership of the local unit, whichever is later.
- 2) Claims arising from any present or previous litigation naming the local unit as a defendant.
- 3) Claims arising from any litigation where the local unit is the plaintiff.
- 4) Claims which arise from sites which are known by the local unit or reasonably should be known by the local unit prior to the inception of this FUND or the membership of the local unit, whichever is later.

- 5) Claims which are insured under the third party liability (Section I) or the storage tank (Section VI) of coverage.
- 6) All costs other than the FUND's legal costs including, but not limited to, settlements, court costs, interest, cost of expert witnesses, testing and investigation.
- 7) Claims from any criminal proceeding against the local unit.
- 8) Claims arising from the willful violation of statute or ordinance committed by or with the knowledge of any department head, supervisor, elected or appointed official of the local unit.

E. Conditions:

- 1) Legal service provided only during the term of this policy.
- 2) Legal service provided solely by approved FUND attorney(s).

F. Limit of Liability:

\$500,000 per loss per local unit
\$500,000 annual aggregate per local unit

Subject to Annual Per JIF Aggregate of Ten (10) Times Population

SECTION VI - STORAGE TANK SYSTEMS COVERAGE

A. Background

EPA and the DEP have existing regulations requiring tank owners to provide financial responsibility for the pollution exposure of underground storage tanks. The intent of the FUND, under Section IV, is to fulfill the requirements as well as provide coverage for above ground storage tanks. The policy form itself is subject to EPA/DEP acceptance.

B. Scope of Coverage:

The FUND will pay on behalf of the local unit, sums, which the municipality shall be legally obligated to pay as damages as a result of bodily injury or property damage, a cleanup caused by a release arising from the operation of an underground storage tank at any scheduled site. The claim must be first made against the local unit during the policy period and reported to the FUND during the policy period. Above ground storage tanks must comply with all underwriting requirements established by the fund. This policy is site specific: Only scheduled underground storage tanks at scheduled locations are covered.

A Sub Limit will apply to underground storage tanks that are rejected, unknown and/or unscheduled. (See Section E)

C. Accidental Release:

The FUND intends to cover only those events emanating from any sudden or non-sudden release of petroleum arising from the operation of a storage tank at any scheduled site that results in a need for clean up and/or compensation for bodily injury or property damage neither expected nor intended by the insured.

D. Exclusions: (Partial Listing - Refer to Policy for all Exclusions)

The coverage does not apply to:

- 1) Any claim arising from any knowingly unlawful, dishonest, fraudulent, criminal, malicious or wrongful act or omission committed by or at the direction of any supervisor, department head, elected or appointed official of the local unit.
- 2) Any claim with respect to which the local unit was aware of non-compliance with any applicable statute, regulation, instruction or court order relating to the petroleum tanks.
- 3) Any claim arising from any accidental release at any place other than scheduled sites.
- 4) The cost of installation, replacement or repair of any storage tank or any other receptacle including the cost of excavation or backfilling, piping and valves, all leak detection systems and all containment systems and all monitoring systems.
- 5) Any routine maintenance, measurement or testing expense which is not occasioned by a pollution event.
- 6) Any fines, exemplary or punitive damages, statutory or other penalties, trebled or other multiple damages.

E. Limit of Liability:

- \$ 1,000,000 each incident -Coverage A
- \$ 1,000,000 each corrective action -Coverage B
- \$ 1,000,000 Aggregate Limit
- \$ 100,000 Aggregate Defense Limit
- \$ 10,000 Sub Limit – Undisclosed Tanks Per location, Per Policy/Fund Year

RISK RETAINED BY THE FUND

The Fund has contracted with an Insurer to provide an excess of loss agreement. The intention is to provide aggregate budget protection. The limits afforded are \$5,000,000 **aggregate limit** per year that attaches after retention of \$2,400,000.

AMOUNT OF RESERVE TO BE ESTABLISHED

A dollar reserve is established by the FUND as to its potential exposure on a given claim based on the severity of the damages adjusted by the limits of legal liability.

All elements of the liability claim investigation are considered in establishing a reserve after the FUND is notified of its potential exposure. While conditions may change as further information becomes available, “stair stepping” or frequent changes in reserves is to be avoided.

Claim reserves are subject to regular review by the FUND’s Executive Director/Administrator, Attorney, Underwriting Managers, Fund Engineer, Fund Commissioners/Executive Committee and Claims Servicing Company Reserves on large or unusual claims are also subject to review by the claims departments of the commercial insurance companies or reinsurance companies providing excess coverages to the FUND (if any).

ASSESSMENTS

A. Budget Preparation:

- 1) In or before September of each year, the FUND shall prepare the budget for the upcoming calendar year. The budget shall identify the proposed items and amounts of expenditure for its operations, including an acquisition cost not to exceed six percent (6%), the anticipated amounts and sources of assessments and other income to be received during the calendar year and the status of the self insurance or loss retention accounts.
- 2) The budget shall be reviewed by an Actuary who shall comment on its adequacy and shall recommend changes, as appropriate.

B. Budget Adoption:

- 1) Not later than November of each year, the Fund Commissioners/Executive Committee shall adopt by majority vote, the budget for the FUND’s operations for the coming calendar year.
- 2) A copy of the FUND’s proposed budget as changed to reflect the actuary report shall be sent to each participant at least two (2) weeks prior to the time scheduled for its adoption. No budget or amendment shall be adopted until a hearing has

been held giving all participating local units the opportunity to present comments or objections.

- 3) An adopted budget may be amended by majority vote of Fund Commissioners/Executive Committee after giving the participants two (2) weeks advance written notice and conducting a hearing on the proposed amendment.
- 4) A copy of the adopted budget and any amendment shall be filed within thirty (30) days of its adoption with the governing body of each participating local unit, the Commissioner of Insurance and the Commissioner of the Department of Community Affairs.

C. Annual Assessment:

- 1) The annual assessment of each participant shall be its pro rata share of the budget for the upcoming year for each line of coverage as computed by the actuary.
- 2) The calculation of pro rata shares shall be based on each participant's composite premium by fund year for that line of coverage.
- 3) The total amount of each participant's annual assessment shall be certified by a majority vote of the Fund Commissioners/Executive Committee to the governing body of each participant at least one month prior to the beginning of the next calendar year.
- 4) The annual assessment shall be paid to the FUND in two (2) installments, to be determined by the Fund Commissioners/Executive Committee, which shall conform with N.J.A.C. 12:15-2.15(a).
- 5) The Treasurer shall deposit each participant's assessment into the appropriate accounts, including the administrative account, the claim or loss retention trust fund accounts, or any other account as permitted by law.
- 6) If a participant becomes a member of the FUND or elects to participate in a line of coverage after the start of the fund year, such participant's assessments and supplemental assessments shall be reduced in proportion to that part of the year which has elapsed.

D. Supplemental Assessments:

- 1) The Fund Commissioners/Executive Committee shall, by majority vote, levy upon the participants additional assessments wherever needed or so ordered by the Commissioner of Insurance to supplement the FUND's claim, loss retention or administrative accounts to assure the payment of the FUND's obligations.

- a) All supplemental assessments shall be charged to the participants by applicable fund year and shall be apportioned by that year's earned assessments for that line of coverage.
 - b) All participants shall be given thirty (30) days advance written notice of the FUND's intention to charge an additional assessment, and the FUND shall conduct a hearing before adopting the supplemental assessment.
 - c) Participants shall have thirty (30) days to pay the FUND from the date any supplemental assessment is adopted.
- 2) The FUND shall submit to the Commissioner of Insurance and the Commissioner of Community Affairs a report of the causes of the FUND's insufficiency, the assessments necessary to replenish it and the steps taken to prevent a reoccurrence of such circumstances.

E. Failure or Refusal to Provide Required Assessments:

Should any member fail or refuse to pay its assessments or supplemental assessments, or should the FUND fail to assess funds required to meet its obligations, the Chairperson, or in the event by his or her failure to do so, the custodian of the FUND's assets, shall notify the Commissioner of Insurance and the Commissioner of Community Affairs. Past due assessments shall bear interest at the rate of interest to be established annually by the Fund Commissioners/Executive Committee.

F. Insolvency and/or Bankruptcy of Fund Members

The insolvency or bankruptcy of a participant does not release the FUND, or any other member, of joint and several liability for the payment of any claim or liability incurred by the member during the period of its membership, including, but not limited to, being subject to and liable for supplemental assessments.

LOSS ADJUSTMENT PROCEDURES

The FUND will be presented with various claims against the coverage provided to the participating public entities. These claims can be large or small, justified or frivolous. The primary function of the Fund Attorney and Claims Servicing Company will be to investigate each claim for the FUND and make a determination as to the validity, scope and value of the claim.

While the flavor of the investigation will differ per line of coverage, there are basic factors which are common to all liability claim investigations. The following factors will be addressed by the Claims Servicing Company when handling a liability claim:

A. Coverage:

The first step in claim investigation is the verification of coverage.

B. Facts:

A complete and thorough knowledge of the accident or occurrence will be the criteria on which liability is determined.

C. Liability:

Is there validity to the claim? Careful consideration must be given to this question. An analysis of the facts and applicable laws will determine the negligence factor.

D. Injuries:

The Claims Servicing Company must gather all information with respect to the extent of injuries and property damage sustained by the claimant(s). An early determination as to the extent of damages may help mitigate exposure and damages.

E. Reserves:

A careful examination of the preceding factors will help the claims service company to establish an intelligent loss reserve. It is the best estimate of the FUND's exposure with respect to each loss.

F. Claims Control:

The FUND's liability claim handling process goes beyond what would normally be considered insurance industry standards. The central theme is teamwork. Teamwork among the Executive Director/Administrator, Fund Attorney and other professionals, the Claims Servicing and Loss Control companies and the member public entities. The ultimate goal is to protect the FUND by settling claims fairly but at the lowest possible costs.

G. Legal Defense and Fees:

The FUND has established procedures to provide quality defense of claims and monitor the defense procedures and costs. These procedures include

- 1) Establishing a list of approved defense attorneys. This list includes attorneys with special qualifications, previous experience and a reasonable fee structure. It is expected that the approved defense attorneys will provide the highest quality defense for the FUND at the most reasonable cost.
- 2) The FUND will monitor the activities of the defense attorneys and the Fund Attorney may direct the amount of legal discovery to be conducted in an effort to

control costs. The Fund Attorney actively maintains control on legal defense activity and expense.

NOTE: Each local unit participating in the FUND is provided with a claim manual or claim packet explaining how and where to report claims.

ADOPTED: *this day by the Governing Body*

Chairman

Dated

Secretary

Dated

RESOLUTION NO. 8-13

**RESOLUTION OF THE COMMISSIONERS OF THE NEW JERSEY
ENVIRONMENTAL RISK MANAGEMENT FUND ESTABLISHING A DEFENSE
PANEL**

WHEREAS, it is necessary for the New Jersey Municipal Environmental Risk Management Fund to establish a defense panel comprised of qualified, environmental attorneys for the defense of various actions which are brought for which the New Jersey Municipal Environmental Risk Management Fund has an obligation to defend and indemnify; and

WHEREAS, the defense panel will have to be adjusted as time goes on and is in addition to the services to be rendered by general counsel.

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of the New Jersey Municipal Environmental Risk Management Fund, that the following law firms are hereby authorized as the defense panel:

Dorsey & Semrau
P.O. Box 228
714 Main Street
Boonton, NJ 07005

Gilmore and Monahan
Allen Street Prof. Center
10 Allen Street, PO Box 1540
Toms River, NJ 08753

Cleary, Giacobbe, Alfieri & Jacobs
7 James Street
Florham Park, NJ 07932

Guy Ryan, Esq.
Secare, Ryan & Hensel
16 Madison Avenue, Bldg. 1A
Toms River, NJ 08753

Powell, Birchmeier & Powell
1891 State Highway 50
PO Box 582
Tuckahoe, NJ 08250

Methfessel & Werbel
3 Ethel Rd. Suite 300
PO Box 3012
Edison, NJ 08818

Law Offices of Robert J. Greenbaum
1500 Route 517, Suite 214
Hackettstown, NJ 07840

Sokol, Behot & Fiorenzo
433 Hackensack Ave.
Hackensack, NJ 07601

King & Petracca
51 Gibraltar Drive, Suite 1 D
Morris Plains, NJ 07950

Brach Eichler LLC
101 Eisenhower Parkway
Roseland, NJ 07068

Dasti, Murphy, McGuckin, Ulaky, et als
620 West Lacey Road
PO Box 1057

Gluck & Allen, LLC
217 Washington Street
Toms River, NJ 08753

Forked River, NJ 08731

Horan & Aronowitz
714 A Main Street
P.O. Box 390
Boonton, NJ 07005

Florio & Kenny, LLP
5 Marine View Plaza, Suite 103
PO Box 771
Hoboken, NJ 07030

M. James Maley, Jr., Esq.
Maley & Associates
931 Haddon Avenue
Collingswood, NJ 08108

Joseph DeCotiis, Esq. and Frank Borin, Esq.
DeCotiis, Fitzpatrick, Gluck, Cole & Wisler, LLP
Glen Pointe Centre West
500 Frank W. Burr Blvd.
Teaneck, NJ 07666

BE IT FURTHER RESOLVED by the Commissioners of the New Jersey Municipal Environmental Risk Management Fund, that the following fee schedule for Defense Attorney's for 2013 is established:

1. Partners – \$170/hour
2. Associates with five years experience – \$145/hour
3. Associates - \$135/hour
4. Paralegals - \$85/hour

ADOPTED: this day before the Governing Body

Chairman

date

Secretary

date

RESOLUTION # 9-13

**NJ MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
ESTABLISHING MEETING COMPENSATION FOR
BOARD OF COMMISSIONER MEMBERS
FOR THE 2013 FUND YEAR**

BE IT RESOLVED , the **NJ Municipal Environmental Risk Management Fund** shall, effective January 1, 1997, provide for payment to the Board of Fund Commissioners, pursuant to N.J.S.A. 40:A10-37 at the rate of \$150.00 per meeting; conditioned upon each member's attendance at the corresponding regularly scheduled meeting and attention to usual and customary duties between meetings.

BE IT FURTHER RESOLVED, a Board of Fund Commissioner member shall not be required to attend any additional meetings as a precondition to payment, nor shall any Executive Committee member be compensated for attendance at more than twelve (12) meetings per year.

ADOPTED: this day before the Governing Body

Chairman

date

Secretary

date

RESOLUTION NO. 10-13

NEW JERSEY MUNICIPAL ENVIRONMENTAL RISK MANAGEMENT FUND
(hereafter referred to as the "FUND")

ESTABLISHING STANDING COMMITTEES FOR FUND YEAR 2013

WHEREAS, The New Jersey Municipal Environmental Risk Management Fund has substantially increased its membership, coverages and cumulative budget since its inception in 1995; and

WHEREAS, the resulting complexity of the New Jersey Municipal Environmental Risk Management Fund requires close scrutiny of its business affairs by fund commissioners; and

WHEREAS, this work can efficiently be reviewed by standing committees meeting separately throughout the year.

NOW, THEREFORE BE IT RESOLVED, that four (4) standing committees be established: **Coverage Committee, Rules & Contracts Committee, Budget & Finance Committee and Nominating Committee;**

BE IT FURTHER RESOLVED, that these committees will operate under the charter agreements attached.

ADOPTED: *this day before the Governing Body,*

Chairman

date

Secretary

date

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

Resolution No. 11-13

JANUARY 2013

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 2012

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
000001			
000001	PRINCETON PUBLIC AFFIARS GROUP	PROFESSIONAL SERVICES - 12/2012	4,500.00
			4,500.00
000002			
000002	KENNETH A. GABBERT	2012 MEETING ATTENDANCE FEE	750.00
			750.00
000003			
000003	ALLSTATE INFORMATION MANAGEMNT	DEPT: 736 - ACT & STOR 11/30/2012	28.75
			28.75
Total Payments FY 2012			5,278.75

FUND YEAR 2013

<u>Check Number</u>	<u>Vendor Name</u>	<u>Comment</u>	<u>Invoice Amount</u>
000004			
000004	PERMA RISK MANAGEMENT SERVICES	EXECUTIVE DIRECTOR FEE 01/2013	19,045.25
			19,045.25
000005			
000005	FRED SEMRAU, ESQ.	ATTORNEY FEE 1ST QTR 2013	16,689.30
			16,689.30
000006			
000006	CHARLES CUCCIA	TREASURER FEE 01/2013	1,491.33
			1,491.33
000007			
000007	DANSKIN INSURANCE AGENCY INC	UNDERWRITING MANAGERS FEE 01/2013	16,267.80
			16,267.80
Total Payments FY 2013			53,493.68

TOTAL PAYMENTS ALL FUND YEARS \$ 58,772.43