

**NEW JERSEY PUBLIC HOUSING AUTHORITY
JOINT INSURANCE FUND
March 10, 2021
Via Zoom teleconference
10:00 AM**

Meeting Called to Order by Executive Director as requested by Chairman DiVincent. Open Public Meeting Statement read into the record.

Salute to American Flag

ROLL CALL OF EXECUTIVE COMMITTEE:

Chairperson		
Robert DiVincent	Weehawken Housing Authority	Present
Secretary		
Sherry Sims	Boonton Housing Authority	Present
Board of Commissioners		
John Mahon	Bayonne Housing Authority	Present
Joseph Billy	Summit Housing Authority	Present
John Clarke	New Brunswick Housing Authority	Present
Douglas Dzema	Perth Amboy Housing Authority	Present
Kathleen DiTomasso	Woodbridge Housing Authority	Present

ALTERNATE EXECUTIVE COMMITTEE MEMBERS:

Larry Stratton	South Amboy Housing Authority	Present
Grace Dekker	Berkeley Housing Authority	Absent
Susan Thomas	Middletown Housing Authority	Absent
Eric Chubenko	Carteret Housing Authority	Present
Anthony Feorenzo	Hackensack Housing Authority	Present
Pamela Mitchell	Passaic Housing Authority	Present

APPOINTED OFFICIALS PRESENT:

Executive Director /Administrator	Perma Risk Management Services	Steve Sacco	Present
Attorney	DeCotiis, Fitzpatrick Cole & Giblin, LLP	Frank Borin	Present
Underwriting Mgr	Conner Strong & Buckelew	Edward Cooney	Present
Co-Treasurers	Execu-Tech, Inc.	William Snyder Louis Riccio	Present Present
Claims Service	Qual-Lynx	Claudia Acosta	Present
Safety Director	J.A. Montgomery Risk Control	Brian Maitland	Present
Auditor	Homlan Frenia Allison	Robert Allison	Absent
Actuary	Actuarial Advantage	Kyle Mrotek	Absent
Managed Care	Qual-Care	Stephen McNamara	Present
Marketing	Warren Risk Marketing, LLC	Jack Warren	Present

ALSO PRESENT

Jennifer Conicella, PERMA
Kathy Young, RMC
Bill Gusweiler, RMC

Kelly Stephens, Morris County HA
Helen Goodwin, RMC
Joseph Hrubash, PERMA
Dominick Cinelli, RMC
Joanne Sbrana, Bridgeton HA
Michael Palsi, J.A. Montgomery Consulting
Frank Covelli, RMC
Jennifer Modica, RMC
Tanya Van Order, Madison HA
Robyn Walcoff, PERMA
Glenn Prince, J.A. Montgomery Consulting
JoyAnn Lambert, Camden HA
Thomas McGuire, Phillipsburg HA
Keith Kinard, Morristown HA
Jack Zisa, RMC
Jasmine Brascom, RMC
Tracy Lopez, Perma

Salute to American Flag

APPROVAL OF MINUTES: February 10, 2021 Open Minutes

MOTION TO APPROVE THE OPEN MINUTES AS REFERENCED ABOVE

MOTION:	Commissioner Clarke
SECOND:	Commissioner Chubenko
VOTE:	Unanimous

Correspondence

Executive Director referred to the MEL Helpline correspondence which outlined consulting services from three law offices available to assist in employment related issues. This is a service provided by the MEL and its use is encouraged for Executive Director's of member authorities.

Underwriting Manager

Underwriting Manager said the MEL's Cyber Task Force has now released version two of the Cyber Risk Management Program. Underwriting Manager referred to the one page snapshot of changes to the program which included minimal changes to Tiers 1 & 2; of note, members that were in compliance for Tiers 1 & 2 will remain in compliance until year end however as of January 1, 2022 members will need to recertify inclusive of Tier 3. Those that are not in compliance will need to comply with all aspects of the newly released version of the program. One of the major changes to the new program is the added Tier 3 which members can obtain a \$0 deductible for cyber claims (currently \$25,000); once a member has complied with the program it is important to note – at the time of a cyber loss you must be in compliance with each tier of the program in order to be eligible for reimbursement; a re-imburement application is available for submission.

Underwriting Manager added that an email was released on Monday to members and risk management consultants which outlined an imminent zero day vulnerability for which hackers can obtain potential confidential data saved on your exchange servers if utilizing Microsoft Exchange servers. Microsoft encouraged the implementation of the patch released by them to address this vulnerability. It was also recommended that a script be run which Microsoft Exchange logs to determine if there were any Indicators of Compromise (IoC). Once a company applies the

Microsoft Exchange patch, it is highly recommended they run this script to determine if they were potentially compromised.

Lastly, Underwriting Manager reviewed the current cyber compliance report and listing of certificates of insurance previously issued.

EXECUTIVE DIRECTORS REPORT

Pro Forma Financial Reports

Executive Director reviewed the monthly Fund monitoring reports which included the December Financial Fast-Track, Expected Loss Ratio Analysis, Claim Activity Report, Lost Time Accident Frequency Report, All JIFs Lost Time Accident Frequency. The status listing of the EPL/POL program compliance and Regulatory Check List was also reviewed. Executive Director referred to the financial fast track which outlined an increased in surplus for the month in the amount of \$199,501, \$128,497 year to date resulting in a statutory surplus of \$3,473,159. The 2017 and 2018 years outline deficits however there continues be enough surplus within the closed year to extinguish those deficits and we continue to be in a positive position for fund years 2019 and 2020. Executive Director referred to the loss ratio analysis in great detail noting the lines of coverage which exceeded the budgeted amounts. Executive Director said with regards to the property line it is very important to remember that the funds retention of each property claim is \$100,000; once that amount exceeds \$100,000, the claim is then handled by the Municipal Excess Liability Joint Insurance Fund (MEL); as outlined within the report, there are several claims that exceeded the \$100,000 Fund retention.

Municipal Excess Liability (MEL) JIF Report

Executive Director said it is beneficial for members to hear from representatives at the MEL level and noted that during upcoming Fund meeting we will ask a representative of the MEL JIF to provide our membership with any updates that are pertinent to the local JIFs. This will also allow local JIF commissioners to ask any questions that they have directly to the MEL representatives. Executive Director introduced Mr. Joseph Hrubash as the MEL's Executive Director as well as the Fund's representative to the MEL, John Clarke of New Brunswick Housing Authority.

Mr. Hrubash referred to memo provided by Mr. David Grubb, Executive Director of the MEL summarizing a 2021-2022 insurance crisis mostly impacting the workers compensation coverages provided. Mr. Hrubash noted that the 2021 renewal was subject to a hard market which resulted in higher costs, rather than having the Joint Insurance Fund budgets be impacted, the MEL chose to absorb the increased costs. Noting the increases it is more likely that the joint insurance funds will not see the standard 2% increase as in past years moving to the 2022 budgets. To add to very hard market there are is legislation, particularly S-3375 which will change how the medical costs are handled in New Jersey, not only for joint insurance funds but for all employers. One of the benefits of workers compensation to insurers and to joint insurance funds it that the employer controls the medical process throughout the claim; this bill will restrict that to just the initial assignment of the medical. This bill would also change the ability of utilizing a nurse case manager which is an effective part in the handling of the claim by returning the employee to work in a timely manner which is a cost saving factor. Another aspect relative to workers compensation coverage is the endorsement on the 2020 excess policy for which the our interpretation of the policy would view Covid cases as one occurrence in lieu of individually by claimant; we believe we will be very successful in our view and are awaiting response from the excess carrier.

Mr. Hrubash said the additional concerning item is a memorandum that was provided by the State which takes a different viewpoint for accidental disability benefits currently paid as an offset to

workers compensation, which is now reversed and workers compensation will become primary, resulting in an approximate workers compensation increase of 11% for the 2022 fund budgets.

2021 MEL/RCF/EJIF March 26th Meeting & Retreat

Mr. Hrubash added that the MEL, RCF and EJIF will be holding their March meetings in conjunction with the MEL Annual Retreat. This year's retreat will be held on March 26th and will be conducted virtually via zoom. The purpose of the retreat is to provide the sub-committees of the MEL an expanded opportunity to report directly to the Boards of the MEL, RCF and EJIF. Information regarding the retreat will be posted on the MEL website – www.njmel.org.

2021 MEL, Municipal Reinsurance Health Insurance Fund and NJ Counties Excess JIF Educational Seminar

Mr. Hrubash said the 10th annual seminar will be conducted virtually on 2 half day sessions: Friday, May 14th and Friday, May 21 from 9 am to 12 noon. The seminar qualifies for Continuing Educational Credits including CFO/CMFO, Public Works, Clerks, Insurance Producers and Purchasing Agents. There is no fee for employees and insurance producers associated with MEL and Municipal Reinsurance Health Insurance Fund (MR HIF) members as well as personnel who work for service companies that are engaged by MEL member JIFs and MR HIF member HIFs. The agenda for the sessions were reviewed as distributed. A Zoom Invite with registration instructions will be emailed to members shortly.

Model Personnel Manual & Employee Handbook – Webinar

Mr. Hrubash said in 2020, the Municipal Excess Liability Joint Insurance Fund (MEL) prepared a new Model Personnel Manual and Employee Handbook that is more than simply updating existing model. Since the new model documents are notably different from prior models, Mr. Matt Giacobbe and Mr. Fred Semrau, the MEL Fund Attorney, have agreed to participate in a 2nd webinar to review changes and answer questions. The target audience for this webinar is Attorneys, Administrators and Executive Directors. The seminar is scheduled for March 12, 2021 at 10:00 AM, which require registration to participate by utilizing the link provided:

https://permainc.zoom.us/webinar/register/WN_ag5LVHRGQdGHpBsRAx9rxg

Mr. Hrubash added that the webinar will touch upon the issue of mandating vaccinations; on behalf of the MEL, J.A. Montgomery issued a MEL Bulletin in response to public entities' questions concerning whether employers may mandate the COVID vaccine for their employees. Matt Giacobbe, Special Council to the MEL, advises employers to proceed with extreme caution before making that decision and consulting with their local attorney. A copy of the memo was reviewed as distributed. In addition, the webinar will also include discussion surrounding the new piece of legislation relating to marijuana usage. The deadline for the EPL POL compliance has been extended to November 1, 2021 from June 1, 2021.

Executive Director added that the MEL has engaged Kevin Hagen from Princeton Public Affairs Group as a lobbyist to oppose legislation the Mr. Hrubash has outlined in his report, as the MEL will oppose proposed legislation and if needed, will each out to members supporting the opposition. Mr. Hrubash noted that there is a meeting scheduled with the Insurance Commissioner and Sponsor of S-3375.

Commissioner Clarke added that the issues at hand are currently a moving target therefore we are keeping members informed not only at the local level but at the MEL level as well.

Subrogation Attorney

Fund Attorney said the Executive Committee previously authorized acceptance of request to include Schwartz & Posnock to serve as subrogation attorney for the the Fund through the non-fair and open contract process. The Law firm has been very beneficial with regards to the

subrogation of claims and would be an asset to the Fund. All of the necessary paperwork has been filed for inclusion to the defense panel of the fund which will be on a contingency basis. Resolution #16-21 was reviewed for consideration.

MOTION TO ADOPT RESOLUTION #16-21 AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT PURSUANT TO THE NEW JERSEY LOCAL UNIT PAY-TO-PLAY LAW TO SCHWARTZ & POSNOCK TO SERVE AS SUBROGATION ATTORNEY.

MOTION: Chairman DiVincent
SECOND: Commissioner Billy
VOTE: Unanimous

Safety Director – Right To Know

Executive Director referred to Resolution #17-21 which outlines enhanced services of the Safety Director's 2021 contract as recommended by the Operations Committee to include Right to Know services for members of the Fund. Executive Director said this service will assist members to become compliant as required under the New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et. seq.). Each member authority would be required to appoint a Right to Know Coordinator who will be responsible for the compliance of the right to know filings assisted by J.A. Montgomery. Fund Attorney added that a full review of was completed to ensure that the Fund could issue an addendum to the current contract in lieu of a full procurement for services. Fund Attorney also referenced a recent EPL POL lawsuit, wherein an employee alleges exposure to hazardous materials and Right to Know deficiencies adding that this is an important area to address and focus on.

Executive Director reminded members that this is a value added service for members to assist meeting the State compliance.

MOTION TO ADOPT RESOLUTION #17-21 AUTHORIZING CONTRACT AMENDMENT FOR THE SAFETY DIRECTOR TO INCLUDE RIGHT TO KNOW PROGRAM AT A FEE NOT TO EXCEED \$142,500.

MOTION: Commissioner Clarke
SECOND: Commissioner DiTomaso
VOTE: Unanimous

Administration

MEL Membership Renewal

Ms. Lopez said the Fund's membership in the Municipal Excess Liability Joint Insurance Fund is due for renewal commencing January 1, 2021. Enclosed is the resolution authorizing membership renewal for the NJ Public Housing Authority Joint Insurance Fund.

MOTION TO ADOPT RESOLUTION #18-21 RENEWING THE FUND'S THREE-YEAR MEMBERSHIP IN THE MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND COMMENCING ON JANUARY 1, 2021.

MOTION: Commissioner Sims
SECOND: Commissioner Chubenko
VOTE: Unanimous

Safety & Regulatory Awareness Training

Ms. Lopez said the Fund is currently working with each sponsorship agency, NJNAHRO and NJAHRA to enhance training for Fund members; NJNAHRO in conjunction with Safety Director, J.A. Montgomery Consulting will provide Safety & Regulatory Awareness Training on March 30, 2021 and May 4, 2021 from 9:00 AM – 12:00 PM. Registration for the Zoom online training is required. Enclosed is a copy of the notice which was distributed by NJNAHRO.

Meeting Time Change

Executive Director said he received a request to have the meeting time changed from 10:00 AM to 10:30 AM each month and requested same from the Board.

MOTION TO CHANGE THE MONTHLY MEETING TIME FROM 10:00 AM TO 10:30 AM EFFECTIVE APRIL 14, 2021.

MOTION: Commissioner Billy
SECOND: Commissioner DiTomasso
VOTE: Unanimous

2021 Assessment

The 2021 annual assessments have been sent to all members of the Fund and were due to Treasurers by **January 31, 2021**. Reminder notifications were sent to members that have not submitted a first installment. Fund Treasurer will provide an update.

Treasurer Report

Everyone welcomed back Mr. Riccio returning from a health issue. Mr. Riccio reviewed December reports inclusive the Summary of Cash Transactions, Certification and Reconciliation of Claim payments and the Cash and Investment reports. Mr. Riccio said affective April 1, 2021 the banking institution will change from TD Bank to Investors Bank. The LockBox address is will change for the receipt of the June 30, 2021 payments. Mr. Riccio also noted that 53% of the 2021 assessments have been collected to date; there are three Authorities that have not made a payment and contact will be made with each for status of same.

In closing, Mr. Riccio presented Resolution 19-21 March Bill List.

March 2021– Bill List Resolution #19-21:

FUND YEAR	AMOUNT
2019 Year	\$ 4,604.00
2020 Year	\$ 1,860.07
2021 Year	\$ 112,280.50
Total	\$ 118,744.60

MOTION TO APPROVE RESOLUTION #19-21 MARCH 2021 BILL LIST AND THE TREASURERS REPORT AS DISTRIBUTED.

MOTION: Chairman DiVincent
SECOND: Commissioner Clarke
VOTE: Unanimous

Marketing

Marketing Director said we are currently working with the Newton Housing Authority which is under new management and may fit nicely into the Fund program. In addition, we have been in contact

with Newark Housing Authority for Fund consideration based on future RAD conversion of properties. The program would need to be carefully reviewed prior to submission to the Fund. We will continue to keep the Board informed of our progress.

Attorney

Fund Attorney said he had no further comments other than those previously addressed regarding the Subrogation Attorney and the addition of Right to Know Services.

Safety Director

Safety Director referred to the agenda report as distributed outlining the loss control and security loss control surveys completed during the month of February. Safety Director also reviewed the listing of Safety Director Bulletins and Messages distributed to members of the Fund. Safety Director said in addition to the upcoming training courses a newly updated version of the housing safety and awareness training for maintenance staff will be made available to members and rolled out on April 19 and May 17th, each will be afternoon sessions. On March 31st there will be an MSI overview focusing on the available resources to members, the catalog and streaming videos.

Managed Care

Managed Care provider referred to the managed care report to date resulting in a total of 199 bills processed, 188 in Network. Total charges of \$345,028.97 were repriced for \$92,234.33 resulting in a total savings of \$252,794.64 or 73%. The claims pierced the network at a rate of 94%. Managed Care provider also noted within the savings by specialty report a hospital charge of \$100,497 repriced at \$14,203.55 for a savings of \$86,293.45

Claims Administration

Claims Administrator said the Claims Committee met March 9, 2021 and reviewed a total of (7) claims; on behalf of the Claims Committee they respectfully asked for payment authority of claims presented.

MOTION TO ACCEPT THE RECOMMENDATION OF THE CLAIMS COMMITTEE AND APPROVE THE PARS AS PRESENTED BY THE CLAIMS ADMINISTRATOR

FILE	COVG
2020182235	WC
2021221683	WC
2019176188	GL
2017104438	GL
2021215791	Prop
2021221855	Prop
2020193126	Prop

MOTION: Chairman Billy
SECOND: Commissioner Clarke
VOTE: Unanimous

Old Business

None

New Business

None

Public Comment

None

Executive Session

None.

MOTION TO ADJOURN THE MEETING

MOTION:	Commissioner Chubenko
SECOND:	Commissioner Clarke
ALL IN FAVOR:	Unanimous

Meeting adjourned at: 10:30 AM

RESOLUTION #16-21

RESOLUTION OF THE COMMISSIONERS OF THE NEW JERSEY PUBLIC HOUSING AUTHORITY JOINT INSURANCE FUND AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT PURSUANT TO THE NEW JERSEY LOCAL UNIT PAY-TO-PLAY LAW TO SCHWARTZ & POSNOCK TO SERVE AS SUBROGATION ATTORNEY

WHEREAS, it is necessary for the New Jersey Public Housing Authority Joint Insurance Fund (“NJPHAJIF”) to establish Defense Panels comprised of attorneys for the defense of various actions that are brought against its members and for which the NJPHAJIF has an obligation to defend and indemnify, including, but not limited to, for subrogation legal services, subject to and in accordance with applicable NJPHAJIF insurance policies; and

WHEREAS, pursuant to the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.), such services are recognized as “professional services,” as same shall be performed by persons authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of such services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study; and

WHEREAS, NJPHAJIF requires the expertise of an attorney specializing in matters concerning subrogation, as well as litigation of workers’ compensation claims under the New Jersey Workers’ Compensation Law, N.J.S.A. 34:15-1 et seq., and litigation of all-lines personal injury cases under the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et seq.; and

WHEREAS, the law firm of Schwartz & Posnock submitted qualifications, along with a resume, that demonstrate the firm possesses the requisite experience and expertise required to serve as subrogation attorney to NJPHAJIF and to provide related legal services to NJPHAJIF; and

WHEREAS, NJPHAJIF desires to award a contract for professional legal services to Schwartz & Posnock, in accordance with the procedures mandated under the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the retention of Schwartz & Posnock to provide professional legal services is pursuant to a “non-fair and open” process in accordance with the provisions of New Jersey Unit Pay-to-Play Law, N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, pursuant to the New Jersey Local Unit Pay-to-Play Law, Schwartz & Posnock is required to complete and submit, at least ten (10) days prior to the award of a contract, a Political Contribution Disclosure Form, a Stockholder Disclosure Certification, and a Business Entity Disclosure Certification, certifying that it has not made any reportable contributions to a political or candidate committee in the prior year, and that the contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, the Political Contribution Disclosure Form, Stockholder Disclosure Certification, and Business Entity Disclosure Certificate have previously been submitted by Schwartz & Posnock and are maintained on file at the office of NJPHAJIF (c/o PERMA); and

WHEREAS, NJPHAJIF's Treasurer has certified that funds are available for this contract for the 2021 Fund Year; and

WHEREAS, the Local Public Contracts Law requires that the resolution awarding a contract for "professional services" must be available for public inspection; and

WHEREAS, it is in the best interest of NJPHAJIF and necessary for its continued efficient operation to retain Schwartz & Posnock to serve as subrogation attorney and to provide related legal services to NJPHAJIF; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the New Jersey Public Housing Authority Joint Insurance Fund that a contract is hereby awarded to Schwartz & Posnock to serve as subrogation attorney and to provide related legal services to NJPHAJIF in accordance with its qualifications, and the Executive Director is hereby authorized to execute and issue a contract in an amount not to exceed \$25,000.00, on a contingency fee basis, as a "non-fair and open" contract pursuant to the New Jersey Local Unit Pay-to-Play Law, subject to review and modification, if necessary, by General Counsel.

BE IT FURTHER RESOLVED by the Commissioners of the New Jersey Public Housing Authority Joint Insurance Fund that attorneys for subrogation services in the 2021 Fund Year, including Schwartz & Posnock, shall receive 33.3% of the amount of any recovery.

BE IT FURTHER RESOLVED that Schwartz & Posnock must comply with the State of New Jersey's Affirmative Action Law, N.J.S.A. 10:5-31 et seq., and implementing regulations, N.J.A.C. 17:27-1 et seq.

BE IT FURTHER RESOLVED that a notice of this contract award will be published in the Star Ledger and the Asbury Park Press in accordance with applicable law.

ADOPTED this 10th day of March, 2021 before the Governing Body.

RESOLUTION NO. 17-21

**RESOLUTION OF THE NEW JERSEY PUBLIC HOUSING AUTHORITY
JOINT INSURANCE FUND AMENDING THE SAFETY DIRECTOR/
CONSULTANT CONTRACT TO INCLUDE CERTAIN ADDITIONAL
“RIGHT-TO-KNOW” SERVICES**

WHEREAS, the New Jersey Public Housing Authority Joint Insurance Fund (hereinafter, the “Fund”) is duly constituted as a Joint Insurance Fund, as permitted under the laws promulgated by the State of New Jersey, N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, on or about January 15, 2020, the Fund’s Operations Committee recommended the award of a contract to J.A. Montgomery Risk Control Services (“JAM”) as the Fund’s Safety Director/Consultant, based on a review of the responses, experience and prior service provided at the rates established by the Fund Executive Committee, all in accordance with a fair and open process pursuant to N.J.S.A. 19:44A-20.4 et seq.; and

WHEREAS, by Resolution No. 2-20, dated January 15, 2020, the Fund awarded certain professional services and other insurance consulting or administrative services and claims administration services, as defined in the Local Public Contracts Law, N.J.S.A. 40A-11-1 et seq., for the 2020 Fund year, including a contract to JAM for the 2020 Fund year, with the option to extend that contract for up to an additional two years; and

WHEREAS, on or about January 13, 2021, the Fund’s Operations Committee recommended a two (2) year contract extension to JAM’s existing contract, to continue serving as the Fund’s Safety Director and Loss Control Provider, thereby extending JAM’s contract through December 31, 2022; and

WHEREAS, the aforesaid formal action taken by the Fund was memorialized via amendment to JAM’s contract (hereinafter, “ADDENDUM #1”), extending the original contract for two (2) years (1/1/21-12/31/22), and also amending the name of the service provider from “J.A. Montgomery Risk Control, An Affiliate Of Conner Strong & Buckelew, Inc.” to “J.A. Montgomery Consulting, an affiliate of Conner Strong Companies, Inc.”; and

WHEREAS, on or about February 24, 2021, upon request by the Fund, JAM submitted a proposed scope of work for additional certain services to be performed as part of JAM’s Safety Director/Consultant services, known as “Right to Know” (hereinafter, referred to as “RTK Services”), as required under the New Jersey Worker and Community Right to Know Act, N.J.S.A. 34:5A-1 et seq.; and

WHEREAS, the Fund desires to amend JAM’s original contract to include the RTK Services, as set forth in JAM’s proposed scope of work submitted to the Fund on or about February 24, 2021; and

WHEREAS, the Fund hereby authorizes the aforesaid contract amendment to include the RTK Services, as memorialized in a certain addendum to JAM's contract (hereinafter, referred to as "ADDENDUM #2", attached hereto for reference); and

WHEREAS, the Fund's Treasurer has certified that additional funds are available for ADDENDUM #2; and

WHEREAS, it is in the best interest of the Fund to authorize and approve ADDENDUM #2; and

NOW, THEREFORE, BE IT RESOLVED by the Fund's Executive Committee that ADDENDUM #2 to JAM's contract is hereby authorized and approved, to include the RTK Services, and the Executive Director is hereby authorized to execute ADDENDUM #2, in an amount not-to-exceed \$142,500.00, subject to review and modification, if necessary, by the Fund Attorney.

ADOPTED: *this 10th day of March, 2021 by the Governing Body,*

ADDENDUM #2

**To
Agreement
Between**

NEW JERSEY PUBLIC HOUSING AUTHORITY JOINT INSURANCE FUND

And

**J.A. Montgomery Consulting, an affiliate of Conner Strong Companies, Inc., hereinafter the
SERVICE PROVIDER**

Current Period of Agreement: - January 1, 2021 to December 31, 2022

IT IS HEREBY NOTED and AGREED and the parties hereto undersigned shall accordingly be bound hereby as follows:

THAT THE SCOPE OF THE ORIGINAL CONTRACT has been amended to include additional services known as “Right to Know”, as required under the New Jersey Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.), and as proposed by J.A. Montgomery Consulting in a scope of work provided to the FUND, dated February 24, 2021. With respect to the FUND’s workers’ compensation (only) members, for the 2021 Fund Year, requested “Right to Know” services will be added-on, on an individualized basis. For 2022, any “Right to Know” services requested by workers’ compensation (only) members will assessed to the member.

THAT THE COMPENSATION SECTION BE AMENDED TO INCLUDE THE FOLLOWING, ADDITIONAL PARAGRAPH:

COMPENSATION: The FUND shall pay the SERVICE PROVIDER for “Right to Know” services, as set forth in this ADDENDUM #2, a total not-to-exceed amount of \$142,500, for the remainder of the contract term.

Adjustments to compensation for Fund year 2022 will be established by the Board of Fund Commissioners at annual reorganization.

The Executive Committee must authorize any unanticipated work assignment outside of the services described in this Section if such work assignment will result in additional compensation not contemplated herein.

Note: All other terms and conditions remain unchanged. **IN WITNESS WHEREOF**, this agreement has been created on this _____ day of _____, 2021 for the purposes and terms specified herein.

**NJ Public Housing Authority
Joint Insurance Fund**

Service Provider

Chairperson

Service Provider

RESOLUTION NO. 18-21
NEW JERSEY PUBLIC HOUSING AUTHORITY JOINT INSURANCE FUND
RESOLUTION TO RENEW
MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

WHEREAS, the **New Jersey Public Housing Joint Insurance Fund**, a nonprofit public entity in the State of New Jersey, was formed pursuant to N.J.S.A. 40A:10-36 et seq. to provide risk management to its member municipalities in the form of General Liability, Auto Liability, Property and Workers' Compensation coverage; and

WHEREAS, it has been determined that excess coverage is available from the Municipal Excess Liability Joint Insurance Fund, hereinafter referred to as MEL, as established pursuant to N.J.S.A. 40A:10-36 et seq., provided in accordance with N.J.S.A. 40A:10-42; and

WHEREAS, the purchase of such coverage by the MEL is exempt from public advertising and bidding requirements pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) and 40A:11-5(1)(m) as an extraordinary unspecifiable service ("EUS") so long as the contract entered into is awarded in accordance with the requirements for EUSs; and

WHEREAS, pursuant to N.J.S.A. 40A:65-14, the governing bodies of two or more Local Units may enter into an agreement to provide for the formation of the joint operation of any public services, public improvements, works, facilities, or undertakings which the local units are empowered to operate; and

WHEREAS, pursuant to N.J.S.A. 40A:65-9 et seq. the MEL shall obtain coverage on behalf of its members JIFs in accordance with the Local Public Contracts Law; and

WHEREAS, in accordance with N.J.S.A. 40A:10-36 et seq., a JIF wishing to join the MEL to obtain the benefits of joint public entity membership may do so by adopting a resolution; and

WHEREAS, the Board of Fund Commissioners of **New Jersey Public Housing Joint Insurance Fund** has determined that membership in the MEL is in the best interests of the member municipalities:

NOW THEREFORE BE IT RESOLVED that the Board of Fund Commissioners of the **New Jersey Public Housing Joint Insurance Fund** does hereby resolve and agree to renew membership in the MEL for a period of three (3) years, the commencement of which shall be January 1, 2021 and

BE IT FURTHER RESOLVED that the application for membership is for the purpose of obtaining the following types of coverages:

- 1) Excess Workers' Compensation and Employers' Liability Insurance and,
- 2) Excess Liability Insurance excess of the Primary Liability provided by the above mentioned Joint Insurance Fund as indicated on the application previously submitted and,
- 3) Excess Property, including Crime.

BE IT FURTHER RESOLVED that the **New Jersey Public Housing Joint Insurance Fund** hereby adopts the Bylaws of the MEL and in accordance therewith, it is understood that coverage is not effective until membership is approved by the MEL Commissioners/Executive

Committee, State Department of Banking & Insurance and State Department of Community Affairs and that coverage is subject to the terms, conditions and limitations as contained in the MEL's Coverage Manual and its Commercial Excess Insurance, if any; and,

BE IT FURTHER RESOLVED that the Board of Fund Commissioners, or other authorized representative, is authorized and directed to execute any and all written agreements necessary for membership in the MEL including, but not limited to, the Indemnity and Trust Agreement in order to implement membership by the **New Jersey Public Housing Joint Insurance Fund** in the MEL according to its Bylaws, N.J.S.A. 40A:10-36 et seq., N.J.A.C. 11:15-2 and any other statutes or regulations pertaining thereto.

New Jersey Public Housing Joint Insurance Fund

**MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND
INDEMNITY AND TRUST AGREEMENT**

THIS AGREEMENT made this 10th day of March, 2021, in the County of Morris by and Between: The **Municipal Excess Liability Joint Insurance Fund**, hereinafter referred to as MEL, and the **New Jersey Public Housing Joint Insurance Fund**, hereinafter referred to as the FUND.

WITNESSETH:

WHEREAS, several local governmental units have collectively formed an Excess Liability Joint Insurance Fund as such entity is authorized and described in N.J.S.A. 40A:10-36 et seq. and the administrative regulations promulgated pursuant thereto and;

WHEREAS, the FUND has agreed to become a member of the MEL and to share in the obligations and benefits flowing from such membership with other members of the MEL in accordance with and to the extent provided for in the bylaws of the MEL and in consideration of such obligations and benefits to be shared by the membership of the MEL.

NOW THEREFORE, be it agreed as follows:

1. The FUND accepts the MEL's bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of the said bylaws, the pertinent Statutes and Administrative Regulations pertaining to same and as set forth in the Risk Management Plan.
2. The FUND agrees to participate in the MEL with respect to the types of insurance listed in the FUND's resolution.
3. The FUND agrees to renew its membership in the MEL for a period of three (3) years, the commencement of which shall be January 1, 2021.
4. The FUND certifies that it has not defaulted on any claims if self-insured and has not been canceled for non-payment of insurance premiums for a period of at least two (2) years prior to the date hereof.
5. In consideration of membership in the MEL, the FUND agrees that it shall jointly and severally assume and discharge the liability of each and every member of the MEL, all of whom as a condition of membership in the MEL shall execute a verbatim counterpart of this Agreement and by execution hereof the full faith and credit of the FUND is pledged to the punctual payment of any sums which shall become due to the MEL in accordance with the bylaws thereof, this Agreement, the MEL's Risk Management Plan or any applicable statute.
6. If the MEL in the enforcement of any part of this Agreement shall incur necessary expense or become obligated to pay attorney's fees and/or court costs, the FUND agrees to reimburse the MEL for all such reasonable expenses, fees and costs on demand.
7. The FUND and the MEL agree that the MEL shall hold all monies paid by the FUND to the MEL as fiduciaries for the benefit of MEL claimants, all in accordance with N.J.A..C 11:15-2.1 et seq.
8. The MEL shall establish separate Trust Accounts for each of the following categories of risk and liability, if applicable:

- a) Workers Compensation and Employers Liability
- b) Liability, other than motor vehicle
- c) Property Damage, other than motor vehicle
- d) Motor Vehicle
- e) Primary Statutory Bonds & Excess Public Officials Bonds

The MEL shall maintain Trust Accounts aforementioned in accordance with N.J.S.A. 40A:10-36, N.J.A.C. 11:15-2 et seq., N.J.S.A. 40A:5-1 and such other Statutes as may be applicable. More specifically, each of the aforementioned separate Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and excess insurance or reinsurance premiums for each such risk or liability or as "surplus" as such term is defined by N.J.A.C. 11:15-2.2 et seq.

9. Each FUND who shall become a member of the MEL shall be obligated to execute this Agreement.

MUNICIPAL EXCESS LIABILITY JOINT INSURANCE FUND

NEW JERSEY PUBLIC HOUSING AUTHORITY JOINT INSURANCE FUND

**NEW JERSEY PUBLIC HOUSING AUTHORITY JOINT INSURANCE FUND
BILLS LIST**

Resolution No. 19-21

MARCH 2021

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

BE IT RESOLVED that the New Jersey Public Housing Auth. Joint Insurance 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 2019

<u>CheckNumber</u>	<u>VendorName</u>	<u>Comment</u>	<u>InvoiceAmount</u>
009288			
009288	RELIANCE INSURANCE	SOUTH AMBOY HA - RMC - 2019	4,604.00
			4,604.00
		Total Payments FY 2019	4,604.00

FUND YEAR 2020

<u>CheckNumber</u>	<u>VendorName</u>	<u>Comment</u>	<u>InvoiceAmount</u>
009289			
009289	PERMA	2020 AATRIX 1099 FILING	31.07
			31.07
009290			
009290	ALAMO INSURANCE GROUP, INC	HQM PROPERTIES - RMC INCREASED 2020	117.00
009290	ALAMO INSURANCE GROUP, INC	BOONTON HA - ADDITIONAL RMC FEE 2020	1,441.00
			1,558.00
009291			
009291	ARTHUR J. GALLAGHER RISK	MORRIS CTY AFFOR HSG-2020 ADDL COV	271.00
			271.00
		Total Payments FY 2020	1,860.07

FUND YEAR 2021

<u>CheckNumber</u>	<u>VendorName</u>	<u>Comment</u>	<u>InvoiceAmount</u>
009292			
009292	QUAL-LYNX	MANAGED CARE 3/21	6,487.33
			6,487.33
009293			
009293	DECOTIIS, FITZPATRICK, COLE & GIBLIN LLP	LEGAL SERVICES 2/21	3,683.33
			3,683.33
009294			
009294	QUAL-LYNX	CLAIM ADJ SERVICES 3/21	17,694.75
			17,694.75
009295			
009295	PERMA	POSTAGE 2/21	5.60
009295	PERMA	EXEC DIRECTOR FEE 2/21	28,116.42
009295	PERMA	POSTAGE 1/21	15.50
			28,137.52
009296			
009296	CONNER STRONG & BUCKELEW	UNDERWRITING FEE 3/21	1,570.00
			1,570.00
009297			
009297	THE ACTUARIAL ADVANTAGE	ACTUARY FEE 3/21	3,208.08
009297	THE ACTUARIAL ADVANTAGE	ACTUARY FEE 1/21	3,208.08
009297	THE ACTUARIAL ADVANTAGE	ACTUARY FEE 2/21	3,208.08
			9,624.24
009298			
009298	ASBURY PARK PRESS	ACCT:ASB-117561 - AD - 2.24.21	109.25
009298	ASBURY PARK PRESS	ACCT:ASB-187377 - AD - 1.30.21	55.25
			164.50

009299			
009299	EXECU TECH, INC	WEBSITE MAINTENANCE 3/21	200.00
009299	EXECU TECH, INC	WEBSITE MAINTENANCE 1/21	200.00
009299	EXECU TECH, INC	WEBSITE MAINTENANCE 2/21	200.00
			600.00
009300			
009300	NJ ADVANCE MEDIA	ACCT#XNJPU0555207 - AD - 2.1.21	55.80
			55.80
009301			
009301	WARREN RISK MARKETING, LLC	MARKETING FEE 3/21	3,032.83
			3,032.83
009302			
009302	J.A. MONTGOMERY RISK CONTROL	SAFETY TRAINING 3/21	2,975.00
009302	J.A. MONTGOMERY RISK CONTROL	LOSS CONTROL SERVICES 3/21	8,089.17
			11,064.17
009303			
009303	ALLSTATE INFORMATION MANAGEMNT	ACCT#862 - ARC & STOR - 1.31.21	53.06
			53.06
009304			
009304	HARDENBERGH INSURANCE GROUP	HADDON TOWN HA - RMC - 2021	2,195.00
			2,195.00
009305			
009305	FAIRVIEW INSURANCE AGENCY ASS.	PASSAIC HOUSING AUTH - RMC - 2021	27,918.00
			27,918.00
		Total Payments FY 2021	112,280.53
		TOTAL PAYMENTS ALL FUND YEARS	\$118,744.60